



Appeal Decision

Inquiry Held on 11- 14 October 2021

Site visit made on 14 October 2021

by Helen B Hockenhull BA (Hons) B.PI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd February 2022

Appeal Ref: APP/D2320/W/21/3275691

Land adjacent to Blainscough Hall, Blainscough Lane, Coppull, Chorley

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Lea Hough and Co LLP against the decision of Chorley Borough Council.
 - The application Ref 20/01399/OUTMAJ, dated 23 December 2020, was refused by notice dated 13 April 2021.
 - The development proposed is 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.
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Decision

1. The appeal is allowed, and planning permission is 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 on land adjacent to Blainscough Hall, Blainscough Lane, Coppull, Chorley in accordance with the terms of the application, Ref 20/01399/OUTMAJ, dated 23 December 2020, subject to the conditions in the attached schedule.

Procedural matters

2. The application is in outline with all matters except for means of access reserved for later approval. The submitted Illustrative Masterplan and Parameters Plan are for indicative purposes only and I have considered them accordingly.
3. The address of the appeal site as stated on the original planning application form did not include a road name. In the interest of clarity, I have included reference to Blainscough Lane in the banner heading and in my decision above.
4. A draft planning obligation by way of an agreement made under section 106 of the Town and Country Planning Act 1990 (s106) between the appellant and the Council was submitted at the Inquiry. A signed and dated version was submitted after the event. The obligation relates to the provision of affordable housing, the management of public open space, and financial contributions towards the provision of public open space, playing pitches and secondary school education. I shall discuss this document in more detail later in my

decision, particularly the education contribution which is disputed by the appellant.

5. The Council refused planning permission citing four reasons. It is agreed between the parties that all matters relating to reasons 2, 3 and 4, regarding ecology, highways and the piecemeal approach to development, have been addressed with the submission of additional information. As there remain no differences between the Council and appellant on these matters, I do not deal with them as main issues. However, as ecology and highway issues remain of concern to several residents, I have addressed them in other matters.
6. Several other appeal decisions have been brought to my attention as they are relevant to the determination of this appeal. Two appeals, Land at Cardwell Farm, Garston Road, Barton, Preston¹, (the Cardwell Farm decision) and Land to the south of Chain House Lane, Whitestake, Preston² (the Chain House Lane (2) decision) have been challenged. The decisions remain in place until quashed by order of the High Court. Together with the other appeals referred to, I take them into account in my decision.

Main Issues

7. In light of the above, the main issues in this case are:
 - 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.

Reasons

Policy background

8. Section 70(2) of the Town and Country Planning Act 1990 requires regard to be had to, amongst other things, the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The National Planning Policy Framework (the Framework) is such a material consideration.
9. The development plan for the area comprises the Central Lancashire Core Strategy (CLCS), adopted in July 2012, and the Chorley Local Plan 2012-2026

¹ Ref APP/N2345/W/20/3258889

² Ref: APP/F2360/W/19/3234070

(Site Allocations and Development Management Policies Development Plan Document) adopted in July 2015. Policy 1 of the CLCS focusses growth and investment in the Preston/South Ribble urban area, Key Service Centres of Chorley and Leyland, strategic sites and Urban and Rural Local Service Centres. Part d) of the policy identifies Coppull as forming an Urban Local Service Centre to help meet housing and employment needs. Policy 4 a) of the CLCS sets out a minimum housing requirement of 22,158 dwellings over the plan period, 2010-2026, and sets out a minimum requirement for Chorley of 417 dwellings per annum.

10. The appeal site is located outside but adjacent to the settlement boundary of Coppull. It is designated as safeguarded land in Policy BNE3.6 of the Chorley Local Plan (CLP).
11. The three Central Lancashire Authorities have commenced work on a Central Lancashire Local Plan, to replace the adopted CLCS and the individual Local Plans adopted by the three authorities. The emerging local plan (eLP) is anticipated to be adopted in late 2023. As the plan is still at an early stage of preparation, the parties agree that it should be afforded limited weight. I have no reason to take a different view.

Principle of development.

12. The Framework outlines that the essential characteristics of the Green Belt is its permanence and its openness. It goes on to say that where necessary, plans should identify areas of safeguarded land between urban areas and the Green Belt, to meet longer term development needs stretching well beyond the plan period.
13. Chorley Local Plan in paragraph 7.16 confirms that the purpose of safeguarded land is to ensure that Green Belt boundaries are long lasting. The Framework states in paragraph 143 d) that plans should make it clear that safeguarded land is not allocated for development at the present time and that planning permission should only be granted following an update to a plan that proposes the development. It is common ground that to grant consent for the development of the appeal site now would conflict with the Framework and with Policy BNE.3 of the Local Plan.
14. The appeal site was designated as safeguarded land in 1997 in the Chorley Local Plan (1991-2006), nearly 25 years ago. This designation was retained in the 2003 and 2015 local plans. The Council consider the site to be capable of development when needed. It is agreed that the site forms a sustainable location for housing development³, there are no technical constraints and no objections have been raised by statutory consultees. Accordingly, the principal of residential development on the site is acceptable and the site can be regarded as a suitable location for development.
15. Whilst not advancing a prematurity argument, the Council consider that the grant of consent for the site now, could cause harm to the plan led system and undermine the eLP.
16. The eLP aims to provide a minimum of 15,495 homes over the plan period 2021-2036. The proposed 123 homes on the appeal site, would not be so substantial, in isolation, as to undermine the plan strategy. Whilst I agree with

³ SoCG paragraph 4.5 and 4.6

the Council that no firm decisions have yet been made on the future housing requirements for Central Lancashire or the sites to be allocated, it is highly likely that the appeal site would be selected. This is because the Council will understandably look towards non-Green Belt sites, in particular safeguarded land, to meet future needs before considering the release of land in the Green Belt. Additionally, the site is identified in the CLLP Issues and Options consultation paper as a possible housing site. I am therefore not persuaded that the development of the site now, would undermine the eLP.

17. The Council assert that if planning permission for the appeal proposal was granted, there would be a reduction in the amount of available safeguarded land, which would result in a need to increase the amount of Green Belt released through the eLP. However, should planning permission be granted for the development of the appeal site now, the appellant estimates that completions would commence in the early part of 2024. Therefore, the site would deliver homes within the eLP plan period, 2021-2036, and would contribute towards the 5-year housing land supply. Under cross examination the Council conceded this point and agreed that there would be no implications for the amount of Green Belt land required to be released through the eLP.

