

Planning Committee

Monday, 12th April 2021, 6.30 pm

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Agenda

Apologies

- 1 **Minutes of meeting Tuesday, 23 March 2021 of Planning Committee** (Pages 3 - 6)

- 2 **Declarations of Any Interests**

Members are reminded of their responsibility to declare any pecuniary interest in respect of matters contained in this agenda.

If you have a pecuniary interest you must withdraw from the meeting. Normally you should leave the room before the business starts to be discussed. You do, however, have the same right to speak as a member of the public and may remain in the room to enable you to exercise that right and then leave immediately. In either case you must not seek to improperly influence a decision on the matter.

- 3 **Planning applications to be determined**

The Chief Planning Officer has submitted six items for planning applications to be determined (enclosed).

Plans to be considered will be displayed at the meeting or may be viewed in advance by following the links to the current planning applications on our website.

<https://planning.chorley.gov.uk/online-applications/search.do?action=simple&searchType=Application>

 - a **20/01085/OUTMAJ - Land At Tincklers Lane, Tincklers Lane, Eccleston** (Pages 7 - 52)

 - b **20/01193/OUTMAJ - Land South Of, Parr Lane, Eccleston** (Pages 53 - 100)

 - c **20/01200/OUTMAJ - Land At Carrington Road, Adlington** (Pages 101 - 144)

 - d **20/01331/OUTMAJ - Land At Tincklers Lane, Tincklers Lane, Eccleston** (Pages 145 - 186)

 - e **20/01347/OUTMAJ - Land North Of Town Lane, Whittle-le-Woods** (Pages 187 - 274)

4 **Any urgent business previously agreed with the Chair**

Gary Hall
Chief Executive

Electronic agendas sent to Members of the Planning Committee Councillor June Molyneux (Chair), Councillor Christopher France (Vice-Chair) and Councillors Aaron Beaver, Martin Boardman, John Dalton, Gordon France, Danny Gee, Tom Gray, Yvonne Hargreaves, Alex Hilton, Alistair Morwood, Neville Whitham and Alan Whittaker.

Electronic agendas sent to Planning Committee reserves (Councillors) for information.

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The proposed building by reason of its size, scale and massing would result in over development of the site and would be out of character with surrounding development to the detriment of the appearance of the locality. The proposed development is, therefore, contrary to policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 - 2026.

21.P.22 20/01065/FUL - Land At Barnes Wallis Way, Barnes Wallis Way, Buckshaw Village

This item was withdrawn from the agenda.

21.P.23 20/01255/FUL - Parklands High School, Southport Road, Chorley

This item was withdrawn from the agenda.

21.P.24 20/01264/FUL - Land Formerly Kwik Save And Chorley Service Station, Preston Road, Chorley

Cllr Neville Whitham dropped off the call and did not partake in the vote on this item.

Registered speakers: Louise Parkinson (Objector) and Matthew Gray (Agent)

After careful consideration, it was proposed by Councillor Aaron Beaver that the application be refused. The motion was seconded by Councillor Martin Boardman.

A vote was taken on the motion, and the motion was passed (unanimously) that **planning permission be refused for the following reasons;**

- 1. The proposed development would have an unacceptable impact on highway safety by virtue of the proposed access and egress arrangements, contrary to paragraph 109 of the National Planning Policy Framework and policy BNE1 of the Chorley Local Plan 2012 - 2026.**
- 2. The potential noise nuisance associated with the vehicular traffic movements that would be generated throughout the use of the development would result in a harmful impact on the amenity of local residents contrary to policy BNE1 of the Chorley Local Plan 2012 - 2026.**

21.P.25 21/00132/CB3 - Market Ground, Market Place, Chorley

Councillor Neville Whitham returned to the meeting.

After careful consideration, it was proposed by Councillor Danny Gee, seconded by Councillor Aaron Beaver, and a decision was subsequently taken (unanimously) that **planning permission be granted subject to conditions in the report.**

21.P.26 21/00138/CB3 - Escape Entertainment, Unit 7, Market Walk Extension, Union Street, Chorley

After careful consideration, it was proposed by Councillor Danny Gee, seconded by Councillor Aaron Beaver, and a decision was subsequently taken (unanimously) that **planning permission be granted subject to conditions in the report.**

21.P.27 21/00153/FULHH - Rosehill, 44 New Street, Mawdesley

Councillor Alistair Morwood left the meeting for the consideration of this item and did not partake in the vote.

After careful consideration, it was proposed by Councillor Alex Hilton, seconded by Councillor Aaron Beaver, and a decision was subsequently taken (unanimously) that **planning permission be granted subject to conditions in the report.**

Councillor Morwood returned to the meeting.

21.P.28 Appeals Report

Members noted the report of the Director of Planning and Development which set out planning appeals and decisions received between 22 February and 15 March.

One planning appeal was lodged.

21.P.29 Any urgent business previously agreed with the Chair

On the one-year anniversary since the first national lockdown due to Covid-19, Councillor Alex Hilton led Members in paying tribute to the people of Chorley and gave thanks to officers for allowing council meetings to continue during difficult times.

Chair

Date

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APPLICATION REPORT – 20/01085/OUTMAJ

Validation Date: 23 October 2020

Ward: Eccleston And Mawdesley

Type of Application: Major Outline Planning

Proposal: Outline application for the construction of up to 15no. dwellings (with all matters reserved save for access from Tincklers Lane)

Location: Land At Tincklers Lane Tincklers Lane Eccleston

Case Officer: Adele Hayes

Applicant: Ms Lynne Howard, C/o Agent

Agent: Mrs Rachael Leather, PWA Planning

Consultation expiry: 18 November 2020

Decision due by: 26 February 2021

RECOMMENDATION

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

- 5) The application site is proposed in isolation from the wider site allocation BNE3.7 of the Chorley Local Plan 2012 -2026 and, therefore, leads to a piecemeal approach to the development of the wider site which results in an unsustainable form of development. It fails to consider patterns of movement and connectivity which means that the development does not integrate or function well with the surrounding area. The proposal does not, therefore promote sustainable transport options for people or secure a high-quality inclusive design. The proposal is, therefore, contrary to policy 17 of the Central Lancashire Core Strategy 2012, policy ST1 of the Chorley Local Plan 2012 – 2026 and the National Planning Policy Framework.

SITE DESCRIPTION

2. The application site forms part of a wider parcel of land designated as Safeguarded Land under Chorley Local Plan 2012 – 2026 policy BNE3 (BNE3.7 East of Tincklers Lane, Eccleston). The site is located to the west of the settlement boundary of Eccleston which is a Rural Local Service Centre, as defined by policy 1 of the Central Lancashire Core Strategy. The site is comprised of agricultural land and covers an area of approximately 0.8 hectares.

DESCRIPTION OF PROPOSED DEVELOPMENT

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

REPRESENTATIONS

5. 37no. representations, including a petition from the Doctors Lane Action Group, have been received citing the following summarised grounds of objection:

Principle

- Completely unnecessary
- Over development of village
- No mention of “affordable” housing – something lacking in Eccleston
- Balanced housing approach required to include social rented housing for local families, bungalows for the elderly etc. This type of development may increase the number of dwellings but does not address local housing need
- Council has made mistake in past allocating sites – does not mean should repeat mistakes ad infinitum
- Not infill or brownfield development – expansion of suburban area by stealth
- Use somewhere already partially afflicted like Camelot instead or better still, Chorley proper – both offer shorter travel distances for what is likely to be Manchester overspill housing
- Already had two large developments in recent years
- The development is also unnecessary as Chorley Council has over a 5 year supply of housing being built. This was demonstrated in the councils 'Five Year Housing Supply Statement' Published in May 2020. The document concludes that there is a 5.7 year deliverable housing supply in the borough
- Camelot is a more suitable site
- Recently received a flyer from Chorley Council stating that the Government has reviewed figures for the annual supply of housing, the new target for the whole of South Ribble is 191 houses. This site including the other two currently being proposed in

Eccleston would account for 129 in this village alone - on this flyer the council states that it has received housing applications in Eccleston and that this "is land that has been previously agreed is not suitable for development now"

- The village really does not need more "Executive" housing, when there is a distinct lack of consideration for 'First Time Buyers'
- Profit by developers is being allowed, once again, to overload the demographic of the local population
- It is requested in reserved matters that five affordable housing units are provided for the local community to grow and thrive

Highway safety

- Access - there is a large section of hedge to be removed to maintain the sightline splays
- It is preferred that the hedge is lifted and re-planted outside side of the splays to preserve the hedging and keep the land in the splays maintained as verge and 2m wide footway across the frontage of the site
- In the indicative layout it shows the hedge to the west of the site close to the proposed junction but on page 39 of the Transport Technical Note the southerly sightline splay goes past the red edge of the site. The indicative plan is rather poorly drawn and misleading.
- There is very likely to be residential development south of the site and to improve pedestrian connectivity for the southern site to the bus stops on Towngate, a 2m wide footway across the full frontage of the site is requested. This footway is requested to be street lit with improved system of street lighting for Tincklers Lane
- It is requested that this application along with the two applications for land off Tincklers Lane contribute to an Eccleston Mitigation Scheme to provide safer pedestrian routes through the village
- Reducing the width of the junction slows traffic speeds into and out of the junctions and provides a shorter, safer route across the junction for pedestrians with dropped kerbs and tactile paving
- The junctions in mind are:
 - Windsor Road / Parr Lane
 - Lawrence Lane / Parr Lane
 - Parr Lane / Towngate
 - Tincklers Lane / Towngate - this junction would also benefit of a public realm upgrade to the bus stop area. With the junction at a tighter radius it would create a larger area for bus stop shelter and bench with maybe a flower bed. This would encourage further bus use
- Bannister Lane / The Green - this junction opposite the school is overly wide and a reduction in the junction area could create parking bays for the school and row of shops within the vicinity of the junction
- There should be considerations for red textureflex marking at the cross roads of Lawrence Lane / Doctors Lane and The Green
- Busy at peak times
- Queues at Tincklers Lane and Doctors Lane
- 0.6m walk to nearest school however it is walking down Tincklers Lane which has no pavements and blind bends
- Kids dropped off at school creates horrendous parking problems on Doctors Lane
- Limited visibility from proposed access
- There would be a large number of additional car journeys to and from the new site, and this would massively increase the risk to drivers and pedestrians entering and exiting Tincklers Fold in particular, especially the young children who live in this area
- Insufficient street lighting
- The proposed vehicular entrance is in close proximity to a blind bend to the north and restricted views to the south
- Public transport is limited in this rural village and it does not pass through Tincklers Lane. There would be a requirement to walk to the nearest bus stop. Since there is no footpath and insufficient street lighting, this would mean walking on the road on Tincklers Lane, sometimes in the dark

- Landowner / development should fund streetlighting and 2m wide footway from Tinklers Fold, across the frontage of the proposed site. The footway should continue past the site and stop opposite the PROW to the south of the site, to provide safe pedestrian provision to the PROW
- Public transport poorly used and people use cars instead
- At peak times leaving Eccleston by the northern route onto Southport Road creates traffic queues on Lydiate Lane and New Lane. The junction of The Green and Doctors Lane is a crossroads junction meeting with Lawrence Lane, again at peak times it is hazardous for traffic using the junction
- Sometimes even 30mph can be too fast for sections of this road; despite the national speed limit being in force. The road is used frequently by heavy farm machinery and tractors, and indeed commercial vehicles, and sometimes the width of those vehicles can in themselves create hazards
- The access/egress for the proposed development is dangerous due to the nature and proximity of the blind bends, and is most certainly not a safe access or egress onto Tincklers Lane as proposed
- All well and good stating that they will look to extend a footpath to the one at the Tincklers Fold development, but this still means you must either walk onto the public highway or cross Tincklers Lane to get to Towngate

Infrastructure

- Oversubscribed GPs, schools
- Local shops busy – queues at tills

Ecology and landscape

- The fact that no Phase 1 Survey (Ph1S), (also known as a Preliminary Ecological Assessment (PEA),) has been submitted immediately invalidates the application as this is a legal requirement as there is hedgerow along the borders of the site and there is a ditch 130m from the site and a pond 240m from the site. The council legally cannot approve the application as it does not meet the legal requirements for an application of this kind
- The housing would result in loss of agricultural land, hedgerows and crucial habitat for birds and other wildlife. In addition, there would be increased noise, light pollution, flood risk for the general area and an overall loss of that rural feel which is so important for this particular part of Eccleston
- Crucial habitat for wildlife, including birds and owls. The increased noise and light pollution would have a detrimental affect and a loss of this wildlife.

Drainage and flooding

- The water in Tincklers Lane drains into the field, removing the field will result in flooding in Tincklers Lane that could affect properties
- There is no evidence submitted that the sewer will be able to support additional properties
- Properties to south boundary likely to have gardens / house flooded - This flood risk will be made worse by the development as the same document states that this is where surface water from the development will be drained to
- Discharge surface water into to ditch south of the site. This ditch is in a poor state with little or no maintenance for the majority of its length until it reaches Sidbrook
- Up stream the ditch is in close proximity to Banner Close and takes most of the surface water drainage from a large part of Eccleston including the Carrington Centre etc. On occasions flooding has occurred in Banner Close and Doctors Lane at times of peak rainfall and any discharge from the site at those times will cause water to back up and result in more extensive problems in the Doctors Lane area
- Will add to the serious flooding issues in Croston
- Holding tank should be put on site to control the surface water drainage to make sure the ditch does not flood

- The proposal to drain water into what is a poorly maintained ditch is not feasible to prevent flooding. Further measures would have to be considered to alleviate the flood risk, especially further along Syd Brook towards Croston
- In the past there have been problems with sewerage bubbling up at a number of properties on The Hawthorns

Amenity

- Overlooking / privacy problems will result
- The Hawthorns are mainly bungalows – to build houses behind is unfair - takes privacy away from them
- There have been 3 housing developments in the last 10 years, consisting, mainly of very large detached homes. One development is next to this proposed development, and the houses built there now dwarf the homes, which were already established, impacting on privacy and natural light
- Houses would stop natural sunlight into back of bungalows

Other

- Loss of private views
- Houses with views of these fields will be impacted – views and reduction in value
- The proposed development would be built on land currently used for agricultural purposes. There are several farms within the village along with many more in surrounding villages. With farming being main industry in the area, the loss of agricultural land would potentially have a negative impact on local farmers and subsequently the local economy, which is heavily driven by agriculture in this very rural part of the borough
- Villages do not have enough employment, meaning increased traffic and pollution, stress, and increased road deaths to get to work
- If this application is approved it confirms that the planning system does not address local needs and is therefore unfit for purpose
- Together with Redrow application, village population would increase by 400. Population currently 5,000
- Strain on water, gas, electric, and bin collections
- Thousands of new houses being built between Chorley and Broughton – why? The population of England has decreased and 2 million have gone back to the EU
- The bench on at the junction of Townage and Tincklers Lane looks a bit sad can there be some monies to upgrade this area and the bus stop to a quality bus stop with tactile paving etc.
- The playgrounds at Drapers Avenue and The Hawthorns are looking tired and old and are in need of updating and a contribution for new equipment is requested

CONSULTATIONS

6. Eccleston Parish Council – Have objected to the application and have made the following comments:
 - *The land is safeguarded for development in the 2026 Chorley Local Plan and the applicant has not demonstrated evidence of a need for these large properties.*
 - *The access is located on a bend on a busy lane.*
 - *The proposed properties will impact on the already overstretched local infrastructure.*
7. Lancashire Constabulary Architectural Liaison: Make a number of recommendations in relation to designing out crime.
8. Environment Agency – No comments have been received.
9. Greater Manchester Ecology Unit – Recommend conditions and informatives

10. Waste & Contaminated Land: Have no objection and comment that the Phase 1 desk study has been reviewed and the site is considered low risk regarding ground contamination.
11. Regulatory Services - Environmental Health: No comments have been received.
12. United Utilities: Have no objection. Recommend a condition to secure details of a sustainable surface water drainage scheme and a foul water drainage. United Utilities also advise that a public sewer crosses this site and that they may not permit building over it, it should be established if a sewer diversion is feasible.
13. Lancashire Fire and Rescue Service – No comments have been received.
14. Lancashire County Council Highway Services- Object to the application as it has not been demonstrated that the required visibility splays can be achieved to enable a safe access to be provided.
15. Lancashire County Council (Education) - Request a financial contribution for secondary school places.
16. Lead Local Flood Authority – Raise no objections but recommend a number of drainage conditions.
17. NHS: No comments have been received.
18. CIL Officers: Comment that CIL Liability is not calculated at outline application stage. The development will be CIL Liable on approval of the final reserved matters application (if approved).

PLANNING CONSIDERATIONS

Principle of development

19. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that if regard is to be had to the development plan for any determination then that determination must be made in accordance with the plan unless material considerations indicate otherwise.
20. The Development Plan comprises the adopted Central Lancashire Core Strategy (2012) and the adopted Chorley Local Plan 2012- 2026.
21. The Central Lancashire Core Strategy was adopted in July 2012 and covers the three neighbouring authorities of Chorley, South Ribble and Preston. The three authorities are a single Housing Market Area (HMA).
22. Core Strategy Policy 1 (Locating Growth) identifies Ecclestone as a Rural Local Service Centre where limited growth and investment will be encouraged to help meet local housing and employment needs and to support the provisions of services to the wider area.
23. Core Strategy Policy 4 Housing Delivery of the Plan sets the following minimum requirements for housing development across the Core Strategy area:
 - Preston 507 dwellings pa
 - South Ribble 417 dwellings pa
 - Chorley 417 dwellings pa
24. Core Strategy Policy 5 Housing Density indicates densities will be secured in keeping with local areas and which will have no detrimental impact on the amenity, character and appearance, distinctiveness and environmental quality of an area, consideration will also be given to making efficient use of land.

25. Core Strategy Policy 7 Affordable and Special Needs Housing of the Plan seeks to ensure sufficient affordable housing and special needs housing is provided to meet housing needs. It sets a requirement of 35% affordable housing on residential schemes in rural areas on sites in or adjoining villages which have, or will have, a suitable range of services. In terms of the National Planning Policy Framework major development proposals are defined where 10 or more houses are provided or where the site has an area of 0.5 hectares or more.
26. Policy V2 of the Chorley Local Plan 2012 - 2026 establishes the Settlement Areas in the Borough. Within these areas there is a presumption in favour of appropriate sustainable development, subject to material planning considerations and the other policies of the Development Plan. It is within these areas (and the strategic allocations) that the majority of development is envisaged to take place.
27. The application seeks outline planning permission for up to 15no. dwellings on 0.8 hectares of land. The site is adjacent to the settlement area of Eccleston and is located on designated safeguarded land, as defined in Policy BNE3 (Areas of Land Safeguarded for Future Development Needs) of the Chorley Local Plan 2012 - 2026. This application site forms part of a wider parcel of safeguarded land known as BNE3.7 East of Tincklers Lane, Eccleston.
28. The site was designated as Green Belt in the 1993 Lancashire Structure Plan. It was removed from the Green Belt designation and reallocated as Safeguarded Land along with a number of other sites in the 1997 Chorley Borough Local Plan under the Safeguarded Land policy (Policy C3). In the Chorley Borough Local Plan Review in 2003 the site was again designated as Safeguarded Land under Policy DC3.14
29. The areas of Safeguarded Land covered by Policy DC3 were reviewed as part of the current Local Plan process which started in 2010. The review included a sustainability assessment, and consultation with Lancashire County Council and United Utilities. In order to meet Chorley's housing, employment and open space requirements in the Chorley Local Plan 2015, safeguarded sites that were considered the most suitable, specifically those that were natural extensions to existing settlements, and proved most viable in terms of highways access and the characteristics of the site were allocated. The remaining Safeguarded Land was retained as Safeguarded Land under Policy BNE3 to provide for potential future development needs beyond the Plan period (i.e. after 2026).
30. Policy BNE3 is a restraint policy and states that development other than that permissible in the Green Belt or Area of Other Open Countryside (under Policy BNE2) will not be permitted on Safeguarded Land. The proposal is, therefore, contrary to Policy BNE3.
31. Policy BNE3 is in accordance with paragraph 139 of the National Planning Policy Framework (The Framework) (February 2019) which states that local planning authorities should c) "where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer term development needs stretching well beyond the plan period" and d) "make clear that the 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".

Other material considerations

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

33. Paragraph 10 of the Framework states that so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).
34. Paragraph 11 of the Framework states for decision-taking this means:
 - c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - a. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - b. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
35. The Footnote (6) to paragraph 11 sets out examples of the type of policies that may indicate development should be refused. Footnote 7 makes clear that the tilted presumption in favour of sustainable development will apply where a Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites.
36. Paragraph 59 of the Framework confirms the Government's objective of significantly boosting the supply of homes.
37. Paragraph 60 of the Framework reinforces that requirements represent the minimum number of homes needed.
38. Paragraph 73 of the Framework requires Local Planning Authorities to maintain a supply of deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategies or against their local housing need where the strategic policies are more than five years old. Footnote 37 states in circumstances where strategic policies are more than five years old, five year housing land supply should be calculated against Local Housing Need calculated using the Government standard methodology, unless those strategic policies have been reviewed and found not to need updating.
39. Section 13 of the Framework sets out the Government's policy on protecting Green Belt land. It begins by stating that "the government attaches great importance to Green Belts". The importance of the permanence of the Green Belt is reiterated. Paragraph 139 explains that Local Authorities should, where necessary, identify in their plans areas of 'safeguarded land' between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period. It further states that Local Authorities "should make clear that the 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 a Local Plan review which proposes the development".
40. Land is allocated as such to ensure that Green Belt boundaries last for a long time and it is protected from development until a time in the future which it might be required to serve development needs. The main purpose of designating Safeguarded Land in Chorley is to ensure that the inner boundary of the Green Belt will endure in the long term rather than act as a land bank for future development. Designating land as safeguarded does not mean that its development is inevitable in the long term. Retaining this land for future development needs at this time is consistent with the purposes of designating the site as safeguarded land within the Local Plan, in accordance with the Framework.
41. The proposed development would result in the irreversible loss of part of a safeguarded greenfield site not required to meet current housing needs at this point in time. The application site is approximately 0.8 hectares whilst the overall safeguarded site BNE3.7 is 5.66 hectares. This loss weighs heavily against the proposal and is contrary to the prudent use of land and resources in an area where much of the Borough is designated Green Belt. The Framework is clear that safeguarded land is not for development at the present time

(i.e. within the Plan period) and planning permission should only be granted following a Local Plan review.

Housing land supply

42. The applicant considers that the Council is unable to demonstrate a five-year housing land supply when considered against the Local Housing Need (LHN) requirement and that two of the most important policies relating to the application site, namely Core Strategy Policy 4 and Chorley Local Plan Policy BNE3, are out of date. They therefore consider that the presumption in favour of sustainable development at Paragraph 11d) of the Framework is engaged.
43. The Core Strategy policies are more than five years old (adopted July 2012), however, following the Cardwell Farm decision (Appeal ref: APP/N2345/W/20/3258889 9th March 2021) the Council now uses Core Strategy Policy 4 to determine the 5 year housing supply. The Council has a 11.2 year deliverable housing supply over the period 2020 – 2025 based on an annual housing requirement of 144 dwellings which includes a 5% buffer and takes into account the previous oversupply.
44. The proposal does not provide a mix of housing on site. The illustrative plan indicates 15no. large detached houses on 0.8 hectares, being low density.
45. The Icen Housing Study 2020 refers to broad density targets below using four broad types of location including rural locations (including villages), suburban locations, urban areas (i.e. urban fringe locations) and town centres. For rural/village locations the density is 25-30 homes per hectare. The proposal should provide for a mix of houses between 20 -24 dwellings.
46. The piecemeal development of this area of safeguarded land prevents the whole allocation being masterplanned and does not allow for infrastructure and services to keep up.
47. The position of the Council in respect of Housing Land Supply is set out below:

The Euxton Lane Inquiry Decision APP/D2320/W/20/3247136 (11 August 2020)

48. The appeal was allowed and outline planning permission was granted for the erection of up to 180 dwellings including 30% affordable housing, with public open space, structural planting and landscaping, surface water flood mitigation and attenuation and vehicular access points from School Lane on land at Pear Tree Lane, Euxton, Chorley in accordance with the terms of the application, Ref 19/00654/OUTMAJ.
49. Para 10 of the decision states “The presumption in favour of sustainable development in paragraph 11(d) of the Framework directs that, where the policies which are most important for determining the application are out-of-date, the ‘tilted balance’ applies, whereby permission should be granted unless the policies of the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Paragraph 73 of the Framework also requires local planning authorities (LPAs) to maintain a supply of deliverable sites sufficient to provide a minimum of 5 years’ worth of housing against their housing requirement or local housing need. Where an LPA cannot demonstrate a 5 year supply of deliverable sites, Footnote 7 of the Framework establishes that the policies of the development plan which are most important for determining the application are out-of-date”.
50. The main issues in the appeal were:
 - a) Whether or not the Council can demonstrate a 5 year supply of deliverable housing land in Chorley borough, 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;

- b) 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; and
- c) Whether this, or any other material consideration, would justify the proposed development on safeguarded land at this time.

- 51. In respect of the Five Year Housing Supply, the Inspector concluded:
- 52. Para 36 "...I have concluded above that 569 dpa is the appropriate housing requirement figure for Chorley for the purposes of calculating the 5YHLS in this appeal. The main parties dispute the deliverability of an allocated site at Cowling Farm, for which the Council includes 112 dwellings in the supply to the end of March 2025. However, even if the Cowling Farm figure were included in the deliverable supply, 1,617 dwellings would only amount to a 2.7 year supply against the LHN calculated using the standard method, still well below the 5 year requirement. Consequently, it is not necessary for me to consider the evidence for and against the inclusion of the Cowling Farm site any further here".
- 53. Para 37 "...Overall, therefore, in the light of the evidence before me at this appeal, the provisions of the development and the relevant national policy and guidance, I conclude that the Council is unable to demonstrate a 5 year supply of deliverable housing sites measured against the LHN for Chorley".
- 54. In respect of the most important development plan policies the Inspector concluded:
- 55. Para 44 "... Policies 1 and 4 of the CLCS and Policy BNE3 of the CLP are the 'most important' policies in this case, defining the need and appropriate locations for housing in Chorley and the limitations on development on the appeal site as Safeguarded Land".
- 56. Para 45 "... The courts have established that a policy may become 'out-of- date' where it is overtaken by a change in national policy. That is clearly the situation applying to Policy 4 of the CLCS, where its housing requirements were derived from the former Regional Spatial Strategy for the North West, which in turn relied on the 2003-based household projections. This, combined with the introduction of the standard method in the 2018 Framework and the application of the 2014-based household projections, renders the housing requirements in Policy 4 out-of-date".
- 57. In respect of Policy 1 the Inspector at para 47 states:
- 58. "In this case, Policy 1 does not of itself define settlement boundaries or limit development only to sites within settlements in Chorley borough. The evidence before me does not show that Policy 1 would unreasonably constrain the ability of the borough to accommodate its standard method housing requirement of 569 dpa. As such, I do not consider that Policy 1 of the CLCS is out-of-date for the purposes of this appeal".
- 59. In respect of Policy BNE3 the Inspector concluded:
- 60. Para 49 "...My conclusions on the 5YHLS above indicate that the restriction on the development of Safeguarded Land in Policy BNE3 is preventing the Council from being able to provide an adequate housing land supply, against its standard method LHN within the current plan period to 2026".
- 61. Para 50 ".....This is further supported by the fact that the emerging CLLP identifies all but one of the Areas of Safeguarded Land in Policy BNE3, including the appeal site, as site proposals to meet the borough's housing needs for the period 2021-2036. Whilst the emerging CLLP is at an early stage and the final selection of housing allocations will be determined through the local plan examination process, it clearly recognises that land currently safeguarded in Policy BNE3 for development needs beyond the end of the CLP plan period in 2026, may need to be released before then to meet a housing requirement based on the standard method LHN".

62. At Para 51 the Inspector concludes “In this case the ‘basket’ comprises Policies 1 and 4 of the CLCS and Policy BNE3 of the CLP. Although the overall spatial strategy for Central Lancashire in Policy 1 is not itself out-of-date, the policies establishing the amount of housing needed in Chorley borough and designating the appeal site as Safeguarded Land, so preventing it from contributing to those needs, are out-of-date. On this basis therefore, taken as a whole, I conclude that the ‘most important’ policies for determining this appeal are out-of-date”.
63. At Para 98 the Inspector sets out “Paragraph 11(d) of the Framework is also an important material consideration in this case. I have concluded above that the most important policies for this decision are out-of-date, both on their own merits and because the Council is unable to demonstrate a 5YHLS against the standard method LHN for Chorley. As such the ‘tilted balance’ in paragraph 11(d) is engaged for this decision. This means 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 6, 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”.

The Memorandum of Understanding

64. The three councils of Chorley, Preston and South Ribble entered into a Memorandum of Understanding (MOU 1) in September 2017 and this document provided clear evidence of the close working relationship between the three authorities in plan-making, building on the extant Core Strategy and committing to the preparation of a new single Central Lancashire Local Plan, which is now progressing.
65. MOU1 reflected the single HMA across Central Lancashire and is a policy-on response to the findings of the Strategic Housing Market Assessment (SHMA published in 2017) which concluded that: ‘the spatial distribution of need within the HMA varies depending on judgements made on projections. There has been an historical over-delivery of homes in Chorley relative to housing requirement policies, compared to an under-delivery in Preston and South Ribble’.
66. In May 2020, the three Councils approved an addendum to MOU2, entitled Joint Memorandum of Understanding & Statement of Co-operation Relating to the Provision and Distribution of Housing Land: Statement of Common Ground.
67. MOU2 aggregates the minimum annual Local Housing Need standard method figures for the three Local Planning Authorities and redistributes that housing need across the Central Lancashire area. The redistribution relies on evidence in the Central Lancashire Housing Study (March 2020) (CLHS) produced to inform the preparation of the Central Lancashire Local Plan. But it also seeks to provide an interim set of district level housing requirements, which MOU2 states is ‘to reflect the most sustainable pattern of development in the sub-region’ and ‘to align with City Deal growth aspirations in Preston and South Ribble.
68. As at 1st April 2020, the application of the agreed distribution ratio to this aggregate figure results in the following requisite minimum housing requirements for each Central Lancashire authority:
- | | |
|---------------|--------------------|
| Preston: | 404 dwellings pa |
| South Ribble: | 328 dwellings pa |
| Chorley: | 278 dwellings pa |
| Total: | 1,010 dwellings pa |
69. The Inspector for the Pear Tree Lane Inquiry considered the MOU and stated:
70. Para 23 “Whilst paragraph 2a-013 of the PPG does not prohibit LPAs in joint plan areas from relying on a redistribution of LHN figures to determine planning applications in advance of the adoption of their plans, this paragraph ostensibly applies to plan-making rather than decision-making. This is clear from the question it seeks to answer and its

repeated references to spatial development strategies and policy-making. The national guidance on how housing need should be calculated for the purposes of decision-making is found in section 68 of the PPG on Housing supply and delivery”.

71. Para 24 “The courts urge treating the PPG with considerable caution when there is a dispute about its interpretation, given that it is intended to be guidance not policy. However, the guidance in the PPG on calculating housing need and the 5YHLS for decision-making purposes mirrors the policy in paragraph 73 and footnote 37 of the Framework, that where the adopted housing requirement is more than 5 years old and the strategic housing policies need updating, as in Chorley, the 5YHLS will be measured against the LHN using the standard method”.
72. Para 25 “The standard method was introduced into national policy in the 2018 Framework as the new baseline for assessing 5YHLS in the absence of an up to date plan, in order to incentivise LPAs to get plans in place. Therefore, it is reasonable to conclude that the guidance in paragraph 2a-013 of the PPG is not intended to allow for a redistribution of LHN in joint plan areas to provide the basis for calculating 5YHLS in decision-making in advance of that distribution being properly tested at examination and found sound. For the PPG to do so would run counter to the definition of LHN in the Framework and the clearly stated policy on the application of the standard method in decision-making”.
73. Para 26 “Nevertheless, to date the courts have held that it is not unlawful for an LPA to rely on a housing requirement or an apportionment of housing need for decision-making purposes, even if this is not contained in an adopted plan. I recognise that the St Modwen and Oadby & Wigston judgements predate the standard method and the Harrogate judgement related to a planning permission granted before the latest version of the Framework made clear that LHN could only be calculated using an alternative approach in the context of preparing strategic policies. However, these judgements remain and establish the principle that an apportionment of housing need in an emerging joint plan can be a material consideration in decision-making. Therefore, I consider below the evidence for and against the apportioned housing need figure based on the analysis in MOU2 and the weight that should be attached to it.”
74. In conclusion the Inspector stated:
75. Para 31 “.....Whilst MOU2 was the subject of consultation, it is evident that there are significant and substantive objections to the proposed redistribution of the LHN and the evidence which supports it, which remain outstanding and will need to be resolved, ultimately through the CLLP examination. The Court of Appeal has established that ‘it is not for an Inspector on a S78 appeal to seek to carry out a sort of local plan process so as to arrive at a constrained housing requirement figure’ “.
76. Para 32 “....Paragraph 48 of the Framework allows weight to be given to policies in emerging plans, according to the stage of preparation, the extent to which there are unresolved objections and the degree of consistency to the Framework. This guides my assessment of the weight that can be given to a housing requirement based on the redistribution of LHN in MOU2, as a policy document which informs the emerging CCLP. The emerging plan is at a very early stage and carries limited weight in this appeal. Although the MOU2 redistribution is an agreed position by the LPAs, there are significant unresolved objections to the recommended figures, which may result in Chorley’s apportionment being modified following examination. For these reasons and in the light of my consideration of the evidence submitted, I attach limited weight to the housing requirement figure for Chorley of 278 dpa in this appeal”.
77. Para 33 “....However, full weight can be attached to the standard method LHN figure for Chorley, given that its value and use in this case are entirely consistent with the Framework and the PPG. Accordingly, I conclude that the figure of 569 dpa should be used for the purposes of calculating the 5YHLS in this appeal. This would also support the Government’s objective, in paragraph 59 of the Framework, of significantly boosting the supply of homes”.

78. Para 34 "...In reaching this view, I have had regard to the previous decision for the appeal site in 2017. Whilst the Inspector in that appeal applied a redistribution of the objectively assessed housing need (OAN) for Chorley based on the 2017 version of the MOU2 (MOU1) in order to calculate the 5YHLS, the apportionment in MOU1 aligned with the adopted CLCS, rather than an alternative arrangement. In addition, national policy on the calculation of 5YHLS at the time of that decision was very different, in that it predated the 2018 Framework and the introduction of the standard method. However, I also note that in the Chain House Lane appeal decision, which dealt with the draft version of MOU2 in the context of the new Framework and the standard method, the Inspector gave limited weight to the draft MOU2 and concluded that the standard method LHN figure for South Ribble should be used in that case. I have explained my reasoning for attaching limited weight to a housing requirement based on the redistribution of LHN in MOU2 in the light of the evidence before me in this case".

Preston Withdrawal from the MOU

79. In light of the Pear Tree Lane, Euxton appeal decision Preston City Council withdrew from the MOU agreement on 4 November 2020.

Chain House Lane, Whitestake, Preston Judgement 21 August 2020

80. The decision was quashed, in relation to the claimant's contentions in ground 5. A new Inquiry was held in March 2021.

Land at Cardwell Farm, Garstang Road, Barton, Preston, PR3 5DR, APP/N2345/W/20/3258889 (9th March 2021)

81. The appeal was allowed and planning permission granted. The Inspector identified four main issues of which two had implications for Chorley. These are:
- Whether the Council can demonstrate a five-year supply of deliverable housing sites, having particular regard to the housing need or requirement for Preston; and,
 - Whether paragraph 11 d) ii. of the Framework is engaged either by reason of a lack of a five-year supply of deliverable housing sites or because the most important policies for determining the appeal are out-of-date.

82. The Inspector concluded the following:

The review of the Core Strategy housing requirement via MOU1 and the 2017 SHMA is the only footnote review to have taken place.

Para 24 "...Paragraph 73 of the Framework requires that local planning authorities (LPA) should 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 strategic policies, or against their local housing need (LHN) where the strategic policies are more than five years old. Footnote 37 of the Framework indicates that where strategic policies have been reviewed and found not to require updating they should still be used as a basis for the housing requirement even if they are more than five years old".

Para 25 ".....Planning Practice Guidance3 (PPG) contains similar wording to Footnote 37 but also notes that the housing requirement figures identified in adopted strategic housing policies should be used for calculating the five-year housing land supply figure where the strategic housing policies have been reviewed within the last five years and found not to need updating. This wording in the PPG was introduced in July 2019. It followed on from wording contained in the 2018 version of the PPG which reflected the July 2018 Framework and the introduction of the standard method for calculating LHN".

Para 26 “.....Footnote 37 and the related PPG were introduced without any transitional arrangements. Therefore, the effect of national policy and guidance is that any review of the strategic housing requirement undertaken from July 2014 onwards which found the requirement not to require updating would amount to a ‘Footnote 37 Review’. Whilst PPG is not policy, it does not depart from the Framework on this subject but seeks to assist with the time period whereby a review has currency”.

Para 27 “....The development plan minimum housing requirement for Preston of 507 dwellings per annum (dpa) is set out in Policy 4 of the CLCS. This is out of a total requirement for Central Lancashire of 1,341 dpa. This requirement was set by adopted strategic policies which are more than five years old”.

Para 28 “....However, in October 2017, some five years after the adoption of the CLCS, the Central Lancashire authorities of Preston, Chorley and South Ribble entered into a Joint Memorandum of Understanding and Statement of Co-operation relating to the provision of Housing Land (MOU1). MOU1 agreed that the housing requirement in the CLCS should be applied until the adoption of a replacement plan”.

Para 29 “....MOU1 was informed by a Strategic Housing Market Assessment (SHMA) which indicated that, if each LPA were to meet its own Objectively Assessed Need, the total requirement for Central Lancashire would only exceed the Policy 4 requirement by some 20 dpa, albeit that different distributions would result depending on whether demographic or economic growth figures were used. The SHMA used the 2014-based household projections as the starting point for assessing housing need”.

Para 30 “.....MOU1 noted that continuing to apply the CLCS housing requirement would, amongst other things, reflect the spatial pattern of development set out in Policy 1 of the CLCS, including directing housing growth to priority areas such as Cottam and North West Preston where land had been allocated to deliver significant new housing in accordance with the Preston, South Ribble and Lancashire City Deal; that site allocations had been determined to meet the spatial pattern of development in the CLCS; that the CLCS requirement reflects the high levels of containment for both travel to work and housing market areas (HMA); and that the Policy 1 apportionment would help to address net out-migration from Preston to other parts of the HMA. That the Policy 4 figures were based on the defunct North West Regional Spatial Strategy and had a baseline date of 2003 were not factors that were referred to in MOU1 and, therefore, on the face of it were not given much weight”.

Para 31 “.....Although it was entered into before the publication of the 2018 Framework, the Council and the appellant agree that MOU1, supported by evidence in the SHMA, was a ‘Footnote 37 review’. Based on the information before me, I see no reason to take a different view”.

The decision of Preston to revert to standard method after withdrawal from MOU2 did not constitute a review and was not a robust process.

Para 32 “.....However, the Council considers that matters have moved on from MOU1. MOU1 included a clause whereby the document was to be reviewed no less than every three years but would also be reviewed when new evidence that renders the MOU out of date emerges. It is more than three years since MOU1 was entered into. The Council points to the introduction of the standard method for assessing LHN as being a significant change in circumstances. If the LHN figure is used, Preston would be required to deliver 250 dpa”.

Para 33 “.....Footnote 37 and PPG do not indicate whether, once reviewed and found not to require updating, the development plan housing requirement can be reviewed again outside the formal local plan process. However, the implications of paragraphs 31-33 of the Framework is that it is anticipated that relevant strategic policies will need updating through a new local plan or partial review of a local plan rather than through a ‘review of a review’. That said, it seems to me that there may be justification to revert to LHN even if the requirement had been previously reviewed and found not to require updating. However, the

decision to depart from the findings of a review undertaken in the last five years would need to be supported by a robust process”.

Para 34 “.....In this respect the Central Lancashire LPAs entered into a second Memorandum of Understanding in April 2020. This was augmented by a Statement of Common Ground in May 2020 reflecting a slight change in LHN housing numbers for April 2020. However, for the purposes of this decision the changes are not significant, and I will refer to these documents collectively as MOU2”.

Para 35 “.....MOU2 took into account the Central Lancashire Housing Study (CLHS), published in March 2020. The CLHS was commissioned to inform the review of the CLCS. However, the CLHS did not assess housing need in the way the SHMA did. It focused on LHN as a basis for the housing requirement, not on whether to plan for a higher level of need. In addition to findings in relation to affordable and other specific housing needs, it recommended that, pending the adoption of a new local plan, LHN should be used as a basis for assessing five-year housing supply but that the LHN should be redistributed such that Preston’s requirement would be 404 dpa. However, the recommendations did not appear to consider that a Footnote 37 review had already been carried out, and started with the assumption that the LHN should be used as the basis for the housing requirement”.

Para 36 “....As a result, MOU2 sought not to use solus LHN figures or retain the CLCS requirement but redistribute the LHN figures across the Central Lancashire LPAs. The veracity of MOU2 was tested at an inquiry in the summer of 2020 relating to a development of up to 180 dwellings at Pear Tree Lane, Euxton, Chorley. The Inspector in his decision gave limited weight to the figure for Chorley derived from MOU2 because it was outside the local plan process. He noted that PPG allows the housing requirement for a joint plan making authority to be distributed across the plan area but this should be done through the plan making process, not through decision-making. I agree with this analysis and that Footnote 37 effectively provides two principal options for an LPA housing figure, either the adopted strategic policy requirement or the LHN”.

Para 37 “...The Inspector agreed that the LHN figure should be used for Chorley. However, it appears that the option of using the CLCS requirement was not put to him. The only reference to MOU1 in his decision is in relation to a previous appeal for the Pear Tree Lane site in 2017. In other words, it was not argued that MOU1 still had currency as a Footnote 37 review”.

Para 38 “...Up to December 2019 Preston continued to use the CLCS requirement for the purposes of assessing its five-year housing land supply. This was in the knowledge of the longevity of the CLCS requirement and the fact that it was based on calculating need in accordance with the 2012 Framework. However, following an appeal decision relating to Chain House Lane, South Ribble, where the Inspector concluded that MOU1 did not constitute a Footnote 37 review and that LHN should be used, the Council decided to use the LHN figure. However, the Chain House Lane decision was quashed in the High Court. The judge found that the Inspector’s reasoning for concluding that MOU1 was not a review was inadequate”.

Para 39 “....Subsequently, following the Pear Tree Lane decision, the Council withdrew from MOU2 because the Inspector ‘has attributed limited weight to the MOU in determining the appeal.’ The Council’s decision does not indicate on what basis the housing requirement or the five-year supply will be derived as an alternative to MOU2, albeit it is noted that the Central Lancashire LPAs are in the process of reviewing the Local Plan which will consider the matter of distribution of housing”.

Policy 4 should be used for the purposes of assessing whether there is a minimum of five years’ worth of housing against the housing requirement.

Para 40 “.....Pulling this chain of events together, to my mind the review of the CLCS housing requirement through MOU1 is the only Footnote 37 review that has been undertaken. The decision to revert to the LHN figure after withdrawal from MOU2 did not

constitute such a review as it has not followed a robust process. The factors set out in paragraph 30 above are still relevant today. In addition, the higher housing requirement derived from the CLCS would deliver more affordable housing. Therefore, Policy 4 of the CLCS should be used for the purposes of assessing whether there is a minimum of five years' worth of housing against the housing requirement".

Based on the CLCS requirement of 507 dpa and factoring in past under-supply and a 5% buffer, there would be a 4.95 years supply of housing land.

For the above reasons, the Council cannot demonstrate a five-year supply of deliverable housing sites, having regard to the housing requirement for Preston.

83. The Inspector concluded that the adverse impacts of the proposed development relating to the conflict with the development strategy and effects on character and appearance would not significantly and demonstrably outweigh the considerable economic and significant social benefits.

Summary - the tilted balance

84. Paragraph 11 d (ii) of The Framework essentially comes into play whereby the most important policies for determining an application are out of date, then planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
85. Whilst the Inspector accepted that there would be some limited harm to the character and appearance of the area, in terms of benefits, provision of new housing would bring construction supply chain jobs, places for economically active to live, increased local spend and greater choice in the market. The affordable homes would be a benefit and the proposal would boost supply, therefore he attached moderate weight to the economic benefits and significant to the social benefits. He concluded the adverse impacts of the proposed development relating to the conflict with the development strategy and effects on character and appearance would not significantly and demonstrably outweigh the considerable economic and significant social benefits.
86. Taking account of the Cardwell decision para 42 relating to Preston's housing supply the calculation for Chorley is:
87. At 1st April 2020 there was a total supply of 1,617 (net) deliverable dwellings which is a 11.2 year deliverable housing supply over the period 2020 – 2025 based on the annual housing requirement of 144 dwellings which includes a 5% buffer and takes into account the previous oversupply.
88. The tilted balance is not, therefore, engaged.

Emerging Central Lancashire Local Plan

89. The assessment of Safeguarded Land is being undertaken as part of a comprehensive review of the Central Lancashire Local Plan (CLLP). This assessment process will ensure that the most suitable areas of Safeguarded Land are released, if required, and brought forward for development where appropriate, thereby minimising harm to Green Belt boundaries. Granting planning permission on safeguarded land outside that process means that the opportunity is not taken to ensure that the decisions taken are least harmful.
90. There is a total of 11 Safeguarded Land sites designated in the Chorley Local Plan (which includes the Euxton Lane appeal site and adjacent area forming site BNE3.9 Policies Map 1, Chorley Borough). The assessment should not be carried out ad-hoc through the development management process, rather as part of a holistic Strategic Housing Economic Land Availability Assessment and sustainability appraisal process. The new Local Plan will cover the whole single housing market area.

91. The wider safeguarded area BNE3.7 was included in the Issues and Options consultation for the CLLP under site reference 19C262x. There were 3 nominations to the Call for Sites on this area of safeguarded land which together make up 19C262x. Public consultation on this document was carried out between November 2019 to February 2020.
92. This planning application is for a proposed residential development of a small part of the northern area of the safeguarded area. The wider safeguarded area will be considered as part of development of the Central Lancashire Local Plan, which will allow for the future of the safeguarded area to be considered as a whole. This will allow for all necessary infrastructure provision to be considered as part of the wider area.

Central Lancashire Local Plan: Site Assessment work

93. Three call for sites exercises have been completed to date for the CLLP. The results from call for sites 1 and 2 were consulted on as part of the Issues and Options Consultation which ran between November 2019 and February 2020, during this time, a further window was opened for addition site suggestions (Call for sites 3).
94. Detailed work to assess the sites commenced in February 2021 following completion of Level 1 Strategic Flood Risk Assessment (SFRA). This being undertaken in line with Strategic Housing and Economic Land Availability Assessment (SHELAA) methodology.
95. Officers in Chorley, South Ribble and Preston Councils finished their initial assessment of the sites in January 2021, and their findings have been collated by the CLLP Team into the SHELAA database. The CLLP Team are now starting to assess the sites in detail to look at their suitability. This work will also include undertaking Integrated Assessment (IA) and Habitats Regulation assessment (HRA) and viability assessment of the sites, and will bring in findings of the SFRA as well as consultation responses on the specific sites from Statutory Consultees and local residents.
96. The direction of growth and development of a spatial strategy for the area is also in early development, with the Councils starting to look at the level of growth likely to be needed over the plan period and how the plan should look to direct this. There is still considerable work to be done on this, including testing the emerging options in terms of transport and other infrastructure needs as they develop.
97. It is important to note that until all these stages of work have been completed, no decision on sites to be taken forward through the Central Lancashire Local Plan can be made.
98. When considering the acceptability of the principle of the development and taking in account the above factors as set out in this section, the proposed development is unacceptable as a matter of principle, in planning policy terms.
99. Notwithstanding this, it is necessary to consider whether there are any other material considerations that would outweigh the non-compliance with the development plan and identify any resultant harm.

Impact on ecological interests

100. *Policy BNE9 (Biodiversity and Nature Conservation) of the Chorley Local Plan 2012 – 2026 stipulates that Biodiversity and Ecological Network resources will be protected, conserved, restored and enhanced; and that priority will be given to, among other things, protecting, safeguarding and enhancing habitats for European, nationally and locally important species. The policy also requires, among other things, that where there is reason to suspect that there may be protected habitats/species on or close to a proposed development site, the developer will be expected to carry out all necessary surveys in the first instance; planning applications must then be accompanied by a survey assessing the presence of such habitats/species and, where appropriate, make provision for their needs.*

101. The application is accompanied by an Ecological Survey and Assessment which was carried out in September 2018 and updated in December 2019.
102. In respect of bats, no evidence was found within the building on site which has been assessed as having negligible potential for roosting bats. With the exception of a tree located on the southern boundary of the site, no trees have been identified as having as offering bat roosting potential. The identified tree is assessed as having low potential to support bats. It would appear that this tree is T3 in the submitted Tree Constraints Plan which accompanies the arboricultural survey and is a category A tree of high quality.
103. A number of ponds are located within 500 metres of the site, however, most have been discounted from being surveyed as they are separated from the site by physical barriers of movement, such as Tincklers Lane and Doctors Lane. Pond 1 is located to the south of the site and was not surveyed at the time as it is stated that access was not possible. A Rapid Risk Assessment tool was, however, utilised which assumes great crested newts are present, but provides a result of 'Green: Offence Highly Unlikely'.
104. This pond is situated within the site of planning application 20/01331/OUTMAJ which is a proposal for up to 80 dwellings. The pond has been assessed as part of planning application 20/01331/OUTMAJ by the same ecological consultants, ERAP. The pond was subject to eDNA testing on 21st October 2020 for great crested newts and was also netted. The results were found to be negative, although it is acknowledged that this is outside of the accepted survey window for great crested newts. However, pond 1 is over some 200 metres from the current application site which is outside the 100 metre distance of great crested newt core habitat and the quality of the terrestrial habitat within the application site has been assessed as being poorer.
105. The site has the potential to support breeding birds, of which their nests are protected under the Wildlife and Countryside Act, 1981 (as amended). GMEU advised that any site clearance, building demolition or tree/vegetation removal should be carried out outside nesting season, unless it can be demonstrated that no active bird nests are present.
106. The existing hedgerows on the site are assessed as being priority habitats, with hedgerow 1 (as referred to in the ecological assessment), situated on the southern boundary of the site being identified as 'important' in accordance with the criteria of The Hedgerow Regulations, 1997.
107. The ecological surveys at section 5.2 recommends that the layout is designed to ensure the protection of hedgerows 1 to 3. However, the submitted masterplan shows that a large section of hedgerow (identified as hedgerow 3 in the ecological assessment) would be removed in order to facilitate a footway. No compensatory measures are proposed. In addition, and as discussed in the highways section of this report, the location of the proposed access to Tincklers Lane would mean that visibility splays cannot be achieved without the removal of the hedgerow to the frontage of the site of significant length. The application fails to safeguard these key existing features of the site.
108. Based on the information provided and the advice obtained from Greater Manchester Ecology Unit, it is not considered that the proposed development would adversely affect protected species interests, however, due to the location of the proposed access and highway improvement works, the proposal would fail to safeguard existing hedgerows which are key features of the site. This is contrary to policy BNE9 (iii) of the Chorley Local Plan 2012 – 2026.

Highway safety

109. *Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that the residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site*

parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction.

110. *Policy ST1 (New provision of Footpaths, Cycleways, Bridleways and their associated facilities in existing networks and new development) of the Chorley Local Plan 2012 -2026 stipulates that new development and highways and traffic management schemes will not be permitted unless they include appropriate facilities for pedestrian, cycle parking facilities, and /or cycle routes. The policy requires, among other things, that proposal should provide for facilities for pedestrians and cyclists to facilitate access on foot and by bicycle to nearby residential, commercial, retail, educational and leisure areas, where appropriate; and additional footpaths, bridleways and cycleway routes between the countryside and built up areas where appropriate.*
111. The application is in outline form but includes access as a detail matter. The application is accompanied by a Transport Technical Note which provides a proposed access layout drawing at Appendix D.
112. Lancashire County Council Highways (LCC) have assessed the application and advise that the proposed 5.5 metre wide site access is acceptable, however, the corner radii should be 6 metres to ensure refuse and service vehicles can smoothly transition in and out of the site.
113. The application provides that the 85th percentile of speed traffic on Tincklers Lane is 32mph and, therefore, proposes visibility splays of 2.4m x 59m in both directions of the access. LCC advise that whilst this is in line with the recommendation of the Manual for Streets (MfS) the splays shown on Appendix D do not demonstrate that a safe access can be provided at the proposed location given the presence of the hedgerows as sightlines will be obscured and pedestrians and motorists egressing the site will be unable to do so safely. LCC Highways raise an objection to the application on this basis.
114. The submitted illustrative masterplan does, however, show that a large section of hedgerow would be removed in order to facilitate a new footway, extending from the proposed access up to an existing footway which then connects to Towngate to the north. This plan is only indicative, and whilst in theory it would remove an obstacle within the visibility splay to the north, the sightlines are still obscured.
115. Patterns of movement, connectivity and linkages are a key element in achieving a high quality residential development to promote sustainable transport options for people. In this context, the Framework is clear that applications for development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and also that that proposals should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards. This is reinforced in policy ST1 of the Chorley Local Plan 2012 -2026 which expects proposals to provide facilities for pedestrians to access, on foot, nearby services and amenities.
116. At present there are no footways along Tincklers Lane, except for a section as Tincklers Lane meets Towngate where it extends approximately 90 metres on the east side of the road to 1 Tincklers Lane and approximately 70 metres on the west side. LCC advise that Manual for Streets recommends that footways should normally be provided where pedestrians are likely to be present in significant numbers, to create an environment in which they can walk, or stop and chat, without feeling intimidated by motor traffic and to make it easier for them to move around.
117. Whilst a footway is shown on the submitted illustrative masterplan (from the proposed access up towards Towngate), LCC consider that a footway should also be provided to the other side of the proposed access to extend along the frontage to the south. LCC advise that it is their objective to ensure that a public footpath is provided as part of any future development of lands south of the application site to reduce journey times and facilitate walking from Tincklers Lane to Doctors Lane when going to local amenities and services in

Eccleston. LCC consider that extending the footway up to the southern boundary of the site will ensure this connection can be made in the future. A number of other highway improvements are identified by LCC such as road markings, tactile paving and street lighting of the footway to the site frontage.

118. In order to facilitate a safe access to Ticklers Lane and a footway, this would entail the removal of an established boundary hedgerow of significant length and this is discussed elsewhere in this report. No other alternative access or footway options have been put forward, or considered as a comprehensive masterplan of the wider site allocation, or indeed the adjoining site. Notwithstanding this, and as it stands, the proposal fails to provide a safe access to the site which is contrary to policy BNE1 (d) of the Chorley Local Plan 2012 -2026 and does not promote sustainable transport, which is in conflict with policy ST1 and the Framework at Chapter 9.
119. It is noted from the comments of LCC that tracking of the turning head has not been submitted and, therefore, it has not been demonstrated that it is adequate in size to accommodate the turning of refuse and service vehicles. In addition, LCC also advise that the layout of the entrance to the courtyard of Plots 1 and 5 creates potential conflict between pedestrians and vehicles due to how the footway is terminated. Given that the layout is for illustrative purposes for up to 15no. dwellings, this would be addressed as reserved matters stage which would also need to accommodate parking provision in line with the Council's parking standards at Appendix A of the Chorley Local Plan 2012 – 2026.

Impact on the character and appearance of the area

120. *Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, among other things, the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials; that the layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area; and that the proposal would not have a detrimental impact on important natural habitats and landscape features such as historic landscapes, mature trees, hedgerows, ponds and watercourses. In some circumstances where on balance it is considered acceptable to remove one or more of these features, then mitigation measures to replace the feature/s will be required either on or off-site.*
121. *Policy BNE10 (Trees) of the Chorley Local Plan 2012 -2026 stipulates, among other things, that proposals that would result in the loss of trees, woodland areas or hedgerows which make a valuable contribution to the character of the landscape, a building, a settlement or the setting thereof will not be permitted. Replacement planting will be required where it is considered that the benefit of the development outweighs the loss of some trees or hedgerows.*
122. *Core Strategy policy 17 seeks to ensure that the design of new buildings takes into account the character and appearance of the local area, including among other things, linking in with surrounding movement patterns and not prejudicing the development of neighbouring land; and protecting existing landscape features and natural assets.*
123. The application seeks outline planning permission for up to 15no dwellings, with the illustrative masterplan showing a main central road with a cul-de-sac arrangement of 5 dwellinghouses to the north of the site, and the south of the site is split with two driveways each serving 5 dwellings. Vehicular and pedestrian access would be via a single proposed access point from Ticklers Lane. The location of the access is a detailed matter and, whilst the layout is indicative it demonstrates one way in which a layout can be achieved, whilst following from this defined access point.

124. When considering any development proposal, the Council must be mindful of the National Planning Policy Framework (The Framework) that states that the Government attaches great importance to the design of the built environment and good design is a key aspect of sustainable development. The Framework also states that planning policies and decisions should aim to ensure that developments (amongst other things) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
125. Chorley Council plans positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes and seeks to create well-mixed and integrated developments which avoid segregation and have well-planned public spaces that bring people together and provide opportunities for physical activity and recreation. The provision of connective footpaths and pedestrian permeability through the wider site is an important aspiration for the development of the site when considering the acceptability of the principle of the development.
126. The application is accompanied by a submitted illustrative masterplan which fails to achieve this aspiration as it does not consider the wider site allocation as a whole or indeed its key features and characteristics, but provides a piecemeal and disjointed approach to the proposal and the wider site. The Council would expect a comprehensive masterplan.
127. Given the proposed location of the proposed access point, this would result in the loss of the hedgerow frontage to Tincklers Lane which are within the visibility splays, in order to achieve a safe access. The hedgerows are a key feature of the site and of Tincklers Lane. In addition, a footway is identified on the illustrative masterplan to connect to an existing footway to the north (towards Towngate), and LCC Highways would require this to be extended to the south along the full site frontage to provide a pedestrian route to facilities. LCC Highways also require street lighting along the full stretch of footway. The extent of the highway works required, combined with the loss of a significant length of hedgerow would completely alter the character of Tincklers Lane from a simple rural lane to an urbanised estate road. This would be detrimental to the character and appearance of Tincklers Lane and the locality.
128. With regard to the density of the development, the application proposes a low-density development of up to 15no. dwellings, which is the maximum number applied for. The submitted plans indicate that these would all be detached homes. The Icen Housing Study 2020 refers to broad density targets and for this location the required density is 25-30 homes per hectare. This would equate to a required density of 20-24 dwellings that should provide for a mix of houses. The application does not justify a lower density or why a mix of houses would not be appropriate for this site
129. An illustrative masterplan has been provided, however, this is for indicative purposes and does not form part of the assessment at outline stage, except for the access which is a detailed matter. Detailed design would be reserved for later consideration and would be subject to a full assessment.

Amenity

130. *Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, where relevant to the development the proposal would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact; and that the proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses.*
131. The application proposes up to 15no dwellings on land adjacent to existing residential properties, the majority of which back on to the site. The submitted plan shows an indicative layout, although this is not for approval at this stage. Any reserved matters application would need to ensure that the amenity afforded to all neighbouring residential properties is

safeguarded from any adverse impacts such as overlooking, overbearing impacts and loss of light. In addition, any proposal would need to ensure acceptable living conditions for future occupiers.

132. The access to the site is proposed opposite Glendale and Moorcroft which are residential properties. Whilst it would result in more activity and traffic movement at the front of these properties, it is not considered that this is of a scale which would result in undue harm to the residential amenity afforded to these neighbouring properties.
133. Any impacts during the construction phase would be temporary and suitable mitigation measures could be imposed by a planning condition, for example, through a Construction Environmental Management Plan.

