



Appeal Decisions

Inquiry Held on 17-20 August, 23-25 August and 27 August 2021

Site visit made on 22 September 2021

by L Gibbons BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 February 2022

Appeal A Ref: APP/D2320/W/21/3272310

Land to the East of Tincklers Lane, Tincklers Lane, Ecclestone PR7 5QY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr Robin Buckley against Chorley Borough Council.
 - The application Ref 20/01331/OUTMAJ, is dated 27 November 2020.
 - The development proposed is outline planning application for the construction of up to 80 dwellings with all matters reserved aside from vehicular access from Doctors Lane. The development includes public open space, structural greenspace and surface water attenuation ponds.
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Appeal B Ref: APP/D2320/W/21/3272314

Land to the North of Town Lane, Town Lane, Whittle-Le-Woods PR6 8AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr Robin Buckley against Chorley Borough Council.
 - The application Ref 20/01347/OUTMAJ, is dated 27 November 2020.
 - The development proposed is outline planning application for the construction of up to 250 dwellings with all matters reserved aside from vehicular access from Town Lane. The development includes public open space, structural greenspace and surface water attenuation ponds.
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Decisions

1. Appeal A is allowed and outline planning permission is granted for the construction of up to 80 dwellings with all matters reserved aside from vehicular access from Doctors Lane. The development includes public open space, structural greenspace and surface water attenuation ponds on Land to the East of Tincklers Lane, Tincklers Lane, Ecclestone PR7 5QY in accordance with the terms of the application Ref 20/01331/OUTMAJ, dated 27 November 2020, subject to the conditions set out at the end of this Decision.
2. Appeal B is dismissed.

Procedural Matters

3. Both applications seek outline planning permission with access only to be determined at this stage. Landscaping, appearance, scale and layout are reserved matters to be considered in the future.

4. Draft agreements under Section 106 of the Town and Country Planning Act 1990 were submitted by the appellant for both appeals as part of the Inquiry and they were discussed at the Inquiry. The signed and executed Deeds were submitted after the close of the inquiry. I will return to the agreements later in my decision.

Background and Main Issues

5. Based on all I have seen and heard, the main issues are:
 - i) Appeal A: Whether or not the proposal integrates satisfactorily with the surrounding area with particular regard to patterns of movement and connectivity
 - ii) Appeal B: The effect of the proposal on highway safety including accessibility of the appeal site.
 - iii) Whether or not the Council is able to demonstrate a five-year supply of housing land;
 - iv) Whether or not the most important policies of the development plan are out of date; and,
 - v) Whether any adverse effects, including conflict with the development plan as a whole, would be outweighed by other material considerations.

Reasons

6. The development plan comprises the Central Lancashire Core Strategy (CS), 2012 and covers the period 2010 to 2026, and the Chorley Local Plan (LP), 2015 which covers the period 2012 to 2026.

Appeal A - Movement and connectivity

7. The appeal site is located to the east of Eccleston and forms part of a wider area of safeguarded land as part of BNE3.7 of the LP that amounts to over 5 hectares. The appeal site comprises the largest portion of the whole site at just over 3 hectares. Policy BNE3 indicates that development other than that permitted in the countryside whether Green Belt or Area of Other Open Countryside will not be permitted as shown on the policies map.
8. The Council are concerned that there is a disjointed approach towards the development of the whole site. As well as the appeal site, two other parcels of land which would make up the rest of the site have come forward separately. The site to the north was refused planning permission for residential development and an application for the site to the west was withdrawn.
9. Illustrative parameters and indicative access plans submitted by the appellant include the potential for an access through to the northern parcel of land. The indicative access plan shows there is also the potential to link up with the west part of the site. There is no evidence to indicate that the appeal site would be developed in a way that prevents some measure of integration with the other sites. I note that the refused application for site to the north does not indicate links with Towngate or the appeal site. However, this does not necessarily indicate that it would not be possible to provide these.

10. There is also little evidence to suggest that provision of alternative accesses to the two other parcels of land would lead to segregation of residents from the rest of the site or Eccleston or how this would be harmful. I consider it would not lead to lead to potentially landlocked sites as expressed in Policy 17 of the CS.
11. In terms of the connectivity and integration of the appeal site with Eccleston and the wider countryside, the proposed access strategy shows vehicular and pedestrian/cycle accesses to the appeal site. There is a proposal to provide a footpath/cycle link out from the north-west corner of the site linking with access from the Hawthorns. This would provide better connection to the wider footpath network for existing residents and future occupiers. To access these rights of way currently requires a walker to use Tincklers Lane which has no pavements for a significant proportion of its length, therefore the scheme would offer connectivity improvements in this respect.
12. There would be an access to Eccleston for pedestrians and other users via a footpath through the Hawthorns, which would allow future residents to access the services and facilities and reach Towngate. The proposed improvements to the pathways and crossings along Doctors Lane would help improve connectivity to the primary school and other services in Eccleston for new and existing residents. It would link in with the movement patterns surrounding the area and would include appropriate facilities for pedestrians and cyclists in accordance with Policy ST1 of the LP. Although on the edge of Eccleston, the development would be appropriately located and would be supported by the necessary services and infrastructure. It would therefore function well in this respect.
13. I have been referred to the Land at Chain House Lane decision¹, this was referred to in terms of master planning for a safeguarded site in South Ribble. However, the circumstances of that site are different in that it was an 'island' site surrounded by other safeguarded sites, and it was not the majority of the allocated site, which is not the case here, as such I give it little weight.
14. For the reasons given above, I conclude that the proposal would not conflict with Policy 17 of the CS or Policy ST1 of the LP. It would not be contrary to the National Planning Policy Framework (the Framework) at paragraph 130 where it relates to well-designed places.

Appeal B – Highway Safety

15. Appeal site B is located on the north side of Town Lane in Whittle-Le-Woods. It is allocated as a safeguarded site BNE3.10. The general topography of the area means that existing residents must navigate slopes within the settlement. The site reflects this general topography sloping steeply upwards from Town Lane towards the northern part of the boundary and the east part of the site where the site becomes flatter.
16. The west part of the site closest to the settlement would have the potential for open and play space and is proposed to be retained as such with the rest of the site containing the dwellings.. The Indicative Access and Parameters Plan shows the main vehicular access and a pedestrian and cycle access taken from Town Lane towards the eastern end of the site.