Housing requirement in Chorley

18. 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 five years' worth of housing against their housing requirement set out in adopted policies, or against their local housing need where the strategic policies are more than five years old. Footnote 39 to this paragraph explains that this applies unless strategic policies have been reviewed and found not to require updating.
19. The CLCS was adopted in 2012. Policy 4 sets out an annual requirement of 417 dwellings for Chorley. This is based on the Regional Spatial Strategy for the North West housing requirement, which was manually adjusted to reflect the spatial strategy of promoting greater growth in Preston.
20. Recognising that the strategic housing policies were more than 5 years old, the Central Lancashire Authorities commissioned a review of the housing requirement in Policy 4. A Strategic Housing Market Assessment was produced under the requirements of the 2012 National Planning Policy Framework (the Framework) and the 2014 Planning Practice Guidance (PPG). This led to a Joint Memorandum of Understanding and Statement of Cooperation, referred to as MOU1, which concluded that the housing requirement as set out in Policy 4 should be upheld. It is common ground between the parties that MOU1 constituted a review under the then Footnote 37, now Footnote 39. This was agreed by the respective Inspectors in the Cardwell Farm and Chain House Lane (2) appeals, a conclusion with which I concur.
21. MOU1 included a commitment to undertake a review no less than every 3 years or when new evidence that rendered it out of date emerged. Accordingly, the authorities commissioned the Central Lancashire Housing Study (CLHS) in 2020 to inform a further joint agreement on the calculation and apportionment of housing need in the Housing Market Area (HMA). This further agreement became known as MOU2. In line with the 2018 Framework, the CLHS focused on Local Housing Need (LHN) using the Standard Methodology (SM). The Study concluded that the housing requirement for Chorley, using SM, should be 569

dwellingings per annum, 191 for Preston and 250 for South Ribble. The figure for Chorley was significantly greater than that in Policy 4. The CLHS then redistributed the housing need between the three Central Lancashire authorities taking account of sustainable development patterns, population and jobs. This resulted in 27.5% of the housing need being distributed to Chorley, 282 dwellingings per annum.

22. In the Pear Tree Lane⁴ decision, the Inspector gave consideration to MOU2, and the proposed redistribution of housing need. He concluded that apportionment should be subject to testing through the local plan process and attributed limited weight to the document. This conclusion was also reached by the Inspectors at Cardwell Farm and Chain House Lane (2). I see no reason to disagree. It is the current position of Preston and South Ribble Council's that, LHN and SM should be used for assessing the housing requirement.
23. The Council, whilst agreeing that MOU2 is defunct, takes a different approach to the other two Central Lancashire authorities, reverting to CLCS Policy 4. That being said, the Council continues to work collaboratively with Preston and South Ribble Council's on the eLP, where all 3 authorities accept that the SM should be used to calculate the future housing requirement.
24. The Council argues that SM is not an appropriate basis for calculating housing requirements in Chorley. This is because, in the context of the three Central Lancashire authorities, the application of the SM, skews development to Chorley. This is explained by the fact that the calculation relies on 2014 based population projections and makes use of data from the previous 6 years, 2009-2014. These figures are influenced by migration and the level of development achieved in a borough. Chorley was achieving high delivery rates during this period, around 60% of the housing completions in the HMA, predominantly due to the Buckshaw Village strategic development site. This has resulted in a higher LHN figure for Chorley compared to Preston and South Ribble.
25. It appears to me that this is a criticism of the methodology itself. Whilst I acknowledge the Council's arguments, it is not within my remit to question the appropriateness of the SM, rather it is my role to interpret and apply development plan policy and account for any other considerations material to the determination of any such appeal.
26. After identifying the local housing need figures for each of the Central Lancashire Authorities, the CLHS then sought to redistribute the need taking into account the distribution of population, workforce and jobs, affordability and environmental constraints such as Green Belt. I accept that a straight application of the SM would not have regard to such factors. It would represent a move away from the current spatial strategy and housing distribution set out in CLCS Policy 1, which focusses a greater proportion of growth to Preston.
27. This growth includes the Cottam Strategic Site and North West Preston Strategic Location, developments underpinned by the economic growth aspirations and investment in infrastructure provided by the Preston, South Ribble and Lancashire City Deal. There is no evidence before me to support the suggestion that the application of the SM would have negative effect on development in these areas or any other developments which accord with the spatial pattern of the CLCS.

⁴ Ref: APP/D2320/W/20/3247136

28. I agree with the Council that there is nothing to suggest that MOU1 is out of date simply because it is now more than 3 years old. Whilst it is agreed that limited weight should be given to MOU2, I note in paragraph 2.4 it recognises that maintaining the housing requirements in Policy 4, which it states are now out of date, until such time as the review of the local plan is complete, is not appropriate and has been superseded by the standard methodology. All three Central Lancashire authorities endorsed this conclusion. I acknowledge that there is nothing explicit in MOU2 to suggest that the SM should be used if Policy 4 figures are not applied. However, in my view, this would be the logical conclusion.
29. Having come to the agreed position, that Policy 4 is out of date, the Council's current approach is to revert back to using it to assess the housing need. This seems to me to be a contradictory step.
30. The introduction of the SM has resulted in a change in the way that housing need is calculated since MOU1 was agreed in 2017. However, what is important in this case, is not that the SM has been introduced, but that it results in a significant change in the housing need figures for Chorley and also a change in the distribution of housing need in the HMA. Notably, the housing requirement for Chorley increases from 417 to 537 dwellings a year, an increase of around 30%.
31. PPG states that where strategic policies are more than 5 years old but have been reviewed and found not to need updating, the housing requirement figures in these strategic policies should be used. I accept that there is nothing in national policy or guidance to suggest that if strategic policies have been reviewed in advance of the introduction of the SM, that this approach should be modified.
32. Notwithstanding the above, the Framework in paragraph 33 states that relevant strategic policies will need updating at least once every 5 years if the applicable local housing need figure has changed significantly. The PPG⁵ sets out that local housing need will be considered to have changed significantly where a plan has been adopted prior to the standard method being implemented on the basis of a number that is significantly below the number generated using the standard method. This is the case here.
33. I acknowledge that work has commenced on the eLP for Central Lancashire, but it is not anticipated to be adopted until late 2023 at the earliest. I accept that it is most likely that local housing need would be redistributed between the three Central Lancashire authorities. However, this stage is some way off. The question is how should local housing need be assessed in the interim.
34. I have carefully considered the various appeals brought to my attention, in particular Pear Tree Farm, Cardwell Farm and the Chain House Lane (2) appeals. The respective Inspectors came to different conclusions based on the evidence and arguments put to them.
35. The Courts⁶ have held that planning policies can become out of date as a result of events which have happened since adoption such as a change in national policy. In this case, there has been such a change, resulting in a very different method to calculating local housing need and in this case, a significant

⁵ Paragraph 062

⁶ CD 9.16 CD9.13

difference between the LHN figure and that of Policy 4. I find that these factors amount to a significant change which renders Policy 4 out of date.