Drainage and flood risk

134. *Core Strategy Policy 29 (Water Management) seeks to improve water quality, water management and reduces the risk of flooding in a number of ways including, among other things, appraising, managing and reducing flood risk in all new developments.*
135. The site lies in Flood Zone 1, as defined by the Environment Agency Flood Maps for Planning. Flood Zone 1 has the lowest probability of flooding (from rivers or sea) and residential development is appropriate in flood zone 1 in terms of the flood risk vulnerability classification as set out in the Planning Practice Guidance at Table 3.
136. The application is accompanied by a Flood Risk Assessment and Outline Surface and Foul Water Drainage Strategy which has been assessed by United Utilities and the Lead Local Flood Authority (LLFA).
137. United Utilities advise that a public sewer crosses the site and that they may not permit building over it or alternatively it would be necessary to establish if a sewer diversion is feasible. Ultimately, this would inform the layout of the site, however, this is not for detailed consideration now.
138. Both United Utilities and the LLFA raise no objection, but drainage conditions are recommended. Having regard to the advice obtained from these consultees, it is considered that satisfactory drainage of the proposed development could be secured by way of conditions.

Affordable housing

139. Core Strategy policy 7 sets down the approach to the delivery of affordable and special needs housing:
- “Subject to such site and development considerations as financial viability and contributions to community services, to achieve a target from market housing schemes of 30% in the urban parts of Preston, South Ribble and Chorley and of 35% in rural areas on sites in or adjoining villages.....”*
- “Aside from rural exception sites the minimum site size threshold will be 15 dwellings (0.5 hectares or part thereof) but a lower threshold of 5 dwellings (0.15 hectares or part thereof) is required in rural areas.”*
140. The adopted Central Lancashire Affordable Housing Supplementary Planning Document provides additional information on the delivery of affordable housing, with paragraph 34 stating:
- “The size of development should not be artificially reduced to reduce or eliminate the affordable housing requirement as set out in the Core Strategy and at page 5 of this document, for example by sub-dividing sites or reducing the density of all or part of a site.”*
141. However, the Framework requires that affordable housing should only be sought for residential developments that are major developments (10 or more dwellings). The

affordable housing threshold in rural areas of 5 dwellings in Core Strategy Policy 7 has, therefore, now been replaced by the Framework threshold of 10 dwellings.

142. In relation to this development, an affordable housing contribution of 35% is required which equates to 5 dwellings. 70% (4) of these should be social rented and 30% (1) should be shared ownership.
143. The submitted Planning Statement addresses policy 7 at paragraph 5.37 by stating “*The requirement for affordable housing to be delivered on this site will be discussed with the Council during the course of this planning application*”.
144. This is also reiterated in an email of 18th March from the Agent which states:
“We have noted an Affordable Housing response has been uploaded against this application stating that the applicant is not proposing affordable housing, which is contrary to Policy 7. Please can I draw your attention to the Affordable Housing Statement which is incorporated within the Planning Statement submitted with the application. The applicant acknowledges the requirement to provide affordable housing and is willing to discuss this with the Council, during the course of the application”.
145. This is not a commitment from the developer to provide the required affordable housing provision. In addition, the Planning Statement clearly states that all properties will be detached and this is reaffirmed by the submitted indicative layout and number of dwellings proposed. It has already been discussed that the proposal is of low density and below the required density of 25-30 homes per hectares, which equates to 20-24 dwellings on this site of 0.8 hectares. The application does not provide for a mix of house types to meet the affordable housing need and does not make an efficient use of the land.
146. It is not possible to enter into discussions regarding the affordable housing requirement of policy 7 to secure 35% on site provision where the application has clearly failed to demonstrate a mix of housing types and housing numbers on this site.
147. The proposal is contrary to Core Strategy Policy 7 and the Central Lancashire Core Strategy Affordable Housing Supplementary Planning Document.

Public open space

148. Policy HS4A and HS4B of the Chorley Local Plan 2012 – 2026 - Open Space Requirements in New Housing Developments explains that all new housing developments will be required to make provision for open space and recreation facilities, where there are identified local deficiencies in the quantity, accessibility or quality and/or value of open space and recreation facilities. The requirements for the proposed development are as follows:

Amenity Greenspace:

149. Local Plan Policy HS4A sets a standard of 0.73 hectares per 1,000 population.

150. There is currently a deficit of provision in Eccleston and Mawdseley in relation to this standard, a contribution towards new provision in the ward is therefore required from this development. As the development is 10 or more dwellings the required amenity greenspace should be provided on-site. The amount required is 0.02628 hectares. A maintenance cost of £10,500 is also required for a 10 year period if private maintenance is not proposed.

Provision for children/young people:

151. Local Plan Policy HS4A sets a standard of 0.08 hectares per 1,000 population.

152. There is currently a surplus of provision in Eccleston and Mawdesley in relation to this standard, a contribution towards new provision in the ward is therefore not required from this development. The site is also not within the accessibility catchment (800m) of any areas of provision for children/young people that are identified as being low quality and/or

low value in the Open Space Study. A contribution towards improvements is therefore also not required from this development.

Parks and Gardens:

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

154. There are no parks/gardens within the accessibility catchment (1,000m) of this site identified as being low quality and/or low value in the Open Space Study therefore a contribution towards improving existing provision is not required.

Natural and Semi-Natural Greenspace:

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

156. The site is within the accessibility catchment (800m) of areas of natural/semi-natural greenspace that are identified as being low quality and/or low value in the Open Space Study (site 1669 Rear of larkfield, Ecclestone), a contribution towards improving these sites is therefore required. The amount required is £557 per dwelling.

Allotments:

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

158. The site is not within the accessibility catchment (10 minutes' drive time) of a proposed new allotment site, a contribution towards new allotment provision is therefore not required from this development.

Playing Pitches:

159. A Playing Pitch Strategy was published in June 2012 which identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is therefore required from this development. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements. The amount required is £1,599 per dwelling.

160. The total financial contribution required from this development is as follows:

Amenity greenspace	= £10,500 (if private maintenance not proposed)
Equipped play area	= £0
Parks/Gardens	= £0
Natural/semi-natural	= £8,355
Allotments	= £0
Playing Pitches	= £23,985
Total	= £42,840

161. A financial contribution of £42,840 would be required and this would need to be secured through a Section 106 legal agreement if the application was approved.

Sustainability

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

“For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy

performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015. This is expected to happen alongside the introduction of zero carbon homes policy in late 2016. The government has stated that, from then, the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the government's intention into account in applying existing policies and not set conditions with requirements above a Code Level 4 equivalent."

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

163. Given this change, instead of meeting the code level, the dwellings should achieve a minimum dwelling emission rate of 19% above 2013 Building Regulations in accordance with the above provisions. This can be controlled by a condition.

Education

164. Central Lancashire Core Strategy policy 14 (Education) seeks to provide for education requirements in a number of ways including asking developers to contribute towards the provision of school places where their development would result in or worse a lack of capacity at existing schools.
165. Lancashire County Council, as the Education Authority, seek to secure financial contributions towards any additional school places required as a result of new housing development in order to mitigate the impact upon the education infrastructure which new housing developments may have.
166. The latest information available at this time is based upon the 2021 School Census and resulting projections. Based upon the latest assessment, LCC would require a contribution for 2 secondary school places, however, no primary places are required.
167. Calculated at the current rates, this would result in a claim of:
- 2no. Secondary places: £46,123.50
168. This assessment represents the current position on 25th March 2021.
169. A financial contribution of £46,123.50 is required and this would need to be secured through a Section 106 legal agreement if the application was approved.

Employment skills provision

170. The Central Lancashire Employment Skills Supplementary Planning Document (SPD) was adopted in September 2017. The SPD introduces Employment Skills Statements and provides clarity as to how this requirement relates to the relevant policies set out in the Core Strategy and Local Plan as well as the guidance set out in the Framework. The SPD goes on to state that one of Central Lancashire's priorities is to encourage economic growth within Central Lancashire that benefits the people and businesses in the three boroughs. The SPD seeks to;
- increase employment opportunities by helping local businesses to improve, grow and take on more staff
 - help businesses to find suitable staff and suppliers, especially local ones
 - improve the skills of local people to enable them to take advantage of the resulting employment opportunities

- help businesses already located in Central Lancashire to grow and attract new businesses into the area

171. The SPD requires development over certain thresholds to be accompanied by an Employment and Skills Statement to ensure the right skills and employment opportunities are provided at the right time. This is to the benefit of both the developer and local population and covers the following areas:

- Creation of apprenticeships/new entrants/graduates/traineeships
- Recruitment through Job Hub and Jobcentre plus and other local employment vehicles.
- Work trials and interview guarantees
- Vocational training (NVQ)
- Work experience (14-16 years, 16-19 years and 19+ years) (5 working days minimum)
- Links with schools, colleges and university
- Use of local suppliers
- Supervisor Training
- Management and Leadership Training
- In house training schemes
- Construction Skills Certification Scheme (CSCS) Cards
- Support with transport, childcare and work equipment
- Community based projects

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

Benefits of the scheme

173. The Council considers that the adopted housing land supply policies are up to date, therefore the proposal is contrary to the development plan. Paragraph 12 of the Framework states "Where a planning application conflicts with an up-to-date development plan [...] permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed."

174. In this instance it has been identified that the proposed development is contrary to the policies of the development plan. It is therefore important to consider the proposal in the round. In accordance with Section 38(6) the decision maker should consider whether there are material factors that indicate that the development should be granted despite being contrary to policy. To this end the applicant has identified a number of planning benefits of the proposed development, which are considered below.

Social

175. The applicant considers that the proposal would result in the provision of much needed family housing.

176. The application states that the intention is to provide detached dwellings and this is shown on the indicative plan. The application fails to provide a mix of housing and does not address housing need. Little weight is, therefore, afforded to a scheme which only seeks to deliver family homes and this does not justify the development of safeguarded land.

Environmental and Economic

177. The applicant considers that the sustainable location of the site would help contribute in both the short and long term to the local economy and use of local services.

178. This is a generalised comment which carries little weight in justifying development of safeguarded land. There are no evident economic benefits that this development would provide that would not be generated by the residential development of land that is not

safeguarded. The site is not allocated for housing in the development plan and, therefore, such growth has not been accounted for in plan-making including developing the supporting evidence for future strategic infrastructure such as transport, education and training, open space and recreation, and, employment and skills.

Community Infrastructure Levy (CIL)

179. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development is a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

CONCLUSION

180. The application is contrary to the provisions of the development plan and does not represent a sustainable form of development having regard to the Framework presumption in favour of sustainable development. Overall it is not considered that there are any material considerations that would outweigh the conflict with the development plan and the Framework when taken as a whole. The housing requirement for Chorley is 417 homes per annum. The Council has a 11.2 year housing supply. The 'tilted balance' in paragraph 11(d) is therefore not engaged.

182. Furthermore, the application does not make any provision for affordable housing and fails to demonstrate a mix of housing types and housing numbers to achieve the policy requirement of 35% on-site provision. The proposal is, therefore, contrary to the Central Lancashire Core Strategy 2012 Policy 7 and the Central Lancashire Core Strategy Affordable Housing Supplementary Planning Document.

181. Other harm would arise because of the extent of the highway works required to facilitate the development, combined with the loss of a significant length of hedgerow, would completely alter the character of Tincklers Lane from a simple rural lane to an urbanised estate road which would be detrimental to the character and appearance of Tincklers Lane, the locality, and the site itself. This is contrary to policy BNE1, policy BNE9 (iii) and policy BNE10 of the Chorley Local Plan 2012 – 2026; and policy 17 of the Central Lancashire Core Strategy 2012

182. In addition, piecemeal development of this wider area of safeguarded land prevents the whole designation from being properly masterplanned in order to respond to the full impact of its development and achieve a suitable form of development, as this does not allow for infrastructure and services to keep up.

183. Overall it is not considered that there are any material considerations that would outweigh the conflict with the development plan and the Framework when taken as a whole and it is, therefore, recommended that the application be refused.

RELEVANT HISTORY OF THE SITE

Ref: 20/01331/OUTMAJ

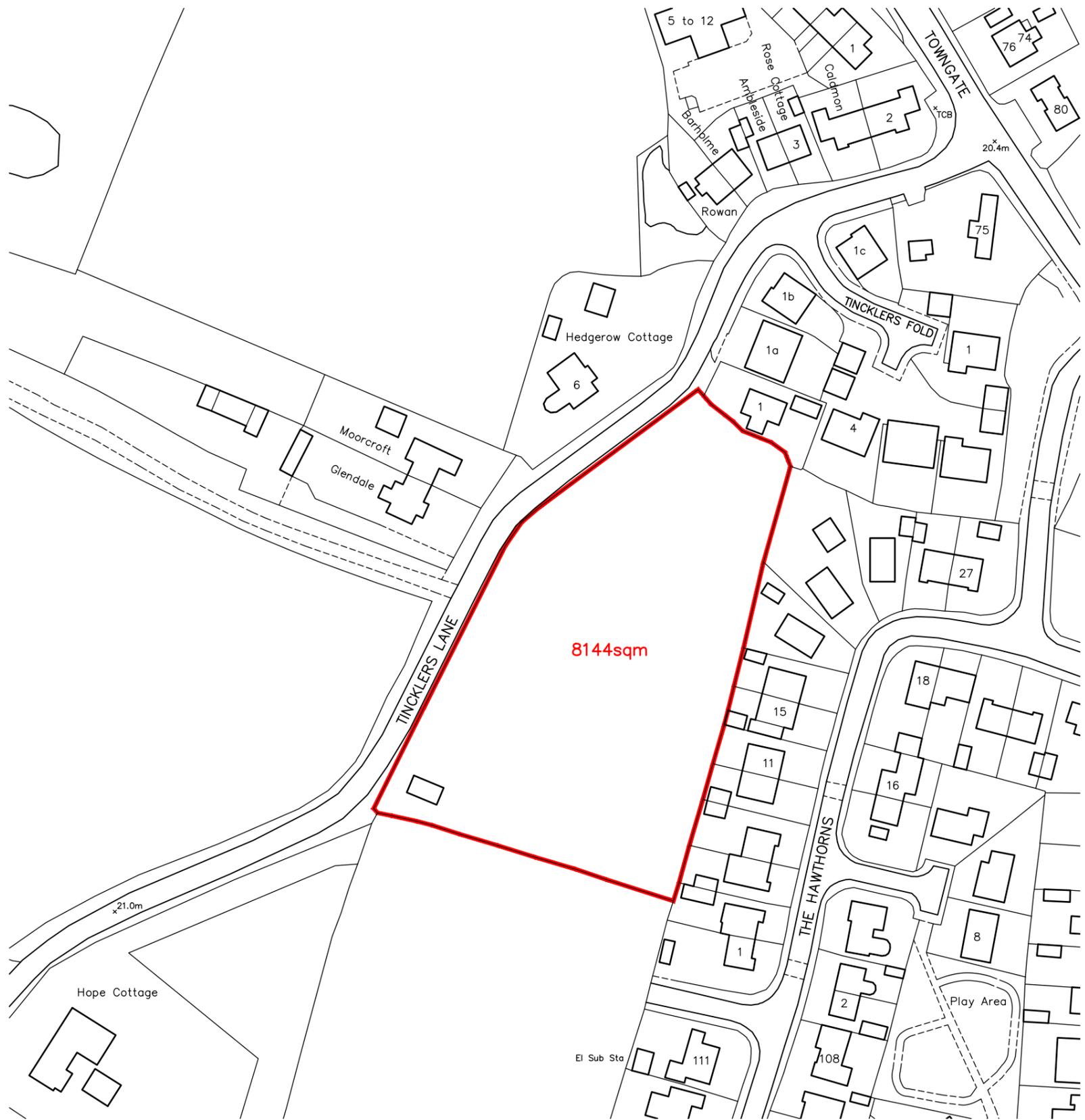
Decision: PCO

Decision Date: Pending

Description: Outline planning application for the construction of up to 80 dwellings (including 30% affordable housing) and associated infrastructure, with all matters reserved (aside from vehicular access from Doctors Lane)

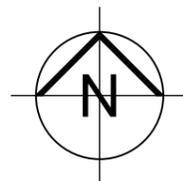
RELEVANT POLICIES: In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.

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Tincklers Lane, Ecclestone Location Plan

0 20m 40m 60m
1:1250@A3 1330-PL01



31 Chapel Brow Leyland Preston PR25 3NH
Tel 01772 467404 E Mail info@pwlarchitecture.com

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Planning
Committee Meeting

12 April 2021



Item 3a

20/01085/OUTMAJ

**Land at Tincklers Lane, Tincklers Lane,
Ecclestone**

**Outline application for the construction of up
to 15no. dwellings (with all matters reserved
save for access from Tincklers Lane)**

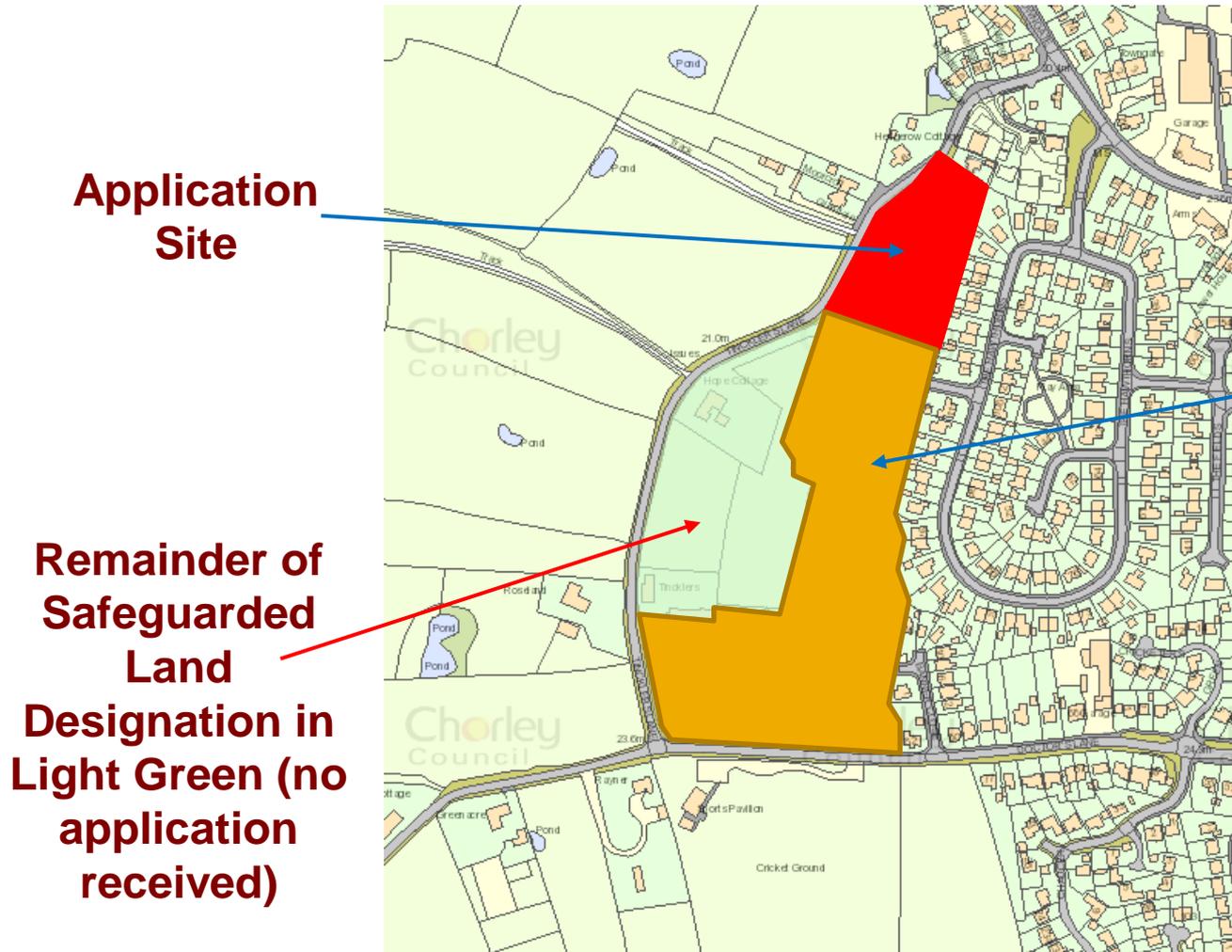
Location plan



Aerial Imagery



Plan Showing Site in Context of Wider Safeguarded Land Designation and Other Application



Location of Application ref: 20/01331/OUTMAJ for up to 80 dwellings – also safeguarded land (see later item on agenda)

Indicative Site Layout



Indicative Site Layout with Aerial View



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C O M M I T T E E R E P O R T		
REPORT OF	MEETING	DATE
Chief Planning Officer	Planning Committee	Date: 12 April 2021

ADDENDUM

ITEM 3a - 20/01085/OUTMAJ - Land at Tincklers Lane, Tincklers Lane, Eccleston

The recommendation remains as per the original report

Members are asked to note that:

Three oak trees have been made the subject of a Tree Preservation Order (ref: TPO 1 (Eccleston) 2020).

One of these trees is in the north east corner of the site and the two others are both on the southern site boundary.

This has a provisional effect which lasts for six months, after this period the council will decide whether to confirm the Order or not.

The following consultee responses have been received:

The agent for this application has commented that attempts to discuss the application with Council officers have been unsuccessful and that consultation responses, which have subsequently led to reasons for refusal, have been withheld. The timing of the report has given little opportunity to address the reasons for refusal and it is, therefore, requested that the item be deferred to allow the applicant time to address the points raised in the Committee Report.

Officers do not consider that any consultee responses have been withheld, and would note that comments of internal Council officers are for the purposes of advising the case officer dealing with an application. It is noted that the comments of Lancashire County Council (LCC) as Local Highway Authority (LHA) were not available until they appeared in the Committee report. This is unfortunate and the delays in receiving this information from LCC are regrettable.

In the case of an application that is submitted in outline with all matters reserved, other than specifying the point of access, the determination of the application can only be made on the basis of matters of principle. Given that the application has been submitted on an area of Safeguarded Land, prior to the completion of a local plan review, the development is considered unacceptable in principle as set out in detail within the Committee Report. Matters of principle cannot be readily resolved in the same way that a design detail or quantum of development can, and whilst the Local Planning Authority regularly engages with applicants to resolve problems where possible, there is no solution that can be put forward to overcome a principle issue or that of the piecemeal nature of the application site, taking up part of a wider allocation.

The agent also seeks to address the reasons for refusal set out in the committee report as follows:

Reason 1 – The agent believes that the Council’s officers have taken a flawed approach to the assessment the Borough’s housing requirement and rely on the outcome of the recent Cardwell Farm appeal decision (ref. APP/N2345/W/20/3258889, issued 9th March 2021) in which the Inspector concluded that Policy 4 of the Central Lancashire Core Strategy (CLSC) should be used for the purposes of assessing whether there is a minimum of five years’ worth of housing land against the housing requirement. The agent asserts that the information set out in the committee report is not clear and they consider that members of the Committee may be being misled and that the applicant does not have sufficient opportunity to interrogate the housing figures and data being used by the Council in order to adequately challenge them.

They request that ‘Given the limited time available to address these complex issues, the lack of clarity in the Committee Report as to how the five year housing land supply figure has been arrived at, and the imminent challenge to the Cardwell Farm decision by Preston City Council, we do not consider it appropriate to take this application to Committee at this time and request that it be deferred’.

Officers consider that the issues relating to the acceptability of the principle of development are set out clearly for Members to consider within the Committee Report.

Reason 2 – The applicant would be willing to provide a policy compliant amount of affordable housing, either on site or as an off-site contribution, and would be happy for any approval to be issued subject to s.106 agreement to secure the appropriate amount.

In response officers note the stated commitment of the applicant to provide 35% affordable housing provision in line with the policy requirement set out in Central Lancashire Core Strategy 2012 policy 7, and recommend that the second reason for refusal as set out in the Committee Report is removed.

Reasons 3 and 4 – The applicant’s agent states that the swept path analysis provided in the submitted Transport Technical Note clearly demonstrates that refuse vehicles can enter and exit the site safely and easily, and considers that the sight lines are achievable with the removal of a section of the hedgerow to the south.

It is noted that the comments of Lancashire County Council (LCC) as Local Highway Authority were not available until they appeared In the Committee report. This is unfortunate and the delays in receiving this information from LCC are regrettable. Nonetheless, there is a difference of opinion between the LHA and the applicant as the acceptability of the scheme from a Highway perspective, which has a clear impact on the fourth reason for refusal relating to the retention of the hedgerow and character of the lane. Again, this results in a difference of opinion as to whether the resultant impact is acceptable, or can be adequately mitigated against.

Reason 5 – The applicant’s agent notes that the application site forms part of the same Safeguarded Land allocation as the land to the south, and seeks to highlight that they are in separate ownership, that this site was submitted several weeks prior to the application for land to the south, and that the site is sustainable in any event. The agent considers that this matter could have been addressed through an open dialogue.

The Council's officers note the comments of the agent and disagree that the matter of piecemeal development could have been addressed within the application process itself. The applicant has available to them the ability to withdraw an application at any time, which would allow them the opportunity to engage with surrounding land owners, who may also be seeking to bring forward development proposals.

In response to the request that the application is deferred to allow time for the determination of the challenge by Preston City Council to the Cardwell Farm appeal decision (ref. APP/N2345/W/20/3258889, issued 9th March 2021), it is noted that planning applications should not be held in abeyance for indefinite periods of time, and that should an applicant wish to seek consent for a development proposal on the basis or outcome of a related decision then the timing for submitting an application lies with the applicant. The application has been submitted in advance of a local plan review and, therefore, the applicant must have been fully aware of the risks involved in submitting an application for development of Safeguarded Land at this stage in the development plan process. It is officer's view that should the applicant wish to reconsider the proposal in light of the Committee report and reasons for refusal and/or the outcome of an impending Public Inquiry then they have the opportunity to withdraw the application at any time.

A copy of the agent's letter is appended.

The Environment Agency:

Have confirmed that they have received consultation requests from Chorley Borough Council for the [six] proposals on Safeguarded Land.

With regards to these sites, they are not planning any works or undertaking any appraisals that could conflict with these. They are aware of flooding in the vicinity of Tincklers Lane from Syd Brook but they would rely on Lancashire County Council (Lead Local Flood Authority) to advise on this development as it is outside the scope of development proposals the Environment Agency is consulted on as a statutory consultee.

They state they have also looked through the comments from the drainage engineer and have no comments.

The Environment Agency is not resourced to comment on surface water drainage, sewer flooding and flooding from ordinary watercourses as these are outside our remit as a statutory consultee.

APPENDIX – Letter from agent



2 Lockside Office Park
Lockside Road
Preston
PR2 2YS

01772 369 669
info@pwaplanning.co.uk
www.pwaplanning.co.uk

FAO. Adele Hayes
Planning Department
Chorley Council
Civic Offices
Union Street
Chorley
PR7 1AL

9th April 2021

Dear Ms Hayes

**20/01085/OUTMAJ - OUTLINE APPLICATION FOR THE CONSTRUCTION OF UP TO 15NO. DWELLINGS (WITH ALL MATTERS RESERVED SAVE FOR ACCESS FROM TINCKLERS LANE)
LOCATION: LAND AT TINCKLERS LANE, ECCLESTON.**

I write with reference to the above planning application following publication of the Committee Report late on 7th April 2021, and in advance of the Committee Meeting to be held on 12th April 2021.

I would start by expressing our own and the applicant's frustration at the way this application has been dealt with. Numerous attempts to discuss the scheme with the Council have been largely ignored, whilst important consultation responses which have subsequently led to reasons for refusal have been withheld. This is far from best practice and is very disappointing. Coupled with the timing of the publication of the report, which gives little time to address the reasons for refusal, we believe that the applicant has been unfairly prejudiced. For these reasons, expanded on below, it is not appropriate to take this application to Committee at this time and we request that it be deferred to allow us time to address the points raised in the Committee Report.

The suggested reasons for refusal are addressed in turn below and we assume that this response will be passed to Members of the Planning Committee in good time to allow for their review.

Reason 1 – Conflict with Policy BEN3 and five year housing land supply position

The Committee Report refers to the various appeal decisions and challenges to decisions which have occurred within the Central Lancashire Authorities area of Chorley, Preston and South Ribble over the past 18 months. Ultimately, the position now adopted by Chorley Council on their five year housing land supply is in reliance of the recent Cardwell Farm appeal decision (ref. APP/N2345/W/20/3258889, issued 9th March 2021) in which the Inspector concluded that Policy 4 of the Central Lancashire Core Strategy (CLSC) should be used for the purposes of assessing whether there is a minimum of five years' worth of housing land against the housing requirement. It is understood that Preston City Council are set to challenge this decision and that this will be set out at the start of the Public Inquiry due to begin in Preston on 13th April – the day after the Committee meeting dealing with this planning application. Despite the fact that Preston and Chorley, together with South Ribble, form one housing supply authority, it appears that the three authorities take very different views on how housing land supply should be calculated.

On the basis of using the CLSC figures to derive housing land supply, it is claimed in the Committee Report that the Council can demonstrate an 11.2 year deliverable housing land supply over the period 2020-2025, using



20/01085/OUTMAJ Tincklers Lane, Ecclestone



an annual requirement of 144 dwellings. It is not at all clear how the annual requirement of 144 dwellings has been derived. Reference is made to figures as of 1st April 2020, however the Council's position statement on those figures states a 5.7 year supply based on an annual requirement of the redistributed figure of 278 + 5% buffer (resulting in an overall need of 292 dwellings per year). How then the Council have arrived at an annual requirement of 144 is unfathomable, given that the Committee Report states that the calculation has been undertaken in line with the Cardwell Farm decision, which directs that Policy 4 of the Central Lancashire Core Strategy should be used, and which includes the annual requirement of 417 for Chorley.

If the Council is basing the dramatic reduction in the requirement from the CLCS figure of 417 to the new figure of 144 on previous completion rates above the minimum requirement, we consider this approach to be significantly flawed.

An appeal decision issued on 9th December 2020 (ref. APP/G1630/W/20/3256319, attached as Appendix I) deals with the issue of past completion rates above requirements, where the LPA in that instance claimed a higher five year housing land supply position based solely on past completion rates in previous years. We assume this to be the approach which Chorley Council is also seeking to take, although this is not clear in the Committee Report.

In the above appeal decision, the Inspector acknowledges the Housing Supply and Delivery Planning Practice Guidance PPG which states at paragraph 32 that *"where areas deliver more completions than required, the additional supply can be used to offset any shortfalls against requirements from previous years"*.

However, the Inspector then refers to paragraph 73 of the Framework, which states *"LPAs should 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 strategic policies"*. The Inspector then goes on to state that *"The policy in the Framework makes no allowance for subtracting additional supply from the annual requirement. Moreover, whilst the guidance in the PPG enables LPAs to take additional supply into account, there is no requirement to do so. It is not a symmetrical approach to dealing with undersupply as advocated by the Council"* (PWA emphasis)

The Inspector concludes on this matter by finding that: *"Whilst it is clear that housing above the annual requirements has been delivered in the area and housing supply has been boosted in line with the Framework; it is my view that additional supply is not a tool that can be used to discount the Council's housing requirement set out in its adopted strategic policies"*.

Based on the above, it is at least possible that Committee Members are being misled; particularly if they are being advised that it is appropriate to rely on previous completion rates to discount their future housing needs, which is clearly not a robust approach or one accepted in recent appeal decisions.

As above, there has not been sufficient time to interrogate housing supply figures in Chorley in detail, or review the method by which the Council have arrived at the figures presented in the Committee Report. However, if the Cardwell Farm decision is to be relied upon, and based on the CLCS requirement of 417 dwellings with a 5% buffer, we believe Chorley's housing land supply figure to be closer to 3.8 years when considering the figures set out in Council's 1st April 2020 position statement.

If the challenge to the Cardwell Farm decision is successful and the decision is quashed, it is considered that Chorley Council would have no option other than to revert to the findings of the inspector in the Pear Tree Lane decision (ref. APP/D2320/W/20/3247136, August 2020) which found that not only were the policies most important in the determination of the application out of date, but that Chorley could not demonstrate a five year housing land supply against the Local Housing Need standard methodology, which that inspector considered the most appropriate means of calculating supply.

Reason 4 – Extent of highways works and loss of rural character

As referred to above, access to the site requires the removal of two sections of hedgerow to facilitate adequate sightlines. Landscaping is a matter reserved for the future and is not covered in detail in this application. Nonetheless, the provision of replacement planting to mitigate the loss of this hedgerow is possible – and is a matter which could have been dealt with as part of this application had the Council shared their concerns with us in advance of publishing the Committee Report.

It is noted that although the application site is currently designated as safeguarded land in the Chorley Local Plan 2012-2026, within Annex 1 of the Issues and Options paper for the new Central Lancashire Local Plan (November 2019) the application site has been proposed by Chorley Council for housing, together with land to the immediate south. Whilst the new Central Lancashire Local Plan is still in development, it is nonetheless relevant that the Council appear to consider this site, and that to the immediate south, to be an appropriate location for new housing. This will extend the settlement boundary of Eccleston along Tincklers Lane and will inevitably have an impact on rural character, which is something that the Council must have already considered is acceptable when balanced against the need to identify additional housing land for the borough.

We do not consider that this is a determinative or acceptable reason for refusal and in any case, replacement planting can be provided to mitigate the hedgerow loss.

Reason 5 – Piecemeal and unsustainable development

It is acknowledged that the application site forms part of the wider BNE3.7 safeguarded land allocation, which includes land to the immediate south and which is the subject of application 20/01331/OUTMAJ. Although the two sites form one larger allocation, they are in separate ownerships and there is no requirement in the Development Plan for these parcels to be progressed in line with one composite masterplan.

We strongly disagree with the assertion that the proposed development represents piecemeal or unsustainable development. Whilst it is accepted that the Council may have these concerns about the site to the immediate south, the application site sits directly adjacent to the settlement boundary of Eccleston and provision has been made to access the village via a footpath along the site frontage. It is therefore not considered that the development of this site in isolation would result in piecemeal or unsustainable development. Members should be aware that our application was submitted several weeks prior to the application to the south. Although we were made aware during the course of the application that there may be a requirement to link the two sites in some way for sustainable transport purposes, we were advised to await LCC's comments prior to making any changes to our scheme. This is something we have been chasing with the Council for several months and have had no response. Again, this reiterates the unacceptable manner in which this application has been dealt with, and that changes could have been made to address this point had the Council alerted us to their concerns prior to the publication of the Committee Report.

Summary

It is extremely disappointing that the Council have chosen to withhold important consultee responses and have not been willing to engage in constructive discussions with us on this application. Several of the reasons for refusal could have been addressed prior to publication of the Committee Report had the Council responded to our numerous attempts to discuss matters. Given that formal notice of the Council's intention to take the application to Committee and publication of the Committee Report was delayed until the latest possible opportunity, insufficient time has been allowed for us to properly address the matters raised in the report. This is amplified by the fact that housing land supply figures on which the recommendation to Committee is based are not explained, and therefore cannot be interrogated properly. We consider that this amounts to unreasonable behaviour on the part of the Council.

We would request that consideration of this application be deferred at the forthcoming Committee to allow us the opportunity to properly respond to the points raised in the Committee Report.

20/01085/OUTMAJ Tincklers Lane, Ecclestone



Yours sincerely

A handwritten signature in cursive script that reads 'Leyland'.

Louise Leyland MRTPI
Associate, PWA Planning

Appendix 1 – APP/G1630/W/20/3256319
Appendix 2 – Revised Indicative Layout Plan (ref. 1330-PL03A)

APPLICATION REPORT – 20/01193/OUTMAJ

Validation Date: 6 November 2020

Ward: Eccleston And Mawdesley

Type of Application: Major Outline Planning

Proposal: Outline planning application (with all matters reserved) for the development of land off Parr Lane, Eccleston for up to 34 dwellings and associated infrastructure (including 30% affordable housing)

Location: Land South of Parr Lane Eccleston

Case Officer: Adele Hayes

Applicant: Metacre Ltd, C/o Agent

Agent: De Pol Associates Ltd

Consultation expiry: 2 February 2021

Decision due by: 31 March 2021

RECOMMENDATION

1. It is recommended that the application is refused for the following reasons.
 - 1) The proposed development would be located within an area of Safeguarded Land as defined by the Chorley Local Plan 2012 - 2026. Chorley has a five year housing land supply as required by the National Planning Policy Framework. The proposal therefore conflicts with policy BNE3 of the Chorley Local Plan 2012 - 2026. It is not considered that there are material considerations put forward in favour of the development are sufficient to outweigh the presumption against it.
 - 2) The application does not make adequate provision for affordable housing and fails to achieve the policy requirement of 35% on-site provision. The proposal is, therefore, contrary to the Central Lancashire Core Strategy 2012 Policy 7 and the Central Lancashire Core Strategy Affordable Housing Supplementary Planning Document.

SITE DESCRIPTION

2. The application site forms part of a wider parcel of land designated as Safeguarded Land under Chorley Local Plan 2012 – 2026 policy BNE3 (BNE3.8 Between Bradley Lane and Parr Lane, Eccleston).
3. The site comprises approximately 1.5 ha of grassland adjoining the east side of the village of Eccleston. The north side of the site is bounded by Parr Lane, the west side by existing residential properties, to the south by a playing field and the west by an open field separated from the site by a ditch. There is a small disused stable building in the north east corner of the site close to a field gate on Parr Lane.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. The application is on outline form and proposes up to 34no. dwellinghouses on land off Parr Lane, including 30% affordable housing. The outline planning application for Land south of

Parr Lane, Ecclestone (20/01193/OUTMAJ) was validated on Friday 6 November 2020. All matters are reserved.

REPRESENTATIONS

5. 2no. letters of support has been received which makes the following comments:
- Further housing is required in Ecclestone especially in the form of bungalows/dormer bungalows
 - Families within Ecclestone village are desperately seeking small bungalows/dormer bungalows for elderly parents/family members to move close by and these types of properties just are not available
 - The site is currently an eyesore and the development of these properties will enhance Parr Lane
 - As Parr Lane is a very quiet road the additional traffic will pose no added inconvenience to the current residents residing there
 - The "Royal Estate" was always designed to be expanded further east with the lack of turning head at Sandringham Road and Richmond Road
 - The proposed development of 34 houses is an excellent addition to the village
 - Through the s106 process the following mitigation is requested:
 - a. It is requested that the applicant provides an upgrade through the recreation ground off Drapers Ave which has a ginnel from Richmond Rod onto it. The recreational area links through to New Mill Street where the shops, chemist and post are. It is requested that this path is upgraded to be more suitable for wheel and push chairs and is lit by street lights.
 - b. It is requested the applicant makes a contribution to the upgrade of the play area which is looking a little tired. There is also a play area in the middle of The Hawthorns which should also be considered for an upgrade.
 - It is requested that this application along with the two applications for land off Tincklers Lane contribute to an Ecclestone Mitigation Scheme to provide safer pedestrian routes through the village
 - Reducing the width of the junction slows traffic speeds into and out of the junctions and provides a shorter, safer route across the junction for pedestrians with dropped kerbs and tactile paving
 - The junctions in mind are
 - i. Windsor Road / Parr Lane
 - ii. Lawrence Lane / Parr Lane
 - iii. Parr Lane / Towngate
 - iv. Tincklers Lane / Towngate - this junction would also benefit of a public realm upgrade to the bus stop area. With the junction at a tighter radius it would create a larger area for bus stop shelter and bench with maybe a flower bed. This would encourage further bus use.
 - Bannister Lane / The Green - this junction opposite the school is overly wide and a reduction in the junction area could create parking bays for the school and row of shops within the vicinity of the junction
 - There should be considerations for red textureflex marking at the cross roads of Lawrence Lane / Doctors Lane and The Green
 - The centreline markings should be wider (where possible) with a chevron markings to reduce the width of Langton Brow/ The Green / Towngate this narrows the lanes of traffic and reduces the speed of vehicles on the spine road through the village
 - A continuous footway from Doctors Lane through the two proposed developments should be undertaken - this would encourage bus users to the Towngate / Tincklers Lane junction area
 - The developments should also provide 2m wide footway links to the PROW footpaths (FP10 and FP 3) to the west of Tincklers Lane
 - There should be a footway link to the existing footways on Tincklers Lane which the Ticklers Fold development installed
 - A bus service contribution for 5 years should also be considered

- It is also requested that the Hub on Drapers Avenue has a fund to replace the building with a more substantial structure
 - It is requested that the Parish Council manage this and contribution from the three proposed developments is more than half of the expected replacement building cost
 - It is requested that upgrades to the Cricket Club car park to increase parking provision to prevent on street parking on Doctors Lane
 - The proposed over flow car parking for events and well attended cricket matches should be in grasscrete (or similar) and at the agreement of the cricket club. It is suggested that the easterly side could accommodate a number of cars
 - There is a bund which could also be removed and the car park designed and laid out better to accommodate mini buses and more cars
 - There is a proposed pedestrian access to the rear of Eccleston County Primary School from Red House Lane / Beechfields (through Millennium Green) if there is a lack of funding for this granted planning application is requested to be added to the Eccleston Mitigation Scheme
 - As there are no other plots of safeguarded land for development in the Local Plan this is the only chance for the residents and businesses of this lovely village to use this opportunity to enhance and upgrade where ever we can
6. 27no. representations have been received citing the following summarised grounds of objection:

Principle

- The site is safeguarded land which has not been released for development and can only be developed if the council cannot demonstrate a 5-year housing supply. The housing supply statement published in May 2020 concluded that there is a 5.7 year deliverable housing supply within the borough
- The proposal is contrary to policy BNE3 of the Local Plan
- To grant the application would be to abuse and ignore the current Local Plan which was drawn up in a proper manner after fully open and extensive public consultation with proper and due consideration to the housing needs of the community
- There is thus no reason to grant a development contrary to the Local Plan
- To grant the application contrary to the Local Plan would make a mockery of local democracy
- Allowing this application would undermine the local planning process
- The land is safeguarded land under local plan policy BNE3 which does not support housing up until 2026 at the earliest
- Allowing housing now on this site would undermine the local plan process
- The land is Green Belt
- There has been no consultation with existing residents on the type of property that should be built
- The application appears to imply Chorley has not got a demonstrable 5 year housing supply site measured against need and therefore National Framework 11d should be considered instead of local policy BNE3 - however the D&A statement says the site meets the needs of the Local Housing plan - which policy suits when required?
- What conditions have changed since the rejected 2017 application for that site for them to say safeguarded land policy BNE3 does not warrant the refusal of planning
- Is there evidence of a demonstrated housing need, considering the additional properties recently built in Eccleston and the other current planning applications
- Cannot see the benefits of this site outweighing the adverse impacts
- Similar plans proposed in 2017 and rejected
- Brownfield sites could be found and used rather than tearing up this much loved greenbelt land
- 1000 houses are to be built on Leyland Motors Test Track and 100s more on east side of Leyland Lane
- Contrary to the statements made in the Design and Access Statement, the proposed scheme is not sympathetic to the local area as the properties are too small and densely packed

- For instance, the 3 proposed new properties facing Parr Lane are clearly much smaller than the adjoining properties Scalewood, Claremont etc

Highway safety

- The proposed development would create 60+ additional vehicles
- The other two submitted applications on Tincklers Lane would create a further additional 200+ vehicles - that would be 260-300 extra vehicles accessing already over burdened roads
- CO2 omissions would be detrimental to public health
- It would not be safe to use Sandringham Road for entering and exiting the site as the road is too narrow, especially as vehicles double park
- There are already dangerous situations occurring along Conway, Sandringham and Windsor Road junctions
- Heavy site vehicles would create havoc
- Inadequate road access, including narrow junctions at each end of Windsor Road with poor sight lines are dangerous
- Access for emergency vehicles needs to be seriously considered - ambulances and fire engine now struggle to get down onto and around the estate
- Access to Towngate/The Green into Parr Lane is dangerous now from whichever direction you are heading
- The whole road network that will be impacted on is not adequate including the busy and dangerous crossroads junction of Lawrence Lane, Doctors Lane and The Green
- Bradley Lane and Red Lane are not suitable for an increase in traffic
- There have been 19 crashes in the vicinity of the crossroads at Lawrence Lane and The Green since 2000
- Sandringham Road will no longer be a cul-de-sac and no longer safe for children to play
- Additional traffic along existing roads
- Sandringham road is too narrow and people have to park on the footpath so they do not obstruct other road users, it is not adequate for the needs of the new development/
- Narrow road
- The travel statement is incorrect - Parr Lane is within a 20mph zone not 30mph
- If average speeds have been recorded at west bound 29.5mph and east bound 30.4mph, that is surely of concern, as possibly an extra 60 cars are expected to negotiate poorly maintained winding roads and almost non existent footpaths
- There aren't any pavements near Parr Lane and Bradley Lane so there will be nowhere to walk on these roads
- There are no pavements around most of the site
- Ecclestone is a farming community so there are large tractors and other large equipment using the narrow lanes and more cars using the roads will be an accident waiting to happen
- The 2017 report still has the incorrect speed limit on Parr Lane as 30mph when it is actually 20mph - this negates the conclusion on highway safety, as calculated on 30mph the 85th percentile vehicle speed means that 84% of recorded vehicles were illegally exceeding the speed limit by 10mph
- Being 4 years out of date it fails to inform that vehicle usage and volume have increased substantially in this period
- The potential of an additional 60+ vehicles will certainly not enhance highway and pedestrian safety
- The proposed development has 3 bungalows being built on Parr Lane with their access onto the Lane coinciding almost exactly where the speed limit changes to 60mph
- This situation requires vis splays of 214m taken from 2.4m back from the road
- To the right of the access this would require probably at least 50m of hedgerow being removed
- Parking at this point would be a major hazard
- Sandringham Road will be the only access from the estate, it is not suitable, Parr Lane would be much more appropriate

- All the construction vehicles will be driving through the estate, this will be a nightmare for residents
- Vehicular access from Laurence Lane, onto The Green, is currently unsafe, due to obstructed vision from parked cars to the north of the junction
- Adding potentially 70 more vehicles, to those daily exiting onto The Green, only increases the likelihood of serious accidents
- Parr Lane and Bradley Lane, as an alternative is unviable and also dangerous
- If Richmond Road is opened up for the exit consideration must be taken into account for the public access into the recreation /playground areas known as the Rec could be dangerous when children are about

Ecology and landscape

- The photos in the ecology report are from 2015 as the site is different now with long grass and it suggests a full phase 1 habitat survey has not been carried out since 2015 which needs it is out-of-date
- The ecology report does not mention song thrushes or yellow wagtail which have a red conservation status and they have seen evidence in the woodland to the south of the site and the site has a high probability it is used by song thrushes
- The access on Parr Lane would involve removing a section of dense and ancient hedgerow which provide a habitat for wildlife
- Barn and tawny owls hunt in the fields and may nest on the site
- Bats, tawny/barn owls, pheasants and buzzards frequent the site and also the neighbouring field and would be lost for ever
- The ecology report is confusing in terms of the dates
- The photos used are not from 2020
- Barn owls, tawny owls, buzzard and pheasant are regular visitors, along with heron, partridge and other hedgerow birds
- The ecological report does not reflect the current condition of the field, which has much changed over the last 5 years
- Since grazing stopped, the sward is much taller, creating a richer habitat for many more invertebrates and small mammals
- There is a clear difference between the photos used on the report and the actual state of the site
- A repeat visit to the site was not carried out in September 2020
- If such a visit and a subsequent survey had been conducted, then the significant change in the state and use of the site would have been recorded
- On page 8 of the report in table 2 under TN5 it states that the site is 'currently grazed by a single horse' - this has not been the case for several years which further indicates a repeat visit was not undertaken in September 2020

Drainage and flooding

- The ditch running along the east of the site presents a flood risk to any properties built on the eastern boundary of the site and to the existing properties to the north of the site
- The addition of more water into the ditch would increase this flood risk
- Aging and poorly maintained foul and surface water sewerage system, constructed at a very shallow depth and flat gradient (this applies to both the public sewers in the highway and the privately owned ones within residents properties) would not cope with the extra demands imposed on to it by any new development that intends to key into this existing system, without causing significant harm to the existing properties
- Attention be given to determining how foul sewage generated by any future development should be addressed without causing any problems to the existing residential area to the west of the site
- The United Utilities Extract from the Map of Public Sewers appended to the Reford Flood Risk Assessment and Drainage Strategy (Oct '20) Report is incorrect and inconsistent
- For example, the map fails to show the drainage from the properties fronting Parr Lane from Windsor Rd down to the site which connect into the sewer on Sandringham Rd

- Existing public and private foul and surface water sewerage systems serving the existing residential development to the west of the site are over 50 years old, poorly maintained with displaced joints which restricts free flow
- The existing sewerage system is shallow in depth and has been constructed to a very flat gradient which also reduces the rate of flow along the dilapidated pipework
- The foul sewer particularly has been known to surcharge into residents' properties causing a major health hazard
- The supporting documents state that there is "no record of flooding in the area" - however, foul water surcharge incidents from private sewers into private properties have occurred on a number of occasions in the past but have been dealt with directly by the residents themselves and not necessarily reported to United Utilities
- Surface water flooding has occurred on a number of occasions on Parr Lane at the point where the stream to the east of the site runs through a culvert beneath the roadway
- This poorly maintained culvert acts as a throttle during storm conditions causing flooding of the Applicant's site - this also may not have been reported to the Environment Agency
- None of the findings, conclusions or recommendations stated in the PA supporting documents are based on robust evidence or a comprehensive site investigation but merely a site walkover which will yield very little if anything in terms of what the key issues are and how they should be addressed
- The reports are bulked out with bland generic statements and broad assumptions and much of the data is out of date
- The Reford Flood Risk Assessment and Drainage Strategy (which practically mirrors word for word that produced by CTC Infrastructure in June 2017) states that "no intrusive investigations or drainage surveys were carried out"
- The reports state that "the intention is to install a sustainable surface water drainage system (SUDS) which will outfall into the stream on the eastern boundary of the site - "The drainage system will incorporate attenuation features such as over-sized pipes and underground storage which will ensure that the rate of surface water run-off from the proposed development will mimic that which exists already and therefore no flooding will arise
- Unless the culvert running under Parr Lane is increased in size, the existing culvert will continue to restrict flow and cause flooding of the Applicant's site
- Also, paragraph 8.1 of the Reford Drainage Strategy leaves the door open for the surface water from the site to be connected to the existing public sewer to the west should a SUDS system running into the stream prove impractical to install
- My concerns about the surface water drainage is that if it is connected into the existing sewer to the west of the site then I consider that this will greatly increase the likelihood of more frequent incidents of flooding caused by surcharging of the existing sewer which, taking into account its physical constraints stated above was never designed to accommodate run-off from additional development beyond that which exists at present
- Shocked to see just how little consideration has been given by the Applicant and the Consultant's supporting the PA as to how foul sewage from the proposed development will be safely dealt with - the issue is condensed into two short sentences in all of the supporting documents
- The Reford Drainage Strategy simply states that: "It is intended that foul sewage from the site will be collected by a piped system and discharged into the public foul sewer system that lies within the residential estate to the west of the site"
- And also: "It may be necessary for a pumping station to be provided to make the connection"
- Firstly, taking into account the fact that the existing foul sewerage system is shallow, flat in gradient, has displaced joints and is aged and dilapidated, it was never designed to take additional foul sewage flows over and above that which exists already
- As a consequence of the physical condition of the existing foul sewerage system, there have over the years been incidents of private sewers backing-up and surcharging into existing properties in the area
- Again, these incidents have tended to be quickly cleaned up by the affected residents and may not have been reported to United Utilities
- My concern is that any increase in foul sewage flow from the proposed development into the existing public foul sewerage system to the west of the site will greatly increase the

frequency of foul water flooding, pollution and contamination and present a major health hazard to existing residents

- Indeed, Reford suggests that a pumping station may be necessary to make the connection of the proposed foul sewer and I strongly suspect that such a facility, in order to be financially viable, will also cater for further larger scale development to the west of the site up to Bradley Lane sometime in the future
- The necessity of a pressurised rising main in order to transfer foul water from the proposed development into the existing foul sewer would be disastrous for existing properties in the area which are gravity fed into the public sewer
- The fast flowing pressurised sewage would hit the slow flowing gravity fed sewage from existing properties causing it to back-up rather than flow away resulting in even more frequent incidents of pollution and contamination of existing properties with the resulting major health hazard
- The Wardell-Armstrong Phase 1 Desk Study (Dec '20) paragraph 4.6 which states that there are no records of any regulated explosives or hazardous substance storage within 500m of the site - this statement is factually incorrect as the commercial premises directly across from the site to the north of Parr Lane stores substantial quantities of ammonium nitrate which is classed as a named dangerous substance by COMAH
- Their property on Parr Lane has already experienced flooding from and building houses on the land will damage their property further
- There is already flooding issues on Conway Road and Sandringham Road - this will put extra pressure on stretched sewer systems which is not up to current standards
- Currently the existing estate has a problem with foul sewage
- This is a very poorly drained field
- At times the culvert in the north east of the field becomes blocked and overflows, causing problems on the road, and also floods the access road to the business opposite
- The already ageing fragile drainage/sewage system along Sandringham Rd would be compromised by the additional connection from the development
- The proposed site itself already floods via the watercourse on the north eastern section
- The culvert has blocked and flooded extensively down Parr Lane and also into the road entrance to Winter View Farm Recently

Amenity

- The development would have a detrimental impact to residents on Conway Road that have properties neighbouring the site as their house value will decrease due to being overlooked by new properties

Other

- Noise and disturbance during construction
- The small shopping area for the village can't cope with the extra houses
- The local schools are full
- There is no demand for any housing in Ecclestone as there have been two large developments in the last 10 years
- A block of affordable flats didn't manage to sell on the green recently as there's no demand for housing
- There is reference to allotments in the transport statement but nothing on the plans showing allotments
- The bus service is poor so residents will have to use their cars
- This is a village – want to retain village feeling
- The proposals include 30% affordable housing, however a recent development of "Windmill court" on the main road took months to sell and eventually some had to be rented out instead
- What confidence will residents have in BNE3 of the local plan if speculators are allowed to usurp it in this way
- Not expecting a letter like this during a pandemic
- Many living in area around site are retired -would like to retain the tranquility

- Sandringham Road was built over 50 years ago and the ageing utilities are not designed to take the additional pressure 34 new dwellings would bring
- Recently built houses have struggled to sell, showing there is no requirement or desire for more
- The need for more housing within the village is not proved
- Thousands of people have or will be losing their jobs, due to Covid 19, and Brexit
- Many EU nationals have recently left the UK to return home, where is the demand for new homes coming from
- Ecclestone is to become the new Standish - 'the small village turned busy town'

7. Cllr Counce has objected to the proposal and has commented as follows:

- *In the past few weeks there have been three different planning permissions sought in Ecclestone. There are applications for 34 Dwellings off Parr Lane, 80 dwellings on Tincklers Lane with access from Doctors Lane and another 15 houses also along Tincklers Lane. It's been pointed out that if it was turned down by Chorley borough and went to appeal independent inspectors looking at each individual application separately may not consider the total number and the huge impact they would have on the village. If they are passed it will mean around 129 properties being built in the very near future.*
- *I have particular concerns for the cross roads where Doctors Lane, The Green and Lawrence Lane meet, with the extra traffic likely to exceed 258 cars, all gathering at the junction at least twice a day and during school drop offs. In order to reach Doctors Lane junction, traffic will pass six estates, a primary school, a secondary school pick-up and drop-off bus stop, doctors surgery, and a veterinary surgery.*
- *Doctors Lane and Tincklers Lane are already very busy roads being the main roads through Mawdesley to M6, M61, Wigan, Preston and Chorley. Lack of air quality on this very busy stretch could also become a serious issue.*
- *Threat to wild life in these areas is also an important consideration, not just to newts or bats already protected, but other native wild life such as magnificent birds like barn owls that hunt over the fields, and wide variety of garden birds and small rodents threatened by their habitat being taken.*
- *Pedestrian safety is a major problem particularly along Tincklers Lane where there are blind bends, national speed restrictions and no pavements.*
- *On the estates where access for the new development will be, the roads leading to the proposed development are already very congested from residents having to park on the roads. Another 70 vehicles requiring access throughout the day on roads only wide enough for a single lane access will cause untold stress to all residents. Parr Lane is another narrow lane with no pavements and often heavy agricultural traffic using it.*
- *Another issue is flooding. Apparently the Carrington Centre has huge holding tanks built beneath it to handle surface water. At the moment Carrington centre car park is flooded because the holding tanks are unable to cope and there's no where for the water to run away to. This doesn't just happen occasionally. The fields on these developments are like wetlands what will happen to future surface water. It would appear that tanks aren't the complete answer.*
- *Extra houses means extra school places which aren't available, so children of barely 11 years old are having to travel alone on public transport to Chorley for their education.*
- *We are told that there is room at the surgeries for new patients yet it's not unusual to wait as long as a week before appointments come available.*
- *Ecclestone simply cannot cope with any extra pressures on infrastructure and utilities that three developments would create.*
- *There is no shortage of houses in the village. It would surely be more appropriate to build on brown field sites nearer towns, before green fields!*

CONSULTATIONS

8. Ecclestone Parish Council has objected to the proposal and has commented as follows:

This application, together with applications 20/01085/OUTMAJ – Outline application for the construction of up to 15 dwellings on Land off Tincklers Lane and 20/01331/OUTMAJ Outline application for the construction of up to 80 dwellings (including 30% affordable

housing) and associated infrastructure, with all matters reserved (aside from vehicular access from Doctors Lane) on Land off Tincklers Lane will, if approved as proposed, total 129 new properties in the village. This represents an increase of over 6% in the number of village properties.

The majority of the proposed dwellings will be family homes. Local infrastructure, including school places and medical facilities will be detrimentally affected and drainage systems within the village currently struggle to cope with demands placed by the existing houses.

The application sites are all on land safeguarded for development in a future Local Plan and none of the applications demonstrate a need for the types of housing proposed for the bulk of the properties.

The Parish Council objects to this application on the grounds of the detrimental impact the properties will have on the existing village infrastructure and would also request the cumulative impact of the 3 applications is taken into account during the deliberations.

9. Lancashire Constabulary Architectural Liaison: Make a number of recommendations in relation to designing out crime.
10. Environment Agency - No comments have been received.
11. Greater Manchester Ecology Unit: Recommend conditions and informatives.
12. Waste & Contaminated Land: No comments have been received.
13. Regulatory Services - Environmental Health: Have no objections in principle regarding environmental concerns, however request a detailed Construction Environmental Management Plan to outline how the construction phase of the development will be carried out without causing a detrimental effect on neighbouring properties.
14. United Utilities - Have no objection to the application subject to conditions.
15. Lancashire Fire and Rescue Service: No comments have been received.
16. Lancashire County Council Highway Services – Comments to be reported on the addendum.
17. Lancashire County Council Education: Advise that an education contribution is not required at this stage in regards to this development.
18. Lead Local Flood Authority: Raise no objection, subject to various conditions.
19. NHS: No comments have been received.
20. CIL Officers - Comment that CIL Liability is not calculated at outline application stage. The development will be CIL Liable on approval of the final reserved matters application (if approved).

PLANNING CONSIDERATIONS

Principle of development

21. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that if regard is to be had to the development plan for any determination then that determination must be made in accordance with the plan unless material considerations indicate otherwise.
22. The Development Plan comprises the adopted Central Lancashire Core Strategy (2012) and the adopted Chorley Local Plan 2012- 2026.