¹ APP/F2360/W/19/3234070

17. The main A6 transport corridor between Chorley and Preston is approximately 1 km away from the site and a range of services and facilities are within this distance. For vehicles, the A6 can be accessed relatively easily from Town Lane via Shaw Brow and School Brow. Residents of the site who would wish to access the bus stops on the A6 by walking or cycling would have to make choices about which route to use. Using the Ridings via Lady Crosse Drive would add to the time but is more likely to be the preferred route with other choices being potentially unsafe including Footpath 43 and Lucas Lane. From the main access all residents would need to use part of Town Lane to reach the Ridings.
18. Town Lane varies in width along its length from Chorley Old Road to Blackburn Road and is very narrow in places. In relation to the appeal site, the footpath is predominantly on the south side of Town Lane with a short section on the north side beyond the proposed main vehicular access. The section of Town Lane to Chorley Old Road from what would be the main access is difficult to use for pedestrians and even more so for people in wheelchairs or with pushchairs. The footpath is extremely narrow in several places and is not continuous to Chorley Old Road. Pedestrians are forced to walk in the road outside of Brantwood and due to the bend in the road here, traffic can also be in the middle of the road.
19. I note the details of a limited number of near misses and accidents along Town Lane provided to me by residents during the Inquiry and the information of police call outs along the whole length of Town Lane. However, it is agreed between the appellant and the Council that the formal accident data from the past five years recorded one personal injury incident. Nevertheless, the number of pedestrians, cyclists and other users would increase significantly as a result of the scheme, and I consider this would increase the potential for accidents and near misses for future residents if they were to use Town Lane.
20. Due to the deficiencies of the footway on Town Lane, combined with the distances to bus stops and some services and facilities, to my mind it is essential that the scheme delivers an attractive and safe alternative for pedestrians and other users than the proposed main access. The parties agree that a separate access closer to the settlement than the main access would be necessary, and this is proposed to be at the west part of the site.
21. The proposed access solutions indicate this would be a path of around 190 metres long to reach the residential element of the scheme. To accommodate the distance to the houses from Town Lane, due to the sloping nature of the site the route would be 'meandering' with approximately 130 metres of a path with a gradient of over just 8% and 30 metres of just over 6%.
22. There are various standards which refer to gradients when considering the design of new footpaths and pedestrian areas. These range from a 2.5% gradient being manageable by most people, with a standard of 5% being borne in mind for over 30 metres. There are number of references to 8% as an absolute maximum gradient but over very short distances or as a practical maximum. This is because of a range of considerations such as the physical effort required for wheelchair users and taking account of the risk of wheelchairs toppling over. People can also cycle short but steep gradients.
23. I note that it is acknowledged there may be local difficulties in applying standards. I accept that preferences may not be achievable in every circumstance. However, taking account of the extent of the proposed path

- incorporating the maximum gradient of 8% for a very significant distance, this would be challenging for many users especially taking account of the some of the distances to reach some services and facilities in the area.
24. Where the entrance of the access would meet Town Lane, there would be a short footpath on the north side of the Lane with tactile paving. Appropriate visibility splays could be incorporated into the scheme to ensure that pedestrians would be able to see traffic using Town Lane. However, given the potential speeds of cyclists and other users meeting here, there is the possibility for conflict at this crossing point and at the entrance to the access. There would be a lower gradient near the entrance but there would remain the potential for accidents as the stopping distances would be increased due to the overall gradient. I consider this could be the case even with residents who become familiar with the path as it will largely depend on individual circumstances at the time.
 25. I accept that the route would be designed to ensure that it would be adequately lit, surfaced and maintained. However, in terms of other perceptions of safety and overlooking of the path by homes, the indicative layout indicates that dwellings would be located some distance from the entrance to the proposed access meaning that parts of the path may not be overlooked. Existing residences on Town Lane would not provide adequate surveillance given the distances from the site and topography. To my mind, the combination of steep gradients for some distance, potential for user conflict and lack of surveillance would result in the path appearing unattractive and potentially unsafe.
 26. The appellant indicates that the design of the path could be a matter which would be resolved at the detailed planning application stage. I note that there are options including a stepped footpath and separate ramps and a lower gradient and the potential for different layouts. However, the appellant also indicates that it is not yet possible to assess what could be delivered until cut and fill details have been considered as part of any detailed layout. To my mind there is not enough information to confirm that a satisfactory solution could be found.
 27. In the circumstances of this case, it would be essential to demonstrate that an attractive and safe access for pedestrians and other users could be provided. The scheme as proposed would fail to do this and it would be unlikely to be used to the extent necessary for it to be seen as a viable alternative in place of using Town Lane. There would be harm caused to pedestrians and other users in terms of highway safety.
 28. As part of a recent development to the north of the appeal site a footpath has been constructed which leads from Magill Close south towards Town Lane via Lady Crosse Drive. This is a steep footpath, and it is in use although due to the type of surface and condition, in combination with the steep gradient it would be extremely difficult to use with cycles, wheelchairs and pushchairs. In any event, it would not compare directly with the proposed access as it joins a part of Lady Crosse Drive at the end of a quiet cul-de-sac with a very small number of houses and no through traffic. It is not lit and there are alternative accesses towards the A6 from that residential area.
 29. Town Lane is an advisory cycle route and appropriate signage would be provided as part of the scheme. It is proposed to upgrade the bus stops on Old

Chorley Road. The s106 agreement for Town Lane also includes contributions towards improving the No 114 bus service between Chorley and Preston which would increase the frequency from the nearest bus stops to 30 minutes at peak hours and for an evening service for 5 years, as well as a contribution to introduce a new Sunday service. These contributions would be necessary and justified. However, there is no evidence that there is a demand for an increase in this service to be run every 30 minutes throughout the day and therefore an additional contribution in this respect would not be reasonable.