36. Accordingly, I conclude that based on the evidence before me, the housing requirement should be calculated against LHN using the SM.

Oversupply

37. At the Inquiry there was discussion about whether reference should be made to 'oversupply' or 'over delivery'. The appellant suggested that there is no oversupply just over delivery. This to my mind is semantics. The terms are interchangeable, there is no misunderstanding as to their meaning. Both terms have been used in appeal decisions, court judgments and national planning policy and guidance. For the purposes of this appeal however, I shall refer to oversupply.
38. The housing requirement for Chorley over the plan period, 2010-2026 is a minimum of 6834 dwellings. Chorley have achieved completions of 6316 dwellings in the period 2010-2021. The deliverable supply over the remainder of the plan period, is either 1504 on the Council's case or 1377 on the appellant's case. Either way the minimum requirement would be exceeded by the end of the plan period.
39. The Council's approach is to take the remaining minimum requirement over the last 5 years of the plan period, ie 518 dwellings (6834-6316) and use that to determine an annual requirement of 104 dwellings⁷ to 2026 (518 divided by 5).
40. The difficulty with this methodology is that it results in the plan requirement becoming a target. However, it is not. It is the minimum figure needed to meet the housing needs of the borough. This approach therefore conflicts with the Frameworks objective of significantly boosting the supply of housing.
41. I acknowledge that the Core Strategy Inspector considered the local plan requirement against the 2012 Framework including the need to significantly boost the supply of housing and found the plan to be sound in this respect. It follows therefore that the plan requirement can be considered to represent a significant boost to housing supply. However, an over delivery would achieve this to a greater extent.
42. CLCS Policy 4a) sets a minimum requirement of 417 dwellings per annum for Chorley. Setting a residual annual requirement of 104 dwellings a year would be inconsistent with this part of the policy. Policy 4c) requires a continuous forward looking 5-year supply from the start of each monitoring period. The Council's approach not only looks backwards to the start of the plan period, but it would also not ensure a rolling 5 year housing land supply. On this basis, the Council's approach would be inconsistent with part c) of the policy.
43. I agree with the Council that the need for housing in Chorley is a need expressed over the plan period. It is then annualised to provide a figure of 417 dwellings per year. Delivery may not be constant year on year. The PPG recognises this to the extent that it provides guidance that where areas deliver more completions than required, the additional supply may be used to offset any shortfalls against the requirement from previous years. This ensures that the overall plan requirement is met.

⁷ This figure excludes the 5% buffer, which if applied would mount to 109 dwellings

44. I do not accept that it therefore follows or indeed that it is logical that oversupply in earlier years of the plan period can be used to offset future supply. The guidance refers to only one particular circumstance and it cannot be deduced that an oversupply in earlier years should be taken into account.
45. The CLP anticipated strong housing delivery in the early part of the plan period, in the main due to the development at Buckshaw Village, with delivery tailing off towards the end of the plan. The plan was found to be sound despite a trajectory indicating that there would not be a delivery of at least 417 dwellings at the end of the plan period. This is not surprising. The CLP is a non-strategic plan which must be consistent with the CLCS. It made adequate provision for the housing requirement over the plan period. The purpose of the trajectory was to demonstrate that the requirement could be met. As it achieved this, the plan was found to be sound.
46. The projected reduction in supply in the latter part of the plan period does not negate the importance of maintaining a 5 year housing land supply. The implications of not doing so bring into play paragraph 11d) of the Framework and the application of the tilted balance for decision making and as I have outlined above in paragraph 39 above, would conflict with Policy 4c).
47. It also has implications for the Housing Delivery Test (HDT). Where the HDT indicates that delivery has fallen below 95% of the local planning authorities housing requirement over the previous three years, the authority is required to prepare an action plan. The purpose of the plan as set out in paragraph 76 of the Framework is to increase delivery in future years. Whilst the HDT is separate to the requirement of a 5-year housing land supply, it is a complementary tool aimed at achieving the Government objective of boosting supply. It is therefore in my view a further material consideration.
48. It is common ground that there is an absence of policy or guidance on this matter. The Courts⁸ have confirmed that in this situation it calls for the exercise of planning judgment by the decision maker. This is reflected in the differing conclusions made by Inspectors in the various appeal decisions brought to my attention.
49. In the Middleton Cheney case⁹, the Inspector came to the view that a failure to take into account previous years over supply could lead to an artificial inflation of the housing land requirement, a lack of 5-year housing land supply, engagement of the tilted balance and the provision of housing in inappropriate locations. However, in the Oakridge¹⁰ case the Secretary of State made it clear that such an approach would be contrary to the national objective of significantly boosting the supply of housing.
50. The purpose of the 5-year housing land supply is to ensure sufficient housing to meet need and improve affordability. Constraining supply as proposed by the Council, would reduce the ability to meet future housing needs. Furthermore, in the context of an acute shortfall of affordable housing in the borough, it would reduce the ability of the Council to ensure that adequate provision is made.
51. Given the above, based on the evidence before me in this case, I conclude that an oversupply from previous years should not be used to offset future housing

⁸ Most recently in *Tewkesbury BC v SSHCLG & JJ Gallagher & R Cook* [2021] EWHC 2782 (Admin)

⁹ Ref: APP/Z2830/W/20/3261483

¹⁰ Ref: PCU/APP/G1630/W/3184272

needs. Such an approach would run counter to the aims of the Framework to determine a minimum number of homes required and the demonstration of a minimum 5-year supply of housing to meet this requirement. It would therefore fail to significantly boost the supply of housing. Such a conclusion would also be consistent with the approach set out in the aforementioned Tewkesbury judgement. I shall address the implication of my finding on housing land supply below.