23. The Central Lancashire Core Strategy was adopted in July 2012 and covers the three neighbouring authorities of Chorley, South Ribble and Preston. The three authorities are a single Housing Market Area (HMA).
24. Core Strategy Policy 1 (Locating Growth) identifies Ecclestone as a Rural Local Service Centre where limited growth and investment will be encouraged to help meet local housing and employment needs and to support the provisions of services to the wider area.
25. Core Strategy Policy 4 Housing Delivery of the Plan sets the following minimum requirements for housing development across the Core Strategy area:
 - Preston 507 dwellings pa
 - South Ribble 417 dwellings pa
 - Chorley 417 dwellings pa
26. Core Strategy Policy 5 Housing Density indicates densities will be secured in keeping with local areas and which will have no detrimental impact on the amenity, character and appearance, distinctiveness and environmental quality of an area, consideration will also be given to making efficient use of land.
27. Core Strategy Policy 7 Affordable and Special Needs Housing of the Plan seeks to ensure sufficient affordable housing and special needs housing is provided to meet housing needs. It sets a requirement of 35% affordable housing on residential schemes in rural areas on sites in or adjoining villages which have, or will have, a suitable range of services. In terms of the National Planning Policy Framework major development proposals are defined where 10 or more houses are provided or where the site has an area of 0.5 hectares or more.
28. Policy V2 of the Chorley Local Plan 2012 - 2026 establishes the Settlement Areas in the Borough. Within these areas there is a presumption in favour of appropriate sustainable development, subject to material planning considerations and the other policies of the Development Plan. It is within these areas (and the strategic allocations) that the majority of development is envisaged to take place.
29. The application seeks outline planning permission for up to 34no. dwellings on 1.49 hectares of land. The site is adjacent to the settlement area of Ecclestone and is located on designated safeguarded land, as defined in Policy BNE3 (Areas of Land Safeguarded for Future Development Needs) of the Chorley Local Plan 2012 - 2026. This application site forms part of a wider parcel of safeguarded land known as BNE3.8 Between Bradley Lane and Parr Lane, Ecclestone
30. The site was designated as Green Belt in the 1993 Lancashire Structure Plan. It was removed from the Green Belt designation and reallocated as Safeguarded Land along with a number of other sites in the 1997 Chorley Borough Local Plan under the Safeguarded Land policy (Policy C3). In the Chorley Borough Local Plan Review in 2003 the site was again designated as Safeguarded Land under Policy DC3.18.
31. The areas of Safeguarded Land covered by Policy DC3 were reviewed as part of the current Local Plan process which started in 2010. The review included a sustainability assessment, and consultation with Lancashire County Council and United Utilities. In order to meet Chorley's housing, employment and open space requirements in the Chorley Local Plan 2015, safeguarded sites that were considered the most suitable, specifically those that were natural extensions to existing settlements, and proved most viable in terms of highways access and the characteristics of the site were allocated. The remaining Safeguarded Land was retained as Safeguarded Land under Policy BNE3 to provide for potential future development needs beyond the Plan period (i.e. after 2026).
32. Policy BNE3 is a restraint policy and states that development other than that permissible in the Green Belt or Area of Other Open Countryside (under Policy BNE2) will not be permitted on Safeguarded Land. The proposal is, therefore, contrary to Policy BNE3.

33. Policy BNE3 is in accordance with paragraph 139 of the National Planning Policy Framework (The Framework) (February 2019) which states that local planning authorities should c) “where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer term development needs stretching well beyond the plan period” and d) “make clear that the 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”.

Other material considerations

34. The Framework is a key material consideration. The purpose of the planning system is to contribute to the achievement of sustainable development. There are three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). There are three objectives to sustainable development set out at paragraph 8 and it is fundamental that development strikes the correct balance between:
- Environmental - the protection of our natural, built and historic environment.
 - Economic - the contribution to building a strong and competitive economy.
 - Social - supporting strong, vibrant and healthy communities
35. Paragraph 10 of the Framework states that so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).
36. Paragraph 11 of the Framework states for decision-taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
37. The Footnote (6) to paragraph 11 sets out examples of the type of policies that may indicate development should be refused. Footnote 7 makes clear that the tilted presumption in favour of sustainable development will apply where a Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites.
38. Paragraph 59 of the Framework confirms the Government’s objective of significantly boosting the supply of homes.
39. Paragraph 60 of the Framework reinforces that requirements represent the minimum number of homes needed.
40. Paragraph 73 of the Framework requires Local Planning Authorities to maintain a supply of deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategies or against their local housing need where the strategic policies are more than five years old. Footnote 37 states in circumstances where strategic policies are more than five years old, five year housing land supply should be calculated against Local Housing Need calculated using the Government standard methodology, unless those strategic policies have been reviewed and found not to need updating.
41. Section 13 of the Framework sets out the Government’s policy on protecting Green Belt land. It begins by stating that “the government attaches great importance to Green Belts”. The importance of the permanence of the Green Belt is reiterated. Paragraph 139 explains that Local Authorities should, where necessary, identify in their plans areas of ‘safeguarded land’ between the urban area and the Green Belt, in order to meet longer-term development

needs stretching well beyond the plan period. It further states that Local Authorities “should make clear that the 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 a Local Plan review which proposes the development”.

42. Land is allocated as such to ensure that Green Belt boundaries last for a long time and it is protected from development until a time in the future which it might be required to serve development needs. The main purpose of designating Safeguarded Land in Chorley is to ensure that the inner boundary of the Green Belt will endure in the long term rather than act as a land bank for future development. Designating land as safeguarded does not mean that its development is inevitable in the long term. Retaining this land for future development needs at this time is consistent with the purposes of designating the site as safeguarded land within the Local Plan, in accordance with the Framework.
43. The proposed development would result in the irreversible loss of part of a safeguarded greenfield site not required to meet current housing needs at this point in time. The application site is approximately 1.49 hectares however the remaining safeguarded site is also allocated as open space/sport and recreational facilities. This loss weighs heavily against the proposal and is contrary to the prudent use of land and resources in an area where much of the Borough is designated Green Belt. The Framework is clear that safeguarded land is not for development at the present time (i.e. within the Plan period) and planning permission should only be granted following a Local Plan review.

Housing land supply

44. The applicant considers that the Council is unable to demonstrate a five-year housing land supply when considered against the Local Housing Need (LHN) requirement and that two of the most important policies relating to the application site, namely Core Strategy Policy 4 and Chorley Local Plan Policy BNE3, are out of date. They therefore consider that the presumption in favour of sustainable development at Paragraph 11d) of the Framework is engaged.
45. The Core Strategy policies are more than five years old (adopted July 2012), however, following the Cardwell Farm decision (Appeal ref: APP/N2345/W/20/3258889 9th March 2021) the Council now uses Core Strategy Policy 4 to determine the 5 year housing supply. The Council has a 11.2 year deliverable housing supply over the period 2020 – 2025 based on an annual housing requirement of 144 dwellings which includes a 5% buffer and takes into account the previous oversupply.
46. The position of the Council in respect of Housing Land Supply is set out below:

The Euxton Lane Inquiry Decision APP/D2320/W/20/3247136 (11 August 2020)

47. The appeal was allowed and outline planning permission was granted for the erection of up to 180 dwellings including 30% affordable housing, with public open space, structural planting and landscaping, surface water flood mitigation and attenuation and vehicular access points from School Lane on land at Pear Tree Lane, Euxton, Chorley in accordance with the terms of the application, Ref 19/00654/OUTMAJ.
48. Para 10 of the decision states “The presumption in favour of sustainable development in paragraph 11(d) of the Framework directs that, where the policies which are most important for determining the application are out-of-date, the ‘tilted balance’ applies, whereby permission should be granted unless the policies of the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Paragraph 73 of the Framework also requires local planning authorities (LPAs) to maintain a supply of deliverable sites sufficient to provide a minimum of 5 years’ worth of housing against their housing requirement or local housing need. Where an LPA cannot demonstrate a 5 year supply of deliverable sites, Footnote 7 of the Framework

establishes that the policies of the development plan which are most important for determining the application are out-of-date”.

49. The main issues in the appeal were:
 - a) Whether or not the Council can demonstrate a 5 year supply of deliverable housing land in Chorley borough, 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;
 - b) 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; and
 - c) Whether this, or any other material consideration, would justify the proposed development on safeguarded land at this time.
50. In respect of the Five Year Housing Supply, the Inspector concluded:
51. Para 36 “...I have concluded above that 569 dpa is the appropriate housing requirement figure for Chorley for the purposes of calculating the 5YHLS in this appeal. The main parties dispute the deliverability of an allocated site at Cowling Farm, for which the Council includes 112 dwellings in the supply to the end of March 2025. However, even if the Cowling Farm figure were included in the deliverable supply, 1,617 dwellings would only amount to a 2.7 year supply against the LHN calculated using the standard method, still well below the 5 year requirement. Consequently, it is not necessary for me to consider the evidence for and against the inclusion of the Cowling Farm site any further here”.
52. Para 37 “...Overall, therefore, in the light of the evidence before me at this appeal, the provisions of the development and the relevant national policy and guidance, I conclude that the Council is unable to demonstrate a 5 year supply of deliverable housing sites measured against the LHN for Chorley”.
53. In respect of the most important development plan policies the Inspector concluded:
54. Para 44 “... Policies 1 and 4 of the CLCS and Policy BNE3 of the CLP are the ‘most important’ policies in this case, defining the need and appropriate locations for housing in Chorley and the limitations on development on the appeal site as Safeguarded Land”.
55. Para 45 “... The courts have established that a policy may become ‘out-of- date’ where it is overtaken by a change in national policy. That is clearly the situation applying to Policy 4 of the CLCS, where its housing requirements were derived from the former Regional Spatial Strategy for the North West, which in turn relied on the 2003-based household projections. This, combined with the introduction of the standard method in the 2018 Framework and the application of the 2014-based household projections, renders the housing requirements in Policy 4 out-of-date”.
56. In respect of Policy 1 the Inspector at para 47 states:
57. “In this case, Policy 1 does not of itself define settlement boundaries or limit development only to sites within settlements in Chorley borough. The evidence before me does not show that Policy 1 would unreasonably constrain the ability of the borough to accommodate its standard method housing requirement of 569 dpa. As such, I do not consider that Policy 1 of the CLCS is out-of-date for the purposes of this appeal”.
58. In respect of Policy BNE3 the Inspector concluded:
59. Para 49 “...My conclusions on the 5YHLS above indicate that the restriction on the development of Safeguarded Land in Policy BNE3 is preventing the Council from being able to provide an adequate housing land supply, against its standard method LHN within the current plan period to 2026”.

60. Para 50 “.....This is further supported by the fact that the emerging CLLP identifies all but one of the Areas of Safeguarded Land in Policy BNE3, including the appeal site, as site proposals to meet the borough’s housing needs for the period 2021-2036. Whilst the emerging CLLP is at an early stage and the final selection of housing allocations will be determined through the local plan examination process, it clearly recognises that land currently safeguarded in Policy BNE3 for development needs beyond the end of the CLP plan period in 2026, may need to be released before then to meet a housing requirement based on the standard method LHN”.
61. At Para 51 the Inspector concludes “In this case the ‘basket’ comprises Policies 1 and 4 of the CLCS and Policy BNE3 of the CLP. Although the overall spatial strategy for Central Lancashire in Policy 1 is not itself out-of-date, the policies establishing the amount of housing needed in Chorley borough and designating the appeal site as Safeguarded Land, so preventing it from contributing to those needs, are out-of-date. On this basis therefore, taken as a whole, I conclude that the ‘most important’ policies for determining this appeal are out-of-date”.
62. At Para 98 the Inspector sets out “Paragraph 11(d) of the Framework is also an important material consideration in this case. I have concluded above that the most important policies for this decision are out-of-date, both on their own merits and because the Council is unable to demonstrate a 5YHLS against the standard method LHN for Chorley. As such the ‘tilted balance’ in paragraph 11(d) is engaged for this decision. This means 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 6, 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”.

The Memorandum of Understanding

63. The three councils of Chorley, Preston and South Ribble entered into a Memorandum of Understanding (MOU 1) in September 2017 and this document provided clear evidence of the close working relationship between the three authorities in plan-making, building on the extant Core Strategy and committing to the preparation of a new single Central Lancashire Local Plan, which is now progressing.
64. MOU1 reflected the single HMA across Central Lancashire and is a policy-on response to the findings of the Strategic Housing Market Assessment (SHMA published in 2017) which concluded that: ‘the spatial distribution of need within the HMA varies depending on judgements made on projections. There has been an historical over-delivery of homes in Chorley relative to housing requirement policies, compared to an under-delivery in Preston and South Ribble’.
65. In May 2020, the three Councils approved an addendum to MOU2, entitled Joint Memorandum of Understanding & Statement of Co-operation Relating to the Provision and Distribution of Housing Land: Statement of Common Ground.
66. MOU2 aggregates the minimum annual Local Housing Need standard method figures for the three Local Planning Authorities and redistributes that housing need across the Central Lancashire area. The redistribution relies on evidence in the Central Lancashire Housing Study (March 2020) (CLHS) produced to inform the preparation of the Central Lancashire Local Plan. But it also seeks to provide an interim set of district level housing requirements, which MOU2 states is ‘to reflect the most sustainable pattern of development in the sub-region’ and ‘to align with City Deal growth aspirations in Preston and South Ribble.
67. As at 1st April 2020, the application of the agreed distribution ratio to this aggregate figure results in the following requisite minimum housing requirements for each Central Lancashire authority:
- | | |
|---------------|------------------|
| Preston: | 404 dwellings pa |
| South Ribble: | 328 dwellings pa |

Chorley:	278 dwellings pa
Total:	1,010 dwellings pa

68. The Inspector for the Pear Tree Lane Inquiry considered the MOU and stated:
69. Para 23 “Whilst paragraph 2a-013 of the PPG does not prohibit LPAs in joint plan areas from relying on a redistribution of LHN figures to determine planning applications in advance of the adoption of their plans, this paragraph ostensibly applies to plan-making rather than decision-making. This is clear from the question it seeks to answer and its repeated references to spatial development strategies and policy-making. The national guidance on how housing need should be calculated for the purposes of decision-making is found in section 68 of the PPG on Housing supply and delivery”.
70. Para 24 “The courts urge treating the PPG with considerable caution when there is a dispute about its interpretation, given that it is intended to be guidance not policy. However, the guidance in the PPG on calculating housing need and the 5YHLS for decision-making purposes mirrors the policy in paragraph 73 and footnote 37 of the Framework, that where the adopted housing requirement is more than 5 years old and the strategic housing policies need updating, as in Chorley, the 5YHLS will be measured against the LHN using the standard method”.
71. Para 25 “The standard method was introduced into national policy in the 2018 Framework as the new baseline for assessing 5YHLS in the absence of an up to date plan, in order to incentivise LPAs to get plans in place. Therefore, it is reasonable to conclude that the guidance in paragraph 2a-013 of the PPG is not intended to allow for a redistribution of LHN in joint plan areas to provide the basis for calculating 5YHLS in decision-making in advance of that distribution being properly tested at examination and found sound. For the PPG to do so would run counter to the definition of LHN in the Framework and the clearly stated policy on the application of the standard method in decision-making”.
72. Para 26 “Nevertheless, to date the courts have held that it is not unlawful for an LPA to rely on a housing requirement or an apportionment of housing need for decision-making purposes, even if this is not contained in an adopted plan. I recognise that the St Modwen and Oadby & Wigston judgements predate the standard method and the Harrogate judgement related to a planning permission granted before the latest version of the Framework made clear that LHN could only be calculated using an alternative approach in the context of preparing strategic policies. However, these judgements remain and establish the principle that an apportionment of housing need in an emerging joint plan can be a material consideration in decision-making. Therefore, I consider below the evidence for and against the apportioned housing need figure based on the analysis in MOU2 and the weight that should be attached to it.”
73. In conclusion the Inspector stated:
74. Para 31 “.....Whilst MOU2 was the subject of consultation, it is evident that there are significant and substantive objections to the proposed redistribution of the LHN and the evidence which supports it, which remain outstanding and will need to be resolved, ultimately through the CLLP examination. The Court of Appeal has established that ‘it is not for an Inspector on a S78 appeal to seek to carry out a sort of local plan process so as to arrive at a constrained housing requirement figure’ “.
75. Para 32 “.....Paragraph 48 of the Framework allows weight to be given to policies in emerging plans, according to the stage of preparation, the extent to which there are unresolved objections and the degree of consistency to the Framework. This guides my assessment of the weight that can be given to a housing requirement based on the redistribution of LHN in MOU2, as a policy document which informs the emerging CCLP. The emerging plan is at a very early stage and carries limited weight in this appeal. Although the MOU2 redistribution is an agreed position by the LPAs, there are significant unresolved objections to the recommended figures, which may result in Chorley’s apportionment being modified following examination. For these reasons and in the light of

my consideration of the evidence submitted, I attach limited weight to the housing requirement figure for Chorley of 278 dpa in this appeal”.

76. Para 33 “...However, full weight can be attached to the standard method LHN figure for Chorley, given that its value and use in this case are entirely consistent with the Framework and the PPG. Accordingly, I conclude that the figure of 569 dpa should be used for the purposes of calculating the 5YHLS in this appeal. This would also support the Government’s objective, in paragraph 59 of the Framework, of significantly boosting the supply of homes”.
77. Para 34 “...In reaching this view, I have had regard to the previous decision for the appeal site in 2017. Whilst the Inspector in that appeal applied a redistribution of the objectively assessed housing need (OAN) for Chorley based on the 2017 version of the MOU2 (MOU1) in order to calculate the 5YHLS, the apportionment in MOU1 aligned with the adopted CLCS, rather than an alternative arrangement. In addition, national policy on the calculation of 5YHLS at the time of that decision was very different, in that it predated the 2018 Framework and the introduction of the standard method. However, I also note that in the Chain House Lane appeal decision, which dealt with the draft version of MOU2 in the context of the new Framework and the standard method, the Inspector gave limited weight to the draft MOU2 and concluded that the standard method LHN figure for South Ribble should be used in that case. I have explained my reasoning for attaching limited weight to a housing requirement based on the redistribution of LHN in MOU2 in the light of the evidence before me in this case”.

Preston Withdrawal from the MOU

78. In light of the Pear Tree Lane, Euxton appeal decision Preston City Council withdrew from the MOU agreement on 4 November 2020.

Chain House Lane, Whitestake, Preston Judgement 21 August 2020

79. The decision was quashed, in relation to the claimant’s contentions in ground 5. A new Inquiry was held in March 2021.

Land at Cardwell Farm, Garstang Road, Barton, Preston, PR3 5DR, APP/N2345/W/20/3258889 (9th March 2021)

80. The appeal was allowed and planning permission granted. The Inspector identified four main issues of which two had implications for Chorley. These are:
- Whether the Council can demonstrate a five-year supply of deliverable housing sites, having particular regard to the housing need or requirement for Preston; and,
 - Whether paragraph 11 d) ii. of the Framework is engaged either by reason of a lack of a five-year supply of deliverable housing sites or because the most important policies for determining the appeal are out-of-date.

81. The Inspector concluded the following:

The review of the Core Strategy housing requirement via MOU1 and the 2017 SHMA is the only footnote review to have taken place.

Para 24 “...Paragraph 73 of the Framework requires that local planning authorities (LPA) should 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 strategic policies, or against their local housing need (LHN) where the strategic policies are more than five years old. Footnote 37 of the Framework indicates that where strategic policies have been reviewed and found not to require updating they should still be used as a basis for the housing requirement even if they are more than five years old”.

Para 25 “.....Planning Practice Guidance3 (PPG) contains similar wording to Footnote 37 but also notes that the housing requirement figures identified in adopted strategic housing policies should be used for calculating the five-year housing land supply figure where the strategic housing policies have been reviewed within the last five years and found not to need updating. This wording in the PPG was introduced in July 2019. It followed on from wording contained in the 2018 version of the PPG which reflected the July 2018 Framework and the introduction of the standard method for calculating LHN”.

Para 26 “.....Footnote 37 and the related PPG were introduced without any transitional arrangements. Therefore, the effect of national policy and guidance is that any review of the strategic housing requirement undertaken from July 2014 onwards which found the requirement not to require updating would amount to a ‘Footnote 37 Review’. Whilst PPG is not policy, it does not depart from the Framework on this subject but seeks to assist with the time period whereby a review has currency”.

Para 27 “....The development plan minimum housing requirement for Preston of 507 dwellings per annum (dpa) is set out in Policy 4 of the CLCS. This is out of a total requirement for Central Lancashire of 1,341 dpa. This requirement was set by adopted strategic policies which are more than five years old”.

Para 28 “....However, in October 2017, some five years after the adoption of the CLCS, the Central Lancashire authorities of Preston, Chorley and South Ribble entered into a Joint Memorandum of Understanding and Statement of Co-operation relating to the provision of Housing Land (MOU1). MOU1 agreed that the housing requirement in the CLCS should be applied until the adoption of a replacement plan”.

Para 29 “....MOU1 was informed by a Strategic Housing Market Assessment (SHMA) which indicated that, if each LPA were to meet its own Objectively Assessed Need, the total requirement for Central Lancashire would only exceed the Policy 4 requirement by some 20 dpa, albeit that different distributions would result depending on whether demographic or economic growth figures were used. The SHMA used the 2014-based household projections as the starting point for assessing housing need”.

Para 30 “.....MOU1 noted that continuing to apply the CLCS housing requirement would, amongst other things, reflect the spatial pattern of development set out in Policy 1 of the CLCS, including directing housing growth to priority areas such as Cottam and North West Preston where land had been allocated to deliver significant new housing in accordance with the Preston, South Ribble and Lancashire City Deal; that site allocations had been determined to meet the spatial pattern of development in the CLCS; that the CLCS requirement reflects the high levels of containment for both travel to work and housing market areas (HMA); and that the Policy 1 apportionment would help to address net out-migration from Preston to other parts of the HMA. That the Policy 4 figures were based on the defunct North West Regional Spatial Strategy and had a baseline date of 2003 were not factors that were referred to in MOU1 and, therefore, on the face of it were not given much weight”.

Para 31 “.....Although it was entered into before the publication of the 2018 Framework, the Council and the appellant agree that MOU1, supported by evidence in the SHMA, was a ‘Footnote 37 review’. Based on the information before me, I see no reason to take a different view”.

The decision of Preston to revert to standard method after withdrawal from MOU2 did not constitute a review and was not a robust process.

Para 32 “.....However, the Council considers that matters have moved on from MOU1. MOU1 included a clause whereby the document was to be reviewed no less than every three years but would also be reviewed when new evidence that renders the MOU out of date emerges. It is more than three years since MOU1 was entered into. The Council points

to the introduction of the standard method for assessing LHN as being a significant change in circumstances. If the LHN figure is used, Preston would be required to deliver 250 dpa”.

Para 33 “.....Footnote 37 and PPG do not indicate whether, once reviewed and found not to require updating, the development plan housing requirement can be reviewed again outside the formal local plan process. However, the implications of paragraphs 31-33 of the Framework is that it is anticipated that relevant strategic policies will need updating through a new local plan or partial review of a local plan rather than through a ‘review of a review’. That said, it seems to me that there may be justification to revert to LHN even if the requirement had been previously reviewed and found not to require updating. However, the decision to depart from the findings of a review undertaken in the last five years would need to be supported by a robust process”.

Para 34 “.....In this respect the Central Lancashire LPAs entered into a second Memorandum of Understanding in April 2020. This was augmented by a Statement of Common Ground in May 2020 reflecting a slight change in LHN housing numbers for April 2020. However, for the purposes of this decision the changes are not significant, and I will refer to these documents collectively as MOU2”.

Para 35 “.....MOU2 took into account the Central Lancashire Housing Study (CLHS), published in March 2020. The CLHS was commissioned to inform the review of the CLCS. However, the CLHS did not assess housing need in the way the SHMA did. It focused on LHN as a basis for the housing requirement, not on whether to plan for a higher level of need. In addition to findings in relation to affordable and other specific housing needs, it recommended that, pending the adoption of a new local plan, LHN should be used as a basis for assessing five-year housing supply but that the LHN should be redistributed such that Preston’s requirement would be 404 dpa. However, the recommendations did not appear to consider that a Footnote 37 review had already been carried out, and started with the assumption that the LHN should be used as the basis for the housing requirement”.

Para 36 “.....As a result, MOU2 sought not to use solus LHN figures or retain the CLCS requirement but redistribute the LHN figures across the Central Lancashire LPAs. The veracity of MOU2 was tested at an inquiry in the summer of 2020 relating to a development of up to 180 dwellings at Pear Tree Lane, Euxton, Chorley. The Inspector in his decision gave limited weight to the figure for Chorley derived from MOU2 because it was outside the local plan process. He noted that PPG allows the housing requirement for a joint plan making authority to be distributed across the plan area but this should be done through the plan making process, not through decision-making. I agree with this analysis and that Footnote 37 effectively provides two principal options for an LPA housing figure, either the adopted strategic policy requirement or the LHN”.

Para 37 “...The Inspector agreed that the LHN figure should be used for Chorley. However, it appears that the option of using the CLCS requirement was not put to him. The only reference to MOU1 in his decision is in relation to a previous appeal for the Pear Tree Lane site in 2017. In other words, it was not argued that MOU1 still had currency as a Footnote 37 review”.

Para 38 “...Up to December 2019 Preston continued to use the CLCS requirement for the purposes of assessing its five-year housing land supply. This was in the knowledge of the longevity of the CLCS requirement and the fact that it was based on calculating need in accordance with the 2012 Framework. However, following an appeal decision relating to Chain House Lane, South Ribble, where the Inspector concluded that MOU1 did not constitute a Footnote 37 review and that LHN should be used, the Council decided to use the LHN figure. However, the Chain House Lane decision was quashed in the High Court. The judge found that the Inspector’s reasoning for concluding that MOU1 was not a review was inadequate”.

Para 39 “.....Subsequently, following the Pear Tree Lane decision, the Council withdrew from MOU2 because the Inspector ‘has attributed limited weight to the MOU in determining the appeal.’ The Council’s decision does not indicate on what basis the housing

requirement or the five-year supply will be derived as an alternative to MOU2, albeit it is noted that the Central Lancashire LPAs are in the process of reviewing the Local Plan which will consider the matter of distribution of housing”.

Policy 4 should be used for the purposes of assessing whether there is a minimum of five years’ worth of housing against the housing requirement.

Para 40 “.....Pulling this chain of events together, to my mind the review of the CLCS housing requirement through MOU1 is the only Footnote 37 review that has been undertaken. The decision to revert to the LHN figure after withdrawal from MOU2 did not constitute such a review as it has not followed a robust process. The factors set out in paragraph 30 above are still relevant today. In addition, the higher housing requirement derived from the CLCS would deliver more affordable housing. Therefore, Policy 4 of the CLCS should be used for the purposes of assessing whether there is a minimum of five years’ worth of housing against the housing requirement”.

Based on the CLCS requirement of 507 dpa and factoring in past under-supply and a 5% buffer, there would be a 4.95 years supply of housing land.

For the above reasons, the Council cannot demonstrate a five-year supply of deliverable housing sites, having regard to the housing requirement for Preston.

82. The Inspector concluded that the adverse impacts of the proposed development relating to the conflict with the development strategy and effects on character and appearance would not significantly and demonstrably outweigh the considerable economic and significant social benefits.

Summary - the tilted balance

83. Paragraph 11 d (ii) of The Framework essentially comes into play whereby the most important policies for determining an application are out of date, then planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
84. Whilst the Inspector accepted that there would be some limited harm to the character and appearance of the area, in terms of benefits, provision of new housing would bring construction supply chain jobs, places for economically active to live, increased local spend and greater choice in the market. The affordable homes would be a benefit and the proposal would boost supply, therefore he attached moderate weight to the economic benefits and significant to the social benefits. He concluded the adverse impacts of the proposed development relating to the conflict with the development strategy and effects on character and appearance would not significantly and demonstrably outweigh the considerable economic and significant social benefits.
85. Taking account of the Cardwell decision para 42 relating to Preston’s housing supply the calculation for Chorley is:
86. At 1st April 2020 there was a total supply of 1,617 (net) deliverable dwellings which is a 11.2 year deliverable housing supply over the period 2020 – 2025 based on the annual housing requirement of 144 dwellings which includes a 5% buffer and takes into account the previous oversupply.
87. The tilted balance is not, therefore, engaged.

Emerging Central Lancashire Local Plan

88. The assessment of Safeguarded Land is being undertaken as part of a comprehensive review of the Central Lancashire Local Plan (CLLP). This assessment process will ensure that the most suitable areas of Safeguarded Land are released, if required, and brought

forward for development where appropriate, thereby minimising harm to Green Belt boundaries. Granting planning permission on safeguarded land outside that process means that the opportunity is not taken to ensure that the decisions taken are least harmful.

89. There is a total of 11 Safeguarded Land sites designated in the Chorley Local Plan (which includes the Euxton Lane appeal site and adjacent area forming site BNE3.9 Policies Map 1, Chorley Borough). The assessment should not be carried out ad-hoc through the development management process, rather as part of a holistic Strategic Housing Economic Land Availability Assessment and sustainability appraisal process. The new Local Plan will cover the whole single housing market area.
90. This part of the safeguarded land area BNE3.8 was included in the Issues and Options consultation for the Central Lancashire Local Plan (CLLP) under site reference 19C263x. Public consultation on this document was between November 2019 – February 2020. Responses received to the consultation will be published online and used to inform the next iteration of the Plan – Preferred Options due December 2021. A further public consultation will take place at this stage

Central Lancashire Local Plan: Site Assessment work

91. Three call for sites exercises have been completed to date for the CLLP. The results from call for sites 1 and 2 were consulted on as part of the Issues and Options Consultation which ran between November 2019 and February 2020, during this time, a further window was opened for addition site suggestions (Call for sites 3).
92. Detailed work to assess the sites commenced in February 2021 following completion of Level 1 Strategic Flood Risk Assessment (SFRA). This being undertaken in line with Strategic Housing and Economic Land Availability Assessment (SHELAA) methodology.
93. Officers in Chorley, South Ribble and Preston Councils finished their initial assessment of the sites in January 2021, and their findings have been collated by the CLLP Team into the SHELAA database. The CLLP Team are now starting to assess the sites in detail to look at their suitability. This work will also include undertaking Integrated Assessment (IA) and Habitats Regulation assessment (HRA) and viability assessment of the sites, and will bring in findings of the SFRA as well as consultation responses on the specific sites from Statutory Consultees and local residents.
94. The direction of growth and development of a spatial strategy for the area is also in early development, with the Councils starting to look at the level of growth likely to be needed over the plan period and how the plan should look to direct this. There is still considerable work to be done on this, including testing the emerging options in terms of transport and other infrastructure needs as they develop.
95. It is important to note that until all these stages of work have been completed, no decision on sites to be taken forward through the Central Lancashire Local Plan can be made.
96. When considering the acceptability of the principle of the development and taking in account the above factors as set out in this section, the proposed development is unacceptable as a matter of principle, in planning policy terms.
97. Notwithstanding this, it is necessary to consider whether there are any other material considerations that would outweigh the non-compliance with the development plan and identify any resultant harm.

Impact on ecological interests

98. *Policy BNE9 (Biodiversity and Nature Conservation) of the Chorley Local Plan 2012 – 2026 stipulates that Biodiversity and Ecological Network resources will be protected, conserved, restored and enhanced; and that priority will be given to, among other things, protecting, safeguarding and enhancing habitats for European, nationally and locally important*

species. The policy also requires, among other things, that where there is reason to suspect that there may be protected habitats/species on or close to a proposed development site, the developer will be expected to carry out all necessary surveys in the first instance; planning applications must then be accompanied by a survey assessing the presence of such habitats/species and, where appropriate, make provision for their needs.

99. Greater Manchester Ecological Unit (the Council's ecology advisor) has reviewed the applicant's ecological assessment and concluded that the proposal is acceptable, subject to conditions.
100. They state that the open field is dominated by closely horse-grazed pasture with limited botanical species diversity. It could best be described as semi-improved or improved species-poor neutral grassland, currently of limited ecological value. However, there are features with rather more nature conservation interest present on the site, particularly at the site boundaries, including scattered broadleaved trees, hedgerows, marshy grassland, scrub vegetation and a small stream. All of these habitat features are on the boundaries of the site and are capable of being retained as part of the scheme. Providing these boundary habitats are retained and protected or improved, habitat losses to the scheme will be limited to the loss of the grassland, although of course the development will result in a loss of the 'openness' of the site and a degree of habitat fragmentation. Any boundary hedgerows which may need to be removed to facilitate access to the site should be required to be compensated by new hedgerow planting.
101. The potential of the site to support any specially protected species is low, although small numbers of foraging bats may make use of the site. Bat foraging habitats are capable of being retained. Several trees considered to have some potential to support roosting bats are capable of being retained as part of the scheme, but if these trees are later scheduled for removal then they should be inspected for the possible presence of bats prior to any tree works commencing.
102. If permission granted conditions are recommended relating to a requirement for a Landscape Plan, details of both hard and soft landscape proposals, requirements for biodiversity enhancement and protection of nesting birds.
103. In relation to trees the application is accompanied by an Arboricultural Impact Assessment. Several trees (one individual tree, one boundary hedgerow and three small groups of trees) would require removal as part of the development however all of them are low quality Category C trees. The Council's Tree Officer has confirmed that none of these have any particular arboricultural significance or provide a high level of visual amenity. The rest of the trees on site are to be retained. Should permission be granted, the Tree Officer recommends an up to date Arboricultural Method Statement and Tree Protection Plan are produced and adhered to, to prevent damage to trees, above and below ground, during construction as the tree protection measures submitted are over three years old. It is considered this could be secure by a condition.
104. Landscaping of the site would be a Reserved Matter if the application was approved and could therefore be controlled at this stage.

Highway safety

105. *Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that the residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction.*
114. *Policy ST1 (New provision of Footpaths, Cycleways, Bridleways and their associated facilities in existing networks and new development) stipulates that new development and*

highways and traffic management schemes will not be permitted unless they include appropriate facilities for pedestrian, cycle parking facilities, and /or cycle routes. The policy requires, among other things, that proposal should provide for facilities for pedestrians and cyclists to facilitate access on foot and by bicycle to nearby residential, commercial, retail, educational and leisure areas, where appropriate; and additional footpaths, bridleways and cycleway routes between the countryside and built up areas where appropriate.

115. The application is made in outline with all matters reserved, however the council need to be satisfied that the proposal could be satisfactorily accessed if outline permission is granted. An indicative site layout plan is provided showing all but three of the dwellings would be accessed from Sandringham Road while three dwellings would be accessed from a private drive off Parr Lane.
116. Lancashire Highway Services have been consulted in relation to the proposed development, but had not finalised their report at the time of writing. The comments of Lancashire County Council as the Local Highway Authority (LHA) will therefore be reported on the addendum prior to the Committee meeting.
117. On the matters of parking provisions policy ST4 'Parking Standards' of the Chorley Local Plan 2012-2026 requires that proposals for development will need to make parking provision in accordance with the standards set out in Appendix A of the Local Plan. Appendix A identifies the Council's minimum parking standards for new development. It is not currently known how many bedrooms would be provided within each dwelling. It is however, considered that there is sufficient room on-site for the provision of parking spaces to accord with policy ST4 at reserved matters stage and their provision could be required by planning condition.
118. The Framework is clear at paragraph 109 that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. There is no evidence to demonstrate a severe cumulative impact at this time, however, the acceptability of the proposed development on highway grounds cannot be confirmed until the formal comments of the LHA have been received.

Impact on the character and appearance of the area

119. *Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, among other things, the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials; that the layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area; and that the proposal would not have a detrimental impact on important natural habitats and landscape features such as historic landscapes, mature trees, hedgerows, ponds and watercourses. In some circumstances where on balance it is considered acceptable to remove one or more of these features, then mitigation measures to replace the feature/s will be required either on or off-site.*
120. *Policy BNE10 (Trees) Stipulates, among other things, that proposals that would result in the loss of trees, woodland areas or hedgerows which make a valuable contribution to the character of the landscape, a building, a settlement or the setting thereof will not be permitted. Replacement planting will be required where it is considered that the benefit of the development outweighs the loss of some trees or hedgerows.*
121. *Core Strategy policy 17 seeks to ensure that the design of new buildings takes into account the character and appearance of the local area, including among other things, linking in with surrounding movement patterns and not prejudicing the development of neighbouring land; and protecting existing landscape features and natural assets.*

122. The application seeks outline planning permission for up to 34 dwellings. The illustrative masterplan also shows one possible way in which the site could be developed with a new access road on Parr Lane on the northern edge of the site, and Sandringham Lane on the eastern edge of the site. It is anticipated that the dwellings will be a mixture of terraced, semi-detached and detached houses and bungalows together with apartments. The Parr Lane access would serve a maximum of three dormer bungalows fronting the carriageway, whilst the Sandringham Road access would serve the remainder of the development which would be arranged around a cul-de-sac with four turning heads provided.
123. The access, layout, appearance, scale and landscaping aspects of the proposal do not form part of this outline application and would follow at any Reserved Matters stage. From the indicative layout plan submitted, it is considered that adequate residential curtilage would be provided with adequate space for parking and general amenity. It is considered that the dwellings could be designed without detriment to the appearance of the site or the character of the streetscene. Nevertheless, this could only be fully assessed at Reserved Matters stage.

Amenity

124. *Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, where relevant to the development the proposal would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact; and that the proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses.*
125. It is considered that the dwellings could be designed without detriment to residential amenity.
139. Any impacts during the construction phase would be temporary and suitable mitigation measures could be imposed by a planning condition, for example, through a Construction Environmental Management Plan.
126. In light of the above, it is considered that sufficient information has been provided for the council to be satisfied that the proposed development could comply with policy BNE1 of the Local Plan at any Reserved Matters stage.

Drainage and flood risk

127. *Core Strategy Policy 29 (Water Management) seeks to improve water quality, water management and reduces the risk of flooding in a number of ways including, among other things, appraising, managing and reducing flood risk in all new developments.*
128. The site is in Flood Zone 1 (the lowest risk category). As the site is over 1 hectare however a Flood Risk Assessment is required and has been submitted with the application (dated October 2020).
129. The Planning Practice Guidance (PPG) establishes a hierarchy for surface water disposal, which encourages a Sustainable Urban Drainage approach (SuDS): Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:
- into the ground (infiltration);
 - to a surface water body;
 - to a surface water sewer, highway drain, or another drainage system;
 - to a combined sewer.
130. Paragraph 103 of the Framework requires that surface water arising from a developed site should, as far as it is practicable, be managed in a sustainable manner to mimic surface

water flows arising from the site prior to the proposed development, whilst reducing flood risk to the site itself and elsewhere, taking climate change into account.

131. At present surface water from the existing site discharges into the watercourse that runs along the site's eastern boundary. It is intended that new surface water drainage will take all surface water runoff from the new roofs and hardstanding areas, to discharge into this watercourse therefore mimicking the existing scenario. The surface water runoff from the development will be attenuated to pre-development runoff rates, so there will be no change to the flood risk upstream or downstream of the site. The application states that the ground conditions are not conducive to infiltration.
132. Lancashire County Council as Lead Local Flood Authority have reviewed the application and state that the Flood Risk Assessment (FRA) and Drainage Strategy submitted with the application states that infiltration will not be feasible on site due to the presence of "slowly permeable seasonally wet slightly acid but base-rich loamy and clayey soils". They advise however, that the variable nature of such superficial deposits mean that a desk study is not sufficient in itself to rule out infiltration as a drainage mechanism in this case. Consequently, site investigations will still be required to confirm infiltration rates and groundwater levels in accordance with industry guidance before infiltration is ruled out for surface water drainage, as this is higher up the drainage hierarchy as set out in the PPG. Only if it is established through site investigations that infiltration is not suitable for drainage should drainage to the watercourse be considered. It is considered this investigation and a suitable drainage scheme based on the outcomes of that investigation can be controlled by a planning condition.
133. If investigations do conclude that the ground conditions are unsuitable for infiltration and the site does need to be drained to the watercourse, in relation to Climate Change, section 8.4 of the Flood Risk Assessment and Drainage Strategy states that overall flows up to the 1 in 100 year event plus allowance for 30% climate change will be contained on site within the drainage system. Lancashire County Council as Lead Local Flood Authority advise that Government guidelines on climate change allowances stipulates that developments with a design life beyond 2080 should account for upper end estimations for the total potential change anticipated, which equates to a 40% allowance for the 1 in 100 year storm event. The attenuation volume of between 240m³ and 378m³ proposed in section 8.7 of the FRA will likely be insufficient as a result.
134. Therefore if discharge to the watercourse is required the attenuation volume will need to be increased. Lancashire County Council as Lead Local Flood Authority however have no objection to the application as the above points can be addressed through appropriately worded conditions that include requirements for site investigations and test result to confirm infiltration rates and ground water levels and 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. They also ask for conditions securing the completion of the drainage scheme prior to occupation of any of the dwellings and long term management and maintenance of the drainage scheme.
135. It is intended that foul sewage from the site will be collected by a piped system, and discharged into the public foul sewer system that lies within the residential estate to the west of the site. It may be necessary for a pump station to be provided to make the connection.
136. Subject to conditions in line with those requested by the LLFA the application is considered acceptable in relation to drainage and flood risk.

Affordable housing

137. Core Strategy policy 7 sets down the approach to the delivery of affordable and special needs housing:

“Subject to such site and development considerations as financial viability and contributions to community services, to achieve a target from market housing schemes of 30% in the urban parts of Preston, South Ribble and Chorley and of 35% in rural areas on sites in or adjoining villages.....”

“Aside from rural exception sites the minimum site size threshold will be 15 dwellings (0.5 hectares or part thereof) but a lower threshold of 5 dwellings (0.15 hectares or part thereof) is required in rural areas.”

138. The adopted Central Lancashire Affordable Housing Supplementary Planning Document provides additional information on the delivery of affordable housing, with paragraph 34 stating:

“The size of development should not be artificially reduced to reduce or eliminate the affordable housing requirement as set out in the Core Strategy and at page 5 of this document, for example by sub-dividing sites or reducing the density of all or part of a site.”

139. However, the Framework requires that affordable housing should only be sought for residential developments that are major developments (10 or more dwellings). The affordable housing threshold in rural areas of 5 dwellings in Core Strategy Policy 7 has, therefore, now been replaced by the Framework threshold of 10 dwellings.
140. In accordance with Core Strategy Policy 7, 35% of the dwellings are required to be affordable. This equates to 12 dwellings. 70% (8) of these should be social rented and 30% (4) should be shared ownership.
141. The applicant is proposing 30% affordable housing which is not in accordance with Core Strategy Policy 7 which requires 35% affordable housing provision in rural areas.
142. The house types to be provided will be determined at the reserved matters stage.
143. Affordable housing would need to be secured through a Section 106 legal agreement if the application was approved.

Public open space

144. Policy HS4A and HS4B of the Chorley Local Plan 2012 – 2026 - Open Space Requirements in New Housing Developments explains that all new housing developments will be required to make provision for open space and recreation facilities, where there are identified local deficiencies in the quantity, accessibility or quality and/or value of open space and recreation facilities. The requirements for the proposed development are as follows:

Amenity Greenspace:

145. Local Plan Policy HS4A sets a standard of 0.73 hectares per 1,000 population.
146. There is currently a deficit of provision in Eccleston and Mawdesley in relation to this standard, a contribution towards new provision in the ward is therefore required from this development. As the development is 10 or more dwellings the required amenity greenspace should be provided on-site. The amount required is 0.0596 hectares. A maintenance cost of £23,800 is also required for a 10 year period if private maintenance is not proposed.

Provision for children/young people:

147. Local Plan Policy HS4A sets a standard of 0.08 hectares per 1,000 population.
148. There is currently a surplus of provision in Eccleston and Mawdesley in relation to this standard, a contribution towards new provision in the ward is therefore not required from this development. The site is also not within the accessibility catchment (800m) of any areas of provision for children/young people that are identified as being low quality and/or low value in the Open Space Study. A contribution towards improvements is therefore also not required from this development.

Parks and Gardens:

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

Natural and Semi-Natural Greenspace:

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

Allotments:

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

Playing Pitches:

155. A Playing Pitch Strategy was published in June 2012 which identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is therefore required from this development. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements. The amount required is £1,599 per dwelling.
156. The total financial contribution required from this development is as follows:

Amenity greenspace	= £23,800 (if private maintenance is not proposed)
Equipped play area	= £0
Parks/Gardens	= £0
Natural/semi-natural	= £18,938
Allotments	= £0
Playing Pitches	= £54,366
Total	= £97,104

157. A financial contribution of £97,104 is required (or £73,304 if private maintenance is proposed), and this would need to be secured through a Section 106 legal agreement if the application was approved.

Sustainability

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

"For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until

commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015. This is expected to happen alongside the introduction of zero carbon homes policy in late 2016. The government has stated that, from then, the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the government's intention into account in applying existing policies and not set conditions with requirements above a Code Level 4 equivalent."

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

159. Given this change, instead of meeting the code level, the dwellings should achieve a minimum dwelling emission rate of 19% above 2013 Building Regulations in accordance with the above provisions. This can be controlled by a condition.

Education

160. Central Lancashire Core Strategy policy 14 (Education) seeks to provide for education requirements in a number of ways including asking developers to contribute towards the provision of school places where their development would result in or worse a lack of capacity at existing schools.
161. Lancashire County Council, as the Education Authority, seek to secure financial contributions towards any additional school places required as a result of new housing development in order to mitigate the impact upon the education infrastructure which new housing developments may have.
162. The latest information available at this time is based upon the 2021 School Census and resulting projections.
163. Based upon the latest assessment, Lancashire County Council advise that an education contribution is not required at this stage in regard to this development.

Employment skills provision

164. The Central Lancashire Employment Skills Supplementary Planning Document (SPD) was adopted in September 2017. The SPD introduces Employment Skills Statements and provides clarity as to how this requirement relates to the relevant policies set out in the Core Strategy and Local Plan as well as the guidance set out in the Framework. The SPD goes on to state that one of Central Lancashire's priorities is to encourage economic growth within Central Lancashire that benefits the people and businesses in the three boroughs. The SPD seeks to;
- Increase employment opportunities by helping local businesses to improve, grow and take on more staff
 - help businesses to find suitable staff and suppliers, especially local ones
 - improve the skills of local people to enable them to take advantage of the resulting employment opportunities
 - help businesses already located in Central Lancashire to grow and attract new businesses into the area
165. The SPD requires development over certain thresholds to be accompanied by an Employment and Skills Statement to ensure the right skills and employment opportunities are provided at the right time. This is to the benefit of both the developer and local population and covers the following areas:

- Creation of apprenticeships/new entrants/graduates/traineeships
- Recruitment through Job Hub and Jobcentre plus and other local employment vehicles.
- Work trials and interview guarantees
- Vocational training (NVQ)
- Work experience (14-16 years, 16-19 years and 19+ years) (5 working days minimum)
- Links with schools, colleges and university
- Use of local suppliers
- Supervisor Training
- Management and Leadership Training
- In house training schemes
- Construction Skills Certification Scheme (CSCS) Cards
- Support with transport, childcare and work equipment
- Community based projects

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

Benefits of the scheme

167. The Council considers that the adopted housing land supply policies are up to date, therefore the proposal is contrary to the development plan. Paragraph 12 of the Framework states "Where a planning application conflicts with an up-to-date development plan [...] permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed."

168. In this instance it has been identified that the proposed development is contrary to the policies of the development plan. It is therefore important to consider the proposal in the round. In accordance with Section 38(6) the decision maker should consider whether there are material factors that indicate that the development should be granted despite being contrary to policy. To this end the applicant has identified a number of planning benefits of the proposed development, which are considered below.

168. The applicant states that conflict with Policy BNE3 of the Chorley Local Plan 2012 – 2026 does not warrant refusal of the planning application and there are no negative impacts associated with the development which significantly and demonstrably outweigh the benefits. They have however not identified any benefits other than it is a sustainable and appropriate location for meeting housing needs in Ecclestone.

Social

169. The provision of affordable housing cannot be considered as a benefit as the proposal is contrary to Core Strategy Policy 7. The applicant is only proposing 30% affordable housing whereas the requirement in this location is 35%. Even if the correct amount of affordable housing were proposed, to develop the site now would be premature and place further pressure on future land supply. In order to inform future housing need including types and tenures, there is an emerging suite of evidence which will support a robust local plan for the next 15 -20 years. There is no need to deliver this site now rather, it should await the evaluation and outcome of the Central Lancashire Local Plan Review process. Accordingly, this is not a material consideration which justifies the early release of this site.

Environmental

170. The development proposal includes the provision of formal and informal open space. A commuted sum for off site provision/improvement of playing pitches and natural/semi-natural greenspace will also be required. The provision of green infrastructure, open space and recreation facilities is of moderate benefit as it is a policy requirement (HS4A) rather than a benefit of the proposal.

Economic

171. Any economic benefits of the proposal carry little weight in justifying development of safeguarded land because they are generic and arise equally (pro rata) from the development of land that is not safeguarded. So, if the proposals are likely to result in increased spend in the local area, we consider this carries moderate weight.
172. The proposals also have a number of temporary benefits associated with the construction phase such as employment opportunities, indirect spend and new homes bonus funding. Due to their temporary nature we consider these attract limited weight.
173. The Council does not regard increased council tax receipts as a benefit of the development as this is essential to cover the increased demand for Council services that the development would generate.
174. There are no evident economic benefits that this development would provide that would not be generated by the residential development of land that is not safeguarded. It is not allocated for housing in the development plan and therefore such growth has not been accounted for in plan-making including developing the supporting evidence for future strategic infrastructure such as transport, education and training, open space and recreation, and, employment and skills.

Community Infrastructure Levy (CIL)

175. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development will be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

CONCLUSION

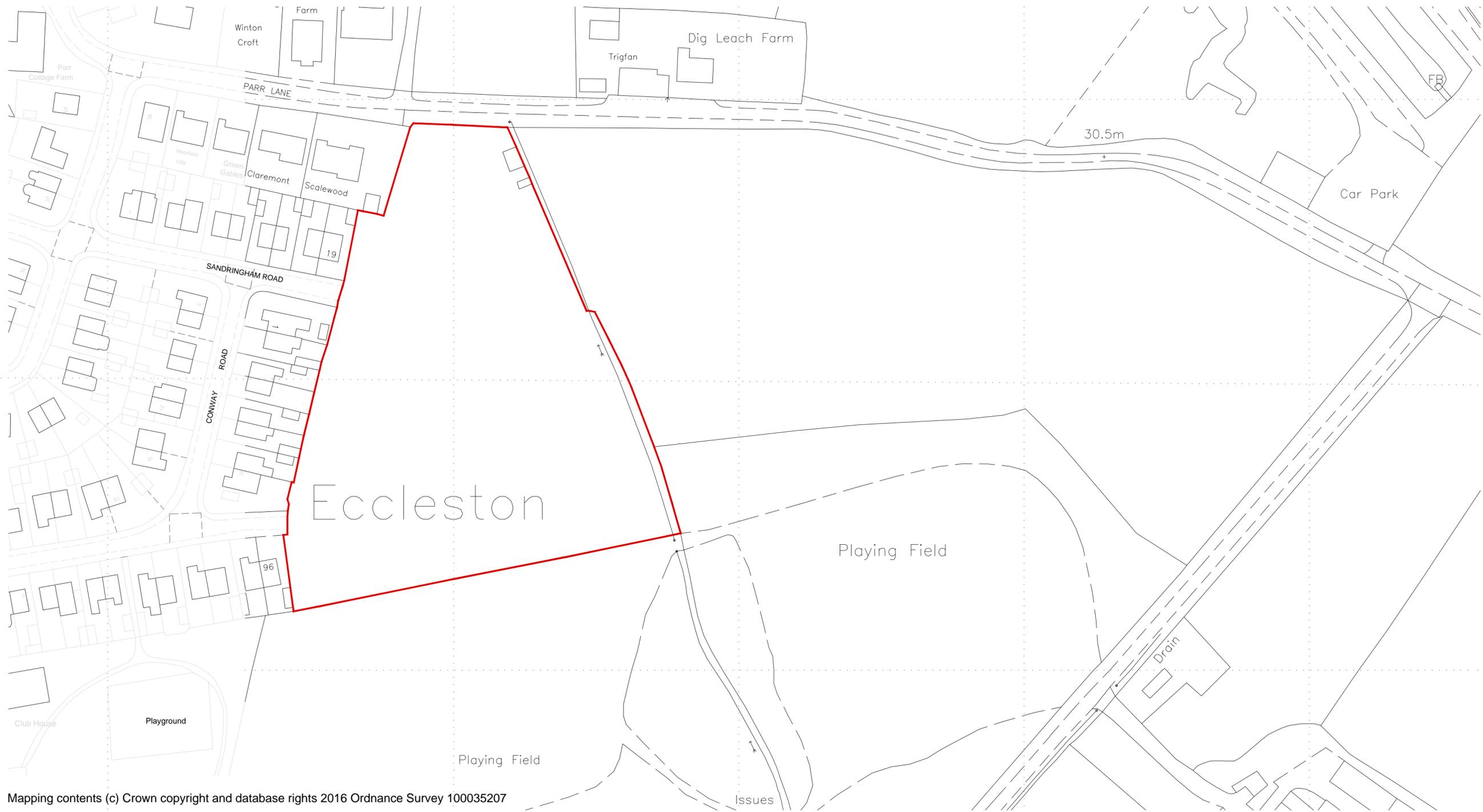
176. The application is contrary to the provisions of the development plan and does not represent a sustainable form of development having regard to the Framework presumption in favour of sustainable development. Overall it is not considered that there are any material considerations that would outweigh the conflict with the development plan and the Framework when taken as a whole. The housing requirement for Chorley is 417 homes per annum. The Council has a 11.2 year housing supply. The 'tilted balance' in paragraph 11(d) is therefore not engaged.
177. Furthermore 30% affordable housing is proposed however in accordance with Core Strategy Policy 7 35% affordable housing provision is required on this development.
178. Overall it is not considered that there are any material considerations that would outweigh the conflict with the development plan and the Framework when taken as a whole and it is, therefore, recommended that the application be refused.

RELEVANT HISTORY OF THE SITE

Ref: 17/00792/OUTMAJ **Decision:** Refused **Decision Date:** 11 October 2017
Description: Outline application (with all matters reserved) for the erection of up to 33 dwellinghouses and the provision of community allotments.

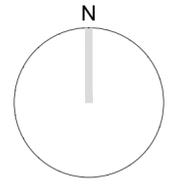
RELEVANT POLICIES: In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.

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Site Layout 1:1000



Revision Notes:
 A: Extended to show Playground and footpath link. JRM 31-07:17



CLIENT
 Metacre Ltd.
 PROJECT NAME
 Proposed Development at Parr Lane, Eccleston.

DRAWING NAME
 Location Plan.
 SCALE 1:1000 @ A2 DRAWN BY JRM DATE 18:07:2016 DRAWING NUMBER 16/064/L01 REVISION A

213 Preston Road, Whittle-le-Woods, Chorley, Lancashire, PR6 7PS
 Telephone: 01257 261555 Fax: 01257 267224 Website: www.lmparchitects.co.uk
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Planning
Committee Meeting

12 April 2021



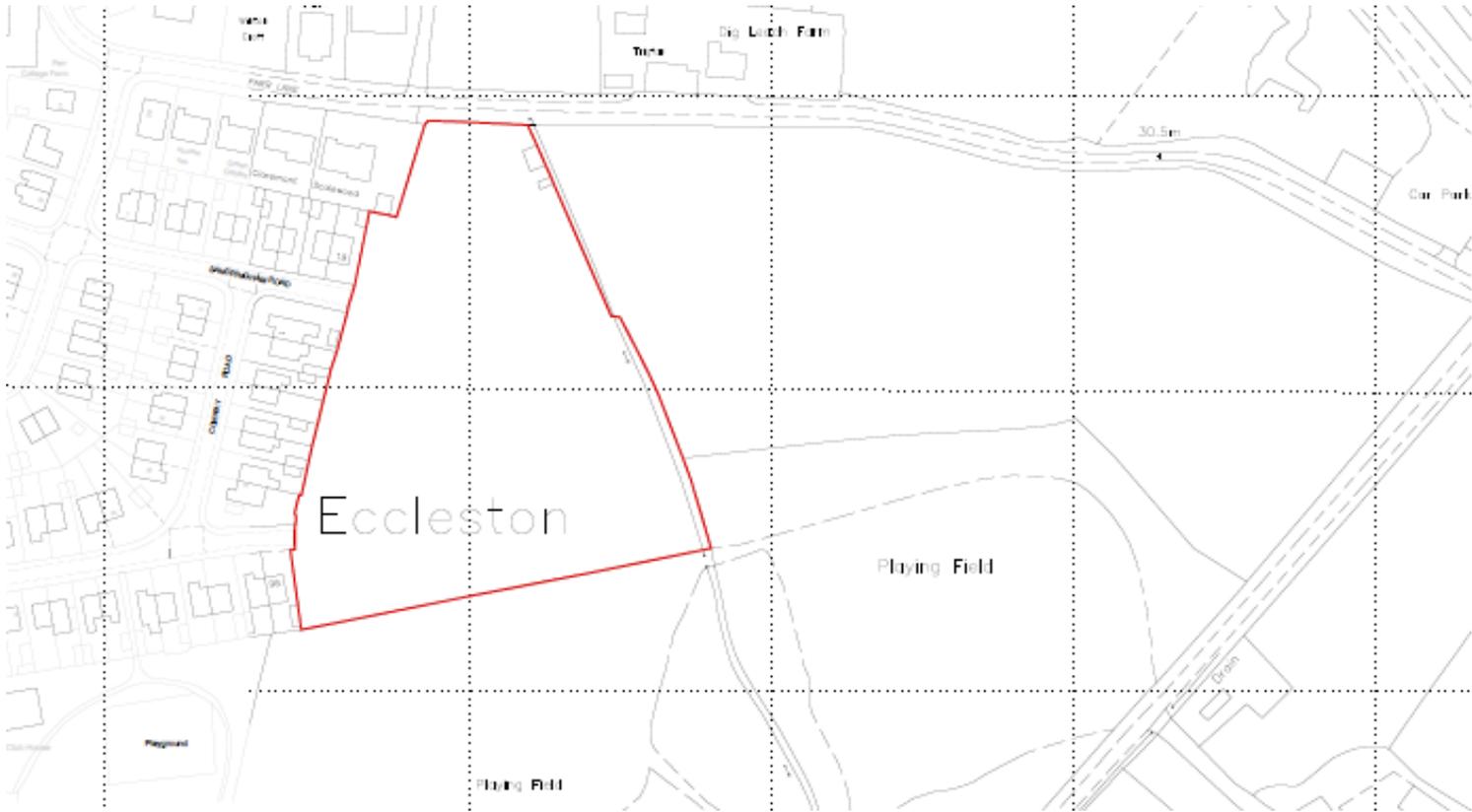
Item 3b

20/01193/OUTMAJ

Land South of Parr Lane, Ecclestone

Outline planning application (with all matters reserved) for the development of land off Parr Lane, Ecclestone for up to 34 dwellings and associated infrastructure (including 30% affordable housing)

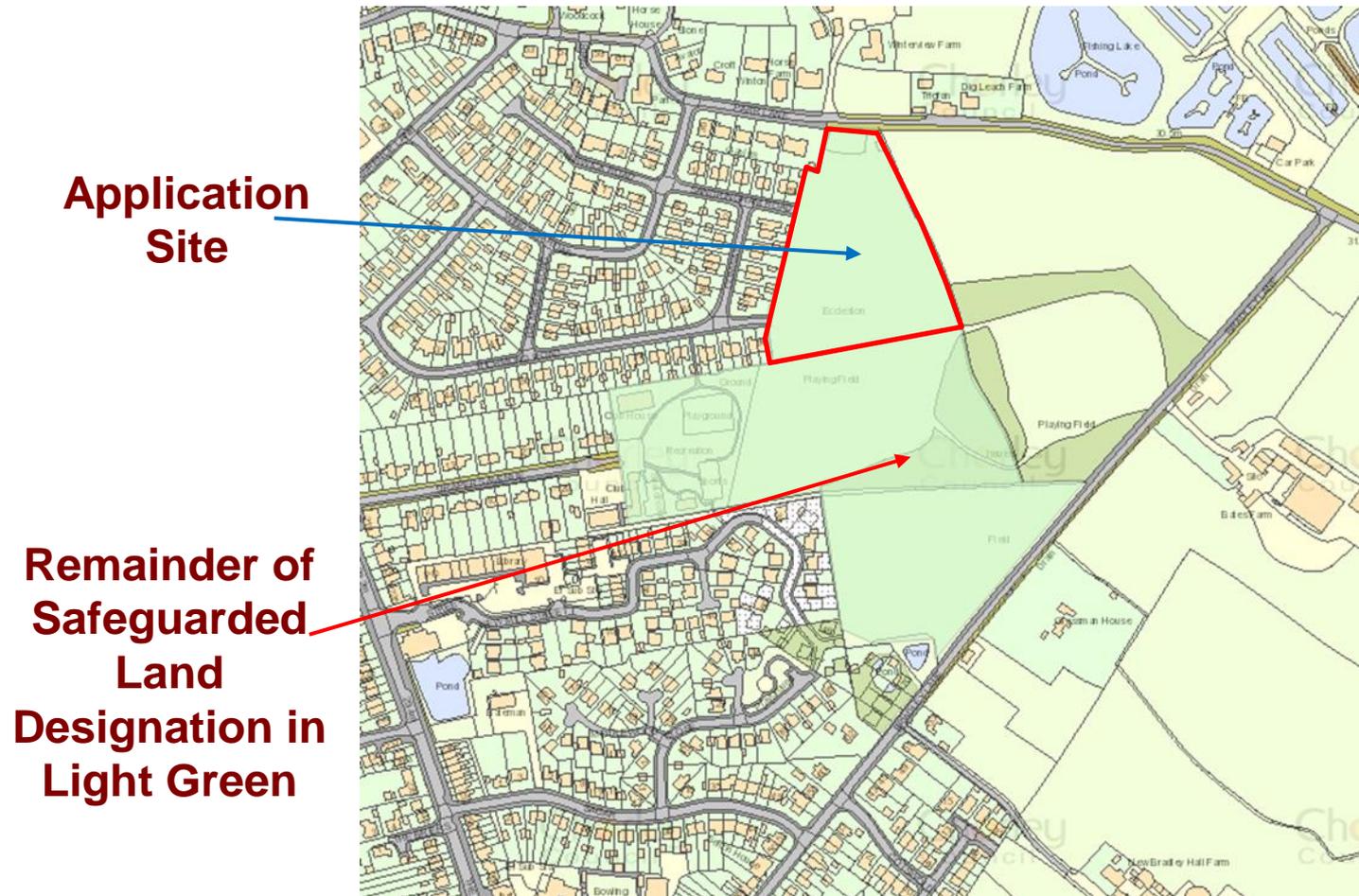
Location plan



Aerial Imagery



Plan Showing Site in Context of Wider Safeguarded Land Designation



Indicative Site Layout



C O M M I T T E E R E P O R T		
REPORT OF	MEETING	DATE
Chief Planning Officer	Planning Committee	Date: 12 April 2021

ADDENDUM

ITEM 3b - 20/01193/OUTMAJ - Land South of, Parr Lane, Ecclestone

The recommendation remains as per the original report

The agent for this application requests that the committee are made aware that the applicant is prepared to offer 35% affordable housing provision and therefore request that the second reason for refusal should be removed.