30. There is on-street parking on the south side of Town Lane very close to the junction with Old Chorley Road associated with a terrace of houses with little parking to the rear of these homes. The location of the nursery on Town Lane can also lead to additional on-street parking at times. This prevents two-way traffic means that traffic can be waiting to get through from and to Town Lane. Mitigation for this is proposed in the form of existing parking on the lane marked out in parking bays, carriageway build out and give way markings to manage traffic in this location. It is also proposed to provide improved signage and road markings for the bend on Town Lane outside Brantwood. Were other matters acceptable these and the increase bus provision could be secured through a s106 agreement or through other means.
31. Local residents have undertaken survey work which indicated the amount of traffic that may be generated by the scheme was higher than that provided by the appellant, and a report produced on behalf of the Parish Council refers to concerns along the whole length of Town Lane between Old Chorley Road and Blackburn Road. However, I am satisfied that the trip rates and vehicle movements agreed between the appellant and the Council are the most appropriate basis as these are based on pre-pandemic rates, and the Council do not raise any concerns in this respect. It is also expected that the majority of the traffic would head towards Whittle-Le-Woods and improvements to the rest of Town Lane towards Blackburn Road would not be justified.
32. I acknowledge residents' concerns in relation to the proposed relocation of the bus stop on Shaw Brow. This would mean that the book library in the phone box would no longer be adjacent to the stop with its associated bench that people use in conjunction with the library although there was no evidence that the library would cease to provide a service for residents. However, this and the matters relating to signage, road improvements, bus provision do not outweigh the harm I have found.
33. For the reasons given above I conclude that the proposal would cause harm to highway safety particularly relating to walkers and cyclists and would fail to provide a suitable alternative access which would be needed as an essential part of the scheme. It would conflict with BNE1 of the LP which seeks development that amongst other things would not prejudice highway safety and pedestrian safety. It would not be in accordance with the Framework which amongst other sets out that proposed development should give priority to pedestrian and cycle movements, facilitating access to high quality public transport, address the needs of people with disabilities and reduced mobility, provide access that is safe, secure and attractive and minimises scope for conflict between pedestrians, cyclists and vehicles.

Housing land supply

34. CS Policy 4 sets out the housing requirement for Chorley, Preston and South Ribble. It refers to setting and applying a minimum requirement. For Chorley this is 417 dwellings per annum. Paragraph 5.9 of the LP indicates this would amount to 6,834 dwellings over the plan period. The CS Inspector's report confirms that the housing requirement in Policy 4 accords with the 2012 Framework requirement to boost significantly the supply of housing.
35. Paragraph 74 of the Framework requires the local planning authority to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5 years' worth of housing against their requirement as set out in adopted strategic policies, or against their local housing need when strategic policies are more than five years old. The CS is more than five years old.
36. Footnote 39 of the Framework explains that where local housing need is used as a basis for assessing whether a five-year supply of specific deliverable sites exist, it should be calculated using the standard method as set out in national planning guidance. Further guidance indicates that housing requirement figures identified in adopted strategic policies should be used for calculating the five-year housing land supply figure where the plan was adopted in the last five years or the strategic housing policies have been reviewed within the last five years and found not to need updating. In other circumstances the five-year housing land supply will be measured against the area's local housing need calculated using the standard method.
37. In 2017, the three Central Lancashire authorities conducted a review of strategic policies. A Strategic Housing Market Assessment (SHMA) was commissioned, and a Memorandum of Understanding (MOU1) was produced. MOU1 was based on an assessment of housing need identified within the SHMA and it was determined by the three authorities that due to the similar results in the SHMA and the requirement in Policy 4, that Policy 4 could continue to be applied. Since 2017, there have been several appeal decisions and High Court challenges within the Central Lancashire area. The positions of the three authorities on how to assess the housing supply has now changed and their approaches are different.
38. Chorley currently propose that MOU1 constituted a review in accordance with paragraph 74 and Footnote 39 of the Framework and that Policy 4 should be the basis for the housing requirement. In the Land at Pear Tree Lane 2020 appeal decision² the Inspector was not presented with an argument that MOU1 comprised a review and did not reach a conclusion on this matter. However, the appeal Inspectors for Land at Cardwell Farm³, Preston and the redetermined Land south of Chain House Lane, South Ribble indicated that MOU1 comprised a review. Based on the evidence I agree that MOU1 did constitute a review at that time. I note there is nothing contained within MOU1 that indicates it will expire in 3 years following its date of agreement. It refers to continuing until the adoption of a replacement local plan to apply the housing requirement set out in Policy 4 and it has not been withdrawn.
39. However, Paragraph 7.1 of MOU1 states that the document will be reviewed no less than every 3 years and will be reviewed when new evidence that renders it

² APP/D2320/W/20/3247136

³ APP/N2345/W/20/3258889

out of date emerges. This is consistent with Paragraph 33 of the Framework that states that relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly. There is no limit placed on the number of reviews that can take place. Moreover, whilst MOU1 was based on an up-to-date assessment of need at that point in time, the situation has moved on considerably since it was signed.

40. Subsequent to MOU1, a second Memorandum of Understanding (MOU2) was produced in April 2020 with an update in May 2020. Paragraph 8.1 of MOU2 specifically refers to adopting the standard method in accordance with national policy and in replacement of the out-of-date Policy 4. MOU2 went further than the stand-alone standard method figures for each authority, instead presenting figures based on a redistribution of the standard method figures as set out in Central Lancashire Housing Study 2020.
41. In recent appeal decisions the conclusions of MOU2 have been tested. The Inspector for Land at Pear Tree Lane 2020 appeal decision was presented with a choice over the standard method, or the figure contained within MOU2. In that case limited weight was attached to the redistributed standard method housing requirement figure for Chorley of 278 dwelling per annum. As a result of that decision Chorley is no longer placing reliance on MOU2 as the basis for the housing requirement and have reverted to relying on MOU1 and Policy 4.
42. MOU2 has not been formally withdrawn although I note that Preston have withdrawn from it. Whatever weight is attached to MOU2 due to the criticisms relating to the redistribution of the standard method figure and the process it followed MOU2 does explicitly state that the Policy 4 is out of date. It also notes that the changes made to national policy in terms of calculating housing requirements are significant. The situation referred to in MOU2 in this respect has not changed. The approach that was taken in general terms towards MOU2 is consistent with the wording of MOU1 at paragraph 7.1. It is also consistent with the thrust of the plan making chapter of the Framework at paragraph 62 which indicates that where a review was undertaken prior to the publication of the 2018 Framework, but within the last five years, then that plan will constitute the up-to-date policies unless there have been significant changes. MOU1 was produced prior to the publication of the 2018 Framework.
43. I note that neither of the Inspectors for the Land at Cardwell Farm or the redetermined Land south of Chain House Lane decisions conclude that Policy 4 was out of date simply because MOU2 indicated that it was. However, the evidence presented to those two inquiries differed as they related to sites in Preston and South Ribble respectively. Although I acknowledge that this causes inconsistencies in the area, different arguments were presented about what housing need figure should be used and whichever is used has different implications in those authorities including their standard method figures being lower than Policy 4 requirements.
44. Moreover, national guidance indicates that local housing need will have considered to have changed significantly where a plan was adopted prior to the standard method being implemented based on a number that is significantly below the number generated by the standard method. The implications for Chorley would result in an annual requirement of 564 dwellings and the CS

figure would be significantly below this. In this instance, Chorley's local housing need has changed significantly.