Housing supply

52. There is dispute between the parties on the level of housing supply over the 5 year period 2012-2026. The anticipated delivery in relation to certain sites is questioned. The difference between the parties amounts to 127 dwellings. The Council's assessment suggests the supply is 1504 dwellings while the appellant considers it is 1377 dwellings. It is common ground that this difference is not material to the respective cases or the outcome of the appeal. This is because even if I accepted the appellant's position, the 5-year housing land supply would still be significantly below 5 years calculated using either Policy 4 or the local housing need figure. Only when oversupply is taken into account would the Council be able to demonstrate a 5-year supply.
53. In light of my findings above, based on local housing need using the SM, with no accounting for oversupply, the 5-year housing land supply is between 2.4 and 2.6 years. As this is clearly below 5 years, in accordance with paragraph 11d) of the Framework, the tilted balance is engaged.

Most Important Policies for determination

54. There is agreement that the most important policies for determining this appeal are Policy 1 and Policy 4 of the CLCS and Policy BNE3 of the CLP. I agree with this assessment. As I have found that a 5-year housing land supply cannot be demonstrated, I do not need to determine whether the most important policies are out of date as the tilted balance is engaged in any event. However, I as have found Policy 4 to be out of date for the reasons I have explained above, it follows that CLP Policy BNE3 would also be out of date because it has been based on the Policy 4 housing requirement.

Education contribution

55. The CIL Regulations and the Framework require that a planning obligation can only be sought where it is:
- 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.
56. The appellant disputes the first two tests. It is argued that the contribution is not necessary and that it is not directly related to the development. The appellant argues that pupils coming from Wigan, outside the County, take up places at local secondary schools. Pupils occupying the development would displace these children, so that there would be no shortfall in places and no need for a contribution. A contribution would not be directly related to the development because Wigan pupils are coming into the catchment and occupying places.

57. Lancashire County Council Education Authority (LEA) calculate the education contribution based on an adopted methodology. First introduced in 2011, this method has been updated and the current version was adopted by Lancashire County Council in July 2021.
58. The education contribution assessment identifies the projected school place requirements for a development by assessing the projected future capacity of schools within a catchment radius of the development, that is 2 miles for primary provision and 3 miles for secondary schools. At outline planning application stage, as the dwelling mix has not been finalised, it is assumed that all properties will be 4 beds. At reserved matters stage, the assessment is re run when the actual dwelling composition is known. Using 5-year pupil projections, which consider pupil census data, births, migration and the projected additional housing from new development, the assessment determines whether the proposed development would result in a shortfall of school places.
59. In respect to this appeal, the assessment calculates that the pupil yield for primary places would be 47 and for secondary, 18 places. In terms of primary school provision, it is considered that there would be no shortfall in places in 5 years' time and no contribution is therefore necessary. However, for secondary school places, a shortfall is identified, and a contribution is requested.
60. There are two areas of dispute between the LEA and the appellant. Firstly, how the catchment area is defined and secondly that Wigan schools are not included in the assessment. I deal with each below.

Catchment radius

61. The 3 mile catchment radius used by the LEA is taken as the 'crow flies'. It does not, as the appellant suggests, consider safe walking distances. The difficulty in using safe walking distances is that there can be disagreement on what that route should be. This is evident in the assessments undertaken by the two parties in this appeal. The modelling used by the appellant produces a different result to that provided by the LEA.
62. I have been made aware of an appeal for a residential development in Heath Charnock¹¹ where the method used to define the catchment area was also challenged. The appellant in this case argued that the driving or walking distance should be used in the assessment. The Inspector disagreed.
63. The Department for Education (DfE) guidance on securing developer contributions¹² refers to the value in local approaches and that the guidance is not meant to replace these approaches. It was confirmed at the Inquiry that there is no DfE guidance on how catchment areas should be defined.
64. There is nothing in the evidence before me to demonstrate that the LEA approach conflicts with any national guidance or policy. The methodology is clear and has been used for some time. I am not persuaded that the LEA approach is flawed or unreasonable.
65. The LEA provided an alternative assessment based on a catchment defined using safe walking distances. This concluded a lower shortfall in places and

¹¹ APP/D2320/A/13/2196354

¹² Department for Education, Securing developer contributions for education, April 2019

therefore resulted in a lower contribution being required. In light of my finding above, I do not need to consider this further.

Wigan schools

66. The LEA do not include Wigan schools in their assessment. This is because they are responsible for providing a school place for every Lancashire child. The assessment they produce is therefore a worst-case scenario, assuming that all pupils from a development would want a place in a Lancashire school.
67. I accept that pupils from Wigan may be educated in a Lancashire school. Equally Lancashire pupils may attend a Wigan school. DfE guidance states that in securing development contributions, pupil migration across planning areas must be considered. I am advised that the LEA pupil projections factor in migration as part of the 'take up rate' in Lancashire schools.
68. The appellant has provided a detailed analysis of the availability of school places which conclude that, when Wigan schools are included in the 3 mile catchment, there would be no shortfall of places and no contribution required. I acknowledge that there have been difficulties obtaining up to date data for schools in Wigan and the assessment provided is therefore the best that can be achieved in the circumstances. However, this data is from 2019 and fails to take account of any planning approvals since that date and where pupils for those developments may access a school place. The fact that up-to-date pupil projection data has not been available, brings into question the accuracy and reliability of the assessment.
69. Furthermore, the information provided by the appellant suggests the demand for places in the Shavington and Standish planning area is 22,191. The latest published net capacity information for the DfE shows a capacity of 2140, a shortfall of 51 places. On this basis there would be no difference in the final assessment, a contribution towards school places would be required. Even if a surplus had been shown, it would not have been possible to determine which schools would have these surplus places as only the planning area data is available.
70. I accept that admission criteria for individual schools and parent preferences will affect the demand for school places at different schools. However, this is outside the control of the LEA and not something that a methodology can take into account.
71. The appellant has brought my attention to an appeal decision in Malpas¹³ where the Inspector concluded that in the long term, any children from the development could be accommodated in the existing school, as they would take priority in the allocation process and the number accepted from outside the catchment area would be reduced. It is not clarified in the decision whether children from outside the catchment area would be from outside the LEA area. It is therefore unclear whether this decision relates to a situation comparable to that in this appeal.

Conclusion

72. In summary, I conclude that the methodology used by the LEA to calculate the need for a contribution to education provision is robust. A shortfall in secondary

¹³ APP/A0665/A/13/2193956

school places has been demonstrated and therefore a contribution is required. The requirement is necessary to make the development acceptable in planning terms, is directly related to the development and fairly and reasonably related in scale and kind to the development. It would also comply with Policy 2 and Policy 14 of the CLCS which seek to ensure that funding shortfalls in infrastructure are identified and secured through developer contributions.