They also wish it to be noted that they do not consider that the Committee Report gives due weight to the social and economic benefits of the development in the planning balance.

They state significant weight should still be attached to the social benefits of delivering market and affordable housing even where there is a deliverable five year supply due to the national objective of significantly boosting the supply of homes. Also the proposal will bring about economic benefits.

They also state that these can be afforded significant weight even where a council has a five year housing land supply and a proposal conflicts with local policies and the Framework 'tilted balance' is not engaged.

Furthermore, when considering whether these benefits outweigh the conflict with Local Plan policy BNE3 (*corrected*) it is relevant to note that Annex 1 of the Central Lancashire Local Plan Issues and Options document demonstrates a clear need to go beyond the current settlement boundaries to deliver the Borough's local housing need (LHN) going forward. Moreover the application site is specifically identified as one of the Council's proposed housing sites and it is clearly evident from the Committee Report that the development is considered an acceptable location for housing other than its current safeguarded land designation.

Taking these factors into account, and bearing in mind the contribution to the delivery of market housing and much needed affordable housing, which secure social and economic benefits of significant weight, they argue that the material considerations do justify a departure from the Local Plan in terms of conflict with policy BNE2. This is irrespective of whether the five year housing requirement is based on Core Strategy policy 4 or the standard method LHN and whether or not the tilted balance is engaged.

A copy of the comments are appended.

In response officers note the stated commitment of the applicant to provide 35% affordable housing provision in line with the policy requirement set out in Central

Lancashire Core Strategy 2012 policy 7, and recommend that the second reason for refusal as set out in the Committee Report is removed.

In seeking to clarify officers views in relation to the weight that can be apportioned to the claimed benefits of the proposed development, in relation to the identified harm it is considered that the provision of housing is of some benefit, whilst the provision of affordable housing weighs in favour of the proposal. The development would provide construction jobs during the construction phase, though these would be temporary and as such afforded moderate weight. The provision of open space and green infrastructure is a policy requirement but will be accessible to all and result in biodiversity gains; this carries moderate weight.

However, it is considered that these and other benefits do not, when combined, provide adequate justification for the development of this safeguarded land at this time, which would result in a clear and harmful breach of national and development plan policy safeguarding the sites from development for the plan period. Very significant weight should be attached to those policies (and their breach), bearing in mind that they are 'restrictive'.

The applicant's agent seeks to highlight that Annex 1 of the Central Lancashire Local Plan Issues and Options document demonstrates a clear need to go beyond the current settlement boundaries to deliver the Borough's local housing need (LHN) going forward, and that the application site is specifically identified as one of the Council's proposed housing sites. In response officers would highlight that Policy BNE3 designates the application sites, alongside other land, as safeguarded land. This safeguarding is for the express purposes of ensuring that Green Belt (GB) boundaries are long lasting and for meeting longer term development needs stretching well beyond the plan period. Policy BNE3 was adopted to give effect to that part of the Framework that advises that when defining boundaries, local planning authorities should make clear that the safeguarded land is not allocated for development at the present time, and that planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development. Given that the Local Plan review is only at the Issues and Options stage only very limited weight can be attributed to this point, which does not alter the planning balance.

The Environment Agency:

Have confirmed that they have received consultation requests from Chorley Borough Council for the [six] proposals on Safeguarded Land.

With regards to these sites, they are not planning any works or undertaking any appraisals that could conflict with these. They are aware of flooding in the vicinity of Tincklers Lane from Syd Brook but they would rely on Lancashire County Council (Lead Local Flood Authority) to advise on this development as it is outside the scope of development proposals the Environment Agency is consulted on as a statutory consultee.

They state they have also looked through the comments from the drainage engineer and have no comments.

The Environment Agency is not resourced to comment on surface water drainage, sewer flooding and flooding from ordinary watercourses as these are outside our remit as a statutory consultee.

Lancashire County Council Highway Services have commented as follows:

INTRODUCTION

In 2017, planning application, 17/00792/OUTMAJ for residential development on a similar scale as the current proposal was refused on non-highway grounds. The current submission includes a Transport Statement (TS) and an indicative layout, referenced 20/088/P01 rev A (21:10:2020) seeking the development of 34 residential dwellings to include 30% affordable housing.

EXISTING CONDITIONS

Existing site information:

The site is an open field located south of Parr Lane. It is at the ends of Sandringham Road and Richmond Road, which are access roads within the residential estate adjoining the site to the west. The site is bounded to the east by a farm and to the south by the Eccleston Recreational Grounds. The site is currently accessed from a gated field access on Parr Lane.

Baseline transport information:

Parr Lane is a narrow two-way road from Bradley Lane in the east to The Green in the west. Its section from Bradley Lane to the west boundary of the proposed site is subject to the national speed limit but from this point to The Green, there is 20mph speed limit in force, which is contrary to the 30mph speed limit stated in paragraph 2.3 of the TS.

The applicant should assess the existing signage at the location of speed limit change to see if changes are required and take steps to ensure the appropriate signage is in place.

There are footways on both sides of Parr Lane within the 20mph speed limit section with street lighting, but there are no footways or street lighting within the national speed limit section. The existing estate to the west of the application site has 20mph speed limit roads of standard widths with 2.0m wide footways on both sides with street lighting.

The nearest Public Right of Way (PROW) to the site is FP5 which extends north from a point east of Parr Lane/Bradley Lane, but the footpaths at the Recreational Grounds provide pedestrian access to The Green in the west and other areas.

There is a cycle route approximately 2.8km from the site at Southport Road/Ulnes Walton Road leading to the Croston Railway Station. With contributions from emerging developments in the area, it should be possible for a cycle route to be extended from the area to connect the existing route to allow cycling as a form of sustainable travel to form part of longer journeys to and from the site.

There are six bus stops within acceptable 800m walking distance from the centre of the proposed site. Two of the bus stops are located north of The Green/The Fields and two at south of The Green/Doctors Lane. Two other bus stops are on The Green outside the St Mary's CE Primary School.

The local highway network

The local highway network comprises of The Green and Parr Lane as distributors and the residential access roads of Lawrence Road, Sandringham Road, Windsor Road, Richmond Road, and others. The Green has 30mph speed limit, but all access roads within the residential estate to the west of site including the western half of Parr Lane are subject to 20mph speed limits.

Traffic accidents

The accident analysis produced by the applicant does not cover The Green where local services and amenities are located, as such, several recorded accidents have been overlooked. While the local access roads in the area including Parr Lane and Lawrence Lane have not had any recorded traffic accidents, the most recent 5-year record shows a total of 11 slight and 4 serious personal injury accidents involving vulnerable pedestrians and cyclists within the approximately 1.5km section of Towngate and The Green from the Eccleston Bridge over River Yarrow to The Green/Bradley Lane.

This level of traffic accidents within such a short length of road is high and does not compare favorably with local average accident rates and would potentially be exacerbated by the proposed development, which is of highway concern. Therefore, as there is need to minimise conflicts between vehicles and other road users in the area, mitigation measures will be required to alleviate the accident problems.

PROPOSED DEVELOPMENT

The proposal is for development of 34 dwellings of various types including apartments, terraced houses, bungalows, and detached houses as shown on submitted indicative site plan, 20/088/P01 rev A (21:10:2020). At this stage approval is only being sought for access with all matters reserved. The applicant has stated in paragraphs 3.1 and 4.5 of the TS that the proposed development includes a **community allotment** however, this has not been indicated on the indicative site plan.

Site access

The development is proposed to be accessed from Sandringham Road, but a new secondary access is to be provided in place of the existing field access on Parr Lane to serve three dwellings to be erected at the north end of the site. At this access, it is proposed to provide visibility splays of 2.4m x 42.0m (west) and 2.4m x 43.0m (east) based on the 85th percentile speeds of traffic from the result of a speed survey conducted in 2017. The survey date appears aged, however visibility splays provided to these dimensions will be acceptable if it can be demonstrated on a properly drawn to scale plan that the splays can be achieved.

As the width of the section of Parr Lane fronting the site is 4.5m, the access should be provided to a width of 5.5m with 6.0m corner radii to ease transition in and out of the site. A 2.0m wide footway spanning the width of the site on Parr Lane should be provided to tie-in with the existing footway to the west and extended on both sides of the site access into the site for at least 10m to ensure pedestrian safety.

The proposed site access connection to Sandringham Road should be consistent with the existing widths, i.e., 5.5m wide carriageway with 2.0m wide footways on both sides. The proposed connection of a footpath from the site to the footway on the

north side of Richmond Road as shown on the indicative plan would be unacceptable as this would prevent use of the access by cyclists. Therefore, the connection to Richmond Road should be provided as a 3.5m wide pedestrian/cycle link with additional measures such as static bollards to prevent vehicular use. This would require changes to the current proposed internal arrangement of footpaths leading to the access.

Internal layout/parking

It is noted that the internal access roads will be 5.5m wide with 2.0m wide footways on both sides. It is also noted that the layout will incorporate private drives with service strips. The indicative site layout is acceptable in principle as it is in line with the principles of the Manual for Streets (MfS) and the LCC's Creating Civilised Streets with self-enforcing 20mph access roads that include in-built horizontal speed reduction measures. However, as the TS does not include a swept path analysis, it has not been possible to ascertain if the turning heads are of sufficient lengths to accommodate turning of refuse and service vehicles, therefore this should be required as part of any detailed submission. The detailed layout should be provided and constructed to the Lancashire County Council Specification for Construction of Estate Roads to ensure satisfactory access and in order to be acceptable for adoption under the Section 38 agreement of the Highways Act 1980. As indicated above, the **community allotment** referred to in the TS is not shown on the indicative plan.

The TS does not specify the level of parking provision for the proposed development; however the indicative layout shows provision of garages and a parking court for the affordable housing. Parking should be provided in accordance with the Chorley Council Parking Standard with integral and detached garages provided to internal dimensions of 3m x 6m (single) and 6.0m x 6.0m (double) in order to be counted as parking spaces.

ACCESSIBILITY BY NON-CAR MODES

Pedestrians/Cyclists

The shortest and most direct pedestrian/cyclist route from the site to local services and amenities on The Green, Doctors Lane and the Carrington Centre on New Mill Street is from Sandringham Road and Richmond Road via the footpath between 84 and 86 Richmond Road through the Recreational Grounds to Drapers Lane. However, while the route seems suitable for pedestrians, it is not of adequate width to accommodate both pedestrians and cyclists, particularly the section between the two houses. The route has no lighting and natural surveillance for safe use especially at night and appears reliant on third party land (the car park at the end of Drapers Lane) for through access, although it is possible the car park is part of the overall Recreational Grounds for which the Local Authority (LA) is responsible.

For improved access, a new 3.5m wide pedestrian/cyclist access could be formed at/near the south west corner of the proposed site to link the existing footpath of the Recreational Grounds with the agreement of the LA to include lighting along the footpath from the new access to Drapers Lane. This would ensure a more direct and safer route from the site to Drapers Lane. If the new pedestrian/cyclist access is provided, then an access to Richmond Road as requested above will not be required. If however the new access cannot be delivered and pedestrian/cyclist access has to be taken from Richmond Road, then the lighting from Richmond Road should be

continued onto the footpath between nos. 84 and 86 and extended along the footpath in the Recreational Grounds to Drapers Lane.

Public Transport

Bus/Train

As indicated above, there are 6no bus stops within 800m walking distance of the site near The Green/The Fields, The Green/Doctors Lane and on Doctors Lane outside the St Mary's CE Primary School. At these stops, public day and evening services are provided by service 113 (Preston - Wigan) at hourly intervals, Mondays-Fridays and Saturdays. Services 337 (Chorley - Ormskirk) and 347 (Chorley - Southport) also operate day and evening services from these stops at two hourly intervals, Mondays-Fridays and Saturdays. Five different school services are operated from all six bus stops.

The existing bus stops outside the St Mary's CE Primary School have upgraded facilities, however, the other four stops do not have facilities of the high-quality standard required to ensure they are disability compliant, safe, attractive and comfortable to use as required by the NPPF, although the two south of The Green/Doctors Lane have bus stop bay and worded markings with an 'old' shelter for the northbound stop which needs to be replaced. It is considered that the applicant carries out improvements to the 4no. bus stops to quality disability compliant standards to include raised kerbs and boarding areas, bus stop bay and worded markings, clearways etc., with the existing shelter for the north-bound bus stop near The Green/Doctors Lane replaced with new.

As stated, consideration should be given to requesting the applicant to contribute towards extension of a cycle route from the area to connect the existing route at Southport Road/Ulnes Walton Lane for access to the Croston Railway Station to allow cycle journeys to be combined with other sustainable transport modes when commuting to and from the site.

TRIP GENERATION, DISTRIBUTION AND ASSIGNMENT

With trip rates from TRICS, the applicant assessed the multi-modal trip generation of the proposed development. The figures are shown in Table 4.1, chapter 4 of the TS with the TRICS outputs in appendix D. It is predicted that during the AM and PM peak hours, the development will generate, 17 two-way vehicle trips each.

Based on existing traffic flows, the applicant provided the percentage traffic distribution as 59.1% eastbound during AM peak and 40.9% westbound. In the PM peak, 39.6% eastbound and 60.4% westbound.

The trips were then assigned to the local highway network based on the 2011 census data. It is predicted that 61% and 1% of trips will head north and south respectively of The Green, 29% will head east of Parr Lane, while 3% will head west of Doctors Lane.

HIGHWAY IMPACTS AND MITIGATION

Traffic to be generated by the proposed development will result in increased flows on the highway network, however it is not considered the increased flows will adversely impact the operation of the highway network.

The following measures are identified as necessary to deal with the anticipated impacts of the proposed development.

- Improvements to 4no existing bus stops north of The Green/The Fields and south of The Green/Doctors Lane to quality disability compliant standards to include raised kerbs and boarding areas, bus stop bay and worded markings, clearways etc., with the existing shelter for the north-bound bus stop located south of The Green/Doctors Lane replaced with new. The improvements are to be carried out through the s278 agreement of the highway act 1980.
- Mitigation measures to alleviate accident problems on Towngate and The Green, within the section from the Eccleston bridge over the River Yarrow in the north to the end of The Green at its junction with Langton Brow through s278 agreement.
- Provision of 2.0m wide footway in front of the site on Parr Lane to tie-in with the existing footway in the west through s278 agreement.
- Provision of s106 contribution towards extension of cycle route to Southport Road/Ulnes Walton Road.

In addition to the above, works relating to the connection of the proposed site access to Sandringham Road and the 3.5m wide pedestrian/cyclist access to Richmond Road will be undertaken through the s278 agreement.

The proposed development is acceptable subject to the delivery of the above mitigation measures.

Conditions and informatives are recommended.

APPENDIX – Letter from agent



Adele Hayes
Chorley Borough Council
By email to adele.hayes@chorley.gov.uk

Our Ref: 3053

Date: 8th April 2021

Dear Ms Hayes,

Ref: Planning Application 20/01193/OUTMAJ

It is noted that the above planning application has been placed on the Agenda for the 12th April Planning Committee and that it is recommended for refusal.

Firstly, it is noted that one of the recommended reasons for refusal is that the application only proposes 30% affordable housing provision as opposed to 35%. I can confirm that it has always been the applicant's intention to agree to a policy compliant amount of affordable housing to be secured through a s.106 Agreement and that the reference to 30% in the Planning Statement was simply a typo. This is a matter which could have easily been clarified had we received any meaningful communication from yourselves during the course of this application. In this regard I highlight that we were not even informed that this application was being presented to Committee and only today found out what the officer recommendation is, despite chasing the Council for an update. Consequently we request an addendum to the Committee Report making it expressly clear to Committee that the applicant is prepared to offer 35% affordable housing provision and this suggested second reason for refusal should be removed.

Secondly, as to the other suggested reason for refusal it is noted that the Council are now giving weight to Core Strategy policy 4 and consequently state that there is a deliverable five year housing supply, meaning the 'titled balance' is not engaged and full weight should be given to conflict with safeguarded land policy BNE2.

As the Committee Report acknowledges, even in this scenario material considerations need to be balanced against this policy conflict and can justify decisions which depart from an adopted development Plan. However, it is considered that the Committee Report fails to give due consideration to the social and economic benefits from contributing towards delivering market housing and affordable housing. It has been established in various SoS appeal decisions that such benefits carry significant weight even in scenarios where there is a five year housing supply. Most recently, in July 2020, the SoS granted permission for a mixed use development at Nantwich which included 189 dwellings (ref. APP/R0660/A/13/2197532). The SoS decision confirms that the development was in conflict with a recently adopted Development Plan (adopted in 2017), that there was a 5.7 years to 6.6 year housing supply and that the Framework 'titled balance' was not engaged. Nevertheless, the SoS concludes in paragraph 28 that the delivery of market housing is a significant benefit, as is the contribution of affordable housing, stating:

De Pol Associates Ltd
Farington House, Stanfield Business Park,
Stanfield Lane, Farington, Leyland, Preston, PR25 4UA

T: 01772 889488
E: mail@depol.co.uk



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"Whilst the Secretary of State has concluded that the Council can demonstrate a 5 YHLS, he has taken into account that nationally it is a government policy imperative to boost the supply of housing, as set out at paragraph 59 of the Framework, and he considers that this benefit should be afforded significant weight.

The Secretary of State also agrees with the Inspector at IR415 and IR420 that the scheme will include 30% affordable homes which will help meet the need in Cheshire East. The Secretary of State agrees that this is a tangible benefit and merits significant weight".

The above decision demonstrates that significant weight should still be attached to the social benefits of delivering market and affordable housing even where there is a deliverable five year supply due to the national objective of significantly boosting the supply of homes.

It is also noted that the Committee Report states that there are no evident economic benefits. However, the Committee Report looks to rely on the Cardwell Farm appeal decision in Preston and as such officers will be well aware that the Cardwell Farm Inspector considered the benefits which new housing brings in terms of construction and supply chain jobs, places for the economically active to live, increased local spend and greater choice in the local market. The Inspector notes that at the Cardwell Farm appeal the economic benefits had not been quantified and would apply to any housing development of the scale proposed, but states that they *"are still considerable"* (paragraph 59). The Inspector goes on to give *"moderate weight"* to these economic benefits in paragraph 61.

I also refer to a s.78 appeal decision at Hamble-le-Rice in December 2018 (APP/W1715/W/18/3194846). In this decision the housing supply is identified as being between 7.2 and 10 years and the appeal decision confirms that there is a conflict with the adopted Local Plan and that the Framework 'titled balance' is not engaged. In this context, and within the 'Planning balance and conclusion' section of the decision, the Inspector states at paragraph 64:

"As agreed by the Council, the economic and social benefits of the proposal are worthy of significant weight. Given the national objective of significantly boosting the supply of homes, the provision of market and especially affordable housing carries significant weight. I appreciate the Council's point that the economic benefits related to short term construction jobs, and the longer term boost to local spending power, could arise from any similar development. However that does not detract from the fact that this particular development offers these benefits, which I accord significant weight."

Consequently I do not consider that the Committee Reports gives due weight to the social and economic benefits of the development in the planning balance.

Furthermore, when considering whether these benefits outweigh the conflict with Local Plan policy BNE2 is relevant to note that Annex 1 of the Central Lancashire Local Plan Issues and Options document demonstrates a clear need to go beyond the current settlement boundaries to deliver the Borough's local housing need (LHN) going forward. Moreover the application site is specifically identified as one of the Council's proposed housing sites and it is clearly evident from the Committee Report that the development is considered an acceptable location for housing other than its current safeguarded land designation.

Taking these factors into account, and bearing in mind the contribution to the delivery of market housing and much needed affordable housing, which secure social and economic benefits of significant weight, it is



considered that the material considerations do justify a departure from the Local Plan in terms of conflict with policy BNE2. This is irrespective of whether the five year housing requirement is based on Core Strategy policy 4 or the standard method LHN and whether or not the tilted balance is engaged.

Yours sincerely

Mr Louis Webb

APPLICATION REPORT – 20/01200/OUTMAJ

Validation Date: 9 November 2020

Ward: Adlington And Anderton

Type of Application: Major Outline Planning

Proposal: Outline application (specifying the access point) for the development of up to 25 dwellings and associated infrastructure (including 35% affordable housing)

Location: Land At Carrington Road Adlington

Case Officer: Adele Hayes

Applicant: Hollins Strategic Land

Agent: Paul Sedgwick, Sedgwick Associates

Consultation expiry: 2 February 2021

Decision due by: 31 March 2021

RECOMMENDATION

1. It is recommended that the application is refused for the following reasons:
 - 1) The proposed development would be located within an area of Safeguarded Land as defined by the Chorley Local Plan 2012 - 2026. Chorley has a five year housing land supply as required by the National Planning Policy Framework. The proposal therefore conflicts with policy BNE3 of the Chorley Local Plan 2012 - 2026. It is not considered that there are material considerations put forward in favour of the development are sufficient to outweigh the presumption against it.
 - 2) The application site is proposed in isolation from the wider site allocation BNE3.3 of the Chorley Local Plan 2012 -2026 and, therefore, leads to a piecemeal approach to the development of the wider site which results in an unsustainable form of development. It fails to consider patterns of movement and connectivity which means that the development does not integrate or function well with the surrounding area. The proposal does not, therefore promote sustainable transport options for people or secure a high-quality inclusive design. The proposal is, therefore, contrary to policy 17 of the Central Lancashire Core Strategy 2012, policy ST1 of the Chorley Local Plan 2012 – 2026 and the National Planning Policy Framework.
 - 3) The proposed development would be inappropriate development in the Green Belt and, therefore, harmful by definition. There would also be other harm through encroachment. It is not considered that there are very special circumstances to overcome the definitional harm to the Green Belt and additional harm caused through encroachment. The proposal is therefore contrary to the National Planning Policy Framework.

SITE DESCRIPTION

2. The application site forms part of a wider parcel of land designated as Safeguarded Land under Chorley Local Plan 2012 – 2026 policy BNE3 (BNE3.3 North of Bond's Lane, Adlington) with the north / north-western section of the site falling within the Green Belt. The

site is relatively flat, is undeveloped and relatively well contained, being bordered by allotment gardens to the north east, residential properties to the south east and south west and there is a sand quarry present off the north western site boundary. A Public Right of Way (FP11) runs along the north western boundary of the site.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. The application is in outline form, with all matters reserved, except access which would be taken from Carrington Road. The application proposes a residential development of up to 25no. dwellinghouses, of which 35% would be affordable units.
4. The application is accompanied by an illustrative masterplan, which shows one possible way in which the site could be developed. The masterplan is only for indicative purposes, but this identifies the part of the site which falls within the Green Belt as an ecological enhancement area / open space and is shown in the submitted drainage strategy as being a proposed SUDs / attenuation basin to serve the proposed development.
5. The submission states that a choice of dwellings would be provided including mainly detached and semi-detached houses in a range of sizes which are capable of meeting a wide range of housing needs. It also states that the dwellings would be in a range of heights, from 7 metres to 11 metres, with frontage widths which will be in the range 5 metres to 8 metres.

REPRESENTATIONS

6. 31no. representations have been received citing the following summarised grounds of objection:

Principle

- There are no positives for the local residents in terms of economic or social gains, yet the negatives are plentiful
- Adlington has already had its fair share of development
- Part of the site is Green Belt
- The site is safeguarded land
- Already been subject to two previous applications which have been refused on appeal
- The Chorley Plan has allocated this land as safeguarded - BNE3 and this proposal infringes Green Belt. This proposal attempts to discredit the plan but CBC has demonstrated that due provision for residential development has been made. The planning statement criticises "out- of-date policies of the Central Lancashire Core", yet describes this proposal as "sustainable development"
- The destruction of green belt (safeguarded) land - yes the UK needs more housing but destroying green belt land to do this will impact on our future generations to come
- The land is safeguarded until 2026 and it should remain undeveloped until at least then
- The priority for housing development should surely be existing brownfield sites or to improve derelict buildings or to invest in run down urban areas to attract residents rather than building new houses on greenfield sites on the fringe of greenbelt land
- There has been a lot of new housing provision in Adlington in recent years and the village has grown in size with reducing services and amenities

Highway safety

- Crash map out of date
- Park Road virtually single track due to vehicles parked on both sides
- Access via 200 year old canal bridge
- Construction traffic accessing the site would be via Carrington Road
- The access via Bonds Lane and Stoner Road is not suitable for earth moving machinery, large delivery vehicle, earth removing vehicles and large construction equipment due to the very tight width of the roads and the residential parking. We have a pupil access onto Bonds Lane and having vehicles entering Bonds Lane causes us great concern due to their size and potential frequency throughout the day

- Any vehicles accessing the site, if this route is to be considered, should make journeys outside of school start and finishing times to not only allow our children to arrive at school safely but also to allow parents to drop their children off safely
- Contractor parking we are assuming would be on the development site only - The neighbouring roads are already busy and the potential use of Bonds Lane / Stoner Road
- We feel the transport assessment submitted does not take into account peak vehicle movements especially during the school term
- It does not address the additional impact that construction traffic would have on the road network and it also shows a lack of understanding of the local vehicle issues in the area that we are in constant discussion with the Council
- We would like assurances that the developments emergency access route adjacent to the school via Bonds Lane / Stoner Road is limited to this activity only
- What assurances does the developer provide that bollard restrictions proposed would not be removed by residents and this route used as a short cut to Park Road?
- Proposed site of 25 houses would generate a potential 50 additional vehicle movements from the houses alone on the highways around the school
- Poor access to this specific piece of land exacerbated by new heavy construction traffic for the development
- The 'giant cul de sac' nature of Park Rd – leads to traffic jams
- It will result in an increase in traffic which is unacceptable
- The access is via Park Road - which is heavily used and passes a school will result in more traffic with no alternative route out of this part of Adlington
- This could endanger life in terms of access for the emergency services or school children crossing a busy road
- A few months ago a serious crash on Park Road blocked the whole estate in for several hours
- One road as an exit cannot take anymore traffic
- If they want access, make them build a bridge over the canal so that access is direct onto the A6 and not down a narrow very unsuitable road
- Cars parked both sides of Park Road would be a massive problem for construction traffic
- The canal bridge may not be able to cope with the extra volume and weight of traffic or construction vehicles
- Would the emergency exit to Stonor Road be for occasional emergency vehicles or for the residents to use as a rat run off the estate?
- Previous applications 83/00112 and 81/01046 were rejected on access grounds and the situation is considerably worse nearly 40 years later - this proposal contains no new solutions
- In the transport statement, it states that existing footways are 2m in width - have measured Carrington Rd as 1.8m and some pavements on Stonor Rd and Bonds Lane are less -this is also illustrated in the illustrative masterplan as the pavements have been drawn across existing residents' gardens to make the road look wider than it actually is
- The data obtained by using TRICS methodology is only a prediction, it does not and cannot make any claim to certainty
- There is room for a margin of error or it could simply be wrong
- Therefore, the sentence in the *Transport Statement* that '...this demonstrates that the proposal will not have an impact on the operation and safety of the local highway network' (4.2.5) is incorrect
- It does not demonstrate anything – it is nothing more than a prediction and like any prediction should be treated with appropriate caution
- From the sparse data supplied in the *Transport Statement* there does not appear to be a full 'Servicing Vehicle Count' that '...records all vehicles that arrive and depart from a site that perform a certain function' (from *TRICS Good Practice Guide 2021* page 42, 20.23)
- The *TRICS Good Practice Guide* states that '...it is the responsibility of all TRICS users to ensure that full details of how data was obtained, along with clear explanations of what the data represent, are provided to data recipients' (page 4. 1.6)

- The *Transport Statement* fails to do this primarily because there are no explanations provided which are accessible to a layman
- This is a very specialised area but the *Transport Statement* makes no concessions to someone approaching the topic for the first time
- Just to take one example there is no data provided for weekends; this appears to be standard practice for the TRICS methodology but there is no explanation as to why this is the case
- The biggest problem with the way the TRICS data is used is that it only gives a partial account of the traffic flow situation in the area
- The *Transport Statement* makes the point that the traffic flow predictions obtained from TRICS ‘...represents an imperceptible impact on the surrounding network.’ (4.2.5)
- However, the full impact can only be worked out if there are traffic flow studies on Carrington Road, Park Road and the surrounding area and crucially on the area round the school and the bridge
- The way the TRICS data is used is therefore misleading: the full picture can only be constructed if the estimated traffic flow from the proposed development is added to the already existing traffic flows in the area
- Only this figure can give something like an accurate assessment of the overall impact of the extra traffic flow from the proposed development
- This work has not been done, or if it has been done it is not being disclosed, the *Transport Statement* therefore lacks connections and context and exists only *in vacuo*
- To take a set of *predictive* data without taking into account the *existing* physical infrastructural environment, already existing traffic flows, vehicle ownership patterns, traffic density, parking problems (particularly acute on Park Road) etc. demonstrates shoddy thinking and is quite simply wrong
- The *Transport Statement* predicts a total of 13 arrivals and departures in the peak AM period and 12 arrivals and departures in the peak PM period
- If traffic flows are so slight could Sedgwick Associates or Hollins Strategic Land explain why the proposed development has parking space for 25 vehicles?

Public right of way

- There is an existing Public Right of Way in the form of a footpath that runs along the north western boundary of the proposal site
- There is a further well established connection between the PRow route and Carrington Road
- The existence of the PRow route and potential opportunity for enhancement of access that this presents have been woefully overlooked in the Transport Statement submitted with the application
- As such, the proposal fails to comply with NPPF paragraph 108 which requires appropriate opportunities to promote sustainable transport modes to be taken up
- The PRow offers a direct connection between the site and the canal towpath, a popular leisure and utility route, as well as the wider PRow network
- This has the potential to offer significant benefit to residential development in this location
- The route is well used by local residents to access the PRow network
- The current layout will remove this connection, which will have impacts on resident amenity levels
- Whilst acknowledging that the additional link to Carrington Road is not part of the recorded PRow network, this is a well established pedestrian route, the principles of which could readily be incorporated within the proposed development layout
- The illustrative site layout includes open space provision/ecological enhancement on the northern part of the site
- They request that the authority ensure that access to the PRow is included as part of the access proposals and also ensure that the quality of the route to the towpath is suitable for future residents, for example by securing surfacing improvements, if planning permission is granted for the development

Infrastructure

- There are no secondary schools that are within walking distance which will in turn cause increased traffic on already busy roads
- Poor and rapidly decreasing infrastructure in Lower Adlington
- Nothing is ever done to improve the infrastructure
- Local services such as doctors and dentists are already struggling so more residents in the area would cripple them
- Local residents have difficulty getting their child into Adlington Primary School
- LCC recently highlighted a projected shortfall of primary school places without taking into account the Huyton Fields/Terrace development
- To add more competition for places is not fair to existing residents
- The bus service is extremely limited and no use to working people so they will use their cars to commute to work / meagre public transport provision in this part of Adlington
- The train service is not as frequent as the supporting information states
- There is no bank in lower Adlington unlike the supporting statement suggests and no cashpoint.
- Although there is an excellent fruit and vegetable shop it does not provide all the essential
- The nearest comprehensive stores are at the top of Railway Road (Tesco and Co-Op) and too far to walk with heavy shopping, so use of a car is needed
- Local facilities are limited and not as comprehensive as made out in the supporting statement
- Grossly overstate the provision of train and (particularly) bus services
- The local schools are projected to have a shortfall of places very soon and Park Rd is always fully subscribed
- Four of the 'green lights' in section 2.3 of the planning statements are incorrect
- The RBS bank closed some time ago and the description of the small triangle of land at the end of Crook St as a playground/leisure facility/park/amenity area is nonsense
- Although there is a train service it is a pathetic shadow of what a proper, viable train service ought to be with one train per hour to Manchester and services, particularly on Fridays, regularly cancelled at short notice
- The wording of this section (page 12 6.8) gives the appearance that there are three trains every hour to the 'destinations' mentioned, of course this not the case
- Contrary to what Sedgwick Associates might think it is not possible to take a train from Adlington to Buxton direct, you need to change at Stockport, likewise for Huddersfield (you must change at Victoria)
- You might as well say you can get a train from Adlington to Paris (after all you only need to change at Manchester Piccadilly and St. Pancras)
- The 'cycle/footpath link' mentioned on page 5 4.4. is not much more than a gap between two bollards and comes to an abrupt end as soon it engages with Stonor Road
- There is no ongoing cycle path to take you anywhere else

Ecology and landscape

- It is rather misleading to suggest that an ecological area is going to be created for wildlife in the greenbelt area to the north of the site as this is also the proposed location to create the sustainable drainage system
- It is an area of beauty and wildlife
- Bats have been seen flying in this location in the evenings / high levels of nocturnal bat activity means that it is highly likely that bats are roosting in the mature trees on the site
- Understand that great crested newts are present
- Much grassland and many hedgerows have been lost due to tipping and sand extraction meaning an impact on wildlife
- Environmental concerns over the hedgehogs and birds, the cutting down of trees that may not be important to the developers but are to the birds that use them as shelter
- Concerned they will try to take down the large tree that enhances their cul-de-sac
- Describes the site as under-used and unkempt - we prefer the phrase "natural, green open space"

- The suggestion that the proposal will increase biodiversity whilst destroying a green field is ridiculous
- Describes the site as 'underused and unkempt grassland' however the field enables an elderly pony to continue to enjoy life and provides residents with the opportunity to watch the abundant wildlife that thrives here
- There are many areas across the country where native ponies are being used due to their selective grazing to re wild meadows and create environments for our declining native wildlife.
- There would be considerably more wildlife present during spring or summer months and certainly more than will be seen during a single hour or so on one day alone
- It describes the field as poor semi-improved grassland with scattered shrubs; however, earlier in the year it was meadow like with flowers attracting bees and invertebrates that sustain our native wildlife
- The scattered shrubs include dense areas of hawthorn and this provides food and shelter for many birds and animals
- It is also not possible to survey for newts in October and yet we know that they are present in the area as we find them in our garden and newt protection nets were put in place around the nearby Sandons Quarry
- The survey also dismisses the importance of the site for amphibians, there are frogs, toads and newts which in turn provide food for other animals
- We have seen hedgehogs and foxes at night time and stoats and weasels during the day
- A kestrel is also regularly seen which reinforces the likely presence of small mammals
- The bird species numbers seem low in comparison to what we see on the field from our property - regularly see birds categorised as priority species
- The survey also dismisses the importance of the hedgerows and thickets of vegetation which are home to many animals
- It is very unlikely that this array of habitats could be mimicked within the small greenbelt area that is also to be used as a sustainable drainage system

Drainage and flooding

- The land around already does not have good drainage and the water table imbalance would make it ten times worse with the amount of water in our gardens
- Flood Risk Assessment is at odds with what we see - area bounding Bonds Lane is frequently flooded
- Carrington Road already has issues with flooding to gardens
- This safeguarded land helps to lessen the impact of the issues and prevent it becoming a major problem as this area is a natural drainage point
- In the desk top study it states that the topography is rising towards the north of the site, this brings the question of how a sustainable drainage system in this area will help reduce surface run off across the site
- During wetter winter months there is already often standing water on the field and local residents have localised flooding in gardens and on land in between the site and the canal

Amenity

- Stonor Road is very quiet and would be disrupted by pedestrians using it and Bonds Lane as a cut through to Park Road
- Carrington Road is currently a quiet cul-de-sac and it will result in increase traffic along it
- Concerns about the largest house being built right up to their neighbour's fence thus blocking light to their small gardens and it being very intrusive
- Privacy is of concern as the house in question has not got its garden next to ours to set it back like the other houses
- Sedgwicks design and access statement at 3.3 describes the local buildings as being modern 2 storey houses. However at 3.5 they state their build will include properties up to 11 metres high which is their underhanded way of describing three storey houses

- These will not be in keeping and cannot 'relate well to views from public footpaths' as stated in 2.2
- The height of such housing is not in keeping with surrounding properties and will stand out like an eye sore
- Construction noise is of particular concern to the school
- Whilst it is acknowledged that the development is not as large as others within the area, the school has four out of the six classrooms to the rear which is in the direct path of any airborne noise
- The use of power tools, large vehicles, banging of hammers and safety features of reversing vehicles all have the potential to disrupt the teaching in classrooms
- We would welcome the developer identifying measures they are prepared to undertake to limit disruption to the classroom environment.

Other

- Rather than squeeze 25 dwellings on to the site with more cars, lower the amount to 15 dwellings
 - The area is already suffering with noise pollution from the sand quarry & should not have to endure yet more disruption
 - Feel this application has been put in rather sneakily at a time they are unable to speak out
 - Residents at the end of Carrington Rd are already suffering the imposition of a quarry / tip close to the rear of their properties
 - This produces plant and machinery noise from 8am lasting throughout the working day
 - This will continue for the next 10 years
 - Must they now have tolerate the remaining adjacent area of unspoilt land being built upon?
 - Where is the environmental benefit of building on previously unspoilt land?
 - Where is the social benefit of overloading local services thereby disappointing newcomers and worsening the position of existing locals?
 - Where is the economic benefit for existing /potential new locals (the landowners and developers take it all and then they leave)?
 - The timing of the latest submission, in the middle of a pandemic, with the public pre-occupied, could be construed as an attempt to gain approval by the backdoor
 - The energy efficiency measures statement also demonstrates the lack of environmental consideration as it dismisses the desired level 6 of the code for sustainable homes and states that CSFH level 4 is appropriate
 - Coal report is restricting how much land can be built on, otherwise all the site would be housing
 - Will proposed housebuilding impact existing houses – due to coal report
7. One representation has been received from a local resident who agrees with comments made about increased traffic but believes that new houses are needed but these should be 4/5 bedroom as there is a limited number of larger houses in the lower Adlington area especially for families who want to grow and stay in the area they are living. It is suggested that fewer, larger houses with less cars would be better.

CONSULTATIONS

8. Adlington Town Council Have objected to the application and have made the following comments:

“Access to the proposed site through Carrington Road, via Park Road is already congested at all times. Any additional traffic would make this problem worse. Carrington Road is a quiet cul-de-sac not designed or constructed for through traffic. The Sedgwick Associates sustainable objectives supporting paper is factually incorrect in respect of some nearby facilities. It does not represent current circumstances. There is no bank in lower Adlington. There is a charge to use the nearest cashpoint facility on Market Street. There is a bus stop on Park Road but the service is extremely limited. The train service stopping in Adlington

has become less frequent. There is a good quality local fruit and veg shop on Park Road. It does not provide all the essentials. The nearest small supermarkets are 1,400m away. There are no cycle-way facilities. The bus service timetable does not facilitate shops trips. People will use their cars to commute to work and for shopping. Adlington Primary is 240m away but is already over-subscribed. Local residents have difficulty getting their children into this School. It was noted that a small area of open space/ecological enhancement has been proposed at one end of the proposed development”.

9. Lancashire Constabulary Architectural Liaison: Make a number of recommendations in relation to designing out crime.
10. Environment Agency: No comments have been received.
11. Greater Manchester Ecology Unit: Recommend conditions and informatives.
12. Waste & Contaminated Land: No objection subject to condition.
13. Regulatory Services - Environmental Health: Have no objections subject to mitigation measures being in place.
14. United Utilities: Advise that there is a public sewer which crosses the site and that they may not permit building over it, or a diversion may be feasible. Also advise that the submitted drainage strategy is unacceptable to United Utilities as it diverts a public sewer through the rear gardens of proposed properties. Accordingly, United Utilities recommend that the surface water drainage scheme is addressed by way of condition. Other conditions are advised including a Construction Risk Assessment Method Statement.
15. Lancashire Fire and Rescue Service: No comments have been received.
16. Lancashire County Council Highway Services – have no objections, subject to conditions relating to a scheme for the construction of the site access.
17. Lancashire County Council Education: Request a financial contribution for secondary school places.
18. Lead Local Flood Authority: Raise no objection, subject to various conditions.
19. Canal & River Trust: No comments have been received.
20. The Coal Authority: Has no objection to the proposed development.
21. NHS: No comments have been received.
22. CIL Officers: Comment that CIL Liability is not calculated at outline application stage. The development will be CIL Liable on approval of the final reserved matters application (if approved).

PLANNING CONSIDERATIONS

Principle of development

23. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that if regard is to be had to the development plan for any determination then that determination must be made in accordance with the plan unless material considerations indicate otherwise.
24. The Development Plan comprises the adopted Central Lancashire Core Strategy (2012) and the adopted Chorley Local Plan 2012- 2026.

25. The Central Lancashire Core Strategy was adopted in July 2012 and covers the three neighbouring authorities of Chorley, South Ribble and Preston. The three authorities are a single Housing Market Area (HMA).
26. Core Strategy Policy 1 (Locating Growth) identifies Adlington as an Urban Local Service Centre where some growth and investment will be encouraged to help meet local housing and employment needs.
27. Core Strategy Policy 4 Housing Delivery of the Plan sets the following minimum requirements for housing development across the Core Strategy area:
 - Preston 507 dwellings pa
 - South Ribble 417 dwellings pa
 - Chorley 417 dwellings pa
28. Core Strategy Policy 5 Housing Density indicates densities will be secured in keeping with local areas and which will have no detrimental impact on the amenity, character and appearance, distinctiveness and environmental quality of an area, consideration will also be given to making efficient use of land.
29. Core Strategy Policy 7 Affordable and Special Needs Housing of the Plan seeks to ensure sufficient affordable housing and special needs housing is provided to meet housing needs. It sets a requirement of 30% affordable housing on residential schemes in the urban parts of Chorley. In terms of the National Planning Policy Framework major development proposals are defined where 10 or more houses are provided or where the site has an area of 0.5 hectares or more.
30. Policy V2 of the Chorley Local Plan 2012 - 2026 establishes the Settlement Areas in the Borough. Within these areas there is a presumption in favour of appropriate sustainable development, subject to material planning considerations and the other policies of the Development Plan. It is within these areas (and the strategic allocations) that the majority of development is envisaged to take place.
31. The application seeks outline planning permission for up to 25no. dwellings on 0.84 hectares of land. The site is adjacent to the settlement area of Adlington and is located on designated safeguarded land, as defined in policy BNE3 of the Chorley Local Plan 2012 – 2026 'Areas of Land Safeguarded for Future Development Needs'. This application site forms part of a wider parcel of safeguarded known as BNE3.3 North of Bond's Lane, Adlington.
32. A small part of the site falls within Green Belt and this part of the site is proposed as open space provision. Whilst para 145 of the National Planning Policy Framework (The Framework) allows for the provision of outdoor recreation facilities in the Green Belt provided they preserve the openness of the Green Belt, the open space provision required by Local Plan Policy HS4A to meet the needs of a particular development should be provided within the settlement boundary not within the Green Belt.
33. The site was designated as Green Belt in the 1993 Lancashire Structure Plan. It was removed from the Green Belt designation and reallocated as Safeguarded Land along with a number of other sites in the 1997 Chorley Borough Local Plan under the Safeguarded Land policy (Policy C3). In the Chorley Borough Local Plan Review in 2003 the site was again designated as Safeguarded Land under Policy DC3.4.
34. The areas of Safeguarded Land covered by Policy DC3 were reviewed as part of the current Local Plan process which started in 2010. The review included a sustainability assessment, and consultation with Lancashire County Council and United Utilities. In order to meet Chorley's housing, employment and open space requirements in the Chorley Local Plan 2015, safeguarded sites that were considered the most suitable, specifically those that were natural extensions to existing settlements, and proved most viable in terms of highways access and the characteristics of the site were allocated. The remaining

Safeguarded Land was retained as Safeguarded Land under Policy BNE3 to provide for potential future development needs beyond the Plan period (i.e. after 2026).

35. Policy BNE3 is a restraint policy and states that development other than that permissible in the Green Belt or Area of Other Open Countryside (under Policy BNE2) will not be permitted on Safeguarded Land. The proposal is, therefore, contrary to Policy BNE3.
36. Policy BNE3 is in accordance with paragraph 139 of the National Planning Policy Framework (The Framework) (February 2019) which states that local planning authorities should c) “where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer term development needs stretching well beyond the plan period” and d) “make clear that the 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”.

Other material considerations

37. The Framework is a key material consideration. The purpose of the planning system is to contribute to the achievement of sustainable development. There are three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). There are three objectives to sustainable development set out at paragraph 8 and it is fundamental that development strikes the correct balance between:
 - Environmental - the protection of our natural, built and historic environment.
 - Economic - the contribution to building a strong and competitive economy.
 - Social - supporting strong, vibrant and healthy communities
38. Paragraph 10 of the Framework states that so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).
39. Paragraph 11 of the Framework states for decision-taking this means:
 - c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - a. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - b. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
40. The Footnote (6) to paragraph 11 sets out examples of the type of policies that may indicate development should be refused. Footnote 7 makes clear that the tilted presumption in favour of sustainable development will apply where a Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites.
41. Paragraph 59 of the Framework confirms the Government’s objective of significantly boosting the supply of homes.
42. Paragraph 60 of the Framework reinforces that requirements represent the minimum number of homes needed.
43. Paragraph 73 of the Framework requires Local Planning Authorities to maintain a supply of deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategies or against their local housing need where the strategic policies are more than five years old. Footnote 37 states in circumstances where strategic policies are more than five years old, five year housing land supply should be calculated against Local Housing Need calculated using the Government standard methodology, unless those strategic policies have been reviewed and found not to need updating.

44. Section 13 of the Framework sets out the Government's policy on protecting Green Belt land. It begins by stating that "the government attaches great importance to Green Belts". The importance of the permanence of the Green Belt is reiterated. Paragraph 139 explains that Local Authorities should, where necessary, identify in their plans areas of 'safeguarded land' between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period. It further states that Local Authorities "should make clear that the 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 a Local Plan review which proposes the development".
45. Land is allocated as such to ensure that Green Belt boundaries last for a long time and it is protected from development until a time in the future which it might be required to serve development needs. The main purpose of designating Safeguarded Land in Chorley is to ensure that the inner boundary of the Green Belt will endure in the long term rather than act as a land bank for future development. Designating land as safeguarded does not mean that its development is inevitable in the long term. Retaining this land for future development needs at this time is consistent with the purposes of designating the site as safeguarded land within the Local Plan, in accordance with the Framework.
46. The proposed development would result in the irreversible loss of part of a safeguarded greenfield site not required to meet current housing needs at this point in time. The application site is approximately 0.84 hectares, whilst the overall safeguarded site BNE3.3 is 4.03 hectares. This loss weighs heavily against the proposal and is contrary to the prudent use of land and resources in an area where much of the Borough is designated Green Belt. The Framework is clear that safeguarded land is not for development at the present time (i.e. within the Plan period) and planning permission should only be granted following a Local Plan review.

Housing land supply

47. The applicant considers that the Council is unable to demonstrate a five-year housing land supply when considered against the Local Housing Need (LHN) requirement and that two of the most important policies relating to the application site, namely Core Strategy Policy 4 and Chorley Local Plan Policy BNE3, are out of date. They therefore consider that the presumption in favour of sustainable development at Paragraph 11d) of the Framework is engaged.
48. The Core Strategy policies are more than five years old (adopted July 2012), however, following the Cardwell Farm decision (Appeal ref: APP/N2345/W/20/3258889 9th March 2021) the Council are now using Core Strategy Policy 4 to determine their 5 year housing supply. The Council has a 11.2 year deliverable housing supply over the period 2020 – 2025 based on an annual housing requirement of 144 dwellings which includes a 5% buffer and takes into account the previous oversupply.
49. The piecemeal development of this area of safeguarded land prevents the whole allocation being masterplanned and does not allow for infrastructure and services to keep up.
50. The position of the Council in respect of Housing Land Supply is set out below:

The Euxton Lane Inquiry Decision APP/D2320/W/20/3247136 (11 August 2020)

51. The appeal was allowed and outline planning permission was granted for the erection of up to 180 dwellings including 30% affordable housing, with public open space, structural planting and landscaping, surface water flood mitigation and attenuation and vehicular access points from School Lane on land at Pear Tree Lane, Euxton, Chorley in accordance with the terms of the application, Ref 19/00654/OUTMAJ.
52. Para 10 of the decision states "The presumption in favour of sustainable development in paragraph 11(d) of the Framework directs that, where the policies which are most important for determining the application are out-of-date, the 'tilted balance' applies, whereby

permission should be granted unless the policies of the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Paragraph 73 of the Framework also requires local planning authorities (LPAs) to maintain a supply of deliverable sites sufficient to provide a minimum of 5 years' worth of housing against their housing requirement or local housing need. Where an LPA cannot demonstrate a 5 year supply of deliverable sites, Footnote 7 of the Framework establishes that the policies of the development plan which are most important for determining the application are out-of-date”.

53. The main issues in the appeal were:
 - a. Whether or not the Council can demonstrate a 5 year supply of deliverable housing land in Chorley borough, 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;
 - b. 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; and
 - c. Whether this, or any other material consideration, would justify the proposed development on safeguarded land at this time.
54. In respect of the Five Year Housing Supply, the Inspector concluded:
55. Para 36 “...I have concluded above that 569 dpa is the appropriate housing requirement figure for Chorley for the purposes of calculating the 5YHLS in this appeal. The main parties dispute the deliverability of an allocated site at Cowling Farm, for which the Council includes 112 dwellings in the supply to the end of March 2025. However, even if the Cowling Farm figure were included in the deliverable supply, 1,617 dwellings would only amount to a 2.7 year supply against the LHN calculated using the standard method, still well below the 5 year requirement. Consequently, it is not necessary for me to consider the evidence for and against the inclusion of the Cowling Farm site any further here”.
56. Para 37 “...Overall, therefore, in the light of the evidence before me at this appeal, the provisions of the development and the relevant national policy and guidance, I conclude that the Council is unable to demonstrate a 5 year supply of deliverable housing sites measured against the LHN for Chorley”.
57. In respect of the most important development plan policies the Inspector concluded:
58. Para 44 “... Policies 1 and 4 of the CLCS and Policy BNE3 of the CLP are the ‘most important’ policies in this case, defining the need and appropriate locations for housing in Chorley and the limitations on development on the appeal site as Safeguarded Land”.
59. Para 45 “... The courts have established that a policy may become ‘out-of- date’ where it is overtaken by a change in national policy. That is clearly the situation applying to Policy 4 of the CLCS, where its housing requirements were derived from the former Regional Spatial Strategy for the North West, which in turn relied on the 2003-based household projections. This, combined with the introduction of the standard method in the 2018 Framework and the application of the 2014-based household projections, renders the housing requirements in Policy 4 out-of-date”.
60. In respect of Policy 1 the Inspector at para 47 states:
61. “In this case, Policy 1 does not of itself define settlement boundaries or limit development only to sites within settlements in Chorley borough. The evidence before me does not show that Policy 1 would unreasonably constrain the ability of the borough to accommodate its standard method housing requirement of 569 dpa. As such, I do not consider that Policy 1 of the CLCS is out-of-date for the purposes of this appeal”.

62. In respect of Policy BNE3 the Inspector concluded:
63. Para 49 "...My conclusions on the 5YHLS above indicate that the restriction on the development of Safeguarded Land in Policy BNE3 is preventing the Council from being able to provide an adequate housing land supply, against its standard method LHN within the current plan period to 2026".
64. Para 50 ".....This is further supported by the fact that the emerging CLLP identifies all but one of the Areas of Safeguarded Land in Policy BNE3, including the appeal site, as site proposals to meet the borough's housing needs for the period 2021-2036. Whilst the emerging CLLP is at an early stage and the final selection of housing allocations will be determined through the local plan examination process, it clearly recognises that land currently safeguarded in Policy BNE3 for development needs beyond the end of the CLP plan period in 2026, may need to be released before then to meet a housing requirement based on the standard method LHN".
65. At Para 51 the Inspector concludes "In this case the 'basket' comprises Policies 1 and 4 of the CLCS and Policy BNE3 of the CLP. Although the overall spatial strategy for Central Lancashire in Policy 1 is not itself out-of-date, the policies establishing the amount of housing needed in Chorley borough and designating the appeal site as Safeguarded Land, so preventing it from contributing to those needs, are out-of-date. On this basis therefore, taken as a whole, I conclude that the 'most important' policies for determining this appeal are out-of-date".
66. At Para 98 the Inspector sets out "Paragraph 11(d) of the Framework is also an important material consideration in this case. I have concluded above that the most important policies for this decision are out-of-date, both on their own merits and because the Council is unable to demonstrate a 5YHLS against the standard method LHN for Chorley. As such the 'tilted balance' in paragraph 11(d) is engaged for this decision. This means 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 6, 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".

The Memorandum of Understanding

67. The three councils of Chorley, Preston and South Ribble entered into a Memorandum of Understanding (MOU 1) in September 2017 and this document provided clear evidence of the close working relationship between the three authorities in plan-making, building on the extant Core Strategy and committing to the preparation of a new single Central Lancashire Local Plan, which is now progressing.
68. MOU1 reflected the single HMA across Central Lancashire and is a policy-on response to the findings of the Strategic Housing Market Assessment (SHMA published in 2017) which concluded that: 'the spatial distribution of need within the HMA varies depending on judgements made on projections. There has been an historical over-delivery of homes in Chorley relative to housing requirement policies, compared to an under-delivery in Preston and South Ribble'.
69. In May 2020, the three Councils approved an addendum to MOU2, entitled Joint Memorandum of Understanding & Statement of Co-operation Relating to the Provision and Distribution of Housing Land: Statement of Common Ground.
70. MOU2 aggregates the minimum annual Local Housing Need standard method figures for the three Local Planning Authorities and redistributes that housing need across the Central Lancashire area. The redistribution relies on evidence in the Central Lancashire Housing Study (March 2020) (CLHS) produced to inform the preparation of the Central Lancashire Local Plan. But it also seeks to provide an interim set of district level housing requirements,

which MOU2 states is 'to reflect the most sustainable pattern of development in the sub-region' and 'to align with City Deal growth aspirations in Preston and South Ribble.

71. As at 1st April 2020, the application of the agreed distribution ratio to this aggregate figure results in the following requisite minimum housing requirements for each Central Lancashire authority:
- | | |
|---------------|--------------------|
| Preston: | 404 dwellings pa |
| South Ribble: | 328 dwellings pa |
| Chorley: | 278 dwellings pa |
| Total: | 1,010 dwellings pa |
72. The Inspector for the Pear Tree Lane Inquiry considered the MOU and stated:
73. Para 23 "Whilst paragraph 2a-013 of the PPG does not prohibit LPAs in joint plan areas from relying on a redistribution of LHN figures to determine planning applications in advance of the adoption of their plans, this paragraph ostensibly applies to plan-making rather than decision-making. This is clear from the question it seeks to answer and its repeated references to spatial development strategies and policy-making. The national guidance on how housing need should be calculated for the purposes of decision-making is found in section 68 of the PPG on Housing supply and delivery".
74. Para 24 "The courts urge treating the PPG with considerable caution when there is a dispute about its interpretation, given that it is intended to be guidance not policy. However, the guidance in the PPG on calculating housing need and the 5YHLS for decision-making purposes mirrors the policy in paragraph 73 and footnote 37 of the Framework, that where the adopted housing requirement is more than 5 years old and the strategic housing policies need updating, as in Chorley, the 5YHLS will be measured against the LHN using the standard method".
75. Para 25 "The standard method was introduced into national policy in the 2018 Framework as the new baseline for assessing 5YHLS in the absence of an up to date plan, in order to incentivise LPAs to get plans in place. Therefore, it is reasonable to conclude that the guidance in paragraph 2a-013 of the PPG is not intended to allow for a redistribution of LHN in joint plan areas to provide the basis for calculating 5YHLS in decision-making in advance of that distribution being properly tested at examination and found sound. For the PPG to do so would run counter to the definition of LHN in the Framework and the clearly stated policy on the application of the standard method in decision-making".
76. Para 26 "Nevertheless, to date the courts have held that it is not unlawful for an LPA to rely on a housing requirement or an apportionment of housing need for decision-making purposes, even if this is not contained in an adopted plan. I recognise that the St Modwen and Oadby & Wigston judgements predate the standard method and the Harrogate judgement related to a planning permission granted before the latest version of the Framework made clear that LHN could only be calculated using an alternative approach in the context of preparing strategic policies. However, these judgements remain and establish the principle that an apportionment of housing need in an emerging joint plan can be a material consideration in decision-making. Therefore, I consider below the evidence for and against the apportioned housing need figure based on the analysis in MOU2 and the weight that should be attached to it."
77. In conclusion the Inspector stated:
78. Para 31 ".....Whilst MOU2 was the subject of consultation, it is evident that there are significant and substantive objections to the proposed redistribution of the LHN and the evidence which supports it, which remain outstanding and will need to be resolved, ultimately through the CLLP examination. The Court of Appeal has established that 'it is not for an Inspector on a S78 appeal to seek to carry out a sort of local plan process so as to arrive at a constrained housing requirement figure' ".