45. I note that Paragraph 4.14 of the Housing Study 2020 indicates that the standard method is particularly influenced by the level of development in the area between 2009 and 2014. According to the study 60% of completions in the area were in Chorley and this feeds through into the demographic baseline in the standard method, which results in higher figures being needed for Chorley, at 57% of the need for the area, than for Preston and South Ribble as completions there have generally been lower. The Housing Study had therefore proposed the redistributed figures having regard to variables such as workforce, jobs, affordability amongst others.
46. However, this does not necessarily render the standard method itself as invalid, and whilst the evidence in the 2020 Housing Study contributes towards the emerging Local Plan, the overall numbers, distribution, and location of housing would need to be considered at an examination. The emerging Local Plan is at a relatively early stage of preparation with an Issues and Options draft having been the subject of consultation.
47. Additionally, Policy 4 is derived from a redistribution of the regional housing requirement in the Regional Strategy for the North West which was adopted in 2008 and this in turn was based on evidence from 2003. The methodology for calculating housing requirement has been changed more than once since then and the evidence for Policy 4 itself is now very significantly out of date. Even though the 2017 SHMA and MOU1 indicated a similar requirement to Policy 4, this was based on a methodology that has now also been replaced.
48. In respect of any oversupply against Policy 4 and having regard to the Tewkesbury judgement⁴ and other appeal decisions referred to by the Council, they refer to having met the Policy 4 requirement based on the total amount of dwellings as referred to in the LP. I note the contribution of Buckshaw Village to the housing supply in Chorley and which has come forward at pace. However, this is nearing completion with a significant proportion of dwellings being delivered in the period up to 2016.
49. The LP indicates that the phasing for housing was heavily weighted towards early delivery, and I accept that delivery rates may not necessarily equate to 417 dwellings per year. The Council have met the Housing Delivery Test. However, the requirement in Policy 4 itself is not expressed as an overall amount to be met over the plan period. Policy 4 does not refer to any potential oversupply despite the known potential of Buckshaw Village contributing to growth in Chorley and it clearly states that it is a minimum annual requirement.
50. Moreover, the inclusion of oversupply against Policy 4 would reduce the requirement for Chorley to just over 100 dwellings per annum. This would be considerably below anything which has been permitted in previous years in the area and would even be below the redistributed standard method figures for Chorley in MOU2. I consider it would be artificially low and would in greater probability, lead to significantly reducing not only the supply of market housing but also affordable housing within the area. It would thus run counter to the

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objective of the Framework to boost the supply of housing and to paragraph 74 of the same, which seeks to maintain the supply and delivery of new homes.

51. In the circumstances before me having regard to both MOU1 and MOU2, I conclude that the situation has changed significantly for Chorley in respect of local housing need and that Policy 4 is out of date. The standard method is the appropriate method for calculating housing need in Chorley. It is agreed between the parties that a 5% buffer should be applied. In terms of sites which contribute to the housing land supply within Chorley, there is a very narrow area of dispute between the two main parties which relates to only 2 sites and amounts to 116 dwellings. This is a marginal number that has little effect on the result in respect of the requirement. Accordingly, against the application of the standard method there would be less than three years supply of housing land in Chorley, and I conclude that the Council is unable to demonstrate a five-year supply of deliverable housing sites.

The most important policies

52. Paragraph 11(d) of the Framework indicates that where the most important policies for determining a proposal are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole. This is known as the 'tilted balance'. In terms of the most important policies at consideration in this appeal, Policy 1 of the CS sets out the settlement strategy for the area. Whittle-Le-Woods is identified as a location for some growth and investment and Ecclestone is a rural service centre which would accommodate some limited growth. There is no conflict the proposals in this respect. It is common ground between the parties that Policy 1 is a most important policy, but it is not out of date, this is consistent with recent appeal decisions, and I see no reason to disagree.
53. Whether policies are out of date is referred to in Footnote 8 of the Framework as including for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74). In this case, Policy 4 of the CS is also one of the most important policies of the development plan for determining the applications and due to my conclusions on the five-year supply of housing land it is out of date.
54. Both appeal sites are also safeguarded land as set out in Policy BNE3 of the LP. The parties agree that the appeal proposals are not in accordance with Policy BNE3. Paragraph 143(d) of the Framework sets out that when defining Green Belt boundaries, plans should make clear that safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development. Policy BNE3 is consistent with the Framework in this respect. However, the boundaries of the settlements and safeguarded land to which they relate were established based on meeting the housing requirement in Policy 4 of the CS, which is out of date. This means that Policy BNE3 is also out of date. In this situation with these policies out of date due to the lack of a five-year supply of housing land, the 'tilted balance' is to be applied and I return to this later in my decision.

Other matters

Affordable Housing

55. Appeal A would provide 35 percent affordable housing with 70% social housing and 30% intermediate housing. Appeal B would provide 30% affordable housing with the same mix of type of housing. These would be secured through the provisions of the section 106 agreements for both sites. I note the number of people on the affordable housing register has increased since the Land at Pear Tree Lane decision but also that affordability has improved. Nevertheless, affordable housing delivery has fallen in the area and the Borough is now in a position of needing to meet a shortfall even against the most recent assessment of need in the 2020 Housing Study of 132 dwellings per year. Around 70 affordable homes are likely to be delivered each year up to 2026. The provision of affordable housing for both schemes would accord with Policy 7 of the CS and the Central Lancashire Affordable Housing Supplementary Planning Document (SPD).

Other matters (Appeal A)

Living conditions

56. The appeal site is adjacent to the built-up area of Ecclestone, with houses on Banner Close and the Hawthorns having gardens backing on to the boundary or adjacent to it. The illustrative master plan shows an indicative layout, with the potential for the development to be accommodated including separation between any proposed dwellings and the existing houses. Through any reserved matters applications, the Council would be able to ensure adequate separation between new and existing dwellings. The proposal would not conflict with paragraph 130 of the Framework, which seeks a high standard of amenity for existing and future users.

Flood Risk

57. The appeal site is in Flood Zone 1, which is the lowest risk of flooding. Residents refer to ditches flooding, including one in the site that runs adjacent to houses on The Hawthorns and Banner Close and surface water flooding. The scheme was accompanied by a Flood Risk Assessment and Drainage Strategy, and there are no objections from the Lead Local Flood Authority subject to suitable conditions. Measures to incorporate a Foul and Sustainable Surface Water Strategy would ensure that the risk of surface water flooding is mitigated properly. The proposal would therefore be in accordance with CS Policy 29 which seeks amongst other things to reduce the risk of flooding.