Other matters

Heritage

73. Blainscough Hall which lies to the south of the appeal site, forms a moated manor house possibly constructed in the 1200's. It has no statutory designation as a heritage asset. I am advised that there is also a Roman Road in this area, but its exact route is uncertain. There may therefore be the possibility of finds within the appeal site.
74. There is lack of detailed assessment in this regard. However, I am satisfied that this matter can be addressed through an appropriately worded condition requiring a geophysical survey of the site and appropriate recording.

Highway safety

75. Access to the proposed development is sought from two points on Grange Drive. A Statement of Common Ground has been agreed between the appellant and the local highway authority. The addendum Transport Assessment confirms that the vehicular impact of the development at peak times would not be significant. It also concludes that the roundabout junctions at Preston Road/ Spendmore Lane and Spendmore Lane/Grange Drive have capacity to include future years and committed development. No mitigation measures are considered to be necessary.
76. Local residents, local Councillors and the MP have raised concern about the roundabout junction of Grange Drive with Spendmore Lane. It is considered to be dangerous due to poor visibility and the risk of accidents at high, especially as drivers do not always adhere to the 30-mph speed limit. I observed the operation of this junction on my site visit. This was mid-afternoon when parents were collecting children from the nearby school. There was also a significant amount of on street car parking on Spendmore lane and some parking of parents vehicles on Grange Drive itself. I agree that visibility to the west is affected by the position of the boundary wall to the adjoining house and the bend and drop in the road at this point. However, my assessment was that whilst drivers needed to take care emerging from Grange Drive, they were able to do so safely. I have no evidence before me to suggest that the increased use of this roundabout would result in unacceptable highway safety concerns.
77. There are several public footpaths crossing the site which are to be retained as part of the development. Offsite highway improvements are also proposed to provide dropped kerbs and tactile paving between the site and St Oswald's School and Coppull Library including the traffic island outside 308 Spendmore Lane. These measures are to be supported as they improve the sustainability of the site and encourage walking.
78. Local residents also raised concern about construction vehicles using Grange Drive to access the development site, as a result of the narrowness of the

highway, the incidence of on street car parking and the position of the children's play area relatively close to the road. I have sympathy with these concerns, particularly as the construction period may last up to three years. However, the highway authority has not raised concern in this regard. Additionally, should the development proceed, a condition could be imposed requiring a construction management plan. This could include the routing of vehicles carrying plant and materials, provision of parking for site operative vehicles, periods of time when plant and materials trips should not be made and measures to ensure that construction vehicles do not impede access to adjoining properties.

79. Given the above, I am satisfied that the development proposed would not have an unacceptable impact on highway safety. The proposal would therefore comply with paragraph 109 of the Framework and Policy BNE1 of the CLP which seek to ensure that the residual cumulative highways impact is not severe.

Ecology

80. The appeal site consists of improved pasture. A species poor hedgerow runs along the southern site boundary and a gappy sparse hedge runs north-south through the central part of the site. A wooded stream corridor is present along Tanyard Brook. Surveys have found no evidence of protected or notable species, though a tree with bat roost potential has been identified. Invasive Himalayan balsam is present on the site.
81. At the planning application stage, the Council's ecological advisors concluded that most impacts on ecological interests would be satisfactory or could be addressed through the imposition of appropriate conditions. Concern was raised about the adequacy of the submitted survey information in relation to the presence of great crested newts. Further work was undertaken by the appellant which confirmed that the development would have no impact on this species.
82. This culminated in an agreed Statement of Common Ground between the appellant and the Council's advisor. It is agreed that subject to mitigation measures and ecological enhancement measures secured through conditions, the development would not have any adverse effect on biodiversity and a likely net gain can be achieved. I agree with this conclusion. Accordingly, the proposal would comply with paragraphs 170 and 175 of the Framework as well as CLP Policy BNE9 which require that biodiversity and ecological network resources will be protected, conserved, restored and enhanced.

Flood risk

83. Local residents have also raised concern about flood risk. The site lies in Flood Zone 1, an area with the lowest probability of flooding. The applicant is accompanied by a flood risk assessment. Sporadic surface water flooding is identified which could be addressed by ensuring that surface water flows are safely conveyed through the development. An attenuation basin is proposed to the eastern boundary of the site with flows to outfall restricted to green field run off rates. No objections have been raised by statutory consultees subject to the imposition of conditions to ensure that the development includes a satisfactory drainage scheme.

84. I am satisfied that the appeal scheme would be acceptable in this regard, complying with the Framework objective of ensuring that the development would not be at risk of flooding or increase the risk of flooding to the surrounding area.

Planning balance

85. Paragraph 11(d) of the Framework states that planning permission should be granted unless: i) the policies of the Framework that protect areas or assets of particular importance, as defined in Footnote 7, provide a clear reason for refusing the development proposed; or, ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. I have concluded above that the most important policies for this decision are out-of-date, and that the Council is unable to demonstrate a 5 year housing land supply against the standard method LHN for Chorley. As such the 'tilted balance' in paragraph 11(d) is engaged.
86. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
87. Weighing against the proposal is the conflict with the sites safeguarded land designation in Policy BNE.3 of the CLP. I have already found this policy to be out of date. The policy remains generally consistent with paragraph 143 of the Framework, as it seeks to safeguard land for future development needs. However, it is based on a housing requirement set out in CLCS Policy 4 which is out of date and inconsistent with the local housing need methodology and housing requirement. It is therefore for this reason, inconsistent with the Framework. Accordingly, I attribute limited weight to the conflict with Policy BNE.3.
88. In terms of benefits, the site would contribute 123 dwellings to housing supply. In the absence of a 5 year housing land supply, I give this benefit significant weight.
89. The appeal scheme would also provide 37 affordable homes. This is in the context of a significant shortfall of affordable housing. The 2020 CLHS identifies an affordable housing need of 132 dwellings per annum in Chorley. Accounting for under delivery this amounts to an annualised need of 143 dwellings per annum. The Council's deliverable supply would at best deliver 424 affordable dwellings over the next 5 years, 85 dwellings a year. This equates to just under 60% of the affordable housing need in the borough.
90. It is notable that over the last 2 years there has been an increasing affordable housing need in the borough, demonstrated by the significant increase in households on the Council's housing register. This is likely to be because of the pandemic. As circumstances improve, it is uncertain that this rate of increase will continue. Nevertheless, it indicates a significant need for affordable housing, which on the basis of the current deliverable supply would not be met.
91. The parties disagree about the weight to be given to the scheme's contribution to affordable housing. The Council considers significant weight, whilst the appellant suggests very significant weight. Bearing in mind that the affordability in the borough seems to be improving, demonstrated by the

change in the affordability ratio used to calculate the LHN, I attach significant weight to this benefit.