79. Para 32 "...Paragraph 48 of the Framework allows weight to be given to policies in emerging plans, according to the stage of preparation, the extent to which there are unresolved objections and the degree of consistency to the Framework. This guides my assessment of the weight that can be given to a housing requirement based on the redistribution of LHN in MOU2, as a policy document which informs the emerging CCLP. The emerging plan is at a very early stage and carries limited weight in this appeal. Although the MOU2 redistribution is an agreed position by the LPAs, there are significant unresolved objections to the recommended figures, which may result in Chorley's apportionment being modified following examination. For these reasons and in the light of my consideration of the evidence submitted, I attach limited weight to the housing requirement figure for Chorley of 278 dpa in this appeal".
80. Para 33 "...However, full weight can be attached to the standard method LHN figure for Chorley, given that its value and use in this case are entirely consistent with the Framework and the PPG. Accordingly, I conclude that the figure of 569 dpa should be used for the purposes of calculating the 5YHLS in this appeal. This would also support the Government's objective, in paragraph 59 of the Framework, of significantly boosting the supply of homes".
81. Para 34 "...In reaching this view, I have had regard to the previous decision for the appeal site in 2017. Whilst the Inspector in that appeal applied a redistribution of the objectively assessed housing need (OAN) for Chorley based on the 2017 version of the MOU2 (MOU1) in order to calculate the 5YHLS, the apportionment in MOU1 aligned with the adopted CLCS, rather than an alternative arrangement. In addition, national policy on the calculation of 5YHLS at the time of that decision was very different, in that it predated the 2018 Framework and the introduction of the standard method. However, I also note that in the Chain House Lane appeal decision, which dealt with the draft version of MOU2 in the context of the new Framework and the standard method, the Inspector gave limited weight to the draft MOU2 and concluded that the standard method LHN figure for South Ribble should be used in that case. I have explained my reasoning for attaching limited weight to a housing requirement based on the redistribution of LHN in MOU2 in the light of the evidence before me in this case".

Preston Withdrawal from the MOU

82. In light of the Pear Tree Lane, Euxton appeal decision Preston City Council withdrew from the MOU agreement on 4 November 2020.

Chain House Lane, Whitestake, Preston Judgement 21 August 2020

83. The decision was quashed, in relation to the claimant's contentions in ground 5. A new Inquiry was held in March 2021.

Land at Cardwell Farm, Garstang Road, Barton, Preston, PR3 5DR, APP/N2345/W/20/3258889 (9th March 2021)

84. The appeal was allowed and planning permission granted. The Inspector identified four main issues of which two had implications for Chorley. These are:
1. Whether the Council can demonstrate a five-year supply of deliverable housing sites, having particular regard to the housing need or requirement for Preston; and,
 2. Whether paragraph 11 d) ii. of the Framework is engaged either by reason of a lack of a five-year supply of deliverable housing sites or because the most important policies for determining the appeal are out-of-date.
85. The Inspector concluded the following:

The review of the Core Strategy housing requirement via MOU1 and the 2017 SHMA is the only footnote review to have taken place.

Para 24 “....Paragraph 73 of the Framework requires that local planning authorities (LPA) should 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 strategic policies, or against their local housing need (LHN) where the strategic policies are more than five years old. Footnote 37 of the Framework indicates that where strategic policies have been reviewed and found not to require updating they should still be used as a basis for the housing requirement even if they are more than five years old”.

Para 25 “.....Planning Practice Guidance³ (PPG) contains similar wording to Footnote 37 but also notes that the housing requirement figures identified in adopted strategic housing policies should be used for calculating the five-year housing land supply figure where the strategic housing policies have been reviewed within the last five years and found not to need updating. This wording in the PPG was introduced in July 2019. It followed on from wording contained in the 2018 version of the PPG which reflected the July 2018 Framework and the introduction of the standard method for calculating LHN”.

Para 26 “.....Footnote 37 and the related PPG were introduced without any transitional arrangements. Therefore, the effect of national policy and guidance is that any review of the strategic housing requirement undertaken from July 2014 onwards which found the requirement not to require updating would amount to a ‘Footnote 37 Review’. Whilst PPG is not policy, it does not depart from the Framework on this subject but seeks to assist with the time period whereby a review has currency”.

Para 27 “....The development plan minimum housing requirement for Preston of 507 dwellings per annum (dpa) is set out in Policy 4 of the CLCS. This is out of a total requirement for Central Lancashire of 1,341 dpa. This requirement was set by adopted strategic policies which are more than five years old”.

Para 28 “....However, in October 2017, some five years after the adoption of the CLCS, the Central Lancashire authorities of Preston, Chorley and South Ribble entered into a Joint Memorandum of Understanding and Statement of Co-operation relating to the provision of Housing Land (MOU1). MOU1 agreed that the housing requirement in the CLCS should be applied until the adoption of a replacement plan”.

Para 29 “....MOU1 was informed by a Strategic Housing Market Assessment (SHMA) which indicated that, if each LPA were to meet its own Objectively Assessed Need, the total requirement for Central Lancashire would only exceed the Policy 4 requirement by some 20 dpa, albeit that different distributions would result depending on whether demographic or economic growth figures were used. The SHMA used the 2014-based household projections as the starting point for assessing housing need”.

Para 30 “.....MOU1 noted that continuing to apply the CLCS housing requirement would, amongst other things, reflect the spatial pattern of development set out in Policy 1 of the CLCS, including directing housing growth to priority areas such as Cottam and North West Preston where land had been allocated to deliver significant new housing in accordance with the Preston, South Ribble and Lancashire City Deal; that site allocations had been determined to meet the spatial pattern of development in the CLCS; that the CLCS requirement reflects the high levels of containment for both travel to work and housing market areas (HMA); and that the Policy 1 apportionment would help to address net out-migration from Preston to other parts of the HMA. That the Policy 4 figures were based on the defunct North West Regional Spatial Strategy and had a baseline date of 2003 were not factors that were referred to in MOU1 and, therefore, on the face of it were not given much weight”.

Para 31 “.....Although it was entered into before the publication of the 2018 Framework, the Council and the appellant agree that MOU1, supported by evidence in the SHMA, was a ‘Footnote 37 review’. Based on the information before me, I see no reason to take a different view”.

The decision of Preston to revert to standard method after withdrawal from MOU2 did not constitute a review and was not a robust process.

Para 32 “.....However, the Council considers that matters have moved on from MOU1. MOU1 included a clause whereby the document was to be reviewed no less than every three years but would also be reviewed when new evidence that renders the MOU out of date emerges. It is more than three years since MOU1 was entered into. The Council points to the introduction of the standard method for assessing LHN as being a significant change in circumstances. If the LHN figure is used, Preston would be required to deliver 250 dpa”.

Para 33 “.....Footnote 37 and PPG do not indicate whether, once reviewed and found not to require updating, the development plan housing requirement can be reviewed again outside the formal local plan process. However, the implications of paragraphs 31-33 of the Framework is that it is anticipated that relevant strategic policies will need updating through a new local plan or partial review of a local plan rather than through a ‘review of a review’. That said, it seems to me that there may be justification to revert to LHN even if the requirement had been previously reviewed and found not to require updating. However, the decision to depart from the findings of a review undertaken in the last five years would need to be supported by a robust process”.

Para 34 “.....In this respect the Central Lancashire LPAs entered into a second Memorandum of Understanding in April 2020. This was augmented by a Statement of Common Ground in May 2020 reflecting a slight change in LHN housing numbers for April 2020. However, for the purposes of this decision the changes are not significant, and I will refer to these documents collectively as MOU2”.

Para 35 “.....MOU2 took into account the Central Lancashire Housing Study (CLHS), published in March 2020. The CLHS was commissioned to inform the review of the CLCS. However, the CLHS did not assess housing need in the way the SHMA did. It focused on LHN as a basis for the housing requirement, not on whether to plan for a higher level of need. In addition to findings in relation to affordable and other specific housing needs, it recommended that, pending the adoption of a new local plan, LHN should be used as a basis for assessing five-year housing supply but that the LHN should be redistributed such that Preston’s requirement would be 404 dpa. However, the recommendations did not appear to consider that a Footnote 37 review had already been carried out, and started with the assumption that the LHN should be used as the basis for the housing requirement”.

Para 36 “....As a result, MOU2 sought not to use solus LHN figures or retain the CLCS requirement but redistribute the LHN figures across the Central Lancashire LPAs. The veracity of MOU2 was tested at an inquiry in the summer of 2020 relating to a development of up to 180 dwellings at Pear Tree Lane, Euxton, Chorley. The Inspector in his decision gave limited weight to the figure for Chorley derived from MOU2 because it was outside the local plan process. He noted that PPG allows the housing requirement for a joint plan making authority to be distributed across the plan area but this should be done through the plan making process, not through decision-making. I agree with this analysis and that Footnote 37 effectively provides two principal options for an LPA housing figure, either the adopted strategic policy requirement or the LHN”.

Para 37 “...The Inspector agreed that the LHN figure should be used for Chorley. However, it appears that the option of using the CLCS requirement was not put to him. The only reference to MOU1 in his decision is in relation to a previous appeal for the Pear Tree Lane site in 2017. In other words, it was not argued that MOU1 still had currency as a Footnote 37 review”.

Para 38 “...Up to December 2019 Preston continued to use the CLCS requirement for the purposes of assessing its five-year housing land supply. This was in the knowledge of the longevity of the CLCS requirement and the fact that it was based on calculating need in accordance with the 2012 Framework. However, following an appeal decision relating to Chain House Lane, South Ribble, where the Inspector concluded that MOU1 did not constitute a Footnote 37 review and that LHN should be used, the Council decided to use

the LHN figure. However, the Chain House Lane decision was quashed in the High Court. The judge found that the Inspector's reasoning for concluding that MOU1 was not a review was inadequate".

Para 39 "...Subsequently, following the Pear Tree Lane decision, the Council withdrew from MOU2 because the Inspector 'has attributed limited weight to the MOU in determining the appeal.' The Council's decision does not indicate on what basis the housing requirement or the five-year supply will be derived as an alternative to MOU2, albeit it is noted that the Central Lancashire LPAs are in the process of reviewing the Local Plan which will consider the matter of distribution of housing".

Policy 4 should be used for the purposes of assessing whether there is a minimum of five years' worth of housing against the housing requirement.

Para 40 ".....Pulling this chain of events together, to my mind the review of the CLCS housing requirement through MOU1 is the only Footnote 37 review that has been undertaken. The decision to revert to the LHN figure after withdrawal from MOU2 did not constitute such a review as it has not followed a robust process. The factors set out in paragraph 30 above are still relevant today. In addition, the higher housing requirement derived from the CLCS would deliver more affordable housing. Therefore, Policy 4 of the CLCS should be used for the purposes of assessing whether there is a minimum of five years' worth of housing against the housing requirement".

Based on the CLCS requirement of 507 dpa and factoring in past under-supply and a 5% buffer, there would be a 4.95 years supply of housing land.

For the above reasons, the Council cannot demonstrate a five-year supply of deliverable housing sites, having regard to the housing requirement for Preston.

86. The Inspector concluded that the adverse impacts of the proposed development relating to the conflict with the development strategy and effects on character and appearance would not significantly and demonstrably outweigh the considerable economic and significant social benefits.

Summary - the tilted balance

87. Paragraph 11 d (ii) of The Framework essentially comes into play whereby the most important policies for determining an application are out of date, then planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
88. Whilst the Inspector accepted that there would be some limited harm to the character and appearance of the area, in terms of benefits, provision of new housing would bring construction supply chain jobs, places for economically active to live, increased local spend and greater choice in the market. The affordable homes would be a benefit and the proposal would boost supply, therefore he attached moderate weight to the economic benefits and significant to the social benefits. He concluded the adverse impacts of the proposed development relating to the conflict with the development strategy and effects on character and appearance would not significantly and demonstrably outweigh the considerable economic and significant social benefits.
89. Taking account of the Cardwell decision para 42 relating to Preston's housing supply the calculation for Chorley is:
90. At 1st April 2020 there was a total supply of 1,617 (net) deliverable dwellings which is a 11.2 year deliverable housing supply over the period 2020 – 2025 based on the annual housing requirement of 144 dwellings which includes a 5% buffer and takes into account the previous oversupply.
91. The tilted balance is not, therefore, engaged.

Emerging Central Lancashire Local Plan

92. The assessment of Safeguarded Land is being undertaken as part of a comprehensive review of the Central Lancashire Local Plan. This assessment process will ensure that the most suitable areas of Safeguarded Land are released, if required, and brought forward for development where appropriate, thereby minimising harm to Green Belt boundaries. Granting planning permission on safeguarded land outside that process means that the opportunity is not taken to ensure that the decisions taken are least harmful.
93. There is a total of 11 Safeguarded Land sites designated in the Chorley Local Plan (which includes the Euxton Lane appeal site and adjacent area forming site BNE3.9 Policies Map 1, Chorley Borough). The assessment should not be carried out ad-hoc through the development management process, rather as part of a holistic Strategic Housing Economic Land Availability Assessment and sustainability appraisal process. The new Local Plan will cover the whole single housing market area.
94. The wider safeguarded area BNE3.3 was included in the Issues and Options consultation for the Central Lancashire Local Plan (CLLP) under site reference 19C227x. Public consultation on this document was carried out between November 2019 to February 2020.
95. This application is for proposed development of the western part of the safeguarded area. The wider safeguarded area will be considered as part of development of the CLLP, which will allow for the future of the safeguarded area to be considered as a whole. This will allow for matters such as open space provision and affordable housing provision to be considered as part of the wider area.

Central Lancashire Local Plan: Site Assessment work

96. Three call for sites exercises have been completed to date for the Central Lancashire Local Plan. The results from call for sites 1 and 2 were consulted on as part of the Issues and Options Consultation which ran between November 2019 and February 2020, during this time, a further window was opened for additional site suggestions (Call for sites 3).
97. Detailed work to assess the sites commenced in February 2021 following completion of Level 1 Strategic Flood Risk Assessment (SFRA). This being undertaken in line with Strategic Housing and Economic Land Availability Assessment (SHELAA) methodology.
98. Officers in Chorley, South Ribble and Preston Councils finished their initial assessment of the sites in January 2021, and their findings have been collated by the Central Lancashire Local Plan (CLLP) Team into the SHELAA database. The CLLP Team are now starting to assess the sites in detail to look at their suitability. This work will also include undertaking Integrated Assessment (IA) and Habitats Regulation assessment (HRA) and viability assessment of the sites, and will bring in findings of the SFRA as well as consultation responses on the specific sites from Statutory Consultees and local residents.
99. The direction of growth and development of a spatial strategy for the area is also in early development, with the Councils starting to look at the level of growth likely to be needed over the plan period and how the plan should look to direct this. There is still considerable work to be done on this, including testing the emerging options in terms of transport and other infrastructure needs as they develop.
100. It is important to note that until all these stages of work have been completed, no decision on sites to be taken forward through the Central Lancashire Local Plan can be made.
101. When considering the acceptability of the principle of the development and taking in account the above factors as set out in this section, the proposed development is unacceptable as a matter of principle, in planning policy terms.

102. Notwithstanding this, it is necessary to consider whether there are any other material considerations that would outweigh the non-compliance with the development plan and identify any resultant harm.

Impact on ecological interests

103. *Policy BNE9 (Biodiversity and Nature Conservation) of the Chorley Local Plan 2012 – 2026 stipulates that Biodiversity and Ecological Network resources will be protected, conserved, restored and enhanced; and that priority will be given to, among other things, protecting, safeguarding and enhancing habitats for European, nationally and locally important species. The policy also requires, among other things, that where there is reason to suspect that there may be protected habitats/species on or close to a proposed development site, the developer will be expected to carry out all necessary surveys in the first instance; planning applications must then be accompanied by a survey assessing the presence of such habitats/species and, where appropriate, make provision for their needs.*
104. The application includes an Ecological Survey and Assessment, which updates the previous survey work undertaken on the site. The latest survey found the site largely unchanged since the original survey in 2017, with the impacts of development broadly similar.
105. The Greater Manchester Ecology Unit (GMEU) have reviewed this latest survey report and confirm that the survey has been undertaken by an experienced ecological consultancy whose work is known to the Ecology Unit. Overall the survey found the site to have some ecological interest, although none of the habitats present were species rich.
106. The ecology report makes a number of recommendations for the retention and protection of ecological features and species on site. These include protection of hedgerows, trees and scrub (paragraph 5.1.21-5.1.4) and nesting birds (5.3.1- 5.3.2). The best way to ensure that these measures are followed would be through a construction management plan. It is, therefore, recommended that a condition reflecting BS 42020:2013 be attached to any permission requiring that no development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: biodiversity) has been submitted to and approved in writing by the local planning authority.
107. It is also important that the lighting design of the development once occupied does not result in any additional light pollution. There are records of bat roosts in some of the properties along Carrington Road and these bats are likely to use the hedge lines on the application site to reach the Leeds Liverpool Canal to the north. It is, therefore, recommended that a condition requiring a lighting design strategy for biodiversity be attached to any permission, if granted.
108. The survey found Japanese knotweed on the site. It is, therefore, recommended that a condition be attached to any permission, if granted requiring that an invasive non-native species protocol be submitted to and approved by the local planning authority, detailing the containment, control and removal of Japanese knotweed.
109. Aside from the road access into the site, the boundary hedgerows and trees should be retained and enhanced as part of any landscaping scheme submitted with a reserved matters application. The survey also makes recommendations for measures for biodiversity enhancement, in line with the requirements of the Framework, for birds (5.3.3-5.3.6), habitat connectivity (5.18), bats (5.4.1-5.4.2) and landscape planting (5.5). It is, therefore, recommended that a condition be attached to any grant of planning permission that full details of biodiversity enhancement measures be submitted with any reserved matters application.
110. The scheme also proposes to retain and enhance an area in the north of the site for biodiversity. It is recommended that an Ecological Enhancement and Management Plan for this area be submitted with any reserved matters application. These details should include measures for long term monitoring, funding and details of the responsible party.

111. The proposed development is considered to be in line with policy BNE9 of the Chorley Local Plan 2012-2026 at this stage and subject to the provision of appropriate details at reserved matters stage or prior to commencement.

Highway safety

112. *Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that the residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction.*
150. *Policy ST1 (New provision of Footpaths, Cycleways, Bridleways and their associated facilities in existing networks and new development) stipulates that new development and highways and traffic management schemes will not be permitted unless they include appropriate facilities for pedestrian, cycle parking facilities, and /or cycle routes. The policy requires, among other things, that proposal should provide for facilities for pedestrians and cyclists to facilitate access on foot and by bicycle to nearby residential, commercial, retail, educational and leisure areas, where appropriate; and additional footpaths, bridleways and cycleway routes between the countryside and built up areas where appropriate.*
113. Highway safety and access issues have been the main concern expressed by residents during the consultation period. Lancashire County Council is the Local Highway Authority that manages and maintains the highway network in Lancashire and promotes safe travel and developments in accessible and sustainable locations within the county. As such, at certain stages in the planning process Chorley Council formally seeks the views of the County Council as a statutory consultee to assist in making an informed decision about proposed development. Lancashire County Council Highway Services have noted that there are very few changes from the previously refused application and state that their responses of 9 June 2017 and 19 September 2018 to the refused planning applications, 17/00411/OUTMAJ and 18/00863/OUTMAJ still hold for the current proposal, shown on indicative site plan, 1667-02 (Oct 20). On this plan, the footways have been provided to widths of 2.0m and as such are acceptable.
114. Lancashire County Council Highway Services have provided a detailed response that addressed the concerns expressed by residents in their response of 9 June 2017, which concluded that the development is acceptable in principle, subject to a number of conditions.
115. On the matters of parking provisions policy ST4 'Parking Standards' of the Chorley Local Plan 2012-2026 requires that proposals for development will need to make parking provision in accordance with the standards set out in Appendix A of the Local Plan. Appendix A identifies the Council's minimum parking standards for new development. It is not currently known how many bedrooms would be provided within each dwelling. It is, however, considered that there is sufficient room on-site for the provision of parking spaces to accord with policy ST4 at reserved matters stage and their provision could be required by planning condition.
116. The Framework is clear at paragraph 109 that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. There is no evidence to demonstrate a severe cumulative impact in this instance, and in the absence of any objections from the local highway authority the proposal is considered to be acceptable in line with policies BNE1 and ST4 of the Chorley Local Plan 2012 -2026 at this stage.
117. However, the application site only includes a small part of the overall safeguarded land allocation and, therefore, results in a piecemeal and disjointed approach to the proposal

and the wider site, which does not enable the development of a cohesive network of footpath and cycle links across the site and between the developed areas of Adlington to the south west of the canal and the wider footpath network and amenities to the north east of the canal. This contributes to an isolated form of development that does not integrate well with the wider urban area and perpetuates a lack of connectivity between the area of Adlington to the south west of the canal and the urban areas and transport links to the north east.

Impact on the character and appearance of the area

118. *Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, among other things, the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials; that the layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area; and that the proposal would not have a detrimental impact on important natural habitats and landscape features such as historic landscapes, mature trees, hedgerows, ponds and watercourses. In some circumstances where on balance it is considered acceptable to remove one or more of these features, then mitigation measures to replace the feature/s will be required either on or off-site.*
119. *Policy BNE10 (Trees) Stipulates, among other things, that proposals that would result in the loss of trees, woodland areas or hedgerows which make a valuable contribution to the character of the landscape, a building, a settlement or the setting thereof will not be permitted. Replacement planting will be required where it is considered that the benefit of the development outweighs the loss of some trees or hedgerows.*
120. *Core Strategy policy 17 seeks to ensure that the design of new buildings takes into account the character and appearance of the local area, including among other things, linking in with surrounding movement patterns and not prejudicing the development of neighbouring land; and protecting existing landscape features and natural assets.*
121. The application seeks outline planning permission for up 25no. dwellings, with the illustrative masterplan showing a new access road proposed on Carrington Road, on the western edge of the site. It is anticipated that the dwellings would be a range of types and sizes including larger and smaller homes, arranged around two internal cul-de-sacs with one turning head each. The location of the access is a detailed matter and, whilst the layout is indicative it demonstrates one way in which a layout can be achieved, whilst following from this defined access point.
124. When considering any development proposal, the Council must be mindful of the National Planning Policy Framework (The Framework) that states that the Government attaches great importance to the design of the built environment and good design is a key aspect of sustainable development. The Framework also states that planning policies and decisions should aim to ensure that developments (amongst other things) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
122. Chorley Council plans positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes and seeks to create well-mixed and integrated developments, which avoid segregation and have well-planned public spaces that bring people together and provide opportunities for physical activity and recreation. The provision of connective footpaths and pedestrian permeability through the wider site is an important aspiration for the development of the site when considering the acceptability of the principle of the development.

123. The application is accompanied by a submitted illustrative masterplan which fails to achieve this aspiration as it does not consider the wider site allocation as a whole or indeed its key features and characteristics, but provides a piecemeal and disjointed approach to the proposal and the wider site. The Council would expect a comprehensive masterplan.
124. The layout, appearance, scale and landscaping aspects of the proposal do not form part of this outline application and would follow at any reserved matters stage. From the indicative layout plan submitted, it is considered that adequate residential curtilage would be provided with adequate space for parking and general amenity. It is considered that the dwellings could be designed without detriment to the appearance of the site or the character of the streetscene. Nevertheless, this could only be fully assessed at reserved matters stage.

Amenity

125. *Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, where relevant to the development the proposal would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact; and that the proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses.*
126. It is considered that the dwellings could be designed without detriment to residential amenity.
127. Any impacts during the construction phase would be temporary and suitable mitigation measures could be imposed by a planning condition, for example, through a Construction Environmental Management Plan.
128. In light of the above, it is considered that sufficient information has been provided for the council to be satisfied that the proposed development could comply with policy BNE1 of the Chorley Local Plan 2012 – 2026 at any reserved matters stage.

Drainage and flood risk

129. *Core Strategy Policy 29 (Water Management) seeks to improve water quality, water management and reduces the risk of flooding in a number of ways including, among other things, appraising, managing and reducing flood risk in all new developments.*
130. The applicant has provided a flood risk assessment (FRA) and drainage strategy with the planning submission. This demonstrates that the site is at low risk of flooding from all sources and that attenuation would be required within the surface water drainage system to achieve the necessary flow rates.
131. Under the Flood and Water Management Act 2010 the Lead Local Flood Authority at Lancashire County Council (LLFA) is the responsible 'risk management authority' for managing 'local' flood risk, which refers to flooding or flood risk from surface water, groundwater or from ordinary watercourses. The LLFA is a statutory consultee for major developments with surface water drainage, under the Town and Country Planning (Development Management Procedure) (England) Order 2015.
132. The LLFA have assessed the scheme based on the current extent of the knowledge of the LLFA and information provided with the application at the time of their response. Specifically the LLFA identifies at section 6.0 of the flood risk assessment (October 2020, Ref: 30257/SRG) that this states that infiltration will not be feasible on site due to the presence of superficial deposits of Glacial Till. The variable nature of such deposits and the scale and resolution of BGS mapping records mean that a desk study is not sufficient to rule out infiltration as a drainage mechanism in this case. Consequently, site investigations will still be required to confirm infiltration rates and groundwater levels in accordance with industry guidance.

133. The LLFA has no objection to the proposed development subject to the inclusion of conditions requiring the following:
- The development permitted by this planning permission shall be carried out in accordance with the principles set out within the flood risk assessment (October 2020, Ref: 30257/SRG).
 - No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the local planning authority
 - 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.
 - 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.

Affordable housing

134. Core Strategy policy 7 sets down the approach to the delivery of affordable and special needs housing:

“Subject to such site and development considerations as financial viability and contributions to community services, to achieve a target from market housing schemes of 30% in the urban parts of Preston, South Ribble and Chorley and of 35% in rural areas on sites in or adjoining villages.....”

“Aside from rural exception sites the minimum site size threshold will be 15 dwellings (0.5 hectares or part thereof) but a lower threshold of 5 dwellings (0.15 hectares or part therefore) is required in rural areas.”

135. The adopted Central Lancashire Affordable Housing Supplementary Planning Document provides additional information on the delivery of affordable housing, with paragraph 34 stating:

“The size of development should not be artificially reduced to reduce or eliminate the affordable housing requirement as set out in the Core Strategy and at page 5 of this document, for example by sub-dividing sites or reducing the density of all of part of a site.”

136. However, the Framework requires that affordable housing should only be sought for residential developments that are major developments (10 or more dwellings). The affordable housing threshold in rural areas of 5 dwellings in Core Strategy Policy 7 has, therefore, now been replaced by the Framework threshold of 10 dwellings.
137. In accordance with Core Strategy Policy 7, 30% of the dwellings are required to be affordable. This equates to 8no. dwellings. 70% (6) of these should be social rented and 30% (2) should be shared ownership.
138. The applicant is proposing 35% affordable housing (9no. dwellings) which exceeds the requirements of Core Strategy Policy 7.
139. The house types to be provided would be determined at the reserved matters stage.
140. This would need to be secured through a Section 106 legal agreement if the application was approved.

Public open space

141. Policy HS4A and HS4B of the Chorley Local Plan 2012 – 2026 - Open Space Requirements in New Housing Developments explains that all new housing developments will be required to make provision for open space and recreation facilities, where there are

identified local deficiencies in the quantity, accessibility or quality and/or value of open space and recreation facilities. The requirements for the proposed development are as follows:

Amenity Greenspace:

142. Local Plan Policy HS4A sets a standard of 0.73 hectares per 1,000 population.

143. There is currently a surplus of provision in Adlington and Anderton in relation to this standard and the site is within the accessibility catchment (800m) of an area of amenity greenspace. A contribution towards new provision in the ward is therefore not required from this development. However there are areas of amenity greenspace within the accessibility catchment that are identified as being low quality and/or low value in the Open Space Study (sites ref: 1968 Rear of Chapel Street/ Park Road, Adlington; 2013 Adjacent Fairview Drive, Heath Charnock; and 1298 Rear of Chester Place/ Croston Avenue, Adlington). A contribution towards improvements to these sites is therefore required from this development. The amount required is £140 per dwelling.

Provision for children/young people:

144. Local Plan Policy HS4A sets a standard of 0.08 hectares per 1,000 population.

145. There is currently a deficit of provision in Adlington and Anderton in relation to this standard, a contribution towards new provision in the ward is therefore required from this development. The amount required is £134 per dwelling.

Parks and Gardens:

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

147. The site is within the accessibility catchment (1,000m) of parks/gardens that are identified as being low quality and/or low value in the Open Space Study (sites ref: 2018 Leonard Fairclough Memorial Gardens, Adlington; and 1744 War Memorial Garden, Railway Road, Adlington), a contribution towards improving these sites is therefore required. The amount required is £1,467 per dwelling.

Natural and Semi-Natural Greenspace:

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

149. The site is within the accessibility catchment (800m) of areas of natural/semi-natural greenspace that are identified as being low quality and/or low value in the Open Space Study (site ref: 1852 Rear of Outterside Avenue, Adlington), a contribution towards improving these sites is therefore required. The amount required is £557 per dwelling.

Allotments:

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

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

Playing Pitches:

152. A Playing Pitch Strategy was published in June 2012 which identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is therefore required from this development. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements. The amount required is £1,599 per dwelling.

153. The total financial contribution required from this development is as follows:

Amenity greenspace	= £3,500
Equipped play area	= £3,350
Parks/Gardens	= £36,675
Natural/semi-natural	= £13,925
Allotments	= £375
Playing Pitches	= £39,975
Total	= £97,800

154. A financial contribution of £97,800 would be required and this would need to be secured through a Section 106 legal agreement if the application was approved.

Sustainability

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

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

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

156. Given this change, instead of meeting the code level, the dwellings should achieve a minimum dwelling emission rate of 19% above 2013 Building Regulations in accordance with the above provisions. This can be controlled by a condition.

Education

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

158. Lancashire County Council, as the Education Authority, seek to secure financial contributions towards any additional school places required as a result of new housing development in order to mitigate the impact upon the education infrastructure which new housing developments may have.

159. The latest information available at this time is based upon the 2021 School Census and resulting projections. Based upon the latest assessment, LCC would require a contribution for 4 secondary school places, however, no primary places are required.

160. Calculated at the current rates, this would result in a claim of:
4no. Secondary places: £92,247.00

161. This assessment represents the current position on 25th March 2021.

162. A financial contribution of £92,247.00 is required and this would need to be secured through a Section 106 legal agreement if the application was approved.

Employment skills provision

163. The Central Lancashire Employment Skills Supplementary Planning Document (SPD) was adopted in September 2017. The SPD introduces Employment Skills Statements and provides clarity as to how this requirement relates to the relevant policies set out in the Core Strategy and Local Plan as well as the guidance set out in the Framework. The SPD goes on to state that one of Central Lancashire's priorities is to encourage economic growth within Central Lancashire that benefits the people and businesses in the three boroughs. The SPD seeks to;

- increase employment opportunities by helping local businesses to improve, grow and take on more staff
- help businesses to find suitable staff and suppliers, especially local ones
- improve the skills of local people to enable them to take advantage of the resulting employment opportunities
- help businesses already located in Central Lancashire to grow and attract new businesses into the area

164. The SPD requires development over certain thresholds to be accompanied by an Employment and Skills Statement to ensure the right skills and employment opportunities are provided at the right time. This is to the benefit of both the developer and local population and covers the following areas:

- Creation of apprenticeships/new entrants/graduates/traineeships
- Recruitment through Job Hub and Jobcentre plus and other local employment vehicles.
- Work trials and interview guarantees
- Vocational training (NVQ)
- Work experience (14-16 years, 16-19 years and 19+ years) (5 working days minimum)
- Links with schools, colleges and university
- Use of local suppliers
- Supervisor Training
- Management and Leadership Training
- In house training schemes
- Construction Skills Certification Scheme (CSCS) Cards
- Support with transport, childcare and work equipment
- Community based projects

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

Benefits of the scheme

166. The Council considers that the adopted housing land supply policies are up to date, therefore the proposal is contrary to the development plan. Paragraph 12 of the Framework states "Where a planning application conflicts with an up-to-date development plan [...] permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed."

167. In this instance it has been identified that the proposed development is contrary to the policies of the development plan. It is therefore important to consider the proposal in the round. In accordance with Section 38(6) the decision maker should consider whether there are material factors that indicate that the development should be granted despite being contrary to policy. To this end the applicant has identified a number of planning benefits of the proposed development, which are considered below.

Social

168. The applicant has identified several planning benefits of the proposed development, and states that Chorley Council has a substantial shortfall in the deliverable supply of housing, including affordable housing, which the application site would make a significant contribution to meeting.

169. However, to develop the site now would be premature and place further pressure on future land supply. In order to inform future housing need including types and tenures, there is an emerging suite of evidence that will support a robust local plan for the next 15 -20 years. There is no need to deliver this site now, rather it should await the evaluation and outcome of the Central Lancashire Local Plan Review process. Accordingly, this is not a material consideration, which justifies the early release of this site.

Environmental

170. The development proposal includes the provision of formal and informal open space. A commuted sum for off site provision/improvement of playing pitches and natural/semi-natural greenspace will also be required. The provision of green infrastructure, open space and recreation facilities is of moderate benefit as it is a policy requirement (HS4A) rather than a benefit of the proposal.

Economic

171. The developer states there will be a benefit of securing economic growth through the creation of jobs in the construction industry and the additional trade future occupiers of the proposed development will bring for local businesses.

172. The economic benefits of the proposal carry little weight in justifying development of safeguarded land because they are generic and arise equally (pro rata) from the development of land that is not safeguarded. The proposals are likely to result in increased spend in the local area, and we consider this carries moderate weight.

173. The proposals also have a number of temporary benefits associated with the construction phase such as employment opportunities, indirect spend and new homes bonus funding. Due to their temporary nature we consider these attract some moderate weight.

174. The Council does not regard increased council tax receipts as a benefit of the development as this is essential to cover the increased demand for Council services that the development would generate and is, therefore, a neutral factor.

175. There are no evident economic benefits that this development would provide that would not be generated by the residential development of land that is not safeguarded. It is not allocated for housing in the development plan and, therefore, such growth has not been accounted for in plan-making including developing the supporting evidence for future strategic infrastructure such as transport, education and training, open space and recreation, and, employment and skills.

176. The benefits advanced by the applicant are moderate in the weight that can be attributed to them as a whole and do not result in factors either individually or collectively that would indicate that the development should be granted despite being contrary to policy.

Community Infrastructure Levy (CIL)

177. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging

commenced on 1 September 2013. The proposed development will be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

CONCLUSION

178. The application is contrary to the provisions of the development plan and does not represent a sustainable form of development having regard to the Framework presumption in favour of sustainable development. Overall it is not considered that there are any material considerations that would outweigh the conflict with the development plan and the Framework when taken as a whole. The housing requirement for Chorley is 417 homes per annum. The Council has a 11.2 year housing supply. The 'tilted balance' in paragraph 11(d) is therefore not engaged.
179. Other harm would arise because part of the site would extend into the Green Belt. This would result in encroachment into the Green Belt contrary to one of the purposes of including land within the Green Belt as set out at paragraph 134.c) of the Framework. The proposal does, therefore, represent inappropriate development within this Green Belt location, to which substantial weight should be attached, in line with paragraph 144 of the Framework, and it is not considered that there are very special circumstances to overcome the definitional harm to the Green Belt.
180. In addition, piecemeal development of this wider area of safeguarded land prevents the whole designation from being properly masterplanned in order to respond to the full impact of its development and achieve a suitable form of development, as this does not allow for infrastructure and services to keep up.
181. Overall it is not considered that there are any material considerations that would outweigh the conflict with the development plan and the Framework when taken as a whole and it is, therefore, recommended that the application be refused.

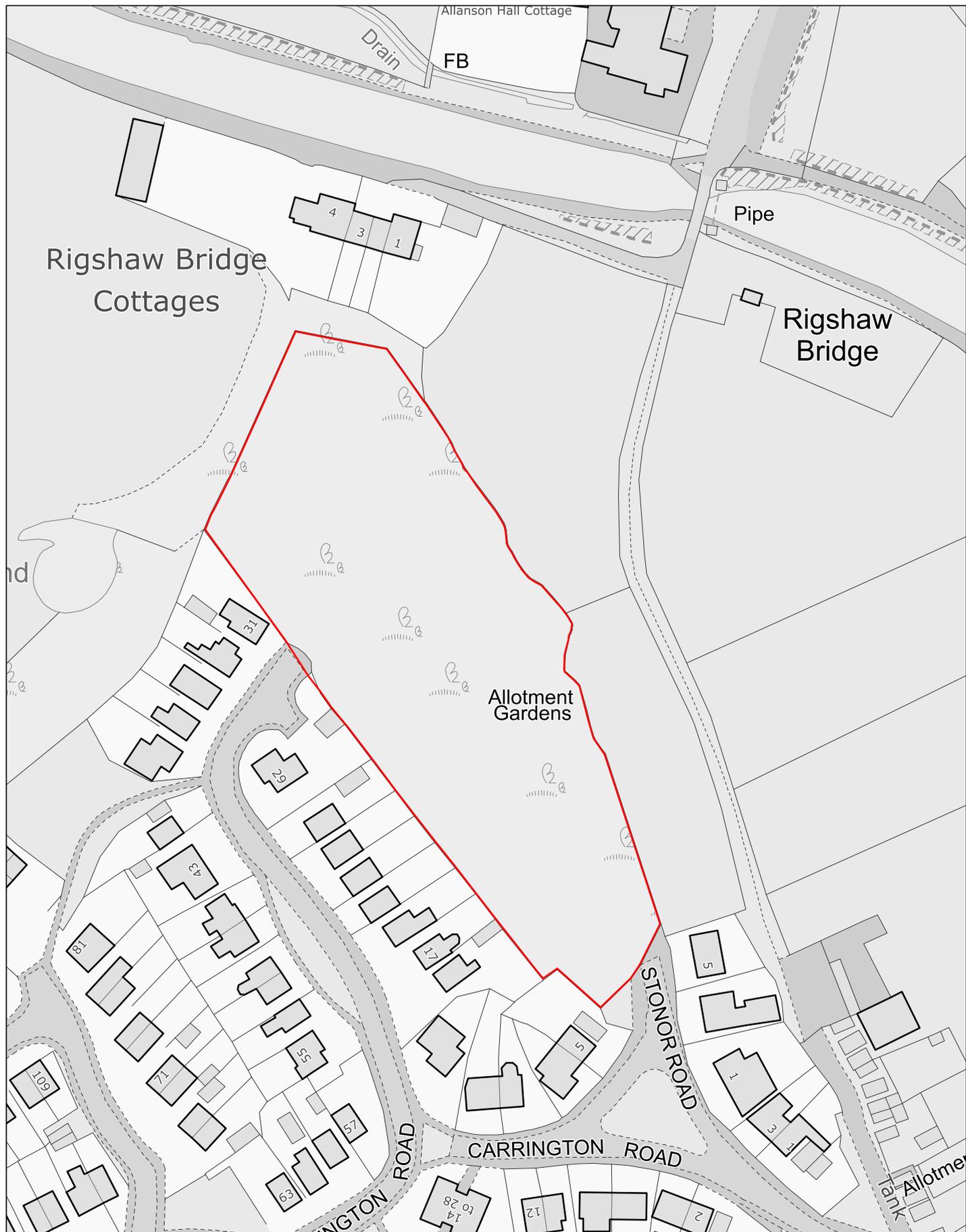
RELEVANT HISTORY OF THE SITE

Ref: 17/00411/OUTMAJ **Decision:** REFOPP **Decision Date:** 13 September 2017
Description: Outline application for residential development for up to 25 dwellings with all matters reserved save for access from Carrington Road

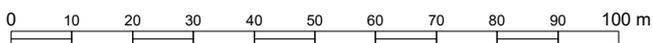
Ref: 18/00863/OUTMAJ **Decision:** REFOPP **Decision Date:** 6 November 2018
Description: Outline application for residential development for up to 25 dwellings with all matters reserved save for access from Carrington Road

RELEVANT POLICIES: In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.

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Planning
Committee Meeting

12 April 2021



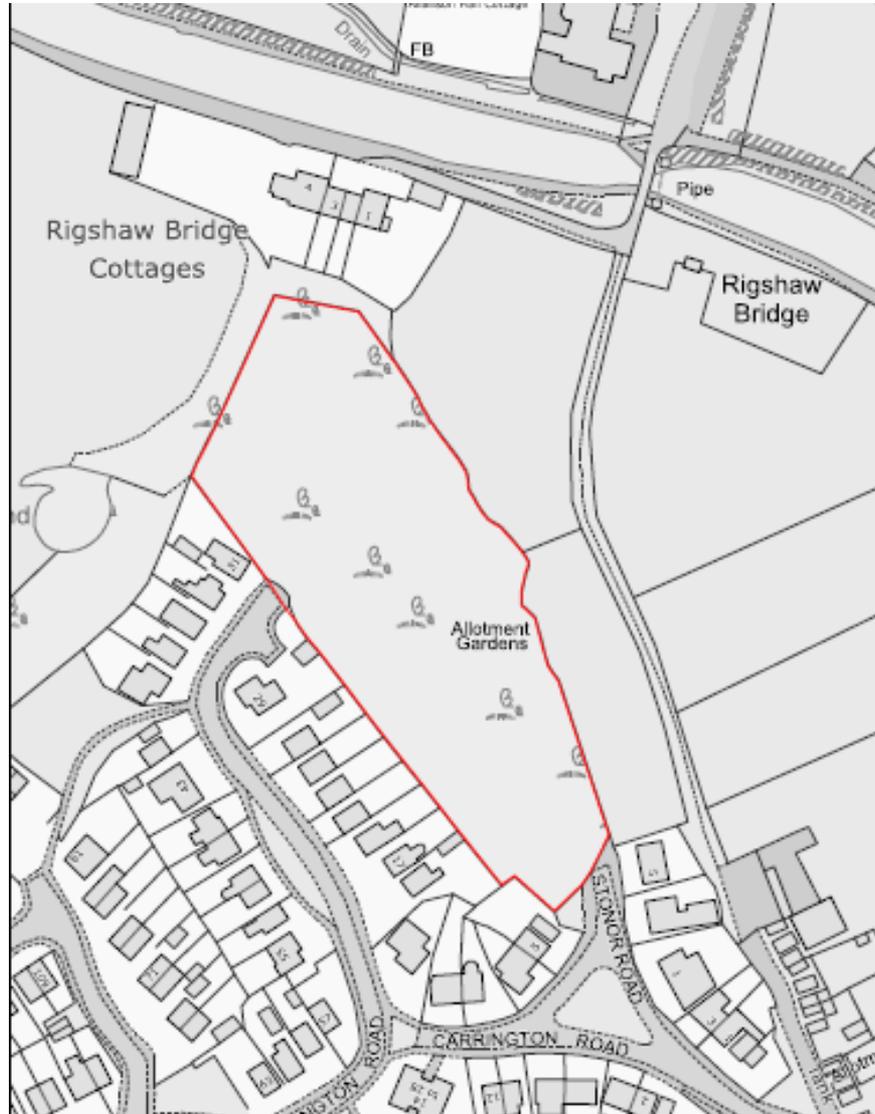
Item 3c

20/01200/OUTMAJ

Land at Carrington Road, Adlington

Outline application (specifying the access point) for the development of up to 25 dwellings and associated infrastructure (including 35% affordable housing)

Location Plan

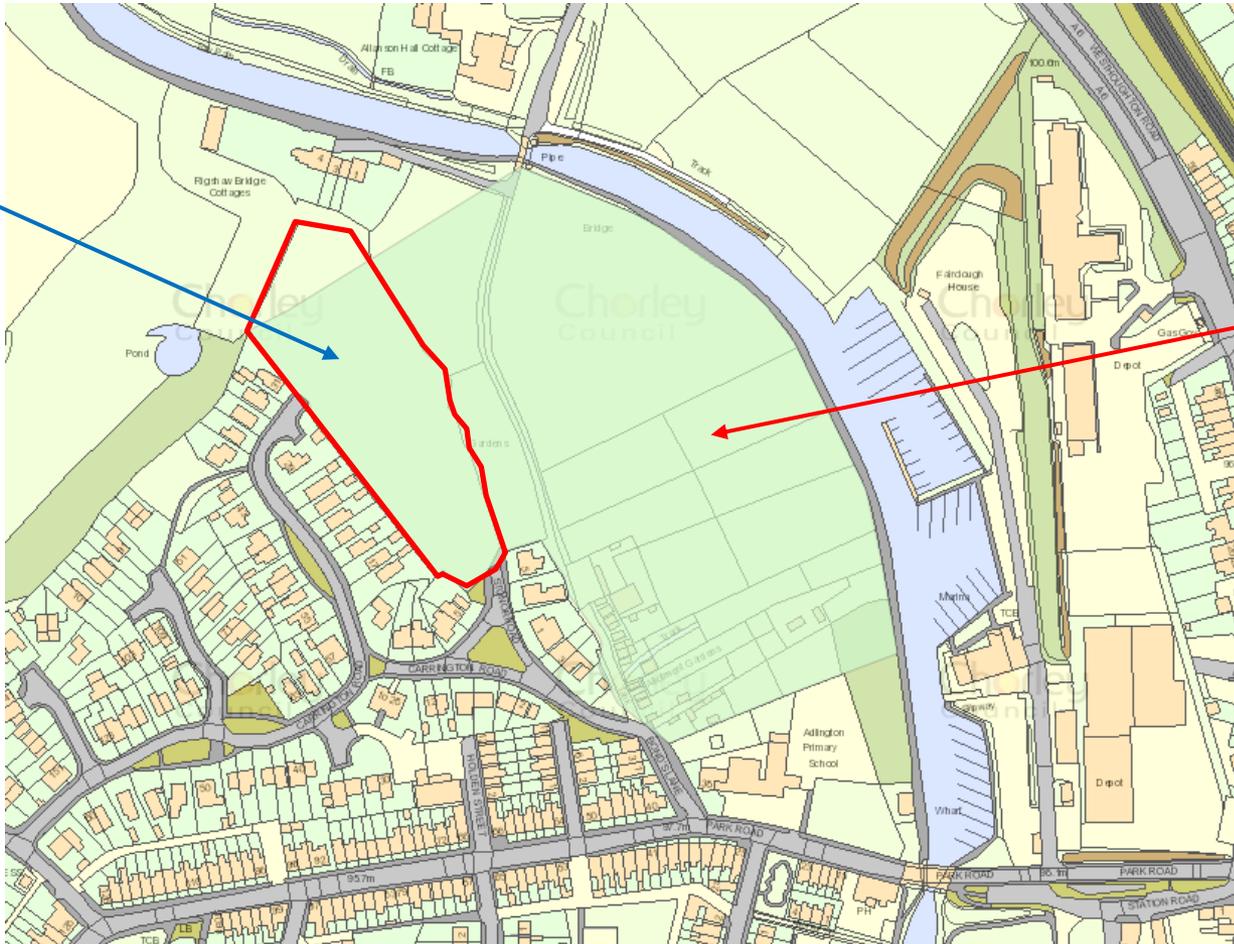


Aerial Imagery



Plan Showing Site in Context of Wider Safeguarded Land Designation

Application Site



Remainder of Safeguarded Land Designation is Light Green

Indicative Site Layout



C O M M I T T E E R E P O R T		
REPORT OF	MEETING	DATE
Chief Planning Officer	Planning Committee	Date: 12 April 2021

ADDENDUM

ITEM 3c - 20/01200/OUTMAJ - Land at Carrington Road, Adlington

The recommendation remains as per the original report.

The agent for this application comments that they are very disappointed with the report to planning committee and the reasons put forward for refusal. They note that in particular officers have not sought any discussion with the applicant on the application and therefore will not be able to complete the GPDO Art 35(2) notice that you have "... worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with [the] planning application".

They assert that it is of particular concern that on two previous occasions the application has been refused solely because of the conflict with policy BNE3 of the Chorley Local Plan 2012 – 2026 and that sole reason has been upheld on appeal. Officers now propose additional reasons for refusal without any change in circumstances to support them. They consider this is improper as there is a requirement on the LPA for consistency in decision-making. The fact that these reasons for refusal have been included without any discussion with the applicant or opportunity to address them makes the report unsound in this regard.

The agents comments that "Rather than rush to a decision at committee on Monday, I request that you seek to defer the consideration of the application so that the RfRs can be considered and the applicant is provided with the opportunity for the positive and proactive working that is required by the GPDO and by the Framework at §38. We would be happy to extend the determination period to allow this to happen".

In response officers consider that in the case of an application that is submitted in outline with all matters reserved, other than specifying the point of access, the determination of the application can only be made on the basis of matters of principle. Given that the application has been submitted on an area of Safeguarded Land, and some area of Green Belt, prior to the completion of a local plan review the development is considered unacceptable in principle as set out in detail within the Committee Report. Matters of principle cannot be readily resolved in the same way that a design detail or quantum of development can, and whilst the Local Planning Authority regularly engage with applicants to resolve problems where possible there is no solution that can be put forward to overcome a principle issue or that of the piecemeal nature of the application site, taking up part of a wider allocation.

It is noted that the agent acting on behalf of the applicant has requested that the application be deferred to allow the applicant the opportunity to consider the reasons for refusal and to seek to resolve them. The application has been submitted in advance of a local plan review and therefore the applicant must have been fully

aware of the risks involved in submitting an application for development of Safeguarded Land at this stage in the development plan process. It is officers view that should the applicant wish to reconsider the proposal in light of the Committee report and reasons for refusal then they have the opportunity to withdraw the application at any time.

Councillor Graham Dunn; County Councillor Kim Snape and Councillor Peter Wilson have objected to the application and have commented as follows:

As local councillors and County Councillor we write in objection to the above planning application for the following reasons:

- The proposed development would be located within an area of Safeguarded Land as defined by the Chorley Local Plan 2012 – 2026. Adlington & district along with the wider Chorley Borough has taken more than its fair share of housing. This land is clearly identified as not being needed for development now and we do not believe there is any sufficient reason that changes that.
- Infrastructure in the area is of further concern. Adlington County Primary School is full. There is no bank in the village as stated in the documentation or nearby shopping store to do a household weekly shop. The nearest would have to be a car ride away thus adding further traffic to the roads in the area. Furthermore, the sustainable objectives that the application is trying to portray are most questionable – Lower Adlington is most definitely not well served by public transport at either ends of this development. There maybe bus stops on Church Street but sadly there is no bus that goes down there. Park Road has a bus service 3 times a day that would not be helpful to those that may need to get to work on it or come home of an evening. The rail service frequency is regularly being reduced by Northern Trains and when drivers are not available or off work Adlington is one of the first stations they don't stop at which leads to cancelled rail services.
- Highways and traffic concerns – Park Road and over the canal bridge is the only point of egress for hundreds and hundreds of properties. At some points in the road it can be down to single file traffic along with associated school traffic and the junction of Carrington Road and Park Road can be very dangerous at times to pull out onto. This development would make that issue worst with the increased traffic it will bring.
- In conclusion we ask that this application is refused.

The Environment Agency:

Have confirmed that they have received consultation requests from Chorley Borough Council for the [six] proposals on Safeguarded Land.

With regards to these sites, they are not planning any works or undertaking any appraisals that could conflict with these. They are aware of flooding in the vicinity of Tinklers Lane from Syd Brook but they would rely on Lancashire County Council (Lead Local Flood Authority) to advise on this development as it is outside the scope of development proposals the Environment Agency is consulted on as a statutory consultee.

They state they have also looked through the comments from the drainage engineer and have no comments.

The Environment Agency is not resourced to comment on surface water drainage, sewer flooding and flooding from ordinary watercourses as these are outside our remit as a statutory consultee.

Lancashire County Council Highway Services have commented as follows:

Planning applications, 17/00411/OUTMAJ and 18/00863/OUTMAJ for residential development of this land were refused in the past on grounds not related to highways. The current proposal for development of up to 25 dwellings is on the same scale as the refused applications, but with slightly different layout. The current application submission includes an indicative site plan, 1667-02 (Oct 20), an illustrative masterplan and a Transport Statement (TS) setting out the transport issues relating to the site and details of the proposed development.

EXISTING CONDITIONS

Existing site information:

The site is an open field located at the ends of Carrington Road and Stonor Road. It is adjoined by an allotment and a grass field to the east, a borrow pit separated by vegetation buffer to the west and residential houses of Rigshaw Cottages to the north. The site is accessed from Carrington Road, which is a 5.5m wide residential access road with 2.0m footways on both sides and subject to 20mph speed limit. Carrington Road is accessed from Park Road via Sandy Lane, which is a partially adopted Public Right of Way (PROW) (FP12). The site is also accessible from Stonor Road in the south.

Baseline transport information

In addition to FP12 (Sandy Lane) stated above, there are two other PROWs to the east and north of the site. FP10 which runs over Bonds Lane is to the east with FP11 to the north. Bonds Lane is an adopted access road starting from Park Road up to its junction with Southgate. From this point, Bonds Lane continues as an unadopted PROW (FP10) to Westhoughton Road. FP10 is currently privately maintained. In the south, vehicular access is permitted on FP10 from its starting point at Bonds Lane/Southgate to the rear of 3 Stonor Road, while in the north, vehicular access is permitted from Westhoughton Road to the Allanson Hall (Rigshaw) footbridge. Vehicular access is not permitted over the bridge, although there are no warning signs in place to that effect. The central section of FP10 from the rear of 3 Stonor Road to the Allanson Hall (Rigshaw) footbridge is not used by vehicles. FP11 extends along the west boundary of the site from FP12 (Sandy Lane) to the unadopted access road leading to Rigshaw Cottages.

The towpath of the Leeds and Liverpool Canal is part of the route 55 cycle network and can be accessed from the foot of the White Bear Canal Bridge on Park Road. There is also an advisory cycle lane from the foot of the bridge on Park Road and extends through Market Place to Railway Road to connect cycle route 10 in the east at Babylon Lane/Chorley Road.

Bus stops are within recommended walking distance of the site on Park Road and the A6, however, public bus services operated are limited. The only public service available on both routes is a day service provided by bus 8A (Chorley - Blackrod via Limbrick) at half hourly frequencies, Mondays - Fridays and on Saturdays.

The local highway network

The area is largely residential and served by Park Road as the main distributor extending from the A6 in the east to The Common in the west. The Common is not a through vehicle access. The area is within a 20mph zone with vertical traffic calming features installed on Park Road and some of the residential access roads. There are footways on both sides of Park Road and Carrington Road; and most of the residential streets with street lighting. The Adlington Primary School is situated on the north side of Park Road near the White Bear Bridge. There is adequate visibility at Park Road/Sandy Lane and Sandy Lane/Carrington Road where the proposed development will be accessed from.

Traffic accidents

The most recent available 5-year record reveals a single slight personal injury accident outside 50 Park Road and although there have been accidents at various locations on the A6, given the proposed scale of development and location of the site, it is not considered the development will exacerbate the accident problems. As such, accident mitigation measures on the A6 will not be required. The single accident on Park Road is not of highway concern.

PROPOSED DEVELOPMENT

The proposal is for residential development of 25 dwellings including 35% affordable component, but the applicant is only seeking approval of the access at this stage with all matters reserved.

Internal layout / Parking

The indicative site plan shows that the proposed development is to be accessed from Carrington Road with a link provided to Stonor Road for use by pedestrians and cyclists. The access involves providing a new 5.5m wide site access road with 2.0m wide footways on both sides to connect the existing Carrington Road, but the north and south ends of the development are proposed to remain as private drives with service strips. The indicative layout is acceptable in principle as it accords with the principles of the MfS and the LCC's Creating Civilised Streets. The detailed layout should be provided and constructed to the LCC Specification for Construction of Estate Roads to ensure satisfactory access and in order to be acceptable for adoption under the Section 38 agreement of the Highways Act 1980.

If the south aspect of the development is made private as shown on the submitted illustrative masterplan, there would be implications for pedestrians and cyclists who require un-interrupted and properly maintained route to and from Stonor Road. The proposed private area at the south is therefore not acceptable and should be provided to adoptable standard consistent with the rest of the layout and offered for highway adoption to ensure the pedestrian/cycle route is always available and kept in good maintenance condition. The pedestrian/cycle link should be 3.5m wide.

Parking should be provided to the Chorley Council Parking Standard with integral and detached garages provided to internal dimensions of 3m x 6m (single) and 6.0m x 6.0m (double) in order to count as parking spaces.

ACCESSIBILITY BY NON-CAR MODES

Pedestrians/Cyclists

The site is within an acceptable walking and cycling distance of local services and amenities on Park Road and in Adlington including bus stops and the Adlington Railway Station. However, suitable pedestrian/cyclist access to the north towards Westhoughton Road via FP10 is currently hindered due to the poor surface condition of its section between the rear of 3 Stonor Road and the Allanson Hall (Rigshaw) footbridge. The PROW (FP10) is used by pedestrians and cyclists to the north, but can be risky in wet weather and when it is dark. Therefore, although any improvement to FP10 will likely require third party consent, given the need to identify and pursue opportunities to promote walking, cycling and public transport use as required by the NPPF, improvement of FP10 is considered necessary for the proposed development to ensure accessibility and safety for pedestrians and cyclists.

Public Transport

Bus / Train

As indicated above, although there are bus stops within walking distance of the site, the public bus services provided on Park Road and the A6 are limited. The only available public service is a day service provided by bus 8A at half hourly frequencies, Mondays- Fridays and on Saturdays. For public transport to serve as sustainable alternative to cars, the bus services provided must realistically be capable of delivering a shift away from the car. Any significant shift can only be achieved with increased levels of service possibly into the evenings and on Sundays and public holidays. It is therefore considered that the applicant be requested to contribute towards increased bus services in the area.

There are 4no bus stops on Park Road, all within acceptable walking distance of the site. However, none have bus bay markings or clearways and only two have raised kerbs, but with outdated shelters that need to be replaced. The bus stop facilities need to be of high-quality standard, disability compliant, safe, attractive and comfortable to use. There is need to encourage public transport use as required by the NPPF, therefore, it is considered the applicant carries out improvements to the 4no bus stops to quality disability compliant standards to include raised kerbs and boarding areas, bus stop bay and worded markings, clearways etc., with the existing two shelters replaced with new.

The Adlington Railway Station is within short walking distance of the site and the applicant has indicated in paragraph 3.5.2 of the TS that there is adequate provision of cycle storage facilities at the Station.

HIGHWAY IMPACT

Using TRICS, the applicant predicts that the proposed 25 dwellings will generate 13 and 12, two-way vehicle trips during weekday AM and PM peaks respectively. The trip to be generated by the proposed development will obviously lead to increased flows on Park Lane and the surrounding highway network, however this level of impact is unlikely to adversely affect the smooth operation of the highway network including the junction of the A6 and Park Road which is a critical location on the local highway network.

MITIGATION MEASURES

The measures identified as necessary to deal with the anticipated impacts of the proposed development are the improvements of the following.

- Public Right of Way (FP10) – through s278 agreement
- 4no bus stops on Park Road – through s278 agreement
- Bus services and frequencies on Park Road – through s106 agreement.

In addition, works relating to the connection of the existing Carrington Road to the proposed site access and the pedestrian/cyclist access to Stonor Road will be carried out through the s278 agreement of the highway act 1980.

The trigger point for both the s278 works and the s106 contribution would be prior to commencement of development.

CONCLUSION

The proposed development is acceptable in principle subject to the delivery of the above mitigation measures.

Conditions and informatives are recommended.