Highway safety

58. The proposal was accompanied by a Transport Assessment and Travel Plan. Residents raise concerns in relation to parking on Doctors Lane when there are matches and events are taking place at the Ecclestone Cricket Club. The entrance to the club is opposite the appeal site on Doctors Lane. However, there is no evidence that the proposal would lead to conflict here or result in highway safety being compromised.

59. There are several junctions in proximity to the appeal site including where Doctors Lane and Tincklers Lane meet. The Transport Assessment refers to an increase in traffic at this junction although I note this does not result in the

need for mitigation measures or for the other junctions of Tincklers Lane with Towngate and The Green/Doctors Lane including in respect of any cumulative impacts. The Highways Authority do not object to the proposal subject to suitable conditions and measures within the s106 agreement. The proposal would be in accordance with Policy BNE1 which amongst other things seeks development where the residual cumulative impact is not severe.

Infrastructure

60. Policy 2 of the CS seeks to ensure that development makes an appropriate contribution to the costs of infrastructure necessary to support it. The s106 agreement provides for contributions to secondary education calculated in accordance with the Council's SPDs to mitigate the impacts of the development. There would be a contribution towards Travel Plan implementation and support by the County Council and would ensure that sustainable transport measures are brought forward. Contributions towards public open space, particularly nearby natural and semi-natural green space and playing pitches are justified. The contributions would meet the requirements of the Framework and the Community Infrastructure Levy Regulations 2010 (CIL Regulations) in that that they would be directly related to the development, fairly and reasonably related in scale and kind and necessary to make the development acceptable. The s106 agreement contains measures relating to the provision and management of the open space within the site which would also be necessary.
61. Residents have expressed concerns about primary school places. The Local Education Authority have not made any requests for contributions for primary school provision. I note the concerns that the local healthcare facilities are under strain and that there are waiting lists for appointments. However, the statutory providers have also not made any requests for contributions. I am therefore satisfied that contributions in these respects would not be necessary to make the development acceptable in planning terms.

Other matters (Appeal B)

Ecology

62. Residents and interested parties raise concerns about the effect of the proposed development on the Lucas Lane Biological Heritage Site (BHS) which is the subject of a management plan requiring a light grazing regime in respect of its ecology. The BHS is located to the south of the site and is not physically linked. The scheme before me seeks to retain open space at the appeal site's western end, and also at the southwest and northwest boundaries. There is the potential for these areas to be appropriately planted and to retain the opportunity for habitats to be compatible with the BHS. The retention of these open areas would ensure that habitats for wildlife species found in the site are retained.
63. In respect of the potential presence of otters on the River Lostock, there would be a suitable buffer between the developed part of the site and no artificial lighting close to the river. These and other measures proposed such as protection of ecology during construction, habitat creation, enhancement and management could be secured by appropriate conditions and the scheme would be in accordance with Policy 22 of the CS and BNE9 of the LP.

Flood Risk

64. I note the concerns residents raise in respect of flood risk including those by the Parish Council in relation to the Flood Risk Assessment and Drainage Strategy (FRA). However, the FRA includes information relating to all sources of flooding, proposes measures for any detailed applications, and there is no detailed evidence to indicate that the FRA conclusions that the risks are low are incorrect.
65. The proposal would incorporate sustainable drainage systems. The study is informed by an assessment of the River Lostock, and the drainage system would ensure that runoff would be limited at an appropriate rate. In respect of effects on the fishing area known as Low Mill Lodge, as part of the first reserved matters application it is proposed to provide a Flood and Surface Water Drainage Strategy. This would investigate potential infiltration of surface water and would provide options for drainage. This could be secured by an appropriate condition and would ensure that the use of the fishing lodge would not be negatively impacted by the proposal. The proposal would accord with CS Policy 29 which amongst other things seeks to reduce the risk of flooding.

Contaminated Land

66. I have been referred to the potential for contamination from two former landfill sites, one to the north and one to the south of appeal site. These relate to the potential presence of ground gas and leachates, and also asbestos, methane and low level nuclear radioactive waste. The evidence relating to the latter concerns does not appear conclusive. In any event, the proposal is accompanied by a Desk Top Study report which refers to the scope for additional investigation. The size and scale of the scheme would require investigations to include the type and nature of contamination including that beyond the site boundary. This could be secured by condition and the scheme would be in accordance with the Framework where proposals should ensure that a site is suitable for its proposed use including any risks from contamination.

Infrastructure

67. The s106 agreement provides for contributions towards Travel Plan implementation and support by the County Council to ensure that sustainable transport measures are brought forward. There are contributions towards public open space, including nearby natural and semi-natural green space and playing pitches and these are justified. These contributions and the contributions towards the No 114 bus service would meet the requirements of the Framework and the CIL Regulations. They would be directly related to the development, fairly and reasonably related in scale and kind and necessary to make the development acceptable. The s106 agreement also contains measures relating to the provision of the open space, a Locally Equipped Area for Play (LEAP) and management within the site which would be necessary.
68. I note residents' concerns about the lack of school places. However, the Local Education Authority have not made any requests for contributions for primary or secondary school provision. There are also concerns about additional strain on health care in the area although statutory providers have not made any requests for contributions. I am therefore satisfied that contributions in these matters would not be necessary to make the development acceptable.

Conditions (Appeal A)

69. I have considered the conditions having regard to the tests contained in paragraph 56 of the Framework and the Planning Practice Guidance. I have revised some of the wording, either as discussed at the inquiry or in the interests of clarity and enforceability. I have retained references to phasing to ensure flexibility.
70. A condition requiring general compliance with the illustrative details ensures the reserved matters are those envisaged by the Council. It is necessary to specify the reserved matters to be submitted for approval including time limits for their submission and implementation in accordance with the requirement of the Act. A condition to specify the approved plans is necessary in the interests of good planning and in relation to highway safety.
71. Conditions are needed to protect ecology and habitats. These are in respect of an Environmental Management Plan (Biodiversity), a Reasonable Avoidance Measures Method Statement and the submission of an updated Biodiversity Net Gain metric. It is also necessary to attach a condition requiring a lighting design strategy for biodiversity to ensure that once the development is complete lighting in public areas of the site will not affect the ecology of the area. A condition is needed to ensure that no works to vegetation takes place during nesting season to protect birds on the site. To protect the trees and hedgerows in the site which are to be retained a condition requiring the submission of an Arboricultural Method Statement is necessary. A condition requiring the clearance of invasive plant species is necessary to ensure this does not cause harm to the ecology of the area.
72. It is necessary for each reserved matters application to require finished floor levels to be agreed to control the height of development and safeguard living conditions of existing residents. To ensure the timely provision of public open space it is necessary to ensure that these details are submitted with the first reserved matters application.
73. Conditions are required for a Foul and Surface Water Drainage Strategy for the whole site, for each phase in relation to surface water regulation and for the construction and managing of surface water and pollution. Conditions are also needed in respect of verification, operation and maintenance of the surface water drainage system and foul water for each phase. These are all necessary in the interests of preventing flood risk and to ensure sustainable drainage of the site.
74. Although the plans indicate the access to the site, in respect of highway safety and sustainable access it is necessary for a condition which provides details of the access and off-site highway works, including a Site Access Strategy and provision and provision for pedestrians, cyclists and bus improvements. It is also necessary to attach a condition which provides the details of the access for pedestrians and cyclists to the centre of Ecclestone via the Hawthorns and to the wider public rights of way network on Tincklers Lane.
75. A condition requiring details of roads proposed for adoption is necessary in the interests of appearance and for highway safety. An Estate Street phasing and completion plan and for street management and maintenance is also necessary in this respect. To ensure sustainable transport measures are addressed, it is