92. The development would secure economic benefits through investment during the construction phase, the creation of jobs and increased demands on the local supply chain impacting on the wider economy. These benefits would however be short term until the development is completed. Furthermore, future occupants of the scheme would spend in the local economy. I take account of the Central Lancashire Employment Skills SPD which seeks to increase employment opportunities, improve skills and help businesses grow. Imposing a planning condition requiring an Employment and Skills Plan, would bring benefits in terms of the creation of apprenticeships, recruitment through local hubs or the job centre and training opportunities. Overall, I attribute moderate weight to these economic benefits.
93. In relation to environmental gains, the scheme proposes to provide around 0.81 hectares of public open space, 15% of the site area. This represents a significant overprovision against Policy HS4A of the CLP. The open space can be used by not only by future residents but also by the existing community. I therefore give this moderate weight in the planning balance. In terms of biodiversity, the site has limited ecological value, though existing trees and hedgerows can be retained. There is however the opportunity for biodiversity net gain. Some of the measures proposed are necessary to make the development policy compliant. I therefore attach limited weight to this benefit.
94. Given the above, I conclude that the adverse impacts of allowing the development are significantly and demonstrably outweighed by the benefits when assessed against the policies of the Framework taken as a whole. Accordingly, the material considerations in this case, including the limited weight to Policy BNE.3, indicate that the development should be determined other than in accordance with the development plan. The appeal should therefore be allowed, and planning permission granted.

Planning Obligation

95. The submitted section 106 agreement would secure 30% affordable housing on the site ie, 37 dwellings, ensuring that the proposal would comply with the provisions of Policy 7 of the CLCS.
96. The provision of amenity greenspace, the improvement of provision for young people and playing pitches would be required in order for the development to comply with CLCS Policy 24, Policies HS4A and HS4B of the CLP and the Central Lancashire Open Space and Playing Pitch Supplementary Planning Document.
97. I have discussed the requirement for an education contribution in detail in my decision and concluded that one is necessary to address the identified shortfall in secondary school places. This is also secured through the s106 agreement in line with CLCS Policy 14.
98. I am satisfied that the above obligations meet the tests in the Framework and regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). They are needed to make the development acceptable in planning terms; are directly related to the development; and are fairly and

reasonably related in scale and kind to the development. I have therefore taken them into account in my decision.

Conditions

99. The Council and the appellant agreed a set of conditions that were discussed at the inquiry. I have considered all the conditions in light of the advice within the Framework, and I have revised some of them as discussed at the inquiry, to avoid duplication or in the interests of clarity and enforceability.
100. A condition specifying the approved plans is necessary in the interests of good planning. It is necessary to impose conditions setting out time limits for development and the submission of reserved matters.
101. I have required details of the position, layout and phasing of the public open space and an updated ecological appraisal as part of the reserved matters application. This is to ensure appropriate open space provision is provided and to ensure no impacts on the ecological status of Tanyard Brook.
102. In the interests of safeguarding biodiversity, conditions preventing the removal of trees with bat roost potential, the removal of trees and hedgerows and the provision of external lighting, unless appropriate surveys have been undertaken, are necessary. For the same reason, conditions to protect nesting birds and to require the submission of a Construction Environmental Management Plan, an Ecological Mitigation and Enhancement Plan and a Landscape and Ecological Management Plan are required.
103. In order to ensure the site is satisfactory drained, conditions are imposed to ensure the development proceeds in accordance with the submitted Flood Risk Assessment, that a foul and surface water drainage strategy for the whole site and for each phase of development are submitted together with measures to prevent surface water pollution. I have reworded the drainage conditions to avoid duplication and in the interests of precision. It is necessary to safeguard the development from possible contaminated land. I therefore impose a condition requiring investigation and assessment as well as details of necessary remediation and mitigation measures.
104. A condition requiring an Employment and Skills Plan is a reasonable and necessary requirement to set out the employment and skills training opportunities for the construction phase of the development. This would also accord with Policy 15 of the CLCS.
105. I impose a condition requiring the submission of a super-fast broadband strategy for future occupants of the site. This accords with the Framework expectations for development to support the expansion of electronic communication networks and complies with Policies 1 and 3 of the CLCS.
106. I have required details of external materials, fences, walls and boundary treatments and hard landscaping for each phase of development with any reserved matters application or at a later time specified in the respective condition. These conditions are flexibly worded as I am advised that there are currently issues with obtaining construction materials which may mean that these details are not available at reserved matters stage.
107. In the interest of promoting sustainable travel, a condition is necessary requiring the installation of hard wiring for electric vehicle charging points. A

condition requiring all dwellings on the site to achieve emission rates of 19% above the requirements of the 2013 Buildings Regulations is both necessary and reasonable to comply with Policy 27 of the CLCS.

108. A condition is necessary to require an Estate Street Phasing and Completion Plan to ensure the access roads are completed before dwellings are occupied. I have required a pre commencement condition survey of Grange Drive and the junction with Spendmore Lane to ensure the effects of the development on surrounding roads are mitigated. A condition requiring the new estate roads to be constructed to base course level for a minimum of 10 metres into the site before development takes place and provision for construction vehicles to enter and leave the site in forward gear is necessary in the interests of highway safety.
109. In order to safeguard the amenity of the occupiers of surrounding properties and manage the impact of the development on the highway during construction, the Council suggested a condition requiring a Construction Environment Management Plan (CEMP). Whilst I agree this is necessary, I have changed the name of the document to a Construction Method Statement to avoid confusion as there is already a condition requiring a CEMP but for biodiversity. Conditions requiring the submission of a scheme for the construction of the site access and off-site highway improvement works and their implementation before occupation of any of the dwellings, is required in the interests of highway safety and the efficient operation of the highway. I have removed the phrase 'not limited to' as it is too open ended and suggests other non-specified works may be required.
110. Whilst a Framework Travel Plan accompanies the application, the submission of a Full Travel plan is necessary to encourage sustainable travel and reduce journeys by car. Finally, due to the potential for archaeological finds associated with Blainscough Hall, a condition is necessary to require a phased programme of archaeological work in accordance with a written scheme of investigation.