APPLICATION REPORT – 20/01331/OUTMAJ

Validation Date: 9 December 2020

Ward: Ecclestone And Mawdesley

Type of Application: Major Outline Planning

Proposal: Outline planning application for the construction of up to 80 dwellings (including 30% affordable housing) and associated infrastructure, with all matters reserved (aside from vehicular access from Doctors Lane)

Location: Land at Tincklers Lane Tincklers Lane Ecclestone

Case Officer: Adele Hayes

Applicant: Mr Robin Buckley, Redrow Homes Ltd

Agent: Graham Trehwella, Cass Associates

Consultation expiry: 2 February 2021

Decision due by: 10 March 2021

BACKGROUND

1. This application was submitted and made valid as of 9 December 2020, with the thirteen week target period for determination ending on the 10 March 2021. After this time period, applicants do have the opportunity to appeal for non-determination however it is rare that this happens. It is standard practice to assess and aim to make recommendations on applications within 8 and 13-week periods unless a longer period is agreed in writing with the applicant. In this case the applicant has not provided a formal response to the requests of the local planning authority to extend the time period.
2. No formal decision has yet been made in relation to this application and the applicant has sought to appeal against non-determination of the application.
3. The appeal for non-determination was received on the 1 April 2021 and upon receipt no further work will be carried out in relation to dealing with the planning application. Once the appeal has been formally started by the Planning Inspectorate, all those persons who were notified or consulted about the application, and any other interested persons who made representations regarding the application will be written to and advised that the appeal has been made.
4. The appellant has requested that the appeal be considered under the Inquiry procedure. Having regard to the nature of this application and the level of objections this would be appropriate.
5. In cases of non-determination appeals, it is important to gauge the views of the Planning Committee. This report will partially form the basis of the Council's Statement of Case in regards to the appeal.

RECOMMENDATION

6. That Members confirm that they would have been minded to refuse the application for the following reasons:

- 1) The proposed development would be located within an area of Safeguarded Land as defined by the Chorley Local Plan 2012 - 2026. Chorley has a five year housing land supply as required by the National Planning Policy Framework. The proposal therefore conflicts with policy BNE3 of the Chorley Local Plan 2012 - 2026. It is not considered that there are material considerations put forward in favour of the development are sufficient to outweigh the presumption against it.
- 2) The application seeks to provide 30% affordable housing; however, the policy requirement is 35%. The proposal is, therefore, contrary to the Central Lancashire adopted Core Strategy 2012 Policy 7 and the Central Lancashire Core Strategy Affordable Housing Supplementary Planning Document.
- 3) The application site is proposed in isolation from the wider site allocation BNE3.7 of the Chorley Local Plan 2012 -2026 and, therefore, leads to a piecemeal approach to the development of the wider site which results in an unsustainable form of development. It fails to consider patterns of movement and connectivity which means that the development does not integrate or function well with the surrounding area. The proposal does not, therefore, promote sustainable transport options for people or secure a high-quality inclusive design. The proposal is contrary to policy 17 of the Central Lancashire Core Strategy 2012, policy ST1 of the Chorley Local Plan 2012 – 2026 and the National Planning Policy Framework.
- 4) The application contains insufficient information to determine the presence or otherwise of great crested newts and, therefore, the impact of the proposed development on this protected species cannot be fully assessed. The application is, therefore, contrary to policy BNE9 of the Chorley Local Plan 2012 -2026.

SITE DESCRIPTION

7. The application site forms part of a wider parcel of land designated as Safeguarded Land under Chorley Local Plan 2012 – 2026 policy BNE3 (BNE3.7 East of Tincklers Lane, Eccleston). The site is located to the west of the settlement boundary of Eccleston which is a Rural Local Service Centre, as defined by policy 1 of the Central Lancashire Core Strategy. The site is comprised of agricultural land and covers an area of approximately 3.03 hectares.

DESCRIPTION OF PROPOSED DEVELOPMENT

8. The application is in outline form and proposes up to 80no. dwellinghouses, including the provision of a new access from Doctors Lane, to the southern edge of the site. All other matters are reserved.
9. The application suggests that there would be a mix of house types and sizes, of which 30% would be affordable units. The submitted indicative masterplan demonstrates one way in which the site could be developed and shows a housing layout arranged around a single spine road with two secondary roads and a number of private driveways.

REPRESENTATIONS

10. 1no. letter of support has been received which comments that there are three developments proposed in Eccleston which have been submitted in a small timeframe and that all three developments are proposed on safeguarded land and have been in the Local Plan for some years. Through the s106 process mitigation is requested for various infrastructure provisions.
11. 32no. representations, including a petition from the Doctors Lane Action Group, have been received citing the following summarised grounds of objection:

Principle

- The application site is for Safeguarded Land and does not address local needs
- There are no social, economic and environmental benefits to this proposed site
- The land is supposed to be protected
- Chorley has a 5 year housing land supply
- Future economic headwinds will impact on new household formation rates
- 1.3m foreign citizens have recently left the UK
- Affordable availability will return and excess housing supply such as this will represent malinvestment obliterating scarce green space
- Housing needs can be satisfied on brownfield sites such as East Lancashire and Park Hall
- How can there be a need for more houses when there are hundreds being built on the outskirts of Leyland
- There are two other development also in the application process in the village which must be considered at the same time
- Taken together the impacts are unacceptable
- There are more suitable brownfield sites such as Camelot without the need to develop on safeguarded greenfield land
- This part of Eccleston is a habitat for wildlife and the increased noise and light pollution would significantly affect this
- Approval for them all would (other schemes) represent a failure of the planning system and a failure by the Council to protect the interests of local people by making more appropriate sites available
- There have been many developments that slowly but surely have spoilt the look and feel of what is supposed to be a village
- Anchorfields, the old Pontins site, the Carrington centre, and most recently the collection of very expensive houses at the top of Tinklers Lane to name just a few
- Recently received a flyer from Chorley Council stating that the Government has reviewed figures for the annual supply of housing, the new target for the whole of South Ribble is 191 houses
- This site including the other two currently being proposed in Eccleston would account for 129 in this village alone
- In addition on this flyer the council states that it has received housing applications in Eccleston and that this "is land that has been previously agreed is not suitable for development now"
- Contrary to policy BNE3

Highway safety

- Doctors Lane at the point of this land is a narrow rural road, with no footway after the entrance to the cricket club, in a westerly direction and no street lighting from Banner Close in a westerly direction
- This proposed development is on the opposite side of the lane with no footway or street lighting
- The speed limit past the proposed development is 60mph, until just before the entrance to Banner Close where it reduces to 30mph
- Doctors Lane is used by wide heavy farm machinery, cars, vans, trucks and bicycles
- The cricket club is opposite this proposed development and on match days cars use Doctors Lane to park their vehicles and these stretch beyond both the proposed pedestrian and vehicular entrance/exit, causing potential hazards for vehicles entering and exiting the proposed development
- There is also the junction at Tinklers Lane and Banner Close within a short distance of this planned vehicular entrance/exit and the cricket club
- Access to the school and doctors surgery will be severely impacted by overspill parking from the development onto Doctors Lane
- The potential pedestrian/cycle entrance/exit to Tinklers Lane is between 2 blind bends and next to an entrance/exit to an existing property, with traffic travelling on this narrow lane at speeds of up to 60mph

- There is no footway or street lighting at this point of Tincklers Lane and to add to the danger there is also a proposed vehicle entrance/exit within a short distance, in relation to another planning application ref 20/01085/OUTMAJ land at Tincklers Lane
- To gain access to the PROW on the opposite side of the lane, would mean crossing the lane, between 2 blind bends, which offer restricted views in both directions and would mean pedestrians walking a short distance in the road
- Public transport is very limited, and it does not pass through Doctors Lane/Tincklers Lane
- There would be a requirement to walk to the nearest bus stop and since there is only a limited footway and no street lighting, this would mean crossing the road in the dark to link up to the existing footway on Doctors Lane
- A long needed traffic calming extension on Doctors Lane would further reallocate trips from the proposed development onto the unsuitable Tincklers Lane corridor
- It is unsuitable to place the entrance to a housing development on this stretch of road before the junction with Tincklers Lane
- There is no footway after the entrance to the Cricket Club, and no street lighting
- At this juncture Doctors Lane is a narrow country lane
- Vehicles do travel at significant speed on this stretch of road in both directions and would pose a risk to vehicles emerging from the entrance to the development, and the entrance / exit to Tincklers Lane
- Both Doctors Lane and Tincklers Lane are frequently used throughout the year by heavy farming machinery, often vehicles that are wider than half the width of the carriageway
- Carrington Centre car park too small for all people using it
- Congestion at peak times leaving and coming into village
- Insufficient public transport
- Increasing the traffic, including during development, would significantly increase the air pollution and congestion as well as the risk level of that stretch of road
- Horrendous parking at school pick up/drop off – Lancashire CC have said single/double yellow not feasible – additional cars would add to problem

Infrastructure

- There are other applications under consideration in the village and if all were granted planning permission there would be an addition 129 homes in the village of Eccleston, which the infrastructure, roads, utilities, schools, doctors and very small shopping complex could not cope with
- The schools are oversubscribed
- There are long waits for a doctor's appointment
- There has been a decrease in amenities over the last 10 years
- Eccleston services and amenities are not index linked to population
- Capacity limitations exist for education, medical and retail facilities
- The village has been failed by the local development plan, designated as a larger village with scaled-back smaller village facilities
- A large developer levy would be needed to improve the village facilities up to small town standards to reflect the increased settlement size
- It will put a further strain on water, gas and electric supplies and bin collections

Ecology and landscape

- The land is a habitat for protected species: bats and barn owls roost in the trees, hedgehogs live and forage here and birds roost and nest in the hedgerows
- There are numerous birds which nest in the trees and hedges and various raptors including buzzards and sparrowhawks, also occasional visits from woodpeckers
- Great crested newts have been observed in the vicinity of the existing site pond - they legal require protection and their welfare is paramount
- At night bats, owls and foxes can be heard
- Behind no 109 The Hawthorns there is a pond not shown on the plan which unfortunately has been used as a dumping ground for field maintenance in past years

- In the 70s and 80s this pond, bordered by bulrushes, was full of wildlife - crested newts, moor hens, frogs and water rats besides the numerous water insects
- In wet weather the pond reappears - it has been there for a month so far this winter, and the whole field has reeds growing because the water table is so high
- Copse viewed from Doctors Lane has a pond habitat used by water birds and mammals
- Bank vole living in ditches
- Ecology report makes no attempt to show what impact construction would have on the site

Drainage and flooding

- The site already has a pond which is liable to flooding during heavy rainfall
- In relation to surface water drainage from the site, this would need to be considered in relation to the existing application at Tincklers Lane, where it appears that they propose to discharge surface water into a ditch south of their site - this said ditch is in a poor state with little or no maintenance for most of its length, until it reaches Sydbrook
- The drainage strategy has not been thought through as the soil composition is mainly clay so the proposal to sue a soakaway is not feasible
- Upstream the ditch is adjacent to the boundary of Banner Close - this ditch takes most of the surface water drainage, from a large part of Ecclestone
- During heavy downpours the mini roundabout on Doctors Lane, adjacent to Cricketers Green heavily floods.
- On occasions flooding has occurred in Banner Close and on Doctors Lane
- Any discharge from this proposed site at those times will cause water to back up, resulting in extensive flooding in and around the Doctors Lane area
- Ultimately, this and any further developments will also add to the serious flooding issues in Croston
- Trees and hedges need to be retained and protected – they are invaluable in soaking up floodwater
- Several times in the year flooding occurs on Doctors Lane when the surface water drain is overloaded and the gullies and manholes overflow on Doctors Lane
- The flood water then runs into Banner Close and on occasions has flooded Banner Close to the extent that it overflows over the footway onto the field that is the subject of the application.
- This field acts as a flood plain for the Doctors Lane and Banner Close area and any future development would have serious consequences for existing residents
- Is the ditch to remain, if it is where will the liability for the upkeep lie after development.
- Have detailed plans been submitted as to what will be on the developers side of the ditch
- Will the gardens of the houses be up to the ditch or will there be a waste ground area
- The free running of the ditch is important to stop flooding of the gardens of our houses should the ditch overflow

Amenity

- The proposal will have a detrimental impact on the properties on The Hawthorns, Banner Close and Doctors Lane by blocking sun and overlooking them
- The density of the site is not in keeping with the peripheral village location with isolated dwellings along Tinckler Lane
- Fact that the development will have to be raised by a minimum of 0.70 metres to make the drainage scheme work
- Will have a profound effect on the residents of The Hawthorns and a devastating impact on properties in terms of privacy and natural light
- Raising the development will have a negative effect on residents of Banner Close and The Hawthorns that border the development - both my house and that of another neighbour on Banner Close will be affected in terms of our privacy and access to natural light as the proposed houses will tower over our properties, thereby affecting our quality of life due to the reduced light and privacy, not to mention the devaluation of our properties

Other

- The noise will be horrendous albeit not permanent will spoil anybody wanting to sit out in the garden
- The cricket club is sometimes used for entertainment and social functions and the noise coming from its patrons is very loud and carries on until late in the evening
- There is also a lot of noise/shouting from said patrons when leaving the establishment to walk home
- It is prime agricultural land needed for food production
- Ecclestone is already losing its identity and feel of a village community
- Our property borders the field in question and is somewhat higher than the field
- Land slip towards the field has caused damage to properties in the past with regard to outbuildings and pathways
- Any excavations nearby will only exacerbate this problem unless steps are taken to prevent it
- Together with the adjacent application it would represent more than a 10% increase in the number of dwelling in Ecclestone
- There is no evidence for a local need for development on this large scale
- A recent development of affordable flats has struggled to sell
- The boundary marked on The Hawthorns side is not a straight line as indicated
- The rural feel and appearance of this historic entrance to the village would be completely ruined
- The planning system should not just be a vehicle to line the pockets of developers who already make massive profits from Government schemes (such as Help To Buy) and walk away from their responsibilities from the cladding scandal
- Many residents purchased the properties of The Hawthorns and Banner Close at a premium price simply because of the open aspects
- Building on these fields will take this all away.
- It will have a huge impact on the quality of people's lives
- Privacy will be lost
- Sunlight will be blocked
- The peace and tranquility that is cherished will be gone
- Not to mention the decrease in value to their property
- Additional people would be disastrous for village when no investment has been made in facilities

CONSULTATIONS

12. Ecclestone Parish Council have commented as follows:

"This application, together with application 20/01085/OUTMAJ - Outline application for the construction of up to 15 dwellings on Land off Tincklers Lane and 20/01193/OUTMAJ - Outline application (with all matters reserved) for the development of land off Parr Lane, Ecclestone for up to 34 dwellings and associated infrastructure (including 30% affordable housing) on Land South of Parr Lane will, if approved, represent a total of 129 new properties in the village, the majority of which will be family homes. This represents an increase of over 6% in the number of village properties.

Local infrastructure, including school places and medical facilities will be detrimentally affected and drainage systems within the village currently struggle to cope with demands placed by the existing houses. The traffic generated by the 80 properties accessing the development from Doctors Lane will have an adverse impact on air quality in the immediate vicinity of Ecclestone Primary School.

The application sites are all on land safeguarded for development in a future Local Plan and none of the applications demonstrate a need for the types of housing proposed for the bulk of the properties.

The Parish Council objects to this application on the grounds of the detrimental impact the properties will have on the existing village infrastructure and air quality in the vicinity of a primary school. The Parish Council would also request the cumulative impact of the 3 applications is taken into account during the deliberations".

13. Lancashire Constabulary Architectural Liaison: Make a number of recommendations in relation to designing out crime.
14. Environment Agency: No comments have been received.
15. Greater Manchester Ecology Unit: Advise that there is insufficient survey effort in relation to great crested newts.
16. Waste & Contaminated Land: No comments have been received.
17. Regulatory Services - Environmental Health: Have no and recommend a Construction Environmental Management Plan to outline how the construction phase of the development will be carried out without causing a detrimental effect on neighbouring properties.
18. United Utilities: Have no objection. Recommend a condition to secure details of a sustainable surface water drainage scheme and a foul water drainage. United Utilities also advise that a public sewer crosses this site and that they may not permit building over it, it should be established if a sewer diversion is feasible.
19. Lancashire Fire and Rescue Service: No comments have been received.
20. Lancashire County Council Highway Services: No objection, conditions advised and mitigation required.
21. Lancashire County Council Education: Request a financial contribution for secondary school places.
22. Lead Local Flood Authority: raise no objections but recommend a number of drainage conditions. An informative is recommended in relation to the requirement for a Land Drainage Consent
23. NHS: No comments have been received.
24. CIL Officers: Comment that CIL Liability is not calculated at outline application stage. The development will be CIL Liable on approval of the final reserved matters application (if approved).

PLANNING CONSIDERATIONS

Principle of development

25. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that if regard is to be had to the development plan for any determination then that determination must be made in accordance with the plan unless material considerations indicate otherwise.
26. The Development Plan comprises the adopted Central Lancashire Core Strategy (2012) and the adopted Chorley Local Plan 2012- 2026.
27. The Central Lancashire Core Strategy was adopted in July 2012 and covers the three neighbouring authorities of Chorley, South Ribble and Preston. The three authorities are a single Housing Market Area (HMA).
28. Core Strategy Policy 1 (Locating Growth) identifies Ecclestone as a Rural Local Service Centre where limited growth and investment will be encouraged to help meet local housing and employment needs and to support the provisions of services to the wider area.
29. Core Strategy Policy 4 Housing Delivery of the Plan sets the following minimum requirements for housing development across the Core Strategy area:
 - Preston 507 dwellings pa
 - South Ribble 417 dwellings pa

- Chorley 417 dwellings pa
30. Core Strategy Policy 5 Housing Density indicates densities will be secured in keeping with local areas and which will have no detrimental impact on the amenity, character and appearance, distinctiveness and environmental quality of an area, consideration will also be given to making efficient use of land.
 31. Core Strategy Policy 7 Affordable and Special Needs Housing of the Plan seeks to ensure sufficient affordable housing and special needs housing is provided to meet housing needs. It sets a requirement of 35% affordable housing on residential schemes in rural areas on sites in or adjoining villages which have, or will have, a suitable range of services. In terms of the National Planning Policy Framework major development proposals are defined where 10 or more houses are provided or where the site has an area of 0.5 hectares or more.
 32. Policy V2 of the Chorley Local Plan 2012 - 2026 establishes the Settlement Areas in the Borough. Within these areas there is a presumption in favour of appropriate sustainable development, subject to material planning considerations and the other policies of the Development Plan. It is within these areas (and the strategic allocations) that the majority of development is envisaged to take place.
 33. The application seeks outline planning permission for up to 80no. dwellings on approximately 3 hectares of land. The site is adjacent to the settlement area of Eccleston and is located on designated safeguarded land, as defined in Policy BNE3 (Areas of Land Safeguarded for Future Development Needs) of the Chorley Local Plan 2012 - 2026. This application site forms part of a wider parcel of safeguarded land known as BNE3.7 East of Tincklers Lane, Eccleston.
 34. The site was designated as Green Belt in the 1993 Lancashire Structure Plan. It was removed from the Green Belt designation and reallocated as Safeguarded Land along with a number of other sites in the 1997 Chorley Borough Local Plan under the Safeguarded Land policy (Policy C3). In the Chorley Borough Local Plan Review in 2003 the site was again designated as Safeguarded Land under Policy DC3.14
 35. The areas of Safeguarded Land covered by Policy DC3 were reviewed as part of the current Local Plan process which started in 2010. The review included a sustainability assessment, and consultation with Lancashire County Council and United Utilities. In order to meet Chorley's housing, employment and open space requirements in the Chorley Local Plan 2015, safeguarded sites that were considered the most suitable, specifically those that were natural extensions to existing settlements, and proved most viable in terms of highways access and the characteristics of the site were allocated. The remaining Safeguarded Land was retained as Safeguarded Land under Policy BNE3 to provide for potential future development needs beyond the Plan period (i.e. after 2026).
 36. Policy BNE3 is a restraint policy and states that development other than that permissible in the Green Belt or Area of Other Open Countryside (under Policy BNE2) will not be permitted on Safeguarded Land. The proposal is, therefore, contrary to Policy BNE3.
 37. Policy BNE3 is in accordance with paragraph 139 of the National Planning Policy Framework (The Framework) (February 2019) which states that local planning authorities should c) "where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer term development needs stretching well beyond the plan period" and d) "make clear that the 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".

Other material considerations

38. The Framework is a key material consideration. The purpose of the planning system is to contribute to the achievement of sustainable development. There are three overarching

objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). There are three objectives to sustainable development set out at paragraph 8 and it is fundamental that development strikes the correct balance between:

- Environmental - the protection of our natural, built and historic environment.
- Economic - the contribution to building a strong and competitive economy.
- Social - supporting strong, vibrant and healthy communities

39. Paragraph 10 of the Framework states that so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).
40. Paragraph 11 of the Framework states for decision-taking this means:
 - c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - a. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - b. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
41. The Footnote (6) to paragraph 11 sets out examples of the type of policies that may indicate development should be refused. Footnote 7 makes clear that the tilted presumption in favour of sustainable development will apply where a Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites.
42. Paragraph 59 of the Framework confirms the Government's objective of significantly boosting the supply of homes.
43. Paragraph 60 of the Framework reinforces that requirements represent the minimum number of homes needed.
44. Paragraph 73 of the Framework requires Local Planning Authorities to maintain a supply of deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategies or against their local housing need where the strategic policies are more than five years old. Footnote 37 states in circumstances where strategic policies are more than five years old, five year housing land supply should be calculated against Local Housing Need calculated using the Government standard methodology, unless those strategic policies have been reviewed and found not to need updating.
45. Section 13 of the Framework sets out the Government's policy on protecting Green Belt land. It begins by stating that "the government attaches great importance to Green Belts". The importance of the permanence of the Green Belt is reiterated. Paragraph 139 explains that Local Authorities should, where necessary, identify in their plans areas of 'safeguarded land' between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period. It further states that Local Authorities "should make clear that the 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 a Local Plan review which proposes the development".
46. Land is allocated as such to ensure that Green Belt boundaries last for a long time and it is protected from development until a time in the future which it might be required to serve development needs. The main purpose of designating Safeguarded Land in Chorley is to ensure that the inner boundary of the Green Belt will endure in the long term rather than act as a land bank for future development. Designating land as safeguarded does not mean that its development is inevitable in the long term. Retaining this land for future development needs at this time is consistent with the purposes of designating the site as safeguarded land within the Local Plan, in accordance with the Framework.

47. The proposed development would result in the irreversible loss of part of a safeguarded greenfield site not required to meet current housing needs at this point in time. The application site is approximately 3 hectares whilst the overall safeguarded site BNE3.7 is 5.66 hectares. This loss weighs heavily against the proposal and is contrary to the prudent use of land and resources in an area where much of the Borough is designated Green Belt. The Framework is clear that safeguarded land is not for development at the present time (i.e. within the Plan period) and planning permission should only be granted following a Local Plan review.

Housing land supply

48. The applicant considers that the Council is unable to demonstrate a five-year housing land supply when considered against the Local Housing Need (LHN) requirement and that two of the most important policies relating to the application site, namely Core Strategy Policy 4 and Chorley Local Plan Policy BNE3, are out of date. They therefore consider that the presumption in favour of sustainable development at Paragraph 11d) of the Framework is engaged.
49. The Core Strategy policies are more than five years old (adopted July 2012), however, following the Cardwell Farm decision (Appeal ref: APP/N2345/W/20/3258889 9th March 2021) the Council now uses Core Strategy Policy 4 to determine the 5 year housing supply. The Council has a 11.2 year deliverable housing supply over the period 2020 – 2025 based on an annual housing requirement of 144 dwellings which includes a 5% buffer and takes into account the previous oversupply.
50. The piecemeal development of this area of safeguarded land prevents the whole allocation being masterplanned and does not allow for infrastructure and services to keep up.
51. The position of the Council in respect of Housing Land Supply is set out below:

The Euxton Lane Inquiry Decision APP/D2320/W/20/3247136 (11 August 2020)

52. The appeal was allowed and outline planning permission was granted for the erection of up to 180 dwellings including 30% affordable housing, with public open space, structural planting and landscaping, surface water flood mitigation and attenuation and vehicular access points from School Lane on land at Pear Tree Lane, Euxton, Chorley in accordance with the terms of the application, Ref 19/00654/OUTMAJ.
53. Para 10 of the decision states “The presumption in favour of sustainable development in paragraph 11(d) of the Framework directs that, where the policies which are most important for determining the application are out-of-date, the ‘tilted balance’ applies, whereby permission should be granted unless the policies of the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Paragraph 73 of the Framework also requires local planning authorities (LPAs) to maintain a supply of deliverable sites sufficient to provide a minimum of 5 years’ worth of housing against their housing requirement or local housing need. Where an LPA cannot demonstrate a 5 year supply of deliverable sites, Footnote 7 of the Framework establishes that the policies of the development plan which are most important for determining the application are out-of-date”.
54. The main issues in the appeal were:
- Whether or not the Council can demonstrate a 5 year supply of deliverable housing land in Chorley borough, 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; and

- c. Whether this, or any other material consideration, would justify the proposed development on safeguarded land at this time.
55. In respect of the Five Year Housing Supply, the Inspector concluded:
56. Para 36 "...I have concluded above that 569 dpa is the appropriate housing requirement figure for Chorley for the purposes of calculating the 5YHLS in this appeal. The main parties dispute the deliverability of an allocated site at Cowling Farm, for which the Council includes 112 dwellings in the supply to the end of March 2025. However, even if the Cowling Farm figure were included in the deliverable supply, 1,617 dwellings would only amount to a 2.7 year supply against the LHN calculated using the standard method, still well below the 5 year requirement. Consequently, it is not necessary for me to consider the evidence for and against the inclusion of the Cowling Farm site any further here".
57. Para 37 "...Overall, therefore, in the light of the evidence before me at this appeal, the provisions of the development and the relevant national policy and guidance, I conclude that the Council is unable to demonstrate a 5 year supply of deliverable housing sites measured against the LHN for Chorley".
58. In respect of the most important development plan policies the Inspector concluded:
59. Para 44 "... Policies 1 and 4 of the CLCS and Policy BNE3 of the CLP are the 'most important' policies in this case, defining the need and appropriate locations for housing in Chorley and the limitations on development on the appeal site as Safeguarded Land".
60. Para 45 "... The courts have established that a policy may become 'out-of- date' where it is overtaken by a change in national policy. That is clearly the situation applying to Policy 4 of the CLCS, where its housing requirements were derived from the former Regional Spatial Strategy for the North West, which in turn relied on the 2003-based household projections. This, combined with the introduction of the standard method in the 2018 Framework and the application of the 2014-based household projections, renders the housing requirements in Policy 4 out-of-date".
61. In respect of Policy 1 the Inspector at para 47 states:
62. "In this case, Policy 1 does not of itself define settlement boundaries or limit development only to sites within settlements in Chorley borough. The evidence before me does not show that Policy 1 would unreasonably constrain the ability of the borough to accommodate its standard method housing requirement of 569 dpa. As such, I do not consider that Policy 1 of the CLCS is out-of-date for the purposes of this appeal".
63. In respect of Policy BNE3 the Inspector concluded:
64. Para 49 "...My conclusions on the 5YHLS above indicate that the restriction on the development of Safeguarded Land in Policy BNE3 is preventing the Council from being able to provide an adequate housing land supply, against its standard method LHN within the current plan period to 2026".
65. Para 50 ".....This is further supported by the fact that the emerging CLLP identifies all but one of the Areas of Safeguarded Land in Policy BNE3, including the appeal site, as site proposals to meet the borough's housing needs for the period 2021-2036. Whilst the emerging CLLP is at an early stage and the final selection of housing allocations will be determined through the local plan examination process, it clearly recognises that land currently safeguarded in Policy BNE3 for development needs beyond the end of the CLP plan period in 2026, may need to be released before then to meet a housing requirement based on the standard method LHN".
66. At Para 51 the Inspector concludes "In this case the 'basket' comprises Policies 1 and 4 of the CLCS and Policy BNE3 of the CLP. Although the overall spatial strategy for Central Lancashire in Policy 1 is not itself out-of-date, the policies establishing the amount of housing needed in Chorley borough and designating the appeal site as Safeguarded Land,

so preventing it from contributing to those needs, are out-of-date. On this basis therefore, taken as a whole, I conclude that the 'most important' policies for determining this appeal are out-of-date".

67. At Para 98 the Inspector sets out "Paragraph 11(d) of the Framework is also an important material consideration in this case. I have concluded above that the most important policies for this decision are out-of-date, both on their own merits and because the Council is unable to demonstrate a 5YHLS against the standard method LHN for Chorley. As such the 'tilted balance' in paragraph 11(d) is engaged for this decision. This means 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 6, 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".

The Memorandum of Understanding

68. The three councils of Chorley, Preston and South Ribble entered into a Memorandum of Understanding (MOU 1) in September 2017 and this document provided clear evidence of the close working relationship between the three authorities in plan-making, building on the extant Core Strategy and committing to the preparation of a new single Central Lancashire Local Plan, which is now progressing.
69. MOU1 reflected the single HMA across Central Lancashire and is a policy-on response to the findings of the Strategic Housing Market Assessment (SHMA published in 2017) which concluded that: 'the spatial distribution of need within the HMA varies depending on judgements made on projections. There has been an historical over-delivery of homes in Chorley relative to housing requirement policies, compared to an under-delivery in Preston and South Ribble'.
70. In May 2020, the three Councils approved an addendum to MOU2, entitled Joint Memorandum of Understanding & Statement of Co-operation Relating to the Provision and Distribution of Housing Land: Statement of Common Ground.
71. MOU2 aggregates the minimum annual Local Housing Need standard method figures for the three Local Planning Authorities and redistributes that housing need across the Central Lancashire area. The redistribution relies on evidence in the Central Lancashire Housing Study (March 2020) (CLHS) produced to inform the preparation of the Central Lancashire Local Plan. But it also seeks to provide an interim set of district level housing requirements, which MOU2 states is 'to reflect the most sustainable pattern of development in the sub-region' and 'to align with City Deal growth aspirations in Preston and South Ribble.
72. As at 1st April 2020, the application of the agreed distribution ratio to this aggregate figure results in the following requisite minimum housing requirements for each Central Lancashire authority:
- | | |
|---------------|--------------------|
| Preston: | 404 dwellings pa |
| South Ribble: | 328 dwellings pa |
| Chorley: | 278 dwellings pa |
| Total: | 1,010 dwellings pa |
73. The Inspector for the Pear Tree Lane Inquiry considered the MOU and stated:
74. Para 23 "Whilst paragraph 2a-013 of the PPG does not prohibit LPAs in joint plan areas from relying on a redistribution of LHN figures to determine planning applications in advance of the adoption of their plans, this paragraph ostensibly applies to plan-making rather than decision-making. This is clear from the question it seeks to answer and its repeated references to spatial development strategies and policy-making. The national guidance on how housing need should be calculated for the purposes of decision-making is found in section 68 of the PPG on Housing supply and delivery".

75. Para 24 “The courts urge treating the PPG with considerable caution when there is a dispute about its interpretation, given that it is intended to be guidance not policy. However, the guidance in the PPG on calculating housing need and the 5YHLS for decision-making purposes mirrors the policy in paragraph 73 and footnote 37 of the Framework, that where the adopted housing requirement is more than 5 years old and the strategic housing policies need updating, as in Chorley, the 5YHLS will be measured against the LHN using the standard method”.
76. Para 25 “The standard method was introduced into national policy in the 2018 Framework as the new baseline for assessing 5YHLS in the absence of an up to date plan, in order to incentivise LPAs to get plans in place. Therefore, it is reasonable to conclude that the guidance in paragraph 2a-013 of the PPG is not intended to allow for a redistribution of LHN in joint plan areas to provide the basis for calculating 5YHLS in decision-making in advance of that distribution being properly tested at examination and found sound. For the PPG to do so would run counter to the definition of LHN in the Framework and the clearly stated policy on the application of the standard method in decision-making”.
77. Para 26 “Nevertheless, to date the courts have held that it is not unlawful for an LPA to rely on a housing requirement or an apportionment of housing need for decision-making purposes, even if this is not contained in an adopted plan. I recognise that the St Modwen and Oadby & Wigston judgements predate the standard method and the Harrogate judgement related to a planning permission granted before the latest version of the Framework made clear that LHN could only be calculated using an alternative approach in the context of preparing strategic policies. However, these judgements remain and establish the principle that an apportionment of housing need in an emerging joint plan can be a material consideration in decision-making. Therefore, I consider below the evidence for and against the apportioned housing need figure based on the analysis in MOU2 and the weight that should be attached to it.”
78. In conclusion the Inspector stated:
79. Para 31 “.....Whilst MOU2 was the subject of consultation, it is evident that there are significant and substantive objections to the proposed redistribution of the LHN and the evidence which supports it, which remain outstanding and will need to be resolved, ultimately through the CLLP examination. The Court of Appeal has established that ‘it is not for an Inspector on a S78 appeal to seek to carry out a sort of local plan process so as to arrive at a constrained housing requirement figure’ “.
80. Para 32 “....Paragraph 48 of the Framework allows weight to be given to policies in emerging plans, according to the stage of preparation, the extent to which there are unresolved objections and the degree of consistency to the Framework. This guides my assessment of the weight that can be given to a housing requirement based on the redistribution of LHN in MOU2, as a policy document which informs the emerging CCLP. The emerging plan is at a very early stage and carries limited weight in this appeal. Although the MOU2 redistribution is an agreed position by the LPAs, there are significant unresolved objections to the recommended figures, which may result in Chorley’s apportionment being modified following examination. For these reasons and in the light of my consideration of the evidence submitted, I attach limited weight to the housing requirement figure for Chorley of 278 dpa in this appeal”.
81. Para 33 “....However, full weight can be attached to the standard method LHN figure for Chorley, given that its value and use in this case are entirely consistent with the Framework and the PPG. Accordingly, I conclude that the figure of 569 dpa should be used for the purposes of calculating the 5YHLS in this appeal. This would also support the Government’s objective, in paragraph 59 of the Framework, of significantly boosting the supply of homes”.
82. Para 34 “...In reaching this view, I have had regard to the previous decision for the appeal site in 2017. Whilst the Inspector in that appeal applied a redistribution of the objectively assessed housing need (OAN) for Chorley based on the 2017 version of the MOU2

(MOU1) in order to calculate the 5YHLS, the apportionment in MOU1 aligned with the adopted CLCS, rather than an alternative arrangement. In addition, national policy on the calculation of 5YHLS at the time of that decision was very different, in that it predated the 2018 Framework and the introduction of the standard method. However, I also note that in the Chain House Lane appeal decision, which dealt with the draft version of MOU2 in the context of the new Framework and the standard method, the Inspector gave limited weight to the draft MOU2 and concluded that the standard method LHN figure for South Ribble should be used in that case. I have explained my reasoning for attaching limited weight to a housing requirement based on the redistribution of LHN in MOU2 in the light of the evidence before me in this case”.

Preston Withdrawal from the MOU

83. In light of the Pear Tree Lane, Euxton appeal decision Preston City Council withdrew from the MOU agreement on 4 November 2020.

Chain House Lane, Whitestake, Preston Judgement 21 August 2020

84. The decision was quashed, in relation to the claimant’s contentions in ground 5. A new Inquiry was held in March 2021.

Land at Cardwell Farm, Garstang Road, Barton, Preston, PR3 5DR, APP/N2345/W/20/3258889 (9th March 2021)

85. The appeal was allowed and planning permission granted. The Inspector identified four main issues of which two had implications for Chorley. These are:

1. Whether the Council can demonstrate a five-year supply of deliverable housing sites, having particular regard to the housing need or requirement for Preston; and,
2. Whether paragraph 11 d) ii. of the Framework is engaged either by reason of a lack of a five-year supply of deliverable housing sites or because the most important policies for determining the appeal are out-of-date.

86. The Inspector concluded the following:

The review of the Core Strategy housing requirement via MOU1 and the 2017 SHMA is the only footnote review to have taken place.

Para 24 “....Paragraph 73 of the Framework requires that local planning authorities (LPA) should 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 strategic policies, or against their local housing need (LHN) where the strategic policies are more than five years old. Footnote 37 of the Framework indicates that where strategic policies have been reviewed and found not to require updating they should still be used as a basis for the housing requirement even if they are more than five years old”.

Para 25 “.....Planning Practice Guidance³ (PPG) contains similar wording to Footnote 37 but also notes that the housing requirement figures identified in adopted strategic housing policies should be used for calculating the five-year housing land supply figure where the strategic housing policies have been reviewed within the last five years and found not to need updating. This wording in the PPG was introduced in July 2019. It followed on from wording contained in the 2018 version of the PPG which reflected the July 2018 Framework and the introduction of the standard method for calculating LHN”.

Para 26 “.....Footnote 37 and the related PPG were introduced without any transitional arrangements. Therefore, the effect of national policy and guidance is that any review of the strategic housing requirement undertaken from July 2014 onwards which found the requirement not to require updating would amount to a ‘Footnote 37 Review’. Whilst PPG is not policy, it does not depart from the Framework on this subject but seeks to assist with the time period whereby a review has currency”.

Para 27 “....The development plan minimum housing requirement for Preston of 507 dwellings per annum (dpa) is set out in Policy 4 of the CLCS. This is out of a total requirement for Central Lancashire of 1,341 dpa. This requirement was set by adopted strategic policies which are more than five years old”.

Para 28 “....However, in October 2017, some five years after the adoption of the CLCS, the Central Lancashire authorities of Preston, Chorley and South Ribble entered into a Joint Memorandum of Understanding and Statement of Co-operation relating to the provision of Housing Land (MOU1). MOU1 agreed that the housing requirement in the CLCS should be applied until the adoption of a replacement plan”.

Para 29 “....MOU1 was informed by a Strategic Housing Market Assessment (SHMA) which indicated that, if each LPA were to meet its own Objectively Assessed Need, the total requirement for Central Lancashire would only exceed the Policy 4 requirement by some 20 dpa, albeit that different distributions would result depending on whether demographic or economic growth figures were used. The SHMA used the 2014-based household projections as the starting point for assessing housing need”.

Para 30 “.....MOU1 noted that continuing to apply the CLCS housing requirement would, amongst other things, reflect the spatial pattern of development set out in Policy 1 of the CLCS, including directing housing growth to priority areas such as Cottam and North West Preston where land had been allocated to deliver significant new housing in accordance with the Preston, South Ribble and Lancashire City Deal; that site allocations had been determined to meet the spatial pattern of development in the CLCS; that the CLCS requirement reflects the high levels of containment for both travel to work and housing market areas (HMA); and that the Policy 1 apportionment would help to address net out-migration from Preston to other parts of the HMA. That the Policy 4 figures were based on the defunct North West Regional Spatial Strategy and had a baseline date of 2003 were not factors that were referred to in MOU1 and, therefore, on the face of it were not given much weight”.

Para 31 “.....Although it was entered into before the publication of the 2018 Framework, the Council and the appellant agree that MOU1, supported by evidence in the SHMA, was a ‘Footnote 37 review’. Based on the information before me, I see no reason to take a different view”.

The decision of Preston to revert to standard method after withdrawal from MOU2 did not constitute a review and was not a robust process.

Para 32 “.....However, the Council considers that matters have moved on from MOU1. MOU1 included a clause whereby the document was to be reviewed no less than every three years but would also be reviewed when new evidence that renders the MOU out of date emerges. It is more than three years since MOU1 was entered into. The Council points to the introduction of the standard method for assessing LHN as being a significant change in circumstances. If the LHN figure is used, Preston would be required to deliver 250 dpa”.

Para 33 “.....Footnote 37 and PPG do not indicate whether, once reviewed and found not to require updating, the development plan housing requirement can be reviewed again outside the formal local plan process. However, the implications of paragraphs 31-33 of the Framework is that it is anticipated that relevant strategic policies will need updating through a new local plan or partial review of a local plan rather than through a ‘review of a review’. That said, it seems to me that there may be justification to revert to LHN even if the requirement had been previously reviewed and found not to require updating. However, the decision to depart from the findings of a review undertaken in the last five years would need to be supported by a robust process”.

Para 34 “.....In this respect the Central Lancashire LPAs entered into a second Memorandum of Understanding in April 2020. This was augmented by a Statement of Common Ground in May 2020 reflecting a slight change in LHN housing numbers for April

2020. However, for the purposes of this decision the changes are not significant, and I will refer to these documents collectively as MOU2”.

Para 35 “....MOU2 took into account the Central Lancashire Housing Study (CLHS), published in March 2020. The CLHS was commissioned to inform the review of the CLCS. However, the CLHS did not assess housing need in the way the SHMA did. It focused on LHN as a basis for the housing requirement, not on whether to plan for a higher level of need. In addition to findings in relation to affordable and other specific housing needs, it recommended that, pending the adoption of a new local plan, LHN should be used as a basis for assessing five-year housing supply but that the LHN should be redistributed such that Preston’s requirement would be 404 dpa. However, the recommendations did not appear to consider that a Footnote 37 review had already been carried out, and started with the assumption that the LHN should be used as the basis for the housing requirement”.

Para 36 “....As a result, MOU2 sought not to use solus LHN figures or retain the CLCS requirement but redistribute the LHN figures across the Central Lancashire LPAs. The veracity of MOU2 was tested at an inquiry in the summer of 2020 relating to a development of up to 180 dwellings at Pear Tree Lane, Euxton, Chorley. The Inspector in his decision gave limited weight to the figure for Chorley derived from MOU2 because it was outside the local plan process. He noted that PPG allows the housing requirement for a joint plan making authority to be distributed across the plan area but this should be done through the plan making process, not through decision-making. I agree with this analysis and that Footnote 37 effectively provides two principal options for an LPA housing figure, either the adopted strategic policy requirement or the LHN”.

Para 37 “...The Inspector agreed that the LHN figure should be used for Chorley. However, it appears that the option of using the CLCS requirement was not put to him. The only reference to MOU1 in his decision is in relation to a previous appeal for the Pear Tree Lane site in 2017. In other words, it was not argued that MOU1 still had currency as a Footnote 37 review”.

Para 38 “...Up to December 2019 Preston continued to use the CLCS requirement for the purposes of assessing its five-year housing land supply. This was in the knowledge of the longevity of the CLCS requirement and the fact that it was based on calculating need in accordance with the 2012 Framework. However, following an appeal decision relating to Chain House Lane, South Ribble, where the Inspector concluded that MOU1 did not constitute a Footnote 37 review and that LHN should be used, the Council decided to use the LHN figure. However, the Chain House Lane decision was quashed in the High Court. The judge found that the Inspector’s reasoning for concluding that MOU1 was not a review was inadequate”.

Para 39 “....Subsequently, following the Pear Tree Lane decision, the Council withdrew from MOU2 because the Inspector ‘has attributed limited weight to the MOU in determining the appeal.’ The Council’s decision does not indicate on what basis the housing requirement or the five-year supply will be derived as an alternative to MOU2, albeit it is noted that the Central Lancashire LPAs are in the process of reviewing the Local Plan which will consider the matter of distribution of housing”.

Policy 4 should be used for the purposes of assessing whether there is a minimum of five years’ worth of housing against the housing requirement.

Para 40 “.....Pulling this chain of events together, to my mind the review of the CLCS housing requirement through MOU1 is the only Footnote 37 review that has been undertaken. The decision to revert to the LHN figure after withdrawal from MOU2 did not constitute such a review as it has not followed a robust process. The factors set out in paragraph 30 above are still relevant today. In addition, the higher housing requirement derived from the CLCS would deliver more affordable housing. Therefore, Policy 4 of the CLCS should be used for the purposes of assessing whether there is a minimum of five years’ worth of housing against the housing requirement”.

Based on the CLCS requirement of 507 dpa and factoring in past under-supply and a 5% buffer, there would be a 4.95 years supply of housing land.

For the above reasons, the Council cannot demonstrate a five-year supply of deliverable housing sites, having regard to the housing requirement for Preston.

87. The Inspector concluded that the adverse impacts of the proposed development relating to the conflict with the development strategy and effects on character and appearance would not significantly and demonstrably outweigh the considerable economic and significant social benefits.

Summary - the tilted balance

88. Paragraph 11 d (ii) of The Framework essentially comes into play whereby the most important policies for determining an application are out of date, then planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
89. Whilst the Inspector accepted that there would be some limited harm to the character and appearance of the area, in terms of benefits, provision of new housing would bring construction supply chain jobs, places for economically active to live, increased local spend and greater choice in the market. The affordable homes would be a benefit and the proposal would boost supply, therefore he attached moderate weight to the economic benefits and significant to the social benefits. He concluded the adverse impacts of the proposed development relating to the conflict with the development strategy and effects on character and appearance would not significantly and demonstrably outweigh the considerable economic and significant social benefits.
90. Taking account of the Cardwell decision para 42 relating to Preston's housing supply the calculation for Chorley is:
91. At 1st April 2020 there was a total supply of 1,617 (net) deliverable dwellings which is a 11.2 year deliverable housing supply over the period 2020 – 2025 based on the annual housing requirement of 144 dwellings which includes a 5% buffer and takes into account the previous oversupply.
92. The tilted balance is not, therefore, engaged.

Emerging Central Lancashire Local Plan

93. The assessment of Safeguarded Land is being undertaken as part of a comprehensive review of the Central Lancashire Local Plan (CLLP). This assessment process will ensure that the most suitable areas of Safeguarded Land are released, if required, and brought forward for development where appropriate, thereby minimising harm to Green Belt boundaries. Granting planning permission on safeguarded land outside that process means that the opportunity is not taken to ensure that the decisions taken are least harmful.
94. There is a total of 11 Safeguarded Land sites designated in the Chorley Local Plan (which includes the Euxton Lane appeal site and adjacent area forming site BNE3.9 Policies Map 1, Chorley Borough). The assessment should not be carried out ad-hoc through the development management process, rather as part of a holistic Strategic Housing Economic Land Availability Assessment and sustainability appraisal process. The new Local Plan will cover the whole single housing market area.
95. The wider safeguarded area BNE3.7 was included in the Issues and Options consultation for the CLLP under site reference 19C262x. There were 3 nominations to the Call for Sites on this area of safeguarded land which together make up 19C262x. Public consultation on this document was carried out between November 2019 to February 2020.

96. This planning application is for a proposed residential development of the southern area of the safeguarded area. The wider safeguarded area will be considered as part of development of the Central Lancashire Local Plan, which will allow for the future of the safeguarded area to be considered as a whole. This will allow for all necessary infrastructure provision to be considered as part of the wider area.

Central Lancashire Local Plan: Site Assessment work

97. Three call for sites exercises have been completed to date for the CLLP. The results from call for sites 1 and 2 were consulted on as part of the Issues and Options Consultation which ran between November 2019 and February 2020, during this time, a further window was opened for addition site suggestions (Call for sites 3).
98. Detailed work to assess the sites commenced in February 2021 following completion of Level 1 Strategic Flood Risk Assessment (SFRA). This being undertaken in line with Strategic Housing and Economic Land Availability Assessment (SHELAA) methodology.
99. Officers in Chorley, South Ribble and Preston Councils finished their initial assessment of the sites in January 2021, and their findings have been collated by the CLLP Team into the SHELAA database. The CLLP Team are now starting to assess the sites in detail to look at their suitability. This work will also include undertaking Integrated Assessment (IA) and Habitats Regulation assessment (HRA) and viability assessment of the sites, and will bring in findings of the SFRA as well as consultation responses on the specific sites from Statutory Consultees and local residents.
100. The direction of growth and development of a spatial strategy for the area is also in early development, with the Councils starting to look at the level of growth likely to be needed over the plan period and how the plan should look to direct this. There is still considerable work to be done on this, including testing the emerging options in terms of transport and other infrastructure needs as they develop.
101. It is important to note that until all these stages of work have been completed, no decision on sites to be taken forward through the Central Lancashire Local Plan can be made.
102. When considering the acceptability of the principle of the development and taking in account the above factors as set out in this section, the proposed development is unacceptable as a matter of principle, in planning policy terms.
103. Notwithstanding this, it is necessary to consider whether there are any other material considerations that would outweigh the non-compliance with the development plan and identify any resultant harm.

Impact on ecological interests

104. *Policy BNE9 (Biodiversity and Nature Conservation) of the Chorley Local Plan 2012 – 2026 stipulates that Biodiversity and Ecological Network resources will be protected, conserved, restored and enhanced; and that priority will be given to, among other things, protecting, safeguarding and enhancing habitats for European, nationally and locally important species. The policy also requires, among other things, that where there is reason to suspect that there may be protected habitats/species on or close to a proposed development site, the developer will be expected to carry out all necessary surveys in the first instance; planning applications must then be accompanied by a survey assessing the presence of such habitats/species and, where appropriate, make provision for their needs.*
105. The application is accompanied by an Ecological Survey and Assessment which was carried out between September and October 2020. The submitted report presents the results of a desktop study and data search, an extended Phase 1 Habitat Survey, Great Crested Newt environmental DNA (eDNA) presence / absence and netting surveys at Pond 1 and a water vole presence / absence survey carried out between September and October 2020.

106. In respect of bats, the report advises that the habitats at the site are suitable for use by foraging and commuting bats with 6no. oak trees at the site being identified as having low suitability for roosting bats. The report recognises that trees, hedgerows, shrubs, pond 1 and the ditch are all habitats at the site which are likely to contribute to a wider foraging network for bats. Any loss would need to be mitigated.
107. The report identifies that the existing hedgerows are Priority Habitat and that Hedgerow 2 (located to the north of the site) qualifies as 'important' in accordance with The Hedgerows Regulations 1997.
108. It should be noted that the application does not seek to remove any trees, however any reserved matters should be accompanied by an Arboricultural Impact Assessment, including Method Statement and Tree Protection Plan.
109. A number of ponds are located within 500 metres of the site, with pond 1 being located within the application site.
110. On 21st October 2020 eDNA surveys were carried out at pond 1, with larvae netting of the pond carried out on 5th October 2020. No great crested newts or larvae was found during netting and the eDNA sampling returned negative results. The report does, however, recognise that these were conducted outside the recognised survey period for the detection of great crested newts and recognises that, in the absence of other presence/absence survey methods, it is not conclusive evidence of absence.
111. Greater Manchester Ecology Unit (GMEU) have assessed the submitted report and advise that there is lack of survey effort in relation to great crested newts. They advise that the protocol for great crested newt surveys is long standing and that the acceptable survey methodology and season for surveying for this species is well defined, which needs to be followed to demonstrate that sufficient survey effort. This methodology has not been followed, with surveys (eDNA and larvae netting) undertaken in October 2020 (the accepted survey window for eDNA surveys is 15th-April – 30th June).
112. GMEU do not consider that sufficient survey data has been submitted in order for the Local Planning Authority to fully assess the impact of the proposals on great crested newts and advise that survey work on all ponds within 250m of the scheme which have ecological connectivity to the scheme, is required.
113. The application contains insufficient information to determine the presence or otherwise of Great Crested Newts and, therefore, the impact of the proposed development on this protected species cannot be fully assessed as material consideration in the determination of the application. The application is contrary to Chorley Local Plan 2012 -2026 policy BNE9

Highway safety

114. *Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that the residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction.*
115. *Policy ST1 (New provision of Footpaths, Cycleways, Bridleways and their associated facilities in existing networks and new development) stipulates that new development and highways and traffic management schemes will not be permitted unless they include appropriate facilities for pedestrian, cycle parking facilities, and /or cycle routes. The policy requires, among other things, that proposal should provide for facilities for pedestrians and cyclists to facilitate access on foot and by bicycle to nearby residential, commercial, retail,*

educational and leisure areas, where appropriate; and additional footpaths, bridleways and cycleway routes between the countryside and built up areas where appropriate.

116. The application is in outline form but includes access as a detailed matter. The application is accompanied by a Transport Statement which provides a proposed access layout at Appendix D, including swept path analysis. The application proposes a single vehicular access to Doctors Lane to the south, which would serve the site.
117. A footway is proposed to a section of the frontage of Doctors Lane to the south east of the site. This would be 5.5 metres wide with 6 metres corner radii with visibility splays of 2.4 metres x 83.0 metres to the east and 2.4 metres x 81.0 metres to the west. The visibility splays are based on the 85th percentile speeds and LCC Highways (LCC) advise that they are in line with the recommendation of the Manual for Streets (MfS) and as such are acceptable to LCC.
118. The submitted Transport Assessment includes a swept path analysis produced using an 11.2 metre long by 2.53 metre wide refuse vehicle to demonstrate if the proposed site access can safely be negotiated by such large vehicles. LCC Highways advise that the 6.0 metre radii is acceptable as tighter corner radii help to reduce speeds of turning traffic and make crossing movements easier and safer for pedestrians and cyclists; and that with the proposed access width of 5.5 metres, such long/large vehicles should be able to safely negotiate the junction. It is, therefore, considered that a safe access to the site has been demonstrated.
119. It should, however, be noted that the indicative access plan and illustrative masterplan indicate a private driveway access from Doctors Lane to serve a number of proposed dwellings, however, full details of this additional access has not provided as part of this submission, nor has it been demonstrated that it can be safely accommodated. It is important to note that this is not part of the access detail currently being considered.
120. Patterns of movement, connectivity and linkages are a key element in achieving a high quality residential development to promote sustainable transport options for people. In this context, the Framework is clear that applications for development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and also that that proposals should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards. This is reinforced in policy ST1 of the Chorley Local Plan 2012 -2026 which expects proposals to provide facilities for pedestrians to access, on foot, nearby services and amenities.
121. Manual for Streets recommends that footways should normally be provided where pedestrians are likely to be present in significant numbers, to create an environment in which they can walk, or stop and chat, without feeling intimidated by motor traffic and to make it easier for them to move around.
122. The submitted indicative access plan provides pedestrian/cyclist connections from the development at three locations, namely north east of the site to The Hawthorns, north west to the U700 Tincklers Lane and south east to Doctors Lane to ensure local services and amenities on Doctors Lane and The Green can be reached on foot and by cycling. LCC advise that the northwest link would facilitate access to and from Towngate following the delivery of a footway that they have required as part of application 20/01085/OUTMAJ which is situated immediately north of the site (part of the BNE3.7 allocation) and is currently being considered. It should, however, be noted that although LCC Highways have requested a footway to Tincklers Lane as part of 20/01085/OUTMAJ this has not been secured. Accordingly, this cannot be relied upon as a pedestrian route to facilitate access to and from Towngate as part of this current application. The identified pedestrian/cyclist link to the northwest would lead to Tincklers Lane which has no footways in this location and, therefore, cannot be considered as a safe or feasible access to facilities to the north via Towngate. In addition, the illustrative masterplan appears to obstruct this proposed pedestrian/cyclist access due to the layout and proposed rear gardens in this area.

Notwithstanding this, the indicative access plan shows a future road link to the site to the north, however, planning application 20/01085/OUTMAJ makes no provision for this connection as the application has been proposed in isolation.

123. Other proposed routes as shown on the indicative access plan also appear to conflict with the submitted illustrative masterplan, in particular the access to the Hawthorns is obstructed by rear gardens and a link is not shown on this plan. In addition, the potential future link road to the west of the site is not secured as this land to the west forms part of the wider BNE3.7 allocation and has not been considered as a comprehensive masterplan of the site as a whole.
124. It is considered that the application has failed to fully consider patterns of movement and connectivity and has been put forward in isolation without a masterplanned approach to the wider site, which means that the development does not fully promote sustainable transport options for people. This is contrary to policy ST1 of the Chorley Local Plan 2012 – 2026 and the National Planning Policy Framework at chapter 9.
125. In respect of the traffic forecast contained within the Transport Assessment, LCC Highways advise that the traffic flows do not take into account planning application 20/01085/OUTMAJ (15no. dwellings at Tincklers Lane) or planning application 20/01193/OUTMAJ (23no. dwellings at Parr Lane). LCC advises that as the assessment will not be robust without taking into account the committed developments, this aspect of the assessment will need to be revisited. It should, however, be noted that LCC do not raise an objection in relation to this.
126. In respect of trip generation, LCC Highways make the following points:

Vehicle trips

That LCC Highways provided the applicant trip rates (shown in paragraph 6.3.1 of the TA) for use to assess the trip demand of the proposed development. When applied to the proposed 80 dwellings, the assessment shows that the development will generate 47 and 53 two-way trips respectively during AM and PM peak periods. This is considered robust when compared to trips to be generated based on trip rates from TRICS, which shows that the development will generate 38 and 39 two-way trips respectively during AM and PM peak periods.

Multi-modal trips

That the applicant has established the travel characteristics of the proposed development based on a multi-modal assessment that identifies the number of person trips by mode. Using journey to work data from the 2011 Census, it is predicted that the proposed development will generate 57 and 65 total person trips respectively in the AM and PM peak periods. Of the total person trips, 82.6% will travel by car generating 47 and 53 trips respectively in the AM and PM peaks, 5.8% will travel as car passengers generating 3 and 4 trips in the AM and PM peaks, while 5.7% will walk generating 3 and 4 trips in the AM and PM peaks. The other travel modes as listed on Table 6.3 (paragraph 6.4.3) of the Transport Assessment will generate single trips during the peak periods

127. In respect of trip distribution, LCC advise that the routes traffic associated with the proposed development might take are predicted based on journey to work 2011 Census data to allow the impact on key junctions to be assessed. They state that the applicant predicts that during peak periods, 30.6 % of trips generated by the proposed development will head south of The Green towards Wigan. 57.9% will travel in the north direction of the U700 Tincklers Lane towards Preston and Chorley North with the remaining 11.5% travelling south towards on the C192 Tincklers Lane towards Croston, Bretherton and West Lancashire. The calculation of the distribution is on shown in appendix G of the TA. The development trips were then added to the 2025 baseline flows (without development flows) to obtain the 2025 (with development flows) as shown on the flow diagrams in appendix H of the TA which also shows the traffic flows at the proposed site access.

128. LCC Highways advise that the trip distribution on Table 6.4, paragraph 6.5.3 of the TA shows that the proposed development will not result in an unacceptable increase in traffic at Tincklers Lane/Towngate and The Green/Doctors Lane; and although there would be some increased traffic at Tincklers Lane/Doctors Lane during AM and PM peaks, the level of increase is not high and delays and queues do not currently occur at the junction, therefore, traffic impact mitigation measures for Tincklers Lane/Doctors Lane and the junctions of Tincklers Lane and Towngate; and The Green/Doctors Lane will not be required.
129. LCC also advise that the applicant has provided PICADY modelling of the proposed site access to assess its capacity and potential operational issues. The result of the assessment as provided on Table 6.5, paragraph 6.6.9 of the TA shows that in the future year of 2025 with development, the site access will operate well within capacity with maximum RFC value of 0.09 and minimal queues.
130. A number of mitigation measures are set out in the LCC response, some of which are set out in the submitted Transport Assessment. LCC also require a footway to the south side of Doctors Lane due to potential cumulative impacts of the other developments. Any highway improvements would be subject to a s278 agreement with Lancashire County Council and could be secured by way of condition if the application was approved. The provision of the internal footway to Doctors Lane could also be dealt with by way of condition.
131. On the matters of parking provisions policy ST4 'Parking Standards' of the Chorley Local Plan 2012-2026 requires that proposals for development will need to make parking provision in accordance with the standards set out in Appendix A of the Local Plan. Appendix A identifies the Council's minimum parking standards for new development. It is not currently known how many bedrooms would be provided within each dwelling. It is, however, considered that there is sufficient room on-site for the provision of parking spaces to accord with policy ST4 at reserved matters stage and their provision could be required by planning condition.
132. Detailed internal site layout would need to be in line with principles of Manual for Streets, in addition to other requirements such as footway provision, turning heads to adoptable standards and proven with swept path analysis to demonstrate safe turning of refuse and service vehicles. This would be dealt with at reserved matters stage.

Impact on the character and appearance of the area

133. *Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, among other things, the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials; that the layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area; and that the proposal would not have a detrimental impact on important natural habitats and landscape features such as historic landscapes, mature trees, hedgerows, ponds and watercourses. In some circumstances where on balance it is considered acceptable to remove one or more of these features, then mitigation measures to replace the feature/s will be required either on or off-site.*
134. *Policy BNE10 (Trees) Stipulates, among other things, that proposals that would result in the loss of trees, woodland areas or hedgerows which make a valuable contribution to the character of the landscape, a building, a settlement or the setting thereof will not be permitted. Replacement planting will be required where it is considered that the benefit of the development outweighs the loss of some trees or hedgerows.*
135. *Core Strategy policy 17 seeks to ensure that the design of new buildings takes into account the character and appearance of the local area, including among other things, linking in with surrounding movement patterns and not prejudicing the development of neighbouring land; and protecting existing landscape features and natural assets.*

136. The application seeks outline planning permission for up to 80no.dwellings, with the illustrative masterplan showing a housing layout arranged around a single spine road with two secondary roads and a number of private driveways. Access is a detailed matter and is proposed from Doctors Lane to the south of the site and any layout would follow from this defined single access point.
137. When considering any development proposal, the Council must be mindful of the National Planning Policy Framework (The Framework) that states that the Government attaches great importance to the design of the built environment and good design is a key aspect of sustainable development. The Framework also states that planning policies and decisions should aim to ensure that developments (amongst other things) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
138. Chorley Council plans positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes and seeks to create well-mixed and integrated developments which avoid segregation and have well-planned public spaces that bring people together and provide opportunities for physical activity and recreation. The provision of connective footpaths and pedestrian permeability through the wider site is an important aspiration for the development of the site when considering the acceptability of the principle of the development.
139. The application is accompanied by a submitted illustrative masterplan which fails to achieve this aspiration as it does not consider the wider site allocation as a whole, but provides a piecemeal and disjointed approach to the proposal and the wider site. The Council would expect a comprehensive masterplan.