- necessary to attach a condition relating to the submission of details for and implementation of a Full Residential Travel Plan.
76. To protect the living conditions of existing residents in the area and to ensure highway safety during the construction period a condition requiring a Construction Environmental Management Plan is necessary.
77. In respect of any reserved matters applications or prior to excavation of foundations conditions are required in respect of the submission of samples for external materials, and for details of fences, walls and gates and hard landscaping are required in the interests of the general appearance of the development.
78. In order to ensure that all the dwellings are energy efficient it is necessary that the emissions rates of 19% above the requirement of the Building Regulations (2013) are achieved. This is consistent with national policy for climate change. A condition is also required to ensure provision of hard wiring for an electrical vehicle charging point for each dwelling.
79. A condition requiring an Employment and Skills Plan relating to the development is necessary as it will provide employment and training opportunities in the constructions phase of the development.
80. Paragraph 114 of the Framework expects planning decisions to support the expansion of electronic communications networks, including full fibre broadband connections. Policies 1 and 3 of the CS seek greater use of information technology and better telecommunications to enable home working as a means of reducing the need to travel. Therefore, a condition requiring a strategy to facilitate super-fast broadband is necessary.

Balance and Conclusions

81. In accordance with paragraph 11 d (i) in the case of the two schemes, the application of policies in the Framework that protect areas or assets of particular importance do not provide a clear reason for refusing the schemes. The Framework confirms that decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.
82. Appeal A and Appeal B conflict with Policy BNE3 and this is accepted by the appellant in both cases. Whilst BNE3 is broadly consistent with the Framework it is also out of date as it safeguards land based on the housing requirement in Policy 4 which is also out of date. In terms of the release of safeguarded land ahead of the adoption of the emerging Local Plan I note that there has been an increase in applications for development of safeguarded land within the Borough. However, although the plan is at early stage the sites are identified as site suggestions in the LP and there are no special local circumstances that have been put forward in respect of prematurity. I attach limited weight to the conflict of the schemes with BNE3.
83. I give significant weight to the provision of market and affordable housing separately provided by each of the two schemes. Both schemes would also provide separate economic benefits during the construction period by the provision of jobs, and through Employment and Skills Plans secured by condition. They would also contribute to the economy over the lifetime of the developments through local household expenditure. I give these moderate

weight as the benefits would apply to all relevant schemes within the Borough and the contributions to the local economy have not been set out in detail.

84. With both appeals, contributions and the additional provisions other than affordable housing set out in the section 106 agreements are neutral considerations because they are needed to make the developments acceptable. For Appeal A, I attach little weight to the additional improvements to connections to Ecclestone and bus stop enhancements. In the case of Appeal B, I attach little weight to the additional proposed improvements along Town Lane.
85. In respect of Appeal A, Biodiversity Net Gain (BNG) would allow for the creation of new habitats and enhancement of existing habitats, but I also note that these gains are not large when assessed against the relevant metrics. I therefore give this very little weight. Appeal B does not provide any BNG and the proposals for habitats and ecology would be a neutral factor in the balance.

Appeal A

86. Taking account of all of the above, the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole. I have found that in terms of movement, connectivity and integration the scheme there would be no conflict with Policy 17 of the CS and ST1 of the LP. No other adverse impacts have been identified. Notwithstanding the scheme's conflict with Policy BNE3, material considerations in the case of Appeal A indicate a decision other than in accordance with the development plan. For these reasons, Appeal A succeeds.

Appeal B

87. Appeal B would also conflict with Policy BNE3 of the LP and there would also be conflict with Policy BNE1 of the LP. This policy is consistent with the Framework where it relates to promoting sustainable development and I give it full weight. The proposal would cause harm to highway safety of pedestrians and cyclists and importantly would fail to provide a suitable alternative access which is a vital requirement for this scheme. In the case of Appeal B, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole. Material considerations here do not indicate a decision to be taken other than in accordance with the development plan. For these reasons, Appeal B is dismissed.

L Gibbons

INSPECTOR

SCHEDULE OF CONDITIONS (APPEAL A)

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 2 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan LC 01 and Proposed Access Strategy P20003-001E.
- 5) No development shall take place (including ground works and vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include the following:
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of 'biodiversity protection zones'
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a series of method statements).
 - d) Location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period in strict accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.
- 6) Prior to the commencement of the development hereby approved, including any vegetation clearance or ground works, and notwithstanding any information submitted with the application, an amphibian Reasonable Avoidance Measures Method Statement (Method Statement) shall be submitted to and approved in writing by the Local Planning Authority. The Method Statement shall give full details of how any possible harm to great crested newts is to be avoided during the course of construction period and operation of the site. The development shall be carried out in accordance with the approved Method Statement. If great crested newts are discovered on the site during the construction period and operation of the site, Natural

England must be contacted, and it is likely that a licence for the work would be required.