Conclusion

111. For the reasons given above, and taking account of all other matters raised, I conclude that the appeal should be allowed, subject to the conditions in the attached schedule.

Helen Hockenhull

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Ian Ponter, Barrister

He called

Councillor Peter Wilson Deputy Executive Leader, Chorley Council

LANCASHIRE COUNTY COUNCIL EDUCATION AUTHORITY:

Vincent Fraser QC

Ben Terry Provision Planning Manager LCC

(Took part in the Round Table Discussion on Education contributions)

FOR THE APPELLANT:

Giles Cannock QC

He called

Mark Saunders Director NJL Planning

Neil Tatton Resolve106 Affordable Housing Consultancy

John Powell Alfredson York Associates Ltd

INTERESTED PERSONS:

Steve Holgate Councillor for Coppull, Mayor of Chorley

Julia Berry Councillor for Coppull and County Councillor

Eric Keary Resident

Kath Keary Resident

Lyn Moores Resident

Mr Winstanley Resident

Alex Hilton Councillor for Coppull

The Right Hon Sir
Lyndsay Hoyle MP for Chorley

DOCUMENTS SUBMITTED DURING THE INQUIRY

1. Revised list of agreed conditions.
2. Opening submission on behalf of the Council
3. Opening submission on behalf of the appellant
4. Lancashire County Council Education Contribution Assessment dated 5 October 2021 using 3-mile walking distance.
5. Closing submission on behalf of the Council
6. Closing submission on behalf of the appellant.

DOCUMENTS SUBMITTED AFTER THE INQUIRY

1. Email from appellant dated 14 October 2021 confirming agreement to the pre commencement conditions.
2. Email from the Council dated 14 October 2021 outlining where the playing pitch contribution is likely to be spent.
3. Signed and dated section 106 agreement.

ANNEX: SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan (LH.BH.LP.01) and the Proposed Access off Grange Drive (2385-FO1).
- 2) Prior to the commencement of development, full details of the layout, scale, appearance and landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority and the development shall be carried out as approved.
- 3) Application for approval of the reserved matters shall be made to the local planning authority no later than 2 years from the date of this permission. The development hereby permitted shall take place no later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The first reserved matters application shall provide full details of the position, layout and phasing of the public open space to be submitted to and approved in writing by the local planning authority. Thereafter, the provision of these areas shall be carried out in strict accordance with the approved details.
- 5) The first reserved matters application shall be accompanied by an updated ecological appraisal submitted to and approved in writing by the local planning authority. The Appraisal will demonstrate that there will be no negative impacts on the ecological status/potential of the Tanyard Brook resulting from the disposal of surface water post-development.
- 6) No trees assessed as having bat roosting potential within the Preliminary Ecological Appraisal dated July 2020, are to be removed under any circumstances unless an up-to-date bat emergence survey has been submitted to and agreed in writing by the local planning authority.
- 7) Removal of hedgerows and trees and the provision of external lighting has the potential to disrupt bat foraging as identified in the Preliminary Ecological Appraisal by Pennine Ecological dated July 2020 and shall not in any circumstance occur unless:
 - a) Bat activity surveys demonstrate the feature/s have low value to bats and/or;
 - b) An external lighting strategy has been provided demonstrating no significant effects on features utilised for bat foraging.
- 8) 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. Written confirmation shall be provided that no active bird nests are present and this shall be agreed in writing by the local planning authority.
- 9) No development, site preparation/clearance or earthworks shall commence until a Construction Environmental Management Plan (CEMP: biodiversity) has been submitted to, and approved in writing by, the local planning authority. The approved CEMP (biodiversity) shall specifically include a method statement detailing:

- a) A reasonable avoidance method statement for amphibians (common toad, common frog, smooth newt, and palmate newt). If a great crested newt is found during the development all work should cease immediately and a suitably licensed amphibian ecologist shall be employed to assess how best to safeguard the newt(s). Natural England should also be informed;
- b) A reasonable avoidance measures method statement for otters;
- c) Measures to protect the Tanyard Brook from accidental spillages, dust and debris;
- d) Measures to protect retained trees and hedgerows within the site and site boundary. An arboriculturist shall provide reasonable avoidance measures for the site;
- e) Lighting control measures to minimise the impact on bats during construction and to avoid light spillage along the Tanyard Brook corridor;
- f) Measures to avoid harm to protected species (e.g., water vole, badger) which may potentially be present within the local landscape e.g. any structure capable of capturing, containing or injuring animals must be covered or made safe to prevent access by animals during the night;
- g) Providing ecological buffers around sensitive features (e.g. Tanyard Brook, mature trees, and invasive plant species);
- h) A method statement detailing eradication and/or control and/or avoidance measures for himalayan balsam.

The approved CEMP: biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

- 10) The first reserved matters application shall be accompanied by an Ecological Mitigation and Enhancement Plan to be submitted to and approved in writing by the local planning authority. The ecological mitigation and enhancement plan shall demonstrate how the scheme would achieve a biodiversity net gain. The Plan should include consideration of:
 - a) Enhancement of the existing habitats along the Tanyard Brook;
 - b) Habitat creation that strengthens the existing habitats along the Tanyard Brook;
 - c) Enhancement of retained hedgerows;
 - d) Mitigation for loss of hedgerow and hedgerow trees;
 - e) Mitigation for loss of bird nesting habitat;
 - f) Enhancement measures for bats.

- 11) A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the first phase of development. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed;
 - b) Ecological trends and constraints on site that might influence management;
 - c) Aims and objectives of management;
 - d) Appropriate management options for achieving aims and objectives;
 - e) Prescriptions for management actions;
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - g) Details of the body or organization responsible for implementation of the plan;
 - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism{s} by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. 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 dwellings on each phase or following the completion of the development within the relevant Phase, whichever is the earlier. 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 a similar size and species, unless the local planning authority gives written consent to any variation.

- 12) The development hereby permitted shall be carried out in accordance with the principles set out within the Flood Risk Assessment (December 2020, Ref: 6550/R1). The measures shall be fully implemented prior to first occupation of any dwelling and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
- 13) No development shall take place until:
- a) a methodology for investigation and assessment of ground contamination has been submitted to and agreed in writing with the local planning authority. The investigation and assessment shall be carried in accordance with current best practice including British Standard 10175:2011+A2:2017 Investigation of potentially contaminated sites - Code of Practice. The objectives of the

investigation shall be, but not limited to, identifying the type(s), nature and extent of contamination present to the site, risks to receptors and potential for migration within and beyond the site boundary.