Amenity

140. *Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, where relevant to the development the proposal would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact; and that the proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses.*
141. The application proposes up to 80no. dwellings on land adjacent to existing residential properties, the majority of which back on to the site, although several do front the site. The submitted plan shows an indicative layout, although this is not for approval at this stage. Any reserved matters application would need to ensure that the amenity afforded to all neighbouring residential properties is safeguarded from any adverse impacts such as overlooking, overbearing impacts and loss of light. In addition, any proposal would need to ensure acceptable living conditions for future occupiers.
142. Any impacts during the construction phase would be temporary and suitable mitigation measures could be imposed by a planning condition, for example, through a Construction Environmental Management Plan.

Drainage and flood risk

143. *Core Strategy Policy 29 (Water Management) seeks to improve water quality, water management and reduces the risk of flooding in a number of ways including, among other things, appraising, managing and reducing flood risk in all new developments.*
144. The site lies in Flood Zone 1, as defined by the Environment Agency Flood Maps for Planning. Flood Zone 1 has the lowest probability of flooding (from rivers or sea) and residential development is appropriate in flood zone 1 in terms of the flood risk vulnerability classification as set out in the Planning Practice Guidance at Table 3.

145. The application is accompanied by A Flood Risk Assessment and Drainage Strategy which has been assessed by United Utilities and the Lead Local Flood Authority (LLFA).
146. United Utilities advise that a public sewer crosses the site and that they may not permit building over it or alternatively it would be necessary to establish if a sewer diversion is feasible. Ultimately, this would inform the layout of the site, however, this is not for detailed consideration now
147. Both United Utilities and the LLFA raise no objection, but drainage conditions are recommended. Having regard to the advice obtained from these consultees, it is considered that satisfactory drainage of the proposed development could be secured by way of conditions.

Affordable housing

148. Core Strategy policy 7 sets down the approach to the delivery of affordable and special needs housing:
149. *“Subject to such site and development considerations as financial viability and contributions to community services, to achieve a target from market housing schemes of 30% in the urban parts of Preston, South Ribble and Chorley and of 35% in rural areas on sites in or adjoining villages.....”*
150. *“Aside from rural exception sites the minimum site size threshold will be 15 dwellings (0.5 hectares or part thereof) but a lower threshold of 5 dwellings (0.15 hectares or part thereof) is required in rural areas.”*
151. The adopted Central Lancashire Affordable Housing Supplementary Planning Document provides additional information on the delivery of affordable housing, with paragraph 34 stating:
- “The size of development should not be artificially reduced to reduce or eliminate the affordable housing requirement as set out in the Core Strategy and at page 5 of this document, for example by sub-dividing sites or reducing the density of all or part of a site.”*
152. However, the Framework requires that affordable housing should only be sought for residential developments that are major developments (10 or more dwellings). The affordable housing threshold in rural areas of 5 dwellings in Core Strategy Policy 7 has, therefore, now been replaced by the Framework threshold of 10 dwellings.
153. In accordance with Core Strategy Policy 7, 35% of the dwellings are required to be affordable. This equates to 28 dwellings. 70% (20) of these should be social rented and 30% (8) should be shared ownership.
154. The applicant is proposing 30% affordable housing which is not in accordance with Core Strategy Policy 7.

Public open space

155. Policy HS4A and HS4B of the Chorley Local Plan 2012 – 2026 - Open Space Requirements in New Housing Developments explains that all new housing developments will be required to make provision for open space and recreation facilities, where there are identified local deficiencies in the quantity, accessibility or quality and/or value of open space and recreation facilities. The requirements for the proposed development are as follows:

Amenity Greenspace:

156. Local Plan Policy HS4A sets a standard of 0.73 hectares per 1,000 population.
157. There is currently a deficit of provision in Eccleston and Mawdesley in relation to this standard, a contribution towards new provision in the ward is therefore required from this development. As the development is 10 or more dwellings the required amenity greenspace

should be provided on-site. The amount required is 0.14016 hectares. A maintenance cost of £56,000 is also required for a 10 year period if private maintenance is not proposed.

Provision for children/young people:

158. Local Plan Policy HS4A sets a standard of 0.08 hectares per 1,000 population.

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

Parks and Gardens:

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

161. There are no parks/gardens within the accessibility catchment (1,000m) of this site identified as being low quality and/or low value in the Open Space Study therefore a contribution towards improving existing provision is not required.

Natural and Semi-Natural Greenspace:

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

163. The site is within the accessibility catchment (800m) of areas of natural/semi-natural greenspace that are identified as being low quality and/or low value in the Open Space Study (site 1669 Rear of Larkfield, Ecclestone), a contribution towards improving these sites is therefore required. The amount required is £557 per dwelling.

Allotments:

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

165. The site is not within the accessibility catchment (10 minutes' drive time) of a proposed new allotment site, a contribution towards new allotment provision is therefore not required from this development.

Playing Pitches:

166. A Playing Pitch Strategy was published in June 2012 which identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is therefore required from this development. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements. The amount required is £1,599 per dwelling.

167. The total financial contribution required from this development is as follows:

Amenity greenspace	= £56,000 (if private maintenance not proposed)
Equipped play area	= £0
Parks/Gardens	= £0
Natural/semi-natural	= £44,560
Allotments	= £0
Playing Pitches	= £127,920
Total	= £228,480

168. A financial contribution of £228,480 would be required and this would need to be secured through a Section 106 legal agreement if the application was approved.

Sustainability

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

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

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

170. Given this change, instead of meeting the code level, the dwellings should achieve a minimum dwelling emission rate of 19% above 2013 Building Regulations in accordance with the above provisions. This can be controlled by a condition.

Education

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

172. Lancashire County Council, as the Education Authority, seek to secure financial contributions towards any additional school places required as a result of new housing development in order to mitigate the impact upon the education infrastructure which new housing developments may have.

173. The latest information available at this time is based upon the 2021 School Census and resulting projections. Based upon the latest assessment LCC would require a contribution for 12 secondary school places, however, no primary places are required.

174. Calculated at the current rates, this would result in a claim of:
12no. Secondary places: £276,741.00

175. This assessment represents the current position on 25th March 2021.

176. A financial contribution of £276,471.00 is required and this would need to be secured through a Section 106 legal agreement if the application was approved.

Employment skills provision

177. The Central Lancashire Employment Skills Supplementary Planning Document (SPD) was adopted in September 2017. The SPD introduces Employment Skills Statements and provides clarity as to how this requirement relates to the relevant policies set out in the

Core Strategy and Local Plan as well as the guidance set out in the Framework. The SPD goes on to state that one of Central Lancashire's priorities is to encourage economic growth within Central Lancashire that benefits the people and businesses in the three boroughs. The SPD seeks to;

- Increase employment opportunities by helping local businesses to improve, grow and take on more staff
- help businesses to find suitable staff and suppliers, especially local ones
- improve the skills of local people to enable them to take advantage of the resulting employment opportunities
- help businesses already located in Central Lancashire to grow and attract new businesses into the area

178. The SPD requires development over certain thresholds to be accompanied by an Employment and Skills Statement to ensure the right skills and employment opportunities are provided at the right time. This is to the benefit of both the developer and local population and covers the following areas:

- Creation of apprenticeships/new entrants/graduates/traineeships
- Recruitment through Job Hub and Jobcentre plus and other local employment vehicles.
- Work trials and interview guarantees
- Vocational training (NVQ)
- Work experience (14-16 years, 16-19 years and 19+ years) (5 working days minimum)
- Links with schools, colleges and university
- Use of local suppliers
- Supervisor Training
- Management and Leadership Training
- In house training schemes
- Construction Skills Certification Scheme (CSCS) Cards
- Support with transport, childcare and work equipment
- Community based projects

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

Benefits of the scheme

180. The Council considers that the adopted housing land supply policies are up to date, therefore the proposal is contrary to the development plan. Paragraph 12 of the Framework states "Where a planning application conflicts with an up-to-date development plan [...] permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed."

181. In this instance it has been identified that the proposed development is contrary to the policies of the development plan. It is therefore important to consider the proposal in the round. In accordance with Section 38(6) the decision maker should consider whether there are material factors that indicate that the development should be granted despite being contrary to policy. To this end the applicant has identified a number of planning benefits of the proposed development, which are considered below.

Social

182. The provision of up to 56no. market homes could contribute to the Local Planning Authority's stock of affordable housing. The proposal is to deliver up to 24no. affordable dwellings. The separate comments on Affordable Housing say that 28no. dwellings are required to be affordable.

183. However, to develop the site now would be premature and place further pressure on future land supply. In order to inform future housing need including types and tenures, there is an emerging suite of evidence which will support a robust local plan for the next 15 -20 years. There is no need to deliver this site now rather, it should await the evaluation and outcome of the Central Lancashire Local Plan Review process. Accordingly, this is not a material consideration which justifies the early release of this site.

Environmental

184. The development proposal refers to the delivery of amenity greenspace and play facilities on the site (or, potentially, a contribution to improve off-site facilities). The developer considers that the approach to development layout will yield benefits such as the provision of a new, accessible amenity space. The provision of green infrastructure, open space and recreation facilities will be of moderate benefit however the provision of green infrastructure and open space is a policy requirement (HS4A) rather than a benefit of the proposal.

Economic

185. The economic benefits of the proposal carry little weight in justifying development of safeguarded land because they are generic and arise equally (pro rata) from the development of land that is not safeguarded. The proposals are likely to result in increased spend in the local area, however, this carries moderate weight.

186. The proposals also have a number of temporary benefits associated with the construction phase such as employment opportunities, indirect spend and new homes bonus funding. Due to their temporary nature these attract moderate weight.

187. The Council does not regard increased council tax receipts as a benefit of the development as this is essential to cover the increased demand for Council services that the development would generate and is, therefore, a neutral factor.

188. There are no evident economic benefits that this development would provide that would not be generated by the residential development of land that is not safeguarded. It is not allocated for housing in the development plan and therefore such growth has not been accounted for in plan-making including developing the supporting evidence for future strategic infrastructure such as transport, education and training, open space and recreation, and, employment and skills.

CIL

189. The developer refers to significant economic benefits and the potential for investment in infrastructure (through CIL payments and potentially through contributions secured by a planning obligation also weighs in favour of the proposed development.

190. A CIL payment is, however, non-negotiable for dwellings, which are not exempt. It is, therefore, a requirement as opposed to a benefit of the scheme.

Biodiversity Gain

191. The developer considers there is potential for improvements to biodiversity at the site through the incorporation of key natural features and through the enhancement of habitats such as those around the field pond. They consider that the approach to development layout will yield benefits such as the strengthening of natural assets such as hedgerows, water courses and the pond.

192. At this stage, it is considered that there is insufficient information contained within the application to demonstrate that there would be a net biodiversity gain from this development. For example, the presence or otherwise, of great crested newts has not been established and the development site potentially contains core terrestrial habitat which would be lost.

Connectivity

193. The developer considers that the approach to development layout will yield benefits such as better connections to the centre of Ecclestone.

194. The application has failed to take into account patterns of movement or demonstrate appropriate connectivity for people to access service and amenities in Ecclestone.

Community Infrastructure Levy (CIL)

195. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development will be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

CONCLUSION

196. The application is contrary to the provisions of the development plan and does not represent a sustainable form of development having regard to the Framework presumption in favour of sustainable development. Overall, it is not considered that there are any material considerations that would outweigh the conflict with the development plan and the Framework when taken as a whole. The housing requirement for Chorley is 417 homes per annum. The Council has a 11.2 year housing supply. The 'tilted balance' in paragraph 11(d) is therefore not engaged.

197. Furthermore 30% affordable housing is proposed however in accordance with Core Strategy Policy 7 35% affordable housing provision is required on this development.

198. The application also contains insufficient information to determine the presence or otherwise of great crested newts and, therefore, the impact of the proposed development on this protected species cannot be fully assessed as material consideration in the determination of the application.

199. In addition piecemeal development of this wider area of safeguarded land prevents the whole designation from being properly masterplanned in order to respond to the full impact of its development and achieve a suitable form of development, as this does not allow for infrastructure and services to keep up.

200. Overall it is not considered that there are any material considerations that would outweigh the conflict with the development plan and the Framework when taken as a whole and it is, therefore, recommended that the application be refused.

RELEVANT HISTORY OF THE SITE

Ref: 20/01085/OUTMAJ

Decision: PCO

Decision Date: Pending

Description: Outline application for the construction of up to 15no. dwellings (with all matters reserved save for access from Tincklers Lane)

RELEVANT POLICIES: In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.

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Planning
Committee Meeting

12 April 2021



Item 3d

20/01331/OUTMAJ

**Land at Tincklers Lane, Tincklers Lane,
Ecclestone**

**Outline planning application for the
construction of up to 80 dwellings (including
30% affordable housing) and associated**

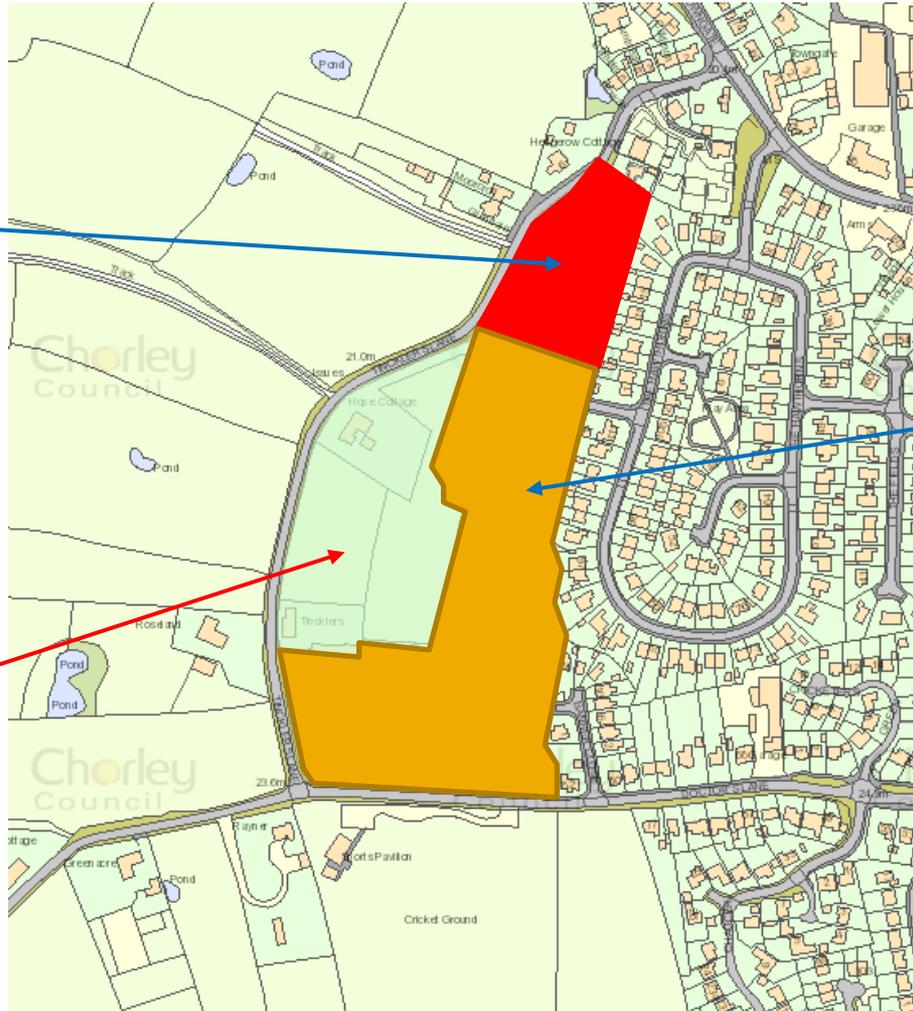
Aerial Imagery



Plan Showing Site in Context of Wider Safeguarded Land Designation and Other Application

Location of Application ref: 20/01085/OUTMAJ for up to 15 dwellings – also safeguarded land (see earlier item on agenda)

Remainder of Safeguarded Land Designation in Light Green (no application received)



Application Site

Indicative Site Layout



Indicative Access Plan



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C O M M I T T E E R E P O R T		
REPORT OF	MEETING	DATE
Chief Planning Officer	Planning Committee	Date: 12 April 2021

ADDENDUM

ITEM 3d - 20/01331/OUTMAJ - Land at Tincklers Lane, Tincklers Lane, Ecclestone

The recommendation remains as per the original report

The Environment Agency:

Have confirmed that they have received consultation requests from Chorley Borough Council for the [six] proposals on Safeguarded Land.

With regards to these sites, they are not planning any works or undertaking any appraisals that could conflict with these. They are aware of flooding in the vicinity of Tincklers Lane from Syd Brook but they would rely on Lancashire County Council (Lead Local Flood Authority) to advise on this development as it is outside the scope of development proposals the Environment Agency is consulted on as a statutory consultee.

They state they have also looked through the comments from the drainage engineer and have no comments.

The Environment Agency is not resourced to comment on surface water drainage, sewer flooding and flooding from ordinary watercourses as these are outside our remit as a statutory consultee.

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APPLICATION REPORT – 20/01347/OUTMAJ**Validation Date: 14 December 2020****Ward: Clayton-le-Woods And Whittle-le-Woods****Type of Application: Major Outline Planning****Proposal: Outline planning application for the construction of up to 250 dwellings and associated infrastructure (including 30% affordable housing) with all matters reserved aside from the access from Town Lane****Location: Land North of Town Lane Whittle-le-Woods****Case Officer: Adele Hayes****Applicant: Mr Robin Buckley, Redrow Homes Ltd****Agent: Graham Trehella, Cass Associates****Consultation expiry: 2 February 2021****Decision due by: 15 March 2021**

BACKGROUND

1. This application was submitted and made valid as of 14 December 2020, with the thirteen week target period for determination ending on the 15 March 2021. After this time period, applicants do have the opportunity to appeal for non-determination, however it is rare that this happens. It is standard practice to assess and aim to make recommendations on applications within 8 and 13-week periods unless a longer period is agreed in writing with the applicant. In this case the applicant has not provided a formal response to the requests of the local planning authority to extend the time period.
2. No formal decision has yet been made in relation to this application and the applicant has sought to appeal against non-determination of the application.
3. The appeal for non-determination was received on the 1 April 2021 and upon receipt no further work will be carried out in relation to dealing with the planning application. Once the appeal has been formally started by the Planning Inspectorate, all those persons who were notified or consulted about the application, and any other interested persons who made representations regarding the application will be written to and advised that the appeal has been made.
4. The appellant has requested that the appeal be considered under the Inquiry procedure. Having regard to the nature of this application and the level of objections this would be appropriate.
5. In cases of non-determination appeals, it is important to gauge the views of the Planning Committee. This report will partially form the basis of the Council's Statement of Case in regards to the appeal.

RECOMMENDATION

6. That Members advise that they would have been minded to refuse the application for the following reasons:
- 1) The proposed development would be located within an area of Safeguarded Land as defined by the Chorley Local Plan 2012 - 2026. Chorley has a five year housing land supply as required by the National Planning Policy Framework. The proposal therefore conflicts with policy BNE3 of the Chorley Local Plan 2012 - 2026. It is not considered that there are material considerations put forward in favour of the development are sufficient to outweigh the presumption against it.
 - 2) The application site is proposed in isolation from the wider site allocation BNE3.10 of the Chorley Local Plan 2012 -2026 and, therefore, leads to a piecemeal approach to the development of the wider site which results in an unsustainable form of development. It fails to consider patterns of movement and connectivity which means that the development does not integrate or function well with the surrounding area. The proposal does not, therefore promote sustainable transport options for people or secure a high-quality inclusive design. The proposal is, therefore, contrary to policy 17 of the Central Lancashire Core Strategy 2012, policy ST1 of the Chorley Local Plan 2012 – 2026 and the National Planning Policy Framework.

SITE DESCRIPTION

7. The application site forms part of a wider parcel of land designated as Safeguarded Land under Chorley Local Plan 2012 – 2026 policy BNE3 (BNE3.10 West of M61 Whittle-le-Woods), although a small section of the site to the southwest falls within the settlement boundary of Whittle-le-Woods.
8. The site is a large parcel of land of some 13.27 hectares, situated between the M61 motorway which is to the east, and the defined settlement boundary of Whittle-le-Woods which is to the west. It falls immediately to the north of Town Lane and several Public Rights of Way run through the site.

DESCRIPTION OF PROPOSED DEVELOPMENT

9. The application is on outline form and proposes up to 250no. dwellinghouses, including the provision of a new access from Town Lane to the south of the site, almost opposite 82 Town Lane. All other matters are reserved.

REPRESENTATIONS

10. 309no. representations have been received citing the following summarised grounds of objection:

Principle

- As safeguarded land - it is not in the current plan
- If passed it will make a mockery of the relationship between Council and ratepayers
- The site is Green Belt which should be protected from development
- Many people in Whittle-le-Woods engaged in consultation on the Central Lancashire Plan less than 12 months ago and strong opposition was raised to development of this site and should be taken into account
- Whittle-le-Woods has had to accept an unfair huge chunk of new development in recent years - enough is enough
- Buckshaw Village is still not yet finished and there are plenty of houses in the for sale stock for all that Chorley needs
- Far too much building on greenfield sites in Heapey / Wheelton area
- Will create an urban conurbation which will stretch unbroken from Hartwood Hall to Clayton

- Chorley Council should look carefully at their long terms development plans to ensure that no one area shoulders the demand for housing
- Brownfield sites in borough that could fulfil housing needs
- Inappropriate development in Green Belt
- Local Plan allows the co-ordinated development of residential dwellings along with associated infrastructure – applications on safeguarded land undermine this process
- Design and Access statement poor in all areas with many promises made but with little substance to back them up
- 30% affordable might not match the income for local young people
- Highly speculative attempt by developer to avoid public scrutiny at a time of a national health crisis
- Whittle / Chorley are already hundreds of homes ahead of their allocation for next several years – need to assess the impact of that development before adding more
- Why have Council approved industrial site at Botany Bay?
- Why not use this space on additional houses if that is what is needed?
- Types and prices of proposed housing will do nothing to help young families who want to remain in the area – inclusion of a few tiny box houses in the least desirable parts of the site create a development within a development – clearly based on purchasing power
- Houses labelled as “affordable” will no doubt cost £250k+
- Local plan identified this land as safeguarded land and as such is identified for future development needs, beyond 2026
- This is to ensure continuity of green belt land and to quote paragraph 85 of the plan framework “planning permission will only be granted following a local plan review”
- Wrong for these proposals for development to be even discussed before the local plan is published
- Residents made their feelings felt about the local plan just a year ago, at a time when a public meeting was able to be held in the Village Hall and residents without access to the internet could be helped to express their opinions
- Whittle-Le-woods does not need more 4 & 5 executive houses
- This type of housing has already been built to excess in Whittle & Buckshaw
- What is needed are bungalows for couples who have raised a family, looking to retire and wanting to downsize, thus freeing up step up homes / family homes for new couples trapped in first time buyer homes
- Bungalows are also in need for people with disabilities who require one level living rather than having to adapt family homes
- More first time buyer / affordable 2 & 3 bed houses for couples starting out are needed enabling them to stay close to family support networks in the village - the new Redrow estate does not go far enough to meet any of these buyers
- The proposed location was subject to the consultation for the Lancashire Local plan (2020 to 2035) - the results or recommendations of that consultation have not been finalised and a developer to pre-empt this is surely wrong
- Chorley Council’s own stance is that, in principle, applications for housing not in accordance with the existing local plan, are considered to be premature, that these additional homes have not been accounted for in terms of plans for infrastructure needs such as schools, transport, and health services
- Chorley Council is of the view that the standard method is flawed, and it is for the local plan process to address longer term distribution and allocation of land for housing needs
- You state that the Council remain committed to a plan-led approach, to providing certainty to local communities as to the location of where new housing will be and that land designated as safeguarded is not intended to meet housing need now, it is for future generations
- There is finite land available in Chorley and it must be used carefully
- This speculative application must therefore be rejected outright if the integrity of the process is to be preserved and the trust of local residents not compromised
- Developers should not be allowed to take advantage of a national health crisis to profit at the expense of the environment and the right of the existing population to a healthy and safe community which includes the provision of green spaces

Highway safety

- Town Lane is already narrow with much of the lane at the Chorley Old Rd end restricted with residents parking, it cannot take the additional traffic, especially over the hump back bridge and opposite Low Lane Industrial Estate where residents have no choice but to park outside their houses
- Vehicular access is in close proximity to a blind bend where vehicles frequently travel at over 40 mph
- It will be difficult to achieve a safe junction design with the appropriate length of visibility splay in both directions especially given the changing topography to the west
- The paths along Town Lane are extremely narrow and will not provide a safe walking route especially for residents to take children to school
- The proposed site access is located at a dangerous point close to the brow of an incline when approaching from the east on Town Lane
- The Lane has a lack of adequate footpaths close to several sharp bends and has a 7.5 tonne weight limit
- The Lane becomes single file in several places - at the approach to its junction with Chorley Old Road, at the bridge over the canal, and outside the primary school at its eastern end
- The application states that Lucas Lane (50 metres from the site exit) is a "strategic cycling and pedestrian route", in reality it would become nothing more than a short cut/rat run to/from the A6 for the residents of the estate
- Getting from Town Lane anywhere involves country roads which would struggle with additional traffic
- Chorley Old Road is already bad enough with residents parking on both sides of the road making it difficult to pass
- I've witnessed buses before now having to go on the pavement to let vehicles pass causing danger to pedestrians
- The access road is inadequate to the site either from the Wheelton direction or the Whittle direction
- A proposed path (cycle route) terminating onto Town Lane next to the drive to the nursery, would be very dangerous by allowing pedestrians to exit onto such a narrow Lane with poor views in either direction
- Lack of adequate footpath is going to lead to accidents.
- Lucas Lane and Dark Lane will be used as 'rat runs' to the A6 and M61 and are used by families, walkers and cyclists
- It is understood Traffic census was taken during lockdown – what evidence is there that any adjustments can give realistic projections?
- There are cars parked throughout the day in front of the houses all the way up Shaw Brow making this virtually a single carriageway and is also on a bus route causing even more problems and delays
- At the top of the brow itself there are a number of cars belonging to the staff employed at Pexion Group, Crosses Barn, Shaw Brow, which are parked all day very close to the left bend and cars turning into Shaw Brow from the A6 assume that they have a right of way and, once again, I have observed a number of near misses at this point
- Cars are parked all day on the left-hand side of Shaw Brow from the bridge to the A6 junction making this a single carriageway
- Cars are always parked on the pathway on the A6 right up to the junction with the A6 making it impossible to have a clear view of oncoming (Chorley bound) traffic or cycles without encroaching into the cycle lane causing obvious dangers to any approaching cyclists using the lane
- The volume of traffic using the A6 makes it extremely difficult to turn right towards Preston from School Brow and cars wishing to make a left turn onto the A6 are often blocking the road due to the severity of the junction preventing traffic turning from the A6 into School Brow and causing hold ups on the A6 itself
- The assessment of the traffic access points relating to Town Lane are not a true reflection of the actual situation
- There are cars parked throughout the day in front of the row of cottages at the Chorley Old Road end of Town lane which makes this section a single carriageway and, with the

close proximity of the junction with Chorley Old Road, is very dangerous when cars are turning into Town Lane coming down Dolphin Brow

- There are often cars parked right up to the junction making it very difficult to see if there are any cars coming from Shaw Brow around the bend by the 'green'
- There are numerous cars parked outside St. Chad's primary school from 08.00 to 09.00 peak time dropping of children at the school
- These cars start before St. Chad's church and go almost to the blind corner by the junction of 'old' Blackburn Road making the road into a single carriageway and it is impossible to judge if any cars are coming around the corner and I have witnessed a number of near accidents at this time of day
- The access onto the A674 from Blackburn Road at peak times is already extremely busy, especially if you wish to turn right towards the M6 junction, often having to wait many minutes
- This is also likely to encourage people to take a turn into Dark Lane from Town Lane then getting onto the A674 from Moss Lane causing Dark Lane to become even busier than it presently is on a very narrow lane
- The access to the site is unsuitable for construction traffic especially the historic canal bridges
- Horse riders and cyclists are regular users of Town Lane and Chorley Old Road and increased traffic will put these users at increased risk of accident and injury
- A separate, independent review of the traffic impact must be undertaken, not just a review commissioned by those who have a vested interest in this development getting the green light
- Town Lane not suitable for increase in traffic – several sharp bends, weight limited single pass bridge, primary school
- Town Lane bottlenecks at both ends – safety concerns with increase of estimated 500 cars
- M61 already dangerous at peak times and backed up constantly on carriageway
- 26 pages dedicated to the Royton Drive junction and the A6 – implies they expect cars to use Lucas Lane to exit
- Will increase traffic flow onto a designated cycle route
- Dangerous exiting onto A6 from School Brow
- Although footpath access in south west corner is positive addition it won't change the fact that majority of journeys will be by car
- Traffic report suggests peak times 08:30 to 09:30 morning based on trip rates from TRICS data will only generate 88 car journeys from 250 dwellings – scale of parking provision shows developer doesn't believe this
- TRICS is national data based from many developments served much better by public transport
- Car journeys from this development will be significantly above this average and therefore 88 car journeys per peak morning is a gross underestimate
- Public transport access is inadequate to suggest residents will walk up Lady Crosse Drive then a very narrow muddy footpath to over 600m for a bus to work is naïve
- Number of people using Town Lane has increased 10 fold in last 19 years
- Shaw Brow was chaos in recent bad weather – car crashing into each other – lots of car parked on road
- Vehicles travel too fast on 20mph sections of Town Lane
- Substantial investment would be needed to make this work properly particularly as Croston's Farm has yet to be completed
- Moss Lane used as a rat run and development would overwhelm network round Town Lane and impact on Moss Lane
- Both Framework Travel Plan and Transport assessment documents refer to Buckshaw Parkway cycle parking – doubt it will entice people out of cars
- Once COVID is managed issues of parking for rail users and Buckshaw residents will return
- Chorley Old Road is narrow in parts due to car parked on sides
- Several stables on road shows semi-rural location

- Town Lane / Lucas Lane / Dark Lane only passable by one car in parts – will not support a 1000 car journeys a day increase
- Many parts of Town Lane have no safe footpath – have to cross several times
- Dark Lane will be used as cut through – impatient drivers have nearly hit people at narrow parts
- Impact on wider road network – accidents have occurred along A6 at Sea View, Moss Lane, Dawson Lane and Cow Well Lane junctions – increase in vehicles will add to problems and consider safety of traffic pulling out from Shaw Brow and School Brow – can't provide safe access to the site
- If traffic increases it will be difficult to walk to Leeds Liverpool Canal to enjoy natural environment there
- Canal bridge not suitable for heavy or long vehicles – historic bridge
- Smaller lanes off Town Lane already used as rat-runs and cut-through from A674 to Whittle and Wheelton
- No scope to upgrade roads
- Congestion at M61 junction in Whittle (Hartwood Green) is severe
- The development proposed, off any bus routes and away from any public transport options will again drive up private vehicle numbers in the area
- For the most part Town Lane is a narrow country lane with just one wider section as it passes under the M61
- There are several blind bends and steep sections, including the approach to the proposed entry to the development
- There is a dangerous junction, particularly when turning right, onto Chorley Old Road at the end of Town Lane. It is not possible to see cars coming downhill, round the bend until the last minute
- There have been numerous accidents at this spot
- Many of the dwellings on Town Lane are traditional stone cottages with little or no front garden and no provision for parking, consequently the residents park in front of their homes reducing the road to single track with passing places in several sections
- The Blackburn Road end of Town Lane passes St Chads Church & St Chads Primary School - there is obviously considerable congestion in this area, again reducing the road to single track, during Church services and at the start and end of the School Day
- The field opposite the school is used by the pony club so on occasions there is congestion due to horse boxes and also increased numbers of children on horses riding to the field along the lane
- In the middle of Town Lane is Bridge 81 carrying Town Lane over the Leeds and Liverpool canal - this is Grade 2 listed, built in 1816, as is the adjacent office building
- The bridge is narrow & humpbacked and the road is constantly crossed at this point by walkers following the canal path - this bridge is not at all suited to the increase in traffic and there would be increased risk of accidents to all road users- vehicles and pedestrians alike
- The site of the Co Op, the nearest shop to the development, is already very congested and is single track in many sections due to parked cars
- The road surface has been recently patched but is still in poor condition - more traffic will render it totally chaotic
- Stagecoach bus company have said that Town Lane is not suitable for a bus service which means residents of the new development will be totally reliant on their cars with the increased traffic & air pollution that brings - this is at a time when councils should be encouraging the use of public transport to help in the fight against climate change
- Town Lane is currently extensively used by horse riders, cyclists, and walkers - often with children and dogs - there are several sections without a footpath
- Approaching the proposed entrance to the new development the footpath stops on the right side of the road, just past a bad bend, and changes to the opposite side of the road, necessitating crossing over
- Increased traffic will only make using this road more dangerous
- Redrow's plans propose a cycle track through the new development - this will exit onto Town Lane which has no space for a cycle lane and will be rendered considerably more dangerous by the increase in traffic.

- Objection to temporary heavy goods vehicle access – untenable to route vehicles via humpback bridge -also not safe to route past school
- Redrow are already building their "Sycamore Manor" development in Whittle-Le-Woods which will add c.200 car journeys each day, therefore for the council to approve this application will add a further c.1000 journeys each day is irresponsible

Infrastructure

- The infrastructure cannot support another 250 houses including the hospital, A&E dentists, doctors surgeries, schools, roads and drains
- The facilities in the area are already overstretched and local roads are not designed for the amount of increased traffic this development will add
- The nearest shops are small and barely have enough parking for the current customer base
- No provision for schools, shops, healthcare
- Good footpaths to local shops? One quoted closed 2 years ago
- Needs to be a financial contribution to cycle paths, play facilities, recreation area and making the development carbon neutral by way of a tree planting commitment
- Install secure covered cycle storage areas at doctors, dentists, and shops
- Difficult to get good secondary education – having to travel further afield for secondary schools
- Any proposed CIL would never be enough to fund the vital services
- No A&E at Chorley
- People living a mile from primary schools have to travel over 8 miles round trip twice a day to access school places
- WLW primary schools annual intake is 55 children – already oversubscribed so where would all the extra children go if no schools are being built?
- Why are Redrow not being required to provide a new school?
- If planning is passed will Chorley Borough Council ensure that Redrow agree to take responsibility to build another school to house the increase in children and another doctor's surgery to care for the populations' illnesses
- Shamolic education provision – having to travel long distances to enable both children to attend same school – where are levies being spent that are supposedly charged to developers?
- Where are the extra school places being provided?
- This relentless development must stop in Chorley until appropriate infrastructure - paid for in part by the developers - is installed, namely better roads and links, a huge increase in school places and an uplift in doctors, dentists and sustainable public transport
- Council need to invest in existing infrastructure

Ecology and landscape

- This area is populated with wildlife and no consideration is being taken about this
- Deer are regularly seen on this plot
- Bird nesting sites will be destroyed
- This site is part of the Lancashire Ecological Network, containing both grassland and woodland
- There is a high biodiversity value on this land, one of the few remaining wildlife areas in the neighbourhood, and building upon it would impact both the deer and other creatures using it, and also residents who are able to quietly enjoy seeing them when walking on the public footpaths crossing it
- There are very mature hedgerows along the site's southern boundary, providing habitats for a range of creatures - these should be protected with no removal of any section
- Natural lay of Whittle is hills leading to valley streams and a small river – more pollution from building and traffic and flood water leads to higher risks of land erosion and wildlife destruction
- Oil and diesel in streams and brooks coming from Redrow Lucas Green build

- Quarry has become feeding / nesting ground for buzzards, kestrel hawk and peregrine falcon
- Last green space in WLW between A6 and M61
- Destruction has already occurred to trees due to new development on Lucas Green
- Would be better to plant a wooded area with a view to reducing noise and air pollution from local motorways
- Loss of trees – some have tree protection orders in place
- No pollution readings taken – if they were the land would be unsuitable for housing
- Conflicts directly with local core objection SO3
- As part of the Lancashire Ecological Network, this area represents an important habitat for fauna and flora, which would be destroyed
- The existing green fields are a natural shelter belt to Whittle-le-Woods from the M61 motorway and clean the air of pollutants emanating from vehicles travelling at high speed - by removing this shelter belt more residents of Whittle-le-Woods will now be subject to an increase of dangerous Nox and PM 2.5 particulate
- These plans do not show any readings have been taken to show the high air pollution rates of this area - infact if readings are taken we believe this site would be classed as unsuitable for housing
- Environmental study submitted by the developer is woefully inadequate and the survey was conducted at the wrong time of year, many important species have not been recorded due to this
- We are becoming part of the urban sprawl now evolving from Manchester to north of Preston
- Soon there will be no fields and nowhere for livestock to graze
- No where for wildlife to live and breed, ponds and hedgerows disappearing
- This area currently acts as a soak away i.e. it is very marshy land that is also a haven for the common snipe, especially in winter when most ground is frozen
- This situation applied to the Lucas Green Redrow development, but since no winter survey was under taken this was not discussed at the Public Inquiry - clearly what applies to both sites is the loss of feeding grounds for winter migrants in particular redwing and fieldfare
- Redrow's leaflet shows trees as a background and a foreground which is pleasant to see but unfortunately what happened on the Lucas Green site, is that mature trees were felled and replaced by trees that were little better than sticks - they are so thin that a number of them have already been broken by the wind
- Trees are being felled along Lucas Lane, (i.e. the Croston Farm development), apparently uncontrolled
- These fields are a haven for wildlife, deer are frequently seen, there are large rabbit warrens, buzzards nest in the trees adjacent to the lodge, dippers nest in the river banks
- The wetlands are a refuge for migrating birds like snipe and the brambles and hawthorn bushes are an important food source for birds like fieldfares and redwings
- A letter from Redrow states that the ecological report commissioned by the company concludes that "the development will provide an opportunity to secure ecological enhancements for fauna". This is because significant parts of the land will be set aside for open space and wildlife habitat"
- Are we to believe that by "only" building on 22 of the 32 acres of land the wildlife is somehow benefitted? It would be considerably better if all 32 acres were left alone for wildlife
- It is surely obvious that by building a huge housing development, adjacent to a river valley, is going to result in degradation of the environment due to increased human activity, rubbish and pollution as well as disturbance due to noise and light pollution
- In the same letter it states "it is always regrettable when trees have to be removed to accommodate development and Redrow always seek to maintain valuable/specimen trees
- This is the case at Town Lane where there is a large tree close to the proposed access" - unfortunately Redrow can't be trusted to conserve trees
- The Redrow Croston's Farm development on Lucas Lane has resulted in the felling of 400 year old trees because they were "stressed" due to the development

- Stressed trees can recover if management practices are changed and perhaps a better solution would be not to stress them in the first place
- I am suspicious that Redrow will decide that the beautiful tree by their access is stressed too and has to be felled
- Certainly other mature trees will be felled and hedgerows grubbed out
- Redrow claim that "in all cases many more trees are planted on our development sites than are lost and we attach great importance to creating an ecologically diverse and attractive landscape"
- A mature tree maybe hundreds of years old and provides diverse ecological niches for many species - such a tree can in no way be replaced by one or even a dozen saplings
- It will take many decades for them to grow enough to approach having the benefit to the environment of a mature tree
- Many of the new trees will not survive at all
- As for an "Ecologically diverse and attractive landscape" - this is not a description I would apply to the Redrow development of Lucas Green - it is just a barren estate of large houses of a typical of other modern developments - the Town Lane development will be no different whatever language they try to use
- Wildlife mortality on the neighbouring roads and the M61 motorway will increase due to the pinch point on the eastern fringes of this proposed development as this development will strangle a wildlife corridor
- Loss of green spaces - This will most definitely cause distress to the wildlife and presents a risk that animals will venture into populated areas whereby they could encounter risks
- We have seen already the impact of the recent works commencing on the "Sycamore Manor" development with pheasants and birds of prey venturing into gardens
- We have also had deer and rabbits walking on the road and in gardens due to their habitats slowly being destroyed

Drainage and flooding

- The site is sodden when walked across
- There are flood risk fears down stream adding to the flooding issues already in the village
- Residents need to be protected against flooding risks
- Flooding has been worse since the Lucas Green houses were built
- All land drains will flow into the River Lostock, which already rises to a significant level and fast flow rate when rainfall is heavy
- The land in question is extremely boggy in places and naturally holds back excess rainfall from draining into the River Lostock - when drained and built upon the consequences will undoubtedly be felt downstream at Waterhouse Green
- The application states that sewage from the site will be drained into the existing sewer on Town Lane - the accompanying drainage maps are out of date insofar as they take no account of the current Redrow plan to drain sewage from the in progress Crostons Farm site onto Town Lane
- Redrow also seem to be unclear as to whether they will also need to drain surface water from this proposed development into the Town Lane sewer
- According to the 'Flood Risk & Drainage Assessment' (with outdated information), the site is at low-risk of flooding and a 'soakaway' with the River Lostock as back-up will be sufficient to manage ground water
- The fields are water-logged for 2/3 of the year - it doesn't soakaway because there are underground springs
- The culvert under Waterhouse Green is continuously in danger of flooding and the River Lostock has had numerous flood warnings which causes problems throughout the entire area including Kem Mill Lane
- The site itself will not flood but the downstream consideration is being totally ignored
- During times of flooding a considerable flow of water can be seen discharging from the attenuation ponds and pipework on the existing Redrow developments ponds which was never evident previously -this shows the type and size of attenuation pond does not work

- A secondary independent study needs to be completed on the effect of flooding downstream from this development and others that have come before it
- Areas need natural open land to self manage the natural flow of surface water
- Town Lane / Waterhouse Green has had 32 EA flood warnings / alerts in last 5 years, 8 last year and 2 this year and 4 actual flooding events
- If outline permission is granted there is no going back and no definitive plan as to how the water will be controlled other than into the river
- Quoted 5,500sqm attenuation is size of 2 Olympic swimming pools
- Given assurances that balancing ponds would be installed at Lucas Green development however Redrow only built a storm drain that hasn't yet worked effectively – many gardens on Lady Cross Drive and Town Lane are flooded
- Flooding on Southport Road where a new housing estate has potentially increased the flood risk – same could happen here – is Chorley Council prepared to guarantee this won't happen here?
- Promises made re flooding and drainage are not kept or enforced or monitored
- Intends to hook up with existing foul drainage at Waterhouse Green where historically there are already problems
- Concerned that once Croston's Farm is completed as well, the system will be unable to cope causing more problems for existing residents – UU seem oblivious to this in their response to date
- New national thinking is to hold back the water in higher catchment areas by limiting development
- Proposing a children's play area immediately adjacent to a permanently filled detention pond – safety issues
- Detention ponds – ineffective, cheap solution, eyesore and not maintained on Lucas Lane
- Culvert on Town Lane has much more water now – less a culvert and more a stream
- The main sewer that runs from near to the proposed development is very old and very small for the volume of wastewater it takes already - it has already had to take the wastewater from recent developments around Magill Close
- The sewer runs through many gardens and under several houses
- In 2019, the village suffered a catastrophic collapse of this sewer underneath a house, with major repair work required and significant flooding to several houses
- The sewer cannot handle any further increases in flow
- Can CBC confirm that adequate drainage will be in place to assure us that there will be no further flooding
- The land is a soakaway/run off for the M61, the fishing lodge is struggling to cope with the amount of water as it stands
- There is a spring and other runoffs which feed the fishing lodge
- There is a worry of contamination and fish welfare
- Volunteer our own time (when not in immediate risk of flooding) to clear drains on the local B roads, which are inevitably and frequently blocked, sweeping the gutters to improve the effectiveness of drains and research potential strategies for mitigation
- When the risk of flood event is high we mobilise resources to protect life and property, moving heavy sandbags, up to elbow in drains trying to get the surface water to flow, using buckets to bailout properties and, just as important, afterwards providing support for each other as we face yet again the threat of losing homes, belongings and health
- These fields are a natural soak away and a very marshy, even in the summer months- as evidenced by the amount of reeds growing there
- Even these fields aren't sufficient to soak up all the rainwater and numerous little streams flow down into the valley and there is a steep, eroded bank in one section
- Building on the fields will increase the speed of run off, which will increase erosion, resulting in increased pollution and silt reaching the River Lostock
- More rapidly rising river levels will result in increased risk of flooding downstream on Town Lane and Waterhouse Green
- Redrow claim that risk of flooding will be reduced by the building of "Surface water attenuation ponds" - however this has been ineffective in the Lucas Green development just the other side of Town Lane

- Redrow have built a pond on this site which is permanently empty of water, even in the wettest periods
- The hill below the empty pond is eroded due to water flowing alongside the concreted path
- Flooding has not been reduced

Amenity

- There would be increased noise levels with the increase in traffic
- It would be an eyesore on the skyline for local residents and decimate the current view
- The level of traffic flow through historic Waterhouse Green would decimate the village centre's character
- WLW has already lost so much of its green land which forms a major part of its charm and character -further loss would continue to impact its status as a desirable and peaceful place to live
- Town Lane is extremely rural
- Concern that homes on Town Lane with foundation made from pea gravel will be in danger from 4 to 5 years of construction traffic
- Not in keeping with stylistic context or scale of local area
- Layout and density proposed is inappropriate
- Proposed character of site does anything but complement the existing village
- Over 19 years seen it change from being semi-rural to every bit of green space used for new builds – been at least 19 developments over last years in Whittle and Clayton ranging from housing estates, garden grabs and smaller developments not counting 85 homes granted permission at the quarry and development at Croston's Farm
- Building houses in every part of the village is aesthetically disastrous
- Standard Redrow houses – no effort to blend in with surrounding properties
- Low Mill Lodge is over 100 years old and needs safeguarding
- Proposed scale and design of the development would impact the character, appearance and local distinctiveness of this small and charming area of Whittle-le-woods
- Current housing is of individual style, or very small groupings of houses of similar style
- A large estate with housing of a uniform style is not in keeping with the housing character of the area
- High proportion of housing along Town lane is of local stone or traditional cottage style in keeping with the area
- An estate would unlikely be all or even partially in this local style
- Proposed scale would irrevocably destroy the area's character as a semi-rural village setting

Other

- It is distasteful that developers are pushing applications through when local groups cannot easily meet to discuss
- Many properties on Waterhouse Green are listed – has English Heritage been consulted about the development?
- If it goes ahead flooding could damage or destroy listed buildings
- Two planning applications refused for the erection of a double garage on Town Lane as it would be a blight on the environment for anyone looking up at it - the council should adopt the same policy when considering this application
- Loss of rural footpaths
- A lack of proposed cycle infrastructure and dearth of quality public transport means development in this area will be heavily car dependent and given the recognised and imminent danger of climate crisis an alternative more sustainable site should be found
- The affordable housing is placed closest to the M61 where air and noise pollution will be worst - this will disadvantage the health and life of those on the lowest income causing yet more ill health and poor life chances and increasing the inequalities already rampant in our society
- The environmental impact of destroying more green space will be of real detriment to future generations

- We are in the midst of a climate crisis and we should be protecting and preserving nature and wildlife, as once it is gone, it's gone forever
- We cannot place profit before this planet
- In a recent Coroner's report into the death of a young girl living alongside a busy road, it concluded that her asthma attacks were preventable insofar as the traffic congestion and resultant air pollution was cited as a cause of death - Chorley Borough Council should bear this in mind when thinking of introducing more vehicles down this road, past a school, past front doors of houses
- Will cause mental health issues for all residents
- Pollution and health risks from M61
- Crime rate will increase as new developments always attract more crime
- Proves that Chorley Council values council tax and money over people's wellbeing and mental health
- Development only up for consideration due to high council tax fees that Chorley Council will achieve in this area
- No faith in planning system protecting existing residents
- If site is to be developed it should be for significantly less houses, more diverse house types and more open space retained
- Chorley Air Quality Status Report of 2020 states junction of Shaw Brow and the A6 is dangerously close to breaching the England air quality objective of mean NO2 emissions 40 micro m/g cubed
- Redow relying on apathy in community
- Redow only pursuing this application now due to COVID regulations – only 2 weeks to make community aware and we can't attend Committee
- Developer will cover objections with desktop studies and traffic analysis completed during lockdown
- Whatever conditions put on the site won't be adhered to – waiting to see a copy of the management plan for the Biological Heritage Site on the West of Lucas Lane site – requested it 3 years ago along with the grazing sheep that the ecology team said would be required to maintain the site
- Council will refuse, Redow will appeal, Council will refuse, Redow will appeal to Secretary of State, Redow will win, Council will say don't blame us, blame central government
- One of the small amounts of green space left to the west of the M61 that hasn't been developed or part of an ongoing development
- Town Lane – characterful country lane
- Responses from statutory consultees and UU seems to view developments in isolation as opposed to considering the cumulative impact
- Brownfield sites such as Camelot should be prioritised or expand Buckshaw
- During recent lockdown huge increase in people on footpaths and finding new walks – benefits to local people cannot be overstated
- Air pollution is severe
- Building any more homes is corruption at its worst
- Crime rate in Whittle is excessive
- Negative effect on house values of existing properties
- If we all wanted to live in a new town we would have moved Buckshaw Village or Warrington
- Threatened by traffic on Lucas Lane – dog was nearly run over by a lorry
- Youths will use Lucas Lane to get to garage on A6 – will intimidate residents
- The number of developments in relative size terms far outweighs Preston
- Asked Redow to confirm what the strong identity would be but have had no reply
- Sustainable multiple occupational housing with quality communal pedestrian spaces could be supported when near to city centres
- Appears to go against Council's declared emergency on climate and nature
- Proposed footpath – footpath from Lucas Green to Lady Crosse Drive is known locally as "Death Row" - several accidents and Redow have failed to resolve the situation

- Promises a high quality development – ask residents of Lucas Green if they feel they live in a high quality development – all sorts of promises made and not met – as soon as last house sold couldn't get away from their commitments quicker if they tried
- Approved pedestrian route from Royton Drive / Croston's Farm currently in progress will funnel more pedestrian traffic onto single track footpath on Town Lane via Lucas Lane
- Have embarked on what appears to be a compassionate consultation with locals whereas really just bypassing planning system at time when residents are locked away supporting the authorities efforts against COVID
- Keep developments for town centres and allow villages to retain their identity
- Cllrs should refuse this and put needs and wishes of paying / voting public ahead of developers
- Moved from Buckshaw to Wheelton for semi-rural village life. New build life is not for everyone
- Those living in Grade II listed cottages have to apply to add a window, pay additional insurance against flooding yet it is acceptable for developers to build properties that could threaten / burden and create extra risk for these properties from flooding – council should prioritise safeguarding the history of the village
- Unless council can demonstrate they can fund the investment in improvements needed, the application should be refused
- No justification in approving housing on land like this when there is brownfield land in Liverpool and Manchester or, in this case, Botany Bay where it is unlikely that retail or office space will be needed
- Why should community have to suffer more inconsiderate movement of contractor vehicles and plant during a build – Ruttles Quarry activity created noise, pollution and disturbance – Council did not monitor or supervise behaviour
- Council achieves many great things for this borough and its residents but constant building of these huge estates on our cherished countryside is a massive downfall, particularly when you're already greatly exceeding the new build quota
- How can there be a shortage of houses when houses in area have been on market for years and don't sell?
- As land is farmland it is a carbon capture helping to keep carbon emissions down and to reduce the effects of climate change
- Application should be postponed until all of community have chance to comment
- Low grade radioactive waste buried in field nearby
- Residents are heartily fed up of watching so many new developments being built, and living with the consequences of them
- Redrow are a massive company with massive resources - if this proposal is turned down, they have the resources to appeal and appeal until they get the green light
- They are playing the long game - make them wait and make them work hard by refusing permission
- The proposed development is adjacent to a land fill site (to the south), that contains asbestos (records are available from the Environment Agency) and possibly nuclear waste
- Another site a short distance away (to the north) does contain many tonnes of nuclear waste - any disturbance of these sites would affect all residents to varying degrees depending on location i.e. proximity, wind direction etc. but in particular future generations
- The site has numerous footpaths which Redrow state will be "retained in green corridors". Again we have an example on Lucas Green as to what happens to footpaths. Instead of a field path there is an ugly set of steps and gravel path, already in bad repair
- A concrete path through or alongside houses is not the same as a peaceful walk through fields
- This development needs to be considered cumulatively against other existing developments in the area - not in isolation
- Chorley once had character, now it is nothing more than a Redrow Estate
- If you have only written to those residents living on Town Lane, which is just a country lane surrounded by farm land with few houses on it, then that is not representative of the residents who will be adversely impacted if this development goes ahead, and does not give them a chance to voice their opinions

- Issues with quality of housing and housing management company not upkeeping communal areas
 - Plans to create a 'Central Lancashire New Town/City - on the plans which are obviously still available, urban sprawl was planned for in a continuous belt incorporating Chorley through Whittle, Clayton and all other districts up to and beyond Preston - it would appear that these old plans have now been unearthed after being shelved many years ago
 - In Whittle over the last 10-15 years it appears that pieces of 'spare' land have been acquired for development in a rather ad-hoc fashion.
 - Becoming a commuter town
11. Cllr Bell has stated that he objects to the planning application.
12. Cllr Clifford has objected to the proposal in his capacity as a Ward Councillor and as Champion of Environment and Green space and has commented as follows:
- *I object in the strongest possible terms to the outline planning permission to build 250 houses off Town Lane, Whittle-le-Woods.*
 - *The cumulative effect of this application if allowed will have a devastating effect on local nature and the surrounding environment, the existing infrastructure of Whittle-le-Woods and the health and wellbeing of residents.*
 - *This pocket of land is currently safeguarded in the local plan and any outline application should not be submitted to Chorley Council before 2026 at the earliest. These houses are not needed or wanted and this application is a highly speculative attempt by the developer to avoid public scrutiny during a national health crisis.*
 - *The environmental study submitted by the developer is woefully inadequate and the survey was conducted at the wrong time of year, many important species have not been recorded due to this. The building of what is in effect a small village on these green fields will dramatically alter how wildlife live and transit the area bringing conflict with vehicles on the M61 motorway running parallel. Numerous Bird and Bat strikes on the M61 will result due to the pinch point on the eastern fringes of this proposed development due to strangling a wildlife corridor.*
 - *These existing Green Fields are a natural shelter belt to Whittle-le-Woods from the M61 motorway and clean the air of pollutants emanating from vehicles travelling at high speed. By removing this shelter belt more residents of Whittle-le-Woods will now be subject to an increase of dangerous Nox and PM 2.5 particulates. These plans do not show any readings have been taken to show the high air pollution rates of this area. In fact if readings are taken I believe this site would be classed as unsuitable for housing.*
 - *The existing road network including Town lane is not suitable for any increase in vehicular traffic. None of the routes exiting Town Lane are what could be deemed as safe and with the road being semi-rural conflicts with Horses and pedestrians are highly likely. Only a few months ago I had new signage on Town Lane installed by Lancashire County Council making motorists aware of Horse riding taking place in the area, In fact there are stables already on Town Lane underlining the semi-rural character of the area. The loss of this beautiful semi-rural nature by increased volumes of traffic would in fact be a loss of public amenity and therefore constitutes another reason to refuse these plans.*
 - *Chorley Council have declared a Climate and Nature emergency and these plans go against our commitments to become Carbon Neutral by 2030. Stagecoach the bus operator has already said that this application on Town Lane is a bad example of developers not thinking about sustainable public transport in a presentation made to members of an overview and scrutiny committee looking at sustainable public transport. The topography of the surrounding area and walking distance to a primary route being reasons why house building should not take place here.*
 - *Climate change is happening and quickly this will only bring more serious flooding events to Whittle-le-Woods and the siting of a housing development on green fields that are a natural soakaway will devastate existing properties at Waterhouse Green. Water management on the site will be severely challenged and even with holding ponds being installed more flooding and pollution will result in future as water rushes into the River*

Lostock from this estate. There will also be loss of riparian natural habitats downstream of this development and throughout Cuerden Valley Park.

- *The strain on existing infrastructure should not be underestimated with a lack of local school provision for children in the area, lack of shops in the vicinity, dentistry, health care, entertainment. New residents would have to use their motor vehicles when accessing these services further increasing pollution in this area.*
- *Chorley Council has already delivered it's fair share of housing over the years and residents of Whittle-le-Woods all agree that enough is enough. These plans should be refused outright.*

13. Cllr Walker has objected to the proposal and has commented as follows:

- *As one of the Borough Councillors for Whittle Le Woods I wish to strongly object to the above outline planning application.*
- *The area is currently safeguarded in the local plan and any outline application should not be submitted for development until the forthcoming local plan is finalised.*
- *The highways network around the area is insufficient to deal with an increase of approximately 500 vehicles if this application is approved. At one end of Town lane is a school and church, there is a difficult access to Dark Lane and a dangerous bend half way along the Lane.*
- *The entrance to Town Lane from Chorley Old Road on the right hand side there is a small industrial site, two houses incorporating a children's nursery and on the left hand side there are a dozen terraced properties with no off street parking due to the age of the properties so causing one way traffic until you pass the entrance to Lady Cross Drive.*
- *The traffic management survey done for Redrow was carried out during the November lock down due to the COVID virus and does not reflect traffic movements under normal circumstances. No survey was carried out around the time of school closing at the end of the school day 3/4pm.*
- *There are only two primary schools in the area with an annual intake to reception of 55 places. This year for example Whittle Primary School has already had 98 families looking at the school for their children to start school in September.*
- *The area around Waterhouse Green is in a flood risk area and with the potential for further houses built will only increase the risk of further flooding.*
- *In the area of Town Lane there are no facilities for shops, although a new Doctors surgery will be completed in December this year new residents will have to use their vehicles to access these facilities.*
- *Chorley Council has already approved many new housing developments in Whittle Le Woods over the past 20 years and residents now feel that this new application is totally unacceptable to be sustainable in the village.*

14. County Cllr Riggott has objected to the proposal and has commented as follows:

I strongly object to application 20/01347/OUTMAJ for the construction of up to 250 dwellings off Town Lane in Whittle-le-Woods.

It is deeply disappointing to see developers trying to take advantage of the unprotected situation Whittle-le-Woods residents and those across Chorley find themselves in, following the failure by Chorley Council to successfully manage their own Local Plan.

This site is clearly classified as safeguarded land for consideration post 2026 and there is certainly no need or justification for this application to be made at this time, or time in the near future. It certainly should not be recommended for approval by Chorley Council's Planning Department.

There are clearly demonstrable and well aired concerns in regards to the assessments provided for primary school place provision, traffic movements, pedestrian safety as well as real concerns over flooding and other serious environmental concerns. The timing and circumstances of when some of these assessments were carried out is certainly questionable and requires expert scrutiny and challenge.

Residents have fought a determined, well organized and superbly researched campaign to date and I fully expect this to continue and gather momentum with each passing day. They are a credit to the Whittle-le-Woods community.

It is time for Chorley Council to show some long overdue leadership and outline how it intends to fight off this unwelcome, speculative application. Clearly Chorley Council should have contingency plans already in place given the long-running Gladman saga in Euxton, which prefaced the collapse of their Local Plan, and these now need activating urgently.