- 7) The first reserved matters application shall be accompanied by a scheme for the Biodiversity Enhancement Measures as set out in Section 5 of the Ecological Survey and Assessment dated November 2020 (ref: 2020-275) by ERAP (Consultant Ecologists) Ltd, and an updated version of the Biodiversity Net Gain metric in response to the detailed drawings, to be submitted to and approved in writing by the Local Planning Authority. The approved scheme should incorporate the measures included within the ecology report to enhance the site for biodiversity, such as provision for bat access panels and nest boxes within the new buildings and allowing sufficient connectivity through the development of the site by creating gaps in fencing, as well as the use of native and wildlife friendly species within the landscaping. The approved scheme shall be implemented prior to the first occupation of the development (or in accordance with a phasing plan which shall first be submitted to and agreed in writing by the local planning authority) and shall be retained thereafter.
- 8) A landscape and ecological management plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The content of the LEMP shall include the following:
 - a) Description and evaluation of features to be managed, including details of wetland creation and details for the retention of hedgerows, trees ponds and wetlands on the site and how they are to be protected during and construction period, planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, planting sizes and proposed numbers and densities where appropriate, and implementation timetables.
 - b) Ecological trends and constraints on the site that might influence management.
 - c) Aim and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Measures for management actions.
 - f) Preparation of a work schedule (including and annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organisation responsible for the implementation of the plan.
 - h) Ongoing monitoring and remedial measures.The LEMP shall include details of the legal and funding mechanism(s) by which the long-term implementation of the LEMP will be secured by the developer with the management body(ies) responsible for its delivery. The LEMP shall also set out (where the results from the monitoring show that the 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. The approved LEMP shall be carried out in accordance with the approved details.

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 the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 9) Prior to the occupation of the dwellings hereby approved, a lighting design strategy for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:
 - a) Identify those areas/features on site that are particularly sensitive for bats and other nocturnal wildlife and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging.
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to breeding and resting sites or along important routes.All external lighting shall be installed in accordance with the specifications and locations set out in the approved strategy. Under no circumstances should any other external lighting be installed in public areas without prior written consent from the Local Planning Authority.
- 10) No removal of or works to any hedgerows, trees or shrubs or other vegetation shall take place between 1st March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.
- 11) The first reserved matters application shall be accompanied by an Arboricultural Method Statement that shall include details for the protection of all trees to be retained and details of how construction works will be carried out within any Root Protection Areas of retained trees. The development shall only be carried out in accordance with the approved Arboricultural Method Statement and with British Standard BS 3998:2010 or any subsequent amendment. No construction materials, spoil, rubbish, vehicles or equipment shall be stored within the Root Protection Areas.
- 12) Prior to the commencement of development (including ground works and vegetation clearance) an invasive non-native species protocol shall be submitted to and approved in writing by the Local Planning Authority, detailing the containment, control and removal of Himalayan cotoneaster, Himalayan balsam and monbretia on the site. The

measures shall be carried out in strict accordance with the approved scheme.

- 13) With each reserved matters application full details of existing and proposed ground levels and proposed dwelling finished floor levels (all relative to the ground levels adjoining the site) for that phase to be submitted to and approved in writing by the Local Planning Authority, notwithstanding any such details shown on previously submitted plan(s). The development shall be carried out in strict conformity with the approved details.
- 14) 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 and retained thereafter.
- 15) The first reserved matters application shall be accompanied by a Foul and Sustainable Surface Water Drainage Strategy for the whole site to be submitted to and approved in writing by the Local Planning Authority. The strategy must include:
 - a) An investigation of the hierarchy of drainage options [as set out] in the National Planning Practice Guidance (or any subsequent amendment thereof). The investigation is to include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
 - b) A restricted rate of discharge of surface water agreed with the Local Planning Authority in writing (if it is agreed that infiltration is discounted by the investigation; and,
 - c) A timetable for its implementationThe approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The development hereby permitted shall be carried out only in accordance with the approved drainage strategy.
- 16) Prior to the commencement of each phase of the development full details for a surface water regulation system and means of disposal for that phase, shall be submitted to and approved in writing by the Local Planning Authority. No surface water shall discharge directly or indirectly into the public foul or combined sewage systems. 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 details shall include:
 - a) Final sustainable drainage layout appropriately labelled to include all pipe/structure references, dimensions, design levels, finished floor levels in AOD with adjacent ground levels for all sides of each plot to confirm minimum 150+ difference for FFL.
 - b) The drainage scheme should demonstrate that the surface water run-off and volume shall not exceed the pre-development run off rate and volume.

- c) Sustainable drainage flow calculations (1 in 1, 1 in 30 and 1 in 100 + 40% climate change with allowance for urban creep).
- d) A plan/plans identifying areas contributing to the drainage network including surface water flows from outside the curtilage as necessary.
- e) Measures taken to prevent flooding and pollution of receiving groundwater and/or surface water including flood water exceedance routes in accordance with the DEFRA Technical Standards for Sustainable Drainage Systems.
- f) 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.
- g) Evidence of assessment of the site conditions to include site investigation and test results to confirm infiltration rates and groundwater levels in accordance with industry guidance.
- h) Details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development. This shall include arrangements for adoption by an appropriate public body or statutory undertaker or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable.
- i) A timetable for implementation.

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

The approved scheme shall be in accordance with the approved details.

- 17) 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. The 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 in writing with the Local Planning Authority
 - b) Measures 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.

- 18) 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 in writing by the Local Planning Authority.

The Verification Report must demonstrate that the sustainable drainage system has been constructed in accordance with the agreed

scheme (or detail any minor variations), and contain information and evidence (including photographs) of details and locations (including national grid references) 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.

Detail of appropriate operational, maintenance and access requirements for each sustainable drainage component are to be provided, with reference to published guidance, through an appropriate Operations and Maintenance Plan for the lifetime of the development as constructed. This shall include arrangements for adoption by an appropriate public body or statutory undertaker, and/or management and maintenance by a Management Company and any means of access for maintenance and easements where applicable. Thereafter, the drainage system shall be retained, managed and maintained in accordance with the approved details.

- 19) For each phase, notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul waters for that phase shall be submitted to and approved in writing by the Local Planning Authority. Surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing sewage systems. The details shall include levels of the proposed foul drainage system and finished floor levels 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.
- 20) No part of the development hereby approved shall commence until a scheme for the construction of site access and the off-site highway mitigation works has been submitted to and approved in writing by the Local Planning Authority. The details shall include:
 - a) Site Access Strategy both vehicular and pedestrian/cyclist.
 - b) New footway provision along Doctors Lane.
 - c) Pedestrian crossing point improvements; dropped kerbs and tactile paving along Doctors Lane.
 - d) Improvements to 4 existing bus stops to quality disability compliant standards to include raised kerbs and boarding areas, bus stop bay and worded markings and clearways. The existing bus stops are the two located on The Green between The Fields and Parr Lane and the two located on The Green to the south of its junction with Doctors Lane.
 - e) The existing bus stop shelter for the north bound bus stop located south of The Green/Doctors Lane is to be replaced with a new shelter.
 - f) Speed limit position alteration inclusive of street lighting and gateway treatments, signing and lining to the west of the junction of Tincklers Lane and Doctors Lane.

g) Signing and lining scheme for Tincklers Lane in respect of access to the Public Rights of Way and for cyclists.

h) Provision of advisory cycle route signage along Tincklers Lane from the north-west corner of the site to the wider cycle network.