- b) all testing specified in the approved scheme (submitted under a) and the results of the investigation and risk assessment, together with remediation proposals to render the site capable of development have been submitted to the local planning authority.
 - c) the local planning authority has given written approval to any remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of remediation works a validation report containing any validation sampling results shall be submitted to the local planning authority. Thereafter, the development shall only be carried out in full accordance with the approved remediation proposals. Should, during the course of the development, any contaminated material other than that referred to in the investigation and risk assessment report and identified for treatment in the remediation proposals be discovered, then the development should cease until such time as further remediation proposals have been submitted to and approved in writing by the local planning authority.
- 14) At the same time as the submission of the first reserved matters application, a Foul and Surface Water Drainage Strategy for the whole site, with a timetable for its implementation, shall be submitted to and approved in writing by the local planning authority. The development hereby permitted shall be carried out only in accordance with the approved drainage strategy.
- 15) No development shall commence in any phase until a detailed, surface water sustainable drainage strategy for that phase 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 submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems and no surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly. Those details shall include, as a minimum:
- a) Sustainable drainage calculations for peak flow control and volume control (1 in 1, 1 in 30 and 1 in 100 + 40% climate change), with allowance for urban creep;
 - b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
 - i. Plan identifying areas contributing to the drainage network, including surface water flows from outside the curtilage as necessary;

- ii. Sustainable drainage system layout showing all pipe and structure references, dimensions, design levels;
 - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
 - iv. 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 plot to confirm minimum 150mm+ difference for FFL.
- c) Measures taken to manage the quality of the surface water runoff to prevent pollution, protects groundwater and surface waters, and delivers suitably clean water to sustainable drainage components.
- d) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltration rates and groundwater levels in accordance with industry guidance.

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

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

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

- 17) For each phase, notwithstanding any indication on the approved plans, no development hereby approved 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. The details shall include levels of the proposed foul drainage system including ground and finished floor levels in AOD. The details for each part or phase must be consistent with the approved Foul and Sustainable Surface Water Drainage Strategy for the whole site. The development shall be carried out in accordance with the approved details.
- 18) Prior to the first occupation of the development, a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

- 19) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted, shall be occupied until a Verification Report and Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the local planning authority.

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

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

- 20) The development shall not commence until an Employment and Skills Plan that is tailored to the development and will set out the employment and skills training opportunities for the construction phase of the development has been submitted to, and approved in writing by, the local planning authority. Thereafter, the development shall be carried out in accordance with the approved Plan.
- 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.
- 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.
- 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

- 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.
- 25) No dwelling hereby approved shall be occupied until each dwelling has been installed with hard wiring for an electrical vehicle charging point, the details of which shall have been submitted and approved in writing by the local planning authority prior to the installation.
- 26) All the dwellings hereby approved shall achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations. No dwelling shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously approved in writing by the local planning authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the local planning authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.
- 27) No development shall commence other than site enabling works until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the local planning authority. The Plan shall set out the development phases and the standards that the estate streets serving each phase of the development will be completed to. No dwelling shall be occupied until the estate street(s) affording access to that dwelling has been completed in accordance with the Lancashire County Council Specification for Construction of Estate Roads.
- 28) The new estate roads/access onto Grange Drive shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level for a minimum of 10 metres into the site from the boundary with Grange Drive before any other development takes place within the site. Provisions to enable construction traffic to enter and leave the site in a forward gear (including a vehicular turning space suitable for construction traffic) shall also be laid out within the site and available for use prior to any other development taking place.
- 29) Prior to the commencement of development, a joint survey shall be carried out between the developer and the local planning authority (in conjunction with the highway authority) to determine the condition of Grange Drive and the junction with Spendmore Lane. A similar survey shall be carried out within one month of the completion of the last house

and the developer shall make good any damage to Grange Drive and the junction with Spendmore Lane to return them to the pre-construction situation.

- 30) Prior to the commencement of development, a Construction Method Statement (CMS) shall be submitted to and approved in writing by the local planning authority. The approved CMS shall be adhered to throughout the construction period. The CMS shall include and specify the provisions to be made for the following:
- a) parking of vehicles of site operatives and visitors;
 - b) hours of operation (including deliveries) during construction;
 - c) loading and unloading of plant and materials used in the construction of the development;
 - d) storage of such plant and materials;
 - e) the erection of security hoarding where appropriate;
 - f) wheel washing and/or power wash and hardstanding area with road sweeping facilities, including details of how, when and where the facilities are to be used;
 - g) measures to mechanically sweep the roads adjacent to the site as required during the full construction period;
 - h) periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made);
 - i) routes to be used by vehicles carrying plant and materials to and from the site;
 - j) measures to ensure that construction and delivery vehicles do not impede access to adjoining properties;
 - k) measures to control the emission of dust and dirt during construction.
- 31) 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 as part of a section 278 agreement, under the Highways Act 1980. The submitted scheme shall include the following:
- a) Site access: including assessment of the street lighting and provision of tactile paving.
 - b) Off-site works: Providing dropped kerbs and tactile paving between the site and St Oswald's Primary School and Coppull Library and to include the traffic island outside 308 Spendmore Lane.
- 32) No dwelling within the development hereby approved shall be occupied until the approved scheme for the relevant site access has been constructed and completed in accordance with the approved scheme details.
- 33) No part of the development hereby approved shall be occupied until the approved scheme for the off-site works has been constructed and completed in accordance with the approved scheme details.

- 34) Prior to the occupation of the development hereby permitted, a Travel Plan shall be submitted to, and approved in writing by, the local planning authority. The Travel Plan shall be implemented within the timescale set out in the approved plan and will be audited and updated at intervals not greater than 18 months to ensure that the approved Plan is carried out over a 5-year period.
- 35) No development, site clearance/preparation, or demolition shall commence until the applicant or their agent or successors in title has secured the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation, which shall be submitted to, and approved in writing by, the local planning authority. These works shall be undertaken by an appropriately qualified and experienced professional archaeological contractor and comply with the standards and guidance set out by the Chartered Institute for Archaeologists (CIfA). The development shall be carried out in accordance with the agreed details.