No part of the development hereby approved shall be occupied until the approved scheme of off-site highway works has been constructed in accordance with the scheme details.

- 21) The first reserved matters application shall be accompanied by full details of the cycle and pedestrian circulation routes to be provided within the site and how these connect to The Hawthorns, Tincklers Lane and Doctors Lane. The proposed development shall be carried out in accordance with the approved details.
- 22) No roads proposed for adoption shall be commenced until full engineering, drainage and constructional details for them have been submitted to and approved in writing by the Local Planning Authority. This shall include details of wildlife friendly gully paving (for example wildlife kerbs/amphibian ladders for gully pots) to prevent or reduce the likelihood of amphibians being trapped in the drainage system. The development shall be constructed in accordance with the approved details.
- 23) Prior to the commencement of development, other than site enabling works, an Estate Street Phasing and Completion Plan shall be submitted to and approved in writing by the Local Planning Authority. Estate Street Phasing and Completion Plan shall set out the development phases and the standards to which estate streets serving each phase of the development will be completed. No dwelling or dwellings shall be occupied until the estate streets affording access to those dwellings has been constructed to base course in accordance with the Lancashire County Council Specification for Construction of Estate Roads.
- 24) No dwellings shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets and any other areas within the development not to be adopted, including any details of any Management Company have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details, until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established.
- 25) Prior to the occupation of any dwelling a Full Residential Travel Plan shall be submitted to and approved in writing by the Local Planning Authority, together with a timetable for its implementation. All elements of the Full Residential Travel Plan shall continue to be implemented at all times thereafter for at least 5 years after the completion of the development.
- 26) No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be

adhered to throughout the construction period. The CEMP shall provide for:

- a) Vehicle routing and the parking of vehicles and site operatives and visitors.
 - b) Hours of operation (including deliveries) during construction.
 - c) Loading and unloading of plant and materials.
 - d) Storage of plant and materials used in constructing the development.
 - e) Siting of cabins, site compounds and material storage areas (ensuring that they comply with the Reasonable Avoidance Measures Method Statement for the avoidance of harm to amphibians).
 - f) The erection of security hoarding where appropriate.
 - g) Wheel washing facilities that shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried on to the highway.
 - h) Measures to mechanically sweep the roads adjacent to the site as required during the full construction period.
 - i) Measures to control the emission of dust and dirt during construction.
 - j) A scheme for recycling/disposing of waster resulting from demolition and construction works.
- 27) 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 any previously submitted plans 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.
- 28) 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 details shown on any previously submitted 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 accordance with the approved details prior to occupation of the final dwelling of the development.
- 29) 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 carried out in strict accordance with the approved details and shall be completed in all respects before occupation of the final dwelling of in that phase.

- 30) 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 be submitted to and approved in writing by the Local Planning Authority with any reserved matters application.
- 31) All the dwellings hereby approved shall achieve a minimum Dwelling Emission Rate of 19% above the 2013 Building Regulations. No dwelling shall be occupied until a SAP assessment (Standard Dwelling Procedure), or other alternative proof of compliance (which has previously been approved in writing by the Local Planning Authority) such as Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required emission rate.
- 32) The development shall not commence until an Employment and Skills Plan tailored to the development and will set out the employment and training opportunities for the construction phase has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the Employment and Skills Plan.
- 33) Prior to the construction of any utility services, a strategy to facilitate super-fast broadband for future occupants 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 super-fast broadband 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.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Ian Ponter of Counsel instructed by J Ingram, Solicitor for Chorley Borough Council

D Spencer (BA Hons, MCIHT)	Lancashire County Council
Cllr P Wilson	Deputy Executive Leader, Chorley Borough Council
C. Taylor (BSc Hons, MTPL, MRTPI)	Chorley Borough Council
M. Kurihara (MLPM, MRTPI)	Land Use Consultants Ltd

FOR THE APPELLANT:

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A Williams	Waterco
J Rigby	Delta Simons

INTERESTED PARTIES:

Cllr M Clifford	Lancashire County Council
I Facer	Whittle-Le-Woods Residents Association
Cllr G France	Chorley Borough Council
Y Hargreaves	
T Howarth	
Sir L Hoyle MP	
H Lord	
P Newell	Town Lane
T Newell	Whittle-Le-Woods Parish Council
Cllr A Riggott	Lancashire County Council
Cllr J Walker	Chorley Borough Council
Cllr A Whittaker	Chorley Borough Council

DOCUMENTS SUBMITTED DURING THE INQUIRY

- 1 Opening Statement on behalf of the Appellant
- 2 Opening Statement on behalf of the Council
- 3 Statement and photographs submitted on behalf of Whittle-Le-Woods Residents Association
- 4 National Model Design Part 2 Guidance Notes (2021)
- 5 Extract from the Chorley 2021 Annual Monitoring Report showing delivery at Buckshaw village over the plan period
- 6 Final Five Year Housing Land Supply Figures following Round Table Discussion
- 7 Highways Meeting minutes October 2020 and May 2021
- 8 Ticklers Lane Sustainability Assessment Extract
- 9 Town Lane Sustainability Assessment Extract
- 10 Central Lancashire Core Strategy Inspector's Report (2012)
- 11 Chorley Open Space Study Standards Paper (2019)
- 12 Central Lancashire Playing Pitch Strategy Assessment Report (2018)
- 13 Central Lancashire Strategy and Action Plan (2018)
- 14 Town Lane Transport Statement of Common Ground
- 15 Town Lane Transport Statement of Common Ground Appendices
- 16 Numbers of road incidents from 2017 on Town Lane (dated 25 August 2021) supplied by Cllr M Clifford
- 17 Lucas Green Appeal decision (APP/D2320/A/12/2172693)
Lucas Green existing site plan
- 18 Lucas Green approved layout
- 19 Map showing the appeal sites in relation to playing pitches (Map 1)
- 20 Map showing Tincklers Lane site in relation to the open space at the rear of Larkfield (Map 2)
- 21 CIL Compliance Statement
- 22 Closing submissions on behalf of the Council
- 23 Closing submissions on behalf of the appellant

DOCUMENTS SUBMITTED AFTER THE INQUIRY

- 24 Signed and dated section 106 agreement for Appeal A
- 25 Signed and dated section 106 agreement for Appeal B
- 26 Tewkesbury Borough Council v Secretary of State for Housing Communities and Local Government [2021] EWHC 2782 (Admin)