15. The Wildlife Trust for Lancashire, Manchester & North Merseyside has objected to the proposal and has commented as follows:
 - *There is currently insufficient information for the Council to determine this application against NPPF paragraph 170, 171, 175; adopted Local Plan Policy BNE9 or adopted Local Development Plan Core Strategy Policy 22 because of uncertainty about effective and enduring mitigation for likely impacts on a Local Wildlife Site (sensu National Planning Policy Framework (NPPF) 2019 (Lucas Lane Pasture (ref: BHS52SE07)).*
 - *It is stated that measures will be needed to protect the identified biodiversity resource of Lucas Lane Pasture Biological Heritage Site (BHS) and it is the view of The Wildlife Trust for Lancashire, Manchester & North Merseyside that the BHS should be protected from future development and linked by functional grassland ecological networks ("wildlife corridors") to land to its north and east, and its management sustained. If it is to retain its intrinsic biodiversity value and its role in a wider ecological framework it is vital that this land, together with associated ecological networks, is the subject of a funded management agreement tied up through either a s106 agreement or the Community Infrastructure Levy, as appropriate. It will also be vital that the BHS remains part of a viable grazing unit, buffered from surrounding non-pastoral and non-nature conservation land uses.*
 - *Furthermore, whilst The Wildlife Trust for Lancashire, Manchester & North Merseyside welcomes the recognition that there are habitats of moderate suitability for use by foraging and commuting bats, concerns were also raised regarding the survey of breeding birds and otter activity.*
 - *It is also noted that The Wildlife Trust for Lancashire, Manchester & North Merseyside welcomes the proposed ecological enhancements and recommends conditions or s106 or similar obligation as deemed appropriate.*

16. Chorley and District Natural History Society has objected to the proposal and has commented as follows:
 - *Land is not allocated for housing*
 - *Site is located in the Green Belt*
 - *Birds – discrepancies between ecology survey and evidence from residents needs further verification*
 - *Bats – although no records of bats are noted in the ecology report, it does not prove that bats are not present on the site*
 - *Swift bricks – recommend these are inserted*
 - *Pleased with recommendations – important that these are fully adopted and implemented, should the application be approved.*
 - *Strongly object to basic premise of "enhancement" – permanent loss of habitats is not mitigated by provision of nesting boxes and habitat connectivity*

CONSULTATIONS

17. Whittle le Woods Parish Council – Has commented that it is unanimous in its opposition to the application. A detailed objection from the Parish Council seeks to demonstrate why the proposed development is inappropriate and how it would create unacceptable risks for Whittle-le-Woods, its environment and people. This is set out below:

All our Parish Councillors have a wealth of local knowledge and life experiences. However, such is the importance of this decision; we have engaged professional opinions in the form of commissioned reports undertaken on 'Honest Broker' basis. (The appendices and the full

documents have been reviewed in consideration of the application and are available on the planning file.)

In summary the objection states that since being designated an 'area of significant restriction' in the late 1980's the people of Whittle-le-Woods have been told this site is 'Safeguarded' until at least 2026. It is outrageous that it is even being considered for development in 2021 without transparent due process, and during the restrictions of a global pandemic. The application should be refused on these grounds alone if public trust in the planning process is to be maintained.

Highways & Traffic:

The applicant has failed to establish it is possible to deliver safe access for all users, either during construction or after occupation. The characteristics of Town Lane include inherent risk for all road users on this semi rural lane. The application does not demonstrate that adequate mitigations are feasible or even possible. (Please see Section 4 and Appendix 1)

Flooding:

The proposed site impinges on a known (Level 3) Flood Risk residential area. Despite the developer having consulted regulatory bodies more than two years earlier the application is lacking in detail, and has significant omissions. As a consequence it is impossible to scrutinise to a level that confirms feasibility. (Please see Section 5 and Appendix 2 & 3)

Ecology:

The Ecology Assessment and the reports available are inadequate for any development, let alone over 30 acres of agricultural, undeveloped land known to be the natural habitat for many species. It will be necessary for the developer to remove huge swaths of protected hedgerow to achieve adequate sight lines for cycle/footpath/emergency access; this must not be sanctioned. Further this access will permanently change the landscape making all the earthworks visible.

The Application fails to show any consideration for a deterioration in air quality due to, increased traffic levels, the loss of a 'buffer zone' between two motorways or the detrimental effects on occupation of the proposed houses – especially those in the "affordable homes" probably nearest to the M61.

18. Lancashire Constabulary Architectural Liaison: Make a number of recommendations in relation to designing out crime.
19. Environment Agency: Have no objection.
20. Greater Manchester Ecology Unit: No objection, conditions and informatives advised.
21. Waste & Contaminated Land: No objection subject to condition.
22. Regulatory Services - Environmental Health: Have no objection subject to the provision of a robust Acoustic Design Statement and details of any associated mitigation measures at the design stage.
23. United Utilities: Have no objection subject to conditions.
24. Lancashire Fire and Rescue Service: No comments have been received.
25. Lancashire County Council Highway Services – Comments to be reported on the addendum.
26. Lancashire County Council Public Rights of Way: No comments have been received.

27. Ramblers' Association (Chorley Branch): No comments have been received.
28. Lancashire County Council Education: Advise that an education contribution is not required at this stage in regards to this development.
29. Lead Local Flood Authority: Raise no objection, subject to various conditions.
30. Canal & River Trust: No comments have been received.
31. The Coal Authority: Has no objection to the proposed development.
32. NHS: No comments have been received.
33. CIL Officers: Comment that CIL Liability is not calculated at outline application stage. The development will be CIL Liable on approval of the final reserved matters application (if approved).

PLANNING CONSIDERATIONS

Principle of development

34. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that if regard is to be had to the development plan for any determination then that determination must be made in accordance with the plan unless material considerations indicate otherwise.
35. The Development Plan comprises the adopted Central Lancashire Core Strategy (2012) and the adopted Chorley Local Plan 2012- 2026.
36. The Central Lancashire Core Strategy was adopted in July 2012 and covers the three neighbouring authorities of Chorley, South Ribble and Preston. The three authorities are a single Housing Market Area (HMA).
37. Core Strategy Policy 1 (Locating Growth) identifies Whittle le Woods as an Urban Local Service Centre where some growth and investment will be encouraged to help meet local housing and employment needs.
38. Core Strategy Policy 4 Housing Delivery of the Plan sets the following minimum requirements for housing development across the Core Strategy area:
 - Preston 507 dwellings pa
 - South Ribble 417 dwellings pa
 - Chorley 417 dwellings pa
39. Core Strategy Policy 5 Housing Density indicates densities will be secured in keeping with local areas and which will have no detrimental impact on the amenity, character and appearance, distinctiveness and environmental quality of an area, consideration will also be given to making efficient use of land.
40. Core Strategy Policy Policy 7 Affordable and Special Needs Housing of the Plan seeks to ensure sufficient affordable housing and special needs housing is provided to meet housing needs. It sets a requirement of 30% affordable housing on residential schemes in the urban parts of Chorley. In terms of the National Planning Policy Framework major development proposals are defined where 10 or more houses are provided or where the site has an area of 0.5 hectares or more.
41. Policy V2 of the Chorley Local Plan 2012 - 2026 establishes the Settlement Areas in the Borough. Within these areas there is a presumption in favour of appropriate sustainable development, subject to material planning considerations and the other policies of the Development Plan. It is within these areas (and the strategic allocations) that the majority of development is envisaged to take place.

42. The application seeks outline planning permission for up to 250 dwellings on 13.27 hectares of land. The site is adjacent to the settlement area of Whittle-le-Woods and is located on designated safeguarded land, as defined in policy BNE3 'Areas of Land Safeguarded for Future Development Needs' of the Chorley Local Plan 2012 - 2026. This application site forms part of a wider parcel known as BNE3.10 West of M61, Whittle-le-Woods.
43. The site was designated as Green Belt in the 1993 Lancashire Structure Plan. It was removed from the Green Belt designation and reallocated as Safeguarded Land along with a number of other sites in the 1997 Chorley Borough Local Plan under the Safeguarded Land policy (Policy C3). In the Chorley Borough Local Plan Review in 2003 the site was again designated as Safeguarded Land under Policy DC3.18.
44. The areas of Safeguarded Land covered by Policy DC3 were reviewed as part of the current Local Plan process which started in 2010. The review included a sustainability assessment, and consultation with Lancashire County Council and United Utilities. In order to meet Chorley's housing, employment and open space requirements in the Chorley Local Plan 2015, safeguarded sites that were considered the most suitable, specifically those that were natural extensions to existing settlements, and proved most viable in terms of highways access and the characteristics of the site were allocated. The remaining Safeguarded Land was retained as Safeguarded Land under Policy BNE3 to provide for potential future development needs beyond the Plan period (i.e. after 2026).
45. Policy BNE3 is a restraint policy and states that development other than that permissible in the Green Belt or Area of Other Open Countryside (under Policy BNE2) will not be permitted on Safeguarded Land. The proposal is, therefore, contrary to Policy BNE3.
46. Policy BNE3 is in accordance with paragraph 139 of the National Planning Policy Framework (The Framework) (February 2019) which states that local planning authorities should c) "where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer term development needs stretching well beyond the plan period" and d) "make clear that the 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".

Other material considerations

47. The Framework is a key material consideration. The purpose of the planning system is to contribute to the achievement of sustainable development. There are three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). There are three objectives to sustainable development set out at paragraph 8 and it is fundamental that development strikes the correct balance between:
 - Environmental - the protection of our natural, built and historic environment.
 - Economic - the contribution to building a strong and competitive economy.
 - Social - supporting strong, vibrant and healthy communities
48. Paragraph 10 of the Framework states that so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).
49. Paragraph 11 of the Framework states for decision-taking this means:
 - c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - a. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- b. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
50. The Footnote (6) to paragraph 11 sets out examples of the type of policies that may indicate development should be refused. Footnote 7 makes clear that the tilted presumption in favour of sustainable development will apply where a Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites.
 51. Paragraph 59 of the Framework confirms the Government's objective of significantly boosting the supply of homes.
 52. Paragraph 60 of the Framework reinforces that requirements represent the minimum number of homes needed.
 53. Paragraph 73 of the Framework requires Local Planning Authorities to maintain a supply of deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategies or against their local housing need where the strategic policies are more than five years old. Footnote 37 states in circumstances where strategic policies are more than five years old, five year housing land supply should be calculated against Local Housing Need calculated using the Government standard methodology, unless those strategic policies have been reviewed and found not to need updating.
 54. Section 13 of the Framework sets out the Government's policy on protecting Green Belt land. It begins by stating that "the government attaches great importance to Green Belts". The importance of the permanence of the Green Belt is reiterated. Paragraph 139 explains that Local Authorities should, where necessary, identify in their plans areas of 'safeguarded land' between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period. It further states that Local Authorities "should make clear that the 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 a Local Plan review which proposes the development".
 55. Land is allocated as such to ensure that Green Belt boundaries last for a long time and it is protected from development until a time in the future which it might be required to serve development needs. The main purpose of designating Safeguarded Land in Chorley is to ensure that the inner boundary of the Green Belt will endure in the long term rather than act as a land bank for future development. Designating land as safeguarded does not mean that its development is inevitable in the long term. Retaining this land for future development needs at this time is consistent with the purposes of designating the site as safeguarded land within the Local Plan, in accordance with the Framework.
 56. The proposed development would result in the irreversible loss of part of a safeguarded greenfield site not required to meet current housing needs at this point in time. The application site is approximately 13.3 hectares whilst the overall safeguarded site BNE3.10 is about 75 hectares. This loss weighs heavily against the proposal and is contrary to the prudent use of land and resources in an area where much of the Borough is designated Green Belt. The Framework is clear that safeguarded land is not for development at the present time (i.e. within the Plan period) and planning permission should only be granted following a Local Plan review.

Housing land supply

57. The applicant considers that the Council is unable to demonstrate a five-year housing land supply when considered against the Local Housing Need requirement and that two of the most important policies relating to the application site, namely Core Strategy Policy 4 and Chorley Local Plan Policy BNE3, are out of date. They therefore consider that the presumption in favour of sustainable development at Paragraph 11d) of the Framework is engaged.

58. The Core Strategy policies are more than five years old (adopted July 2012), however, following the Cardwell Farm decision (Appeal ref: APP/N2345/W/20/3258889 9th March 2021) the Council are now using Core Strategy Policy 4 to determine their 5 year housing supply. The Council has a 11.2 year deliverable housing supply over the period 2020 – 2025 based on an annual housing requirement of 144 dwellings which includes a 5% buffer and takes into account the previous oversupply.
59. The Council note in the application proposals there is no indication given to the mix of housing on site.
60. The Icen Housing Study 2020 refers to broad density targets below using four broad types of location including rural locations (including villages), suburban locations, urban areas (i.e. urban fringe locations) and town centres. This site is in a suburban/urban extension location. The proposal should provide for a mix of houses.
61. For sites over 10ha a net developable area of 50% is applied so the yield for this site would be 233 dwellings (net developable area of 6.65ha x 35dph, (SHELAA methodology Table)).
62. The piecemeal development of this area of safeguarded land prevents the whole allocation being masterplanned and does not allow for infrastructure and services to keep up.
63. The position of the Council in respect of Housing Land Supply is set out below:

The Euxton Lane Inquiry Decision APP/D2320/W/20/3247136 (11 August 2020)

64. The appeal was allowed and outline planning permission was granted for the erection of up to 180 dwellings including 30% affordable housing, with public open space, structural planting and landscaping, surface water flood mitigation and attenuation and vehicular access points from School Lane on land at Pear Tree Lane, Euxton, Chorley in accordance with the terms of the application, Ref 19/00654/OUTMAJ.
65. Para 10 of the decision states “The presumption in favour of sustainable development in paragraph 11(d) of the Framework directs that, where the policies which are most important for determining the application are out-of-date, the ‘tilted balance’ applies, whereby permission should be granted unless the policies of the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Paragraph 73 of the Framework also requires local planning authorities (LPAs) to maintain a supply of deliverable sites sufficient to provide a minimum of 5 years’ worth of housing against their housing requirement or local housing need. Where an LPA cannot demonstrate a 5 year supply of deliverable sites, Footnote 7 of the Framework establishes that the policies of the development plan which are most important for determining the application are out-of-date”.
66. The main issues in the appeal were:
 - a) Whether or not the Council can demonstrate a 5 year supply of deliverable housing land in Chorley borough, 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;
 - b) 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; and
 - c) Whether this, or any other material consideration, would justify the proposed development on safeguarded land at this time.
67. In respect of the Five Year Housing Supply, the Inspector concluded:
68. Para 36 “...I have concluded above that 569 dpa is the appropriate housing requirement figure for Chorley for the purposes of calculating the 5YHLS in this appeal. The main parties

dispute the deliverability of an allocated site at Cowling Farm, for which the Council includes 112 dwellings in the supply to the end of March 2025. However, even if the Cowling Farm figure were included in the deliverable supply, 1,617 dwellings would only amount to a 2.7 year supply against the LHN calculated using the standard method, still well below the 5 year requirement. Consequently, it is not necessary for me to consider the evidence for and against the inclusion of the Cowling Farm site any further here”.

69. Para 37 “...Overall, therefore, in the light of the evidence before me at this appeal, the provisions of the development and the relevant national policy and guidance, I conclude that the Council is unable to demonstrate a 5 year supply of deliverable housing sites measured against the LHN for Chorley”.
70. In respect of the most important development plan policies the Inspector concluded:
71. Para 44 “.... Policies 1 and 4 of the CLCS and Policy BNE3 of the CLP are the ‘most important’ policies in this case, defining the need and appropriate locations for housing in Chorley and the limitations on development on the appeal site as Safeguarded Land”.
72. Para 45 “... The courts have established that a policy may become ‘out-of- date’ where it is overtaken by a change in national policy. That is clearly the situation applying to Policy 4 of the CLCS, where its housing requirements were derived from the former Regional Spatial Strategy for the North West, which in turn relied on the 2003-based household projections. This, combined with the introduction of the standard method in the 2018 Framework and the application of the 2014-based household projections, renders the housing requirements in Policy 4 out-of-date”.
73. In respect of Policy 1 the Inspector at para 47 states:
74. “In this case, Policy 1 does not of itself define settlement boundaries or limit development only to sites within settlements in Chorley borough. The evidence before me does not show that Policy 1 would unreasonably constrain the ability of the borough to accommodate its standard method housing requirement of 569 dpa. As such, I do not consider that Policy 1 of the CLCS is out-of-date for the purposes of this appeal”.
75. In respect of Policy BNE3 the Inspector concluded:
76. Para 49 “....My conclusions on the 5YHLS above indicate that the restriction on the development of Safeguarded Land in Policy BNE3 is preventing the Council from being able to provide an adequate housing land supply, against its standard method LHN within the current plan period to 2026”.
77. Para 50 “.....This is further supported by the fact that the emerging CLLP identifies all but one of the Areas of Safeguarded Land in Policy BNE3, including the appeal site, as site proposals to meet the borough’s housing needs for the period 2021-2036. Whilst the emerging CLLP is at an early stage and the final selection of housing allocations will be determined through the local plan examination process, it clearly recognises that land currently safeguarded in Policy BNE3 for development needs beyond the end of the CLP plan period in 2026, may need to be released before then to meet a housing requirement based on the standard method LHN”.
78. At Para 51 the Inspector concludes “In this case the ‘basket’ comprises Policies 1 and 4 of the CLCS and Policy BNE3 of the CLP. Although the overall spatial strategy for Central Lancashire in Policy 1 is not itself out-of-date, the policies establishing the amount of housing needed in Chorley borough and designating the appeal site as Safeguarded Land, so preventing it from contributing to those needs, are out-of-date. On this basis therefore, taken as a whole, I conclude that the ‘most important’ policies for determining this appeal are out-of-date”.
79. At Para 98 the Inspector sets out “Paragraph 11(d) of the Framework is also an important material consideration in this case. I have concluded above that the most important policies

for this decision are out-of-date, both on their own merits and because the Council is unable to demonstrate a 5YHLS against the standard method LHN for Chorley. As such the 'tilted balance' in paragraph 11(d) is engaged for this decision. This means 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 6, 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".

The Memorandum of Understanding

80. The three councils of Chorley, Preston and South Ribble entered into a Memorandum of Understanding (MOU 1) in September 2017 and this document provided clear evidence of the close working relationship between the three authorities in plan-making, building on the extant Core Strategy and committing to the preparation of a new single Central Lancashire Local Plan, which is now progressing.
81. MOU1 reflected the single HMA across Central Lancashire and is a policy-on response to the findings of the Strategic Housing Market Assessment (SHMA published in 2017) which concluded that: 'the spatial distribution of need within the HMA varies depending on judgements made on projections. There has been an historical over-delivery of homes in Chorley relative to housing requirement policies, compared to an under-delivery in Preston and South Ribble'.
82. In May 2020, the three Councils approved an addendum to MOU2, entitled Joint Memorandum of Understanding & Statement of Co-operation Relating to the Provision and Distribution of Housing Land: Statement of Common Ground.
83. MOU2 aggregates the minimum annual Local Housing Need standard method figures for the three Local Planning Authorities and redistributes that housing need across the Central Lancashire area. The redistribution relies on evidence in the Central Lancashire Housing Study (March 2020) (CLHS) produced to inform the preparation of the Central Lancashire Local Plan. But it also seeks to provide an interim set of district level housing requirements, which MOU2 states is 'to reflect the most sustainable pattern of development in the sub-region' and 'to align with City Deal growth aspirations in Preston and South Ribble'.
84. As at 1st April 2020, the application of the agreed distribution ratio to this aggregate figure results in the following requisite minimum housing requirements for each Central Lancashire authority:

Preston:	404 dwellings pa
South Ribble:	328 dwellings pa
Chorley:	278 dwellings pa
Total:	1,010 dwellings pa
85. The Inspector for the Pear Tree Lane Inquiry considered the MOU and stated:
86. Para 23 "Whilst paragraph 2a-013 of the PPG does not prohibit LPAs in joint plan areas from relying on a redistribution of LHN figures to determine planning applications in advance of the adoption of their plans, this paragraph ostensibly applies to plan-making rather than decision-making. This is clear from the question it seeks to answer and its repeated references to spatial development strategies and policy-making. The national guidance on how housing need should be calculated for the purposes of decision-making is found in section 68 of the PPG on Housing supply and delivery".
87. Para 24 "The courts urge treating the PPG with considerable caution when there is a dispute about its interpretation, given that it is intended to be guidance not policy. However, the guidance in the PPG on calculating housing need and the 5YHLS for decision-making purposes mirrors the policy in paragraph 73 and footnote 37 of the Framework, that where the adopted housing requirement is more than 5 years old and the strategic housing

policies need updating, as in Chorley, the 5YHLS will be measured against the LHN using the standard method”.

88. Para 25 “The standard method was introduced into national policy in the 2018 Framework as the new baseline for assessing 5YHLS in the absence of an up to date plan, in order to incentivise LPAs to get plans in place. Therefore, it is reasonable to conclude that the guidance in paragraph 2a-013 of the PPG is not intended to allow for a redistribution of LHN in joint plan areas to provide the basis for calculating 5YHLS in decision-making in advance of that distribution being properly tested at examination and found sound. For the PPG to do so would run counter to the definition of LHN in the Framework and the clearly stated policy on the application of the standard method in decision-making”.
89. Para 26 “Nevertheless, to date the courts have held that it is not unlawful for an LPA to rely on a housing requirement or an apportionment of housing need for decision-making purposes, even if this is not contained in an adopted plan. I recognise that the St Modwen and Oadby & Wigston judgements predate the standard method and the Harrogate judgement related to a planning permission granted before the latest version of the Framework made clear that LHN could only be calculated using an alternative approach in the context of preparing strategic policies. However, these judgements remain and establish the principle that an apportionment of housing need in an emerging joint plan can be a material consideration in decision-making. Therefore, I consider below the evidence for and against the apportioned housing need figure based on the analysis in MOU2 and the weight that should be attached to it.”
90. In conclusion the Inspector stated:
91. Para 31 “....Whilst MOU2 was the subject of consultation, it is evident that there are significant and substantive objections to the proposed redistribution of the LHN and the evidence which supports it, which remain outstanding and will need to be resolved, ultimately through the CLLP examination. The Court of Appeal has established that ‘it is not for an Inspector on a S78 appeal to seek to carry out a sort of local plan process so as to arrive at a constrained housing requirement figure’ “.
92. Para 32 “....Paragraph 48 of the Framework allows weight to be given to policies in emerging plans, according to the stage of preparation, the extent to which there are unresolved objections and the degree of consistency to the Framework. This guides my assessment of the weight that can be given to a housing requirement based on the redistribution of LHN in MOU2, as a policy document which informs the emerging CCLP. The emerging plan is at a very early stage and carries limited weight in this appeal. Although the MOU2 redistribution is an agreed position by the LPAs, there are significant unresolved objections to the recommended figures, which may result in Chorley’s apportionment being modified following examination. For these reasons and in the light of my consideration of the evidence submitted, I attach limited weight to the housing requirement figure for Chorley of 278 dpa in this appeal”.
93. Para 33 “....However, full weight can be attached to the standard method LHN figure for Chorley, given that its value and use in this case are entirely consistent with the Framework and the PPG. Accordingly, I conclude that the figure of 569 dpa should be used for the purposes of calculating the 5YHLS in this appeal. This would also support the Government’s objective, in paragraph 59 of the Framework, of significantly boosting the supply of homes”.
94. Para 34 “...In reaching this view, I have had regard to the previous decision for the appeal site in 2017. Whilst the Inspector in that appeal applied a redistribution of the objectively assessed housing need (OAN) for Chorley based on the 2017 version of the MOU2 (MOU1) in order to calculate the 5YHLS, the apportionment in MOU1 aligned with the adopted CLCS, rather than an alternative arrangement. In addition, national policy on the calculation of 5YHLS at the time of that decision was very different, in that it predated the 2018 Framework and the introduction of the standard method. However, I also note that in the Chain House Lane appeal decision, which dealt with the draft version of MOU2 in the

context of the new Framework and the standard method, the Inspector gave limited weight to the draft MOU2 and concluded that the standard method LHN figure for South Ribble should be used in that case. I have explained my reasoning for attaching limited weight to a housing requirement based on the redistribution of LHN in MOU2 in the light of the evidence before me in this case”.

Preston Withdrawal from the MOU

95. In light of the Pear Tree Lane, Euxton appeal decision Preston City Council withdrew from the MOU agreement on 4 November 2020.

Chain House Lane, Whitestake, Preston Judgement 21 August 2020

96. The decision was quashed, in relation to the claimant’s contentions in ground 5. A new Inquiry was held in March 2021.

Land at Cardwell Farm, Garstang Road, Barton, Preston, PR3 5DR, APP/N2345/W/20/3258889 (9th March 2021)

97. The appeal was allowed and planning permission granted. The Inspector identified four main issues of which two had implications for Chorley. These are:
- Whether the Council can demonstrate a five-year supply of deliverable housing sites, having particular regard to the housing need or requirement for Preston; and,
 - Whether paragraph 11 d) ii. of the Framework is engaged either by reason of a lack of a five-year supply of deliverable housing sites or because the most important policies for determining the appeal are out-of-date.

98. The Inspector concluded the following:

The review of the Core Strategy housing requirement via MOU1 and the 2017 SHMA is the only footnote review to have taken place.

Para 24 “....Paragraph 73 of the Framework requires that local planning authorities (LPA) should 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 strategic policies, or against their local housing need (LHN) where the strategic policies are more than five years old. Footnote 37 of the Framework indicates that where strategic policies have been reviewed and found not to require updating they should still be used as a basis for the housing requirement even if they are more than five years old”.

Para 25 “.....Planning Practice Guidance3 (PPG) contains similar wording to Footnote 37 but also notes that the housing requirement figures identified in adopted strategic housing policies should be used for calculating the five-year housing land supply figure where the strategic housing policies have been reviewed within the last five years and found not to need updating. This wording in the PPG was introduced in July 2019. It followed on from wording contained in the 2018 version of the PPG which reflected the July 2018 Framework and the introduction of the standard method for calculating LHN”.

Para 26 “.....Footnote 37 and the related PPG were introduced without any transitional arrangements. Therefore, the effect of national policy and guidance is that any review of the strategic housing requirement undertaken from July 2014 onwards which found the requirement not to require updating would amount to a ‘Footnote 37 Review’. Whilst PPG is not policy, it does not depart from the Framework on this subject but seeks to assist with the time period whereby a review has currency”.

Para 27 “....The development plan minimum housing requirement for Preston of 507 dwellings per annum (dpa) is set out in Policy 4 of the CLCS. This is out of a total

requirement for Central Lancashire of 1,341 dpa. This requirement was set by adopted strategic policies which are more than five years old”.

Para 28 “...However, in October 2017, some five years after the adoption of the CLCS, the Central Lancashire authorities of Preston, Chorley and South Ribble entered into a Joint Memorandum of Understanding and Statement of Co-operation relating to the provision of Housing Land (MOU1). MOU1 agreed that the housing requirement in the CLCS should be applied until the adoption of a replacement plan”.

Para 29 “...MOU1 was informed by a Strategic Housing Market Assessment (SHMA) which indicated that, if each LPA were to meet its own Objectively Assessed Need, the total requirement for Central Lancashire would only exceed the Policy 4 requirement by some 20 dpa, albeit that different distributions would result depending on whether demographic or economic growth figures were used. The SHMA used the 2014-based household projections as the starting point for assessing housing need”.

Para 30 “.....MOU1 noted that continuing to apply the CLCS housing requirement would, amongst other things, reflect the spatial pattern of development set out in Policy 1 of the CLCS, including directing housing growth to priority areas such as Cottam and North West Preston where land had been allocated to deliver significant new housing in accordance with the Preston, South Ribble and Lancashire City Deal; that site allocations had been determined to meet the spatial pattern of development in the CLCS; that the CLCS requirement reflects the high levels of containment for both travel to work and housing market areas (HMA); and that the Policy 1 apportionment would help to address net out-migration from Preston to other parts of the HMA. That the Policy 4 figures were based on the defunct North West Regional Spatial Strategy and had a baseline date of 2003 were not factors that were referred to in MOU1 and, therefore, on the face of it were not given much weight”.

Para 31 “.....Although it was entered into before the publication of the 2018 Framework, the Council and the appellant agree that MOU1, supported by evidence in the SHMA, was a ‘Footnote 37 review’. Based on the information before me, I see no reason to take a different view”.

The decision of Preston to revert to standard method after withdrawal from MOU2 did not constitute a review and was not a robust process.

Para 32 “.....However, the Council considers that matters have moved on from MOU1. MOU1 included a clause whereby the document was to be reviewed no less than every three years but would also be reviewed when new evidence that renders the MOU out of date emerges. It is more than three years since MOU1 was entered into. The Council points to the introduction of the standard method for assessing LHN as being a significant change in circumstances. If the LHN figure is used, Preston would be required to deliver 250 dpa”.

Para 33 “.....Footnote 37 and PPG do not indicate whether, once reviewed and found not to require updating, the development plan housing requirement can be reviewed again outside the formal local plan process. However, the implications of paragraphs 31-33 of the Framework is that it is anticipated that relevant strategic policies will need updating through a new local plan or partial review of a local plan rather than through a ‘review of a review’. That said, it seems to me that there may be justification to revert to LHN even if the requirement had been previously reviewed and found not to require updating. However, the decision to depart from the findings of a review undertaken in the last five years would need to be supported by a robust process”.

Para 34 “.....In this respect the Central Lancashire LPAs entered into a second Memorandum of Understanding in April 2020. This was augmented by a Statement of Common Ground in May 2020 reflecting a slight change in LHN housing numbers for April 2020. However, for the purposes of this decision the changes are not significant, and I will refer to these documents collectively as MOU2”.

Para 35 “.....MOU2 took into account the Central Lancashire Housing Study (CLHS), published in March 2020. The CLHS was commissioned to inform the review of the CLCS. However, the CLHS did not assess housing need in the way the SHMA did. It focused on LHN as a basis for the housing requirement, not on whether to plan for a higher level of need. In addition to findings in relation to affordable and other specific housing needs, it recommended that, pending the adoption of a new local plan, LHN should be used as a basis for assessing five-year housing supply but that the LHN should be redistributed such that Preston’s requirement would be 404 dpa. However, the recommendations did not appear to consider that a Footnote 37 review had already been carried out, and started with the assumption that the LHN should be used as the basis for the housing requirement”.

Para 36 “....As a result, MOU2 sought not to use solus LHN figures or retain the CLCS requirement but redistribute the LHN figures across the Central Lancashire LPAs. The veracity of MOU2 was tested at an inquiry in the summer of 2020 relating to a development of up to 180 dwellings at Pear Tree Lane, Euxton, Chorley. The Inspector in his decision gave limited weight to the figure for Chorley derived from MOU2 because it was outside the local plan process. He noted that PPG allows the housing requirement for a joint plan making authority to be distributed across the plan area but this should be done through the plan making process, not through decision-making. I agree with this analysis and that Footnote 37 effectively provides two principal options for an LPA housing figure, either the adopted strategic policy requirement or the LHN”.

Para 37 “...The Inspector agreed that the LHN figure should be used for Chorley. However, it appears that the option of using the CLCS requirement was not put to him. The only reference to MOU1 in his decision is in relation to a previous appeal for the Pear Tree Lane site in 2017. In other words, it was not argued that MOU1 still had currency as a Footnote 37 review”.

Para 38 “...Up to December 2019 Preston continued to use the CLCS requirement for the purposes of assessing its five-year housing land supply. This was in the knowledge of the longevity of the CLCS requirement and the fact that it was based on calculating need in accordance with the 2012 Framework. However, following an appeal decision relating to Chain House Lane, South Ribble, where the Inspector concluded that MOU1 did not constitute a Footnote 37 review and that LHN should be used, the Council decided to use the LHN figure. However, the Chain House Lane decision was quashed in the High Court. The judge found that the Inspector’s reasoning for concluding that MOU1 was not a review was inadequate”.

Para 39 “....Subsequently, following the Pear Tree Lane decision, the Council withdrew from MOU2 because the Inspector ‘has attributed limited weight to the MOU in determining the appeal.’ The Council’s decision does not indicate on what basis the housing requirement or the five-year supply will be derived as an alternative to MOU2, albeit it is noted that the Central Lancashire LPAs are in the process of reviewing the Local Plan which will consider the matter of distribution of housing”.

Policy 4 should be used for the purposes of assessing whether there is a minimum of five years’ worth of housing against the housing requirement.

Para 40 “.....Pulling this chain of events together, to my mind the review of the CLCS housing requirement through MOU1 is the only Footnote 37 review that has been undertaken. The decision to revert to the LHN figure after withdrawal from MOU2 did not constitute such a review as it has not followed a robust process. The factors set out in paragraph 30 above are still relevant today. In addition, the higher housing requirement derived from the CLCS would deliver more affordable housing. Therefore, Policy 4 of the CLCS should be used for the purposes of assessing whether there is a minimum of five years’ worth of housing against the housing requirement”.

Based on the CLCS requirement of 507 dpa and factoring in past under-supply and a 5% buffer, there would be a 4.95 years supply of housing land.

For the above reasons, the Council cannot demonstrate a five-year supply of deliverable housing sites, having regard to the housing requirement for Preston.

99. The Inspector concluded that the adverse impacts of the proposed development relating to the conflict with the development strategy and effects on character and appearance would not significantly and demonstrably outweigh the considerable economic and significant social benefits.

Summary - the tilted balance

100. Paragraph 11 d (ii) of The Framework essentially comes into play whereby the most important policies for determining an application are out of date, then planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
101. Whilst the Inspector accepted that there would be some limited harm to the character and appearance of the area, in terms of benefits, provision of new housing would bring construction supply chain jobs, places for economically active to live, increased local spend and greater choice in the market. The affordable homes would be a benefit and the proposal would boost supply, therefore he attached moderate weight to the economic benefits and significant to the social benefits. He concluded the adverse impacts of the proposed development relating to the conflict with the development strategy and effects on character and appearance would not significantly and demonstrably outweigh the considerable economic and significant social benefits.
102. Taking account of the Cardwell decision para 42 relating to Preston's housing supply the calculation for Chorley is:
103. At 1st April 2020 there was a total supply of 1,617 (net) deliverable dwellings which is a 11.2 year deliverable housing supply over the period 2020 – 2025 based on the annual housing requirement of 144 dwellings which includes a 5% buffer and takes into account the previous oversupply.
104. The tilted balance is not, therefore, engaged.

Emerging Central Lancashire Local Plan

105. The assessment of Safeguarded Land is being undertaken as part of a comprehensive review of the Central Lancashire Local Plan. This assessment process will ensure that the most suitable areas of Safeguarded Land are released, if required, and brought forward for development where appropriate, thereby minimising harm to Green Belt boundaries. Granting planning permission on safeguarded land outside that process means that the opportunity is not taken to ensure that the decisions taken are least harmful.
106. There is a total of 11 Safeguarded Land sites designated in the Chorley Local Plan (which includes the Euxton Lane appeal site and adjacent area forming site BNE3.9 Policies Map 1, Chorley Borough). The assessment should not be carried out ad-hoc through the development management process, rather as part of a holistic Strategic Housing Economic Land Availability Assessment and sustainability appraisal process. The new Local Plan will cover the whole single housing market area.
107. Sites in the wider safeguarded area BNE3.10 were included in the Issues and Options consultation for the Central Lancashire Local Plan (CLLP) under site references 19C277x, 19C278x, 19C279X, 19C280x and 19C281x (a larger site than the application proposal). Site 19C001 (Annex 5- All Site Submissions received for Chorley) was submitted by the applicant. Public consultation on this document was between November 2019 – February 2020.

108. This application is for proposed development of the southern part of the of the safeguarded area. The wider safeguarded area will be considered as part of development of the CLLP, which will allow for the future of the safeguarded area to be considered as a whole. This will allow for matters such as open space provision and affordable housing provision to be considered as part of the wider area.

Central Lancashire Local Plan: Site Assessment work

109. Three call for sites exercises have been completed to date for the Central Lancashire Local Plan. The results from call for sites 1 and 2 were consulted on as part of the Issues and Options Consultation which ran between November 2019 and February 2020, during this time, a further window was opened for addition site suggestions (Call for sites 3).

110. Detailed work to assess the sites commenced in February 2021 following completion of Level 1 Strategic Flood Risk Assessment (SFRA). This being undertaken in line with Strategic Housing and Economic Land Availability Assessment (SHELAA) methodology.

111. Officers in Chorley, South Ribble and Preston Councils finished their initial assessment of the sites in January 2021, and their findings have been collated by the Central Lancashire Local Plan (CLLP) Team into the SHELAA database. The CLLP Team are now starting to assess the sites in detail to look at their suitability. This work will also include undertaking Integrated Assessment (IA) and Habitats Regulation assessment (HRA) and viability assessment of the sites, and will bring in findings of the SFRA as well as consultation responses on the specific sites from Statutory Consultees and local residents.

112. The direction of growth and development of a spatial strategy for the area is also in early development, with the Councils starting to look at the level of growth likely to be needed over the plan period and how the plan should look to direct this. There is still considerable work to be done on this, including testing the emerging options in terms of transport and other infrastructure needs as they develop.

113. It is important to note that until all these stages of work have been completed, no decision on sites to be taken forward through the Central Lancashire Local Plan can be made.

114. When considering the acceptability of the principle of the development and taking in account the above factors as set out in this section, the proposed development is unacceptable as a matter of principle, in planning policy terms.

115. Notwithstanding this, it is necessary to consider whether there are any other material considerations that would outweigh the non-compliance with the development plan and identify any resultant harm.

Impact on ecological interests

116. *Policy BNE9 (Biodiversity and Nature Conservation) of the Chorley Local Plan 2012 – 2026 stipulates that Biodiversity and Ecological Network resources will be protected, conserved, restored and enhanced; and that priority will be given to, among other things, protecting, safeguarding and enhancing habitats for European, nationally and locally important species. The policy also requires, among other things, that where there is reason to suspect that there may be protected habitats/species on or close to a proposed development site, the developer will be expected to carry out all necessary surveys in the first instance; planning applications must then be accompanied by a survey assessing the presence of such habitats/species and, where appropriate, make provision for their needs.*

117. The applicant has submitted an Ecological Survey and Assessment (ERAP (Consultant Ecologists) Ltd, version 01, October 2020) and Indicative Access and Parameters Plan (Urban Green/Redrow, dwg no UG_709_UD_DRG_APP_03c,26.11.2020) in support of the proposed development. These have been reviewed by the Council's ecology advisors Greater Manchester Ecology Unit (GMEU) who consider that the report appears to have used reasonable effort to survey the habitats on site and make an assessment of their

suitability to support protected/species of principal importance (Section 41, NERC 2006 [Natural Environment & Rural Communities Act]).

118. The survey was conducted in May 2019 and September 2020. It is noted that the woodland to the north and some ponds were not accessible during the surveys. However, given the nature and size of the proposal this is not considered to be a constraint on the assessment and does not invalidate its findings.

119. The Report concluded that the site supports a number of features of some value to biodiversity: -

- Woodland to north (outside the edge red)
- Ditches and hedgerows
- Semi-improved grassland to north of fishing lodge

120. All other protected/principal importance species matters were reasonably discounted. There is currently no known reason to contradict the findings of the Report and the application can be forwarded to determination in respect of biodiversity without the need for any further work.

121. The Access and Parameters plan demonstrates that the level of proposed development can be accommodated while still retaining features of value and providing sufficient buffer and enhancement of the site. GMEU have recommended that the parameters plan be conditioned on any permission if granted. However, the plan is illustrative only and layout / landscape do not form part of the scope of this application.

122. The Report makes detailed recommendations at Section 5 and Table 5.1 which should be used to guide the design of a detailed scheme. These are:

- Retention and management of woodland to the north
- Buffer along northern site boundary and the River Lostock
- Enhancement of Field 6 (north of fishing lodge)
- Control of invasive species (Himalayan balsam)
- Retention of hedgerows, ditches and trees
- Lighting strategy
- Installation of bat roost features in properties
- Protection of nesting birds during breeding season (March – August inclusive)
- Installation of bird boxes
- Maintenance of habitat connectivity and ecological permeability of boundary/curtilages features
- Locally native planting scheme

123. The Report also recommends that a Habitat Management Plan should be incorporated into the Landscape Management of the site and it is recommended that any future scheme should provide both the detail and the mechanism, which can be used to secure this management in the long term (> 10 years). Production of this plan and demonstration of its deliverability could be secured by condition.

124. It is considered that the proposed development can be delivered in line with policy BNE9 of the Chorley Local Plan 2012 – 2026 if carried out in accordance with the recommendation of the ecological survey and assessment.

Highway safety

125. *Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that the residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction.*

126. *Policy ST1 (New provision of Footpaths, Cycleways, Bridleways and their associated facilities in existing networks and new development) stipulates that new development and highways and traffic management schemes will not be permitted unless they include appropriate facilities for pedestrian, cycle parking facilities, and /or cycle routes. The policy requires, among other things, that proposal should provide for facilities for pedestrians and cyclists to facilitate access on foot and by bicycle to nearby residential, commercial, retail, educational and leisure areas, where appropriate; and additional footpaths, bridleways and cycleway routes between the countryside and built up areas where appropriate.*
127. A detailed Transport Assessment (TA) has been submitted in support of the proposed development. This provides an analysis of the accessibility of the scheme by non-car modes of transport; a summary of the estimated multi-modal trips generated by the scheme, along with the distribution and assignment of these on to the local highway network; and a summary of the estimated highways impact of the development including capacity assessments at various local junctions. These respond to an analysis of the site and local highway network in relation to the site access arrangements and illustrative masterplan providing for a residential development of up to 250 residential dwellings.
128. The TA sets out that the proposed development would access onto the local network via a new priority junction onto Town Lane, with a dedicated pedestrian/cycle/emergency access located at the western end of the site onto Town Lane. The TA considers that the site has a good level of accessibility and can therefore help contribute towards the use of alternative travel modes. It identifies that a range of bus services are available within 600m of the site, along with the services provided at train stations beyond.
129. The results of the capacity assessments at local junctions have been factored up to account for travel restrictions related to COVID, background traffic flows have been factored up again to account for future traffic growth and committed development traffic has been added. It is also identified that there will be an element of double-counting given that some of the committed developments will already be partially operational and that background traffic growth has been applied in addition to comprehensive committed development traffic being added. The TA considers that all of the junctions assessed have been found to operate within capacity for both a full opening year of 2025 and a future year of 2030. It therefore concludes that there are no highways-related reasons to withhold planning permission for the proposed development.
130. Lancashire County Council Highway Services have been consulted in relation to the proposed development, and TA that has been submitted, but had not finalised their report at the time of writing. The comments of Lancashire County Council as the Local Highway Authority (LHA) will therefore be reported on the addendum prior to the Committee meeting.
131. On the matters of parking provisions policy ST4 'Parking Standards' of the Chorley Local Plan 2012-2026 requires that proposals for development will need to make parking provision in accordance with the standards set out in Appendix A of the Local Plan. Appendix A identifies the Council's minimum parking standards for new development. It is not currently known how many bedrooms would be provided within each dwelling. It is, however, considered that there is sufficient room on-site for the provision of parking spaces to accord with policy ST4 at reserved matters stage and their provision could be required by planning condition.
132. The Framework is clear at paragraph 109 that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. There is no evidence to demonstrate a severe cumulative impact at this time, however, the acceptability of the proposed development on highway grounds cannot be confirmed until the formal comments of the LHA have been received.
133. Notwithstanding the absence of the LHA assessment at this stage, it is the case that the application site only includes a small part of the overall safeguarded land allocation and, therefore, results in a piecemeal and disjointed approach to the proposal and its

relationship with the wider site and locality beyond. The development of the site in isolation does not enable the development of a cohesive network of footpath and cycle links across the wider allocation with the amenities in Whittle le Woods and the footpaths and open spaces beyond the allocation to the north. This contributes to an isolated form of development that does not integrate well with the wider area, which leads to an unsustainable form of development.

Impact on the character and appearance of the area

134. *Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, among other things, the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials; that the layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area; and that the proposal would not have a detrimental impact on important natural habitats and landscape features such as historic landscapes, mature trees, hedgerows, ponds and watercourses. In some circumstances where on balance it is considered acceptable to remove one or more of these features, then mitigation measures to replace the feature/s will be required either on or off-site.*
135. *Policy BNE10 (Trees) Stipulates, among other things, that proposals that would result in the loss of trees, woodland areas or hedgerows which make a valuable contribution to the character of the landscape, a building, a settlement or the setting thereof will not be permitted. Replacement planting will be required where it is considered that the benefit of the development outweighs the loss of some trees or hedgerows.*
136. *Core Strategy policy 17 seeks to ensure that the design of new buildings takes into account the character and appearance of the local area, including among other things, linking in with surrounding movement patterns and not prejudicing the development of neighbouring land; and protecting existing landscape features and natural assets.*
137. The application seeks outline planning permission for up to 250 dwellings, with the illustrative masterplan showing a new access road proposed on Town Lane, on the southern edge of the site. The illustrative masterplan also shows one possible way in which the site could be developed with a single point of access from Town Lane into the development. Roads leading from the point of arrival include a circular route towards the east of the site and a cul-de-sac to the west, with secondary roads and private driveways from these roads located throughout the development.
138. When considering any development proposal, the Council must be mindful of the National Planning Policy Framework (The Framework) that states that the Government attaches great importance to the design of the built environment and good design is a key aspect of sustainable development. The Framework also states that planning policies and decisions should aim to ensure that developments (amongst other things) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
139. Chorley Council plans positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes and seeks to create well-mixed and integrated developments which avoid segregation and have well-planned public spaces that bring people together and provide opportunities for physical activity and recreation. The provision of connective footpaths and pedestrian permeability through the wider site is an important aspiration for the development of the site when considering the acceptability of the principle of the development.

140. The application is accompanied by a submitted illustrative masterplan which fails to achieve this aspiration as it does not consider the wider site allocation as a whole or indeed its key features and characteristics, but provides a piecemeal and disjointed approach to the proposal and the wider site. The Council would expect a comprehensive masterplan.
141. The layout, appearance, scale and landscaping aspects of the proposal do not form part of this outline application and would follow at any reserved matters stage. From the indicative layout plan submitted, it is considered that adequate residential curtilage would be provided with adequate space for parking and general amenity. It is considered that the dwellings could be designed without detriment to the appearance of the site or the character of the streetscene. Nevertheless, this could only be fully assessed at reserved matters stage.

Amenity

142. *Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, where relevant to the development the proposal would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact; and that the proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses.*
143. It is considered that the dwellings could be designed without detriment to residential amenity.
144. Any impacts during the construction phase would be temporary and suitable mitigation measures could be imposed by a planning condition, for example, through a Construction Environmental Management Plan.

Contaminated land

145. It is apparent that there are some local community concerns that have been raised with the Council regarding a former landfill site located between 48 and 72 Town Lane on the south side of the road, and the impact that this could have on the future occupiers of any development that may take place on the application site. This landfill site is outside the application site but is close to it.
146. Representations that have been received suggest the disposal of asbestos, high levels of methane and disposal of low-level nuclear/radioactive waste. Representations also suggest that there is evidence that the site took asbestos and was not topped off properly.
147. At the time of writing, the Council has no specific evidence to support these concerns raised by the local community, and in particular the claim about nuclear waste disposal and high levels of methane. It is possible that there is asbestos in the landfill site. As long as this is not disturbed it should not present a significant risk of harm. Cllr Mark Clifford has provided some documentation in this regard, however, this does not validate the aforementioned concerns.
148. If the application site included the area of landfill itself then a full investigation into the site prior to development and commencement of development would be required, however, as the site lies outside the boundary of the application site the applicant is not explicitly required to investigate landfill that is nearby, only to consider the risks that the site in its current state may present, based on the available evidence, as part of its site investigation works. The developer must ultimately satisfy itself that there is no unacceptable risk to human health or controlled waters such that the land could be designated as contaminated land as defined under Part2A EPA 1990.
149. The Environment Agency (EA) has considered the information submitted in support of the proposed development in relation to information available regarding the nearby landfill activities. The EA identifies that Lowe Farm is 9 metres south of the proposed development site, and although not well run (at the time), the wastes within this site would be assessed in

a later site investigation as proposed by the desk study. Cawood Farm has also been defined 177 metres north of the proposed development site, however, the wastes are incorrectly listed as 'Industrial', when in effect records show this to be Low-Level Radioactive Waste (LLRW) (1953-1959).

150. The conclusion of the report is that site investigation would be necessary, as shown in the following extract:

8.2 Proposed Ground Investigation Scope

On assessing the potential risks on site, we have compiled the following recommendations for initial investigation;

- *Three (3 No.) days trial pitting.*
- *Ten (10 No.) window sample boreholes to 3mbgl targeting infilled reservoir, worked ground, fossil horizons and offsite landfill deepened to 5mbgl where infilled ground is encountered.*
- *Six (6 No.) ground gas monitoring visits over a 3-month period at varying barometric pressures.*
- *Forty (40 No.) soil samples (topsoil, made ground and natural) taken for chemical analysis to benchmark contamination levels across the site. Proposed testing will include but not be limited to the following; heavy metals suite (comprising; As, Cd (low level), Cr Vi, Pb, Hg, Se, Ni, Cu, Zn), Organic Matter, Sulphate, pH, speciated polycyclic aromatic hydrocarbons and TPH CWG. Asbestos testing within topsoil and Made Ground (if present) with quantification for positive samples.*

151. The report goes on to state the following:-

- *The scope of works should be agreed with the Local Authority prior to the intrusive ground investigation and as such may change.*
- *Additional SI may be required following completion of the initial SI.*

152. With the issues pertaining to the deposit of wastes at Cawood Farm and any groundwater contamination issues, the EA suggest that the Local Authority and the Environment Agency should request that future site works take this issue into consideration by increasing the parameters to be measured for (to include possible LLR parameters), and consideration of the direction of groundwater flow, establishing if there is any potential for impact upon the outlined development.

153. This could be secured by condition requiring that no development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development, has been submitted to, and approved in writing by, the local planning authority.

Drainage and flood risk

154. *Core Strategy Policy 29 (Water Management) seeks to improve water quality, water management and reduces the risk of flooding in a number of ways including, among other things, appraising, managing and reducing flood risk in all new developments.*

155. The applicant has submitted a Flood Risk Assessment and Drainage Strategy, produced by Waterco, referenced w10857-190205-FRA & Drainage Strategy.docx, second issue, dated 14 February 2019 in support of the proposed development. These have been reviewed by the EA and Lead Local Flood Authority (LLFA) who raise no objections to the proposed development.

156. The EA have identified that the proposed site boundary is partly located within Flood Zone 3, which has a high probability of flooding. According to the FRA and illustrative masterplan, all development will be located within the part of the site that falls within Flood Zone 1,

which has a low risk of flooding. Planting is illustrated along the northern boundary of the site, in close proximity to the main River Lostock. This is acceptable in principle, however, may be subject to an Environmental Permit.

157. The EA have reviewed the FRA in so far as it relates to their remit and are satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented. The proposed development must therefore proceed in strict accordance with this FRA and the mitigation measures identified, which should form part of any subsequent planning approval. Any proposed changes to the approved FRA and / or the mitigation measures identified will require the submission of a revised FRA.
158. Under the Flood and Water Management Act 2010 the LLFA is the responsible 'risk management authority' for managing 'local' flood risk which refers to flooding or flood risk from surface water, groundwater or from ordinary watercourses. The LLFA is a statutory consultee for major developments with surface water drainage, under the Town and Country Planning (Development Management Procedure) (England) Order 2015.
159. In assessing the FRA the LLFA have identified that the "Concept Surface Water Drainage Scheme" included within the FRA (w10857-190205-FRA & Drainage Strategy.docx) states that water volumes up to the 1 in 100 year storm event +30% climate change will be contained on site within the sustainable drainage system. Government guidelines on climate change allowances stipulates that developments with a design life beyond 2080 should account for upper end estimations for the total potential change anticipated, which equates to a 40% additional allowance for the 1 in 100-year storm event.
160. Given the history of flooding within the catchment and the proximity of the site to the River Lostock, the LLFA strongly recommends that a betterment beyond the standard attenuation and discharge requirements is required as part of the final detailed surface water drainage strategy. This is also to accommodate any issues that may arise from the interaction between the main river and the SuDS outfall when river levels are high.
161. It is noted that the drainage calculations provided in Appendix F of the FRA feature a design head of 1m. This is acceptable in principle, given the lack of an indicative drainage layout. Given the proximity to a main river, however, the final drainage calculations should use a design head equivalent to the maximum river level above the SuDS outfall to ensure the system will not pose flood risk when river levels are high and the outfall is surcharged.
162. More generally in consideration of the detailed drainage design for the site the Planning Practice Guidance (PPG) establishes a hierarchy for surface water disposal, which encourages a Sustainable Urban Drainage approach (SuDS): Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:
- i. into the ground (infiltration);
 - ii. to a surface water body;
 - iii. to a surface water sewer, highway drain, or another drainage system;
 - iv. to a combined sewer.
163. Paragraph 103 of the Framework requires that surface water arising from a developed site should, as far as it is practicable, be managed in a sustainable manner to mimic surface water flows arising from the site prior to the proposed development, whilst reducing flood risk to the site itself and elsewhere, taking climate change into account.

Affordable housing

164. Core Strategy policy 7 sets down the approach to the delivery of affordable and special needs housing:

“Subject to such site and development considerations as financial viability and contributions to community services, to achieve a target from market housing schemes of 30% in the urban parts of Preston, South Ribble and Chorley and of 35% in rural areas on sites in or adjoining villages.....”

“Aside from rural exception sites the minimum site size threshold will be 15 dwellings (0.5 hectares or part thereof) but a lower threshold of 5 dwellings (0.15 hectares or part therefore) is required in rural areas.”

165. The adopted Central Lancashire Affordable Housing Supplementary Planning Document provides additional information on the delivery of affordable housing, with paragraph 34 stating:

“The size of development should not be artificially reduced to reduce or eliminate the affordable housing requirement as set out in the Core Strategy and at page 5 of this document, for example by sub-dividing sites or reducing the density of all of part of a site.”

166. However, the Framework requires that affordable housing should only be sought for residential developments that are major developments (10 or more dwellings). The affordable housing threshold in rural areas of 5 dwellings in Core Strategy Policy 7 has, therefore, now been replaced by the Framework threshold of 10 dwellings.

167. In accordance with Core Strategy Policy 7, 30% of the dwellings are required to be affordable. This equates to 75 dwellings. 70% (53) of these should be social rented and 30% (22) should be shared ownership.

168. The applicant is proposing 30% affordable housing which is in accordance with Core Strategy Policy 7.

169. The house types to be provided will be determined at the reserved matters stage.

170. This would need to be secured through a Section 106 legal agreement if the application was approved.

Public open space

171. Policy HS4A and HS4B of the Chorley Local Plan 2012 – 2026 - Open Space Requirements in New Housing Developments explains that all new housing developments will be required to make provision for open space and recreation facilities, where there are identified local deficiencies in the quantity, accessibility or quality and/or value of open space and recreation facilities. The requirements for the proposed development are as follows:

Amenity Greenspace:

172. Local Plan Policy HS4A sets a standard of 0.73 hectares per 1,000 population.

173. There is currently a deficit of provision in Clayton-le-Woods and Whittle-le-Woods in relation to this standard, a contribution towards new provision in the ward is therefore required from this development. As the development is 10 or more dwellings the required amenity greenspace should be provided on-site. The amount required is 0.438 hectares. A maintenance cost of £175,000 is also required for a 10 year period if private maintenance is not proposed.

Provision for children/young people:

174. Local Plan Policy HS4A sets a standard of 0.08 hectares per 1,000 population.

175. There is currently a deficit of provision in Clayton-le-Woods and Whittle-le-Woods in relation to this standard, a contribution towards new provision in the ward is therefore required from this development. As the development is 100 or more dwellings the required provision for children/young people should be provided on-site. The amount required is 0.048 hectares.

A maintenance cost of £32,500 is also required for a 10 year period if private maintenance is not proposed.

Parks and Gardens:

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

177. There are no parks/gardens within the accessibility catchment (1,000m) of this site identified as being low quality and/or low value in the Open Space Study therefore a contribution towards improving existing provision is not required.

Natural and Semi-Natural Greenspace:

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

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

Allotments:

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

181. The site is not within the accessibility catchment (10 minutes' drive time) of a proposed new allotment site, a contribution towards new allotment provision is therefore not required from this development.

Playing Pitches:

182. A Playing Pitch Strategy was published in June 2012 which identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is therefore required from this development. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements. The amount required is £1,599 per dwelling.

183. The total financial contribution required from this development is as follows:

Amenity greenspace	= £175,000 (if private maintenance not proposed)
Equipped play area	= £32,500 (if private maintenance not proposed)
Parks/Gardens	= £0
Natural/semi-natural	= £0
Allotments	= £0
Playing Pitches	= £399,750
Total	= £607,250

184. This would need to be secured through a Section 106 legal agreement if the application was approved.

Sustainability

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

“For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation

Bill 2015. This is expected to happen alongside the introduction of zero carbon homes policy in late 2016. The government has stated that, from then, the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the government's intention into account in applying existing policies and not set conditions with requirements above a Code Level 4 equivalent."

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

186. Given this change, instead of meeting the code level, the dwellings should achieve a minimum dwelling emission rate of 19% above 2013 Building Regulations in accordance with the above provisions. This can be controlled by a condition.

Education

187. Central Lancashire Core Strategy policy 14 (Education) seeks to provide for education requirements in a number of ways including asking developers to contribute towards the provision of school places where their development would result in or worse a lack of capacity at existing schools.
188. Lancashire County Council, as the Education Authority, seek to secure financial contributions towards any additional school places required as a result of new housing development in order to mitigate the impact upon the education infrastructure which new housing developments may have.
189. The latest information available at this time is based upon the 2021 School Census and resulting projections.
190. Based upon the latest assessment, Lancashire County Council advise that an education contribution is not required at this stage in regard to this development.

Employment skills provision

191. The Central Lancashire Employment Skills Supplementary Planning Document (SPD) was adopted in September 2017. The SPD introduces Employment Skills Statements and provides clarity as to how this requirement relates to the relevant policies set out in the Core Strategy and Local Plan as well as the guidance set out in the Framework. The SPD goes on to state that one of Central Lancashire's priorities is to encourage economic growth within Central Lancashire that benefits the people and businesses in the three boroughs. The SPD seeks to;
- increase employment opportunities by helping local businesses to improve, grow and take on more staff
 - help businesses to find suitable staff and suppliers, especially local ones
 - improve the skills of local people to enable them to take advantage of the resulting employment opportunities
 - help businesses already located in Central Lancashire to grow and attract new businesses into the area
192. The SPD requires development over certain thresholds to be accompanied by an Employment and Skills Statement to ensure the right skills and employment opportunities are provided at the right time. This is to the benefit of both the developer and local population and covers the following areas:
- Creation of apprenticeships/new entrants/graduates/traineeships

- Recruitment through Job Hub and Jobcentre plus and other local employment vehicles.
- Work trials and interview guarantees
- Vocational training (NVQ)
- Work experience (14-16 years, 16-19 years and 19+ years) (5 working days minimum)
- Links with schools, colleges and university
- Use of local suppliers
- Supervisor Training
- Management and Leadership Training
- In house training schemes
- Construction Skills Certification Scheme (CSCS) Cards
- Support with transport, childcare and work equipment
- Community based projects

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

Benefits of the scheme

194. The Council considers that the adopted housing land supply policies are up to date, therefore the proposal is contrary to the development plan. Paragraph 12 of the Framework states "Where a planning application conflicts with an up-to-date development plan [...] permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed."

195. In this instance it has been identified that the proposed development is contrary to the policies of the development plan. It is therefore important to consider the proposal in the round. In accordance with Section 38(6) the decision maker should consider whether there are material factors that indicate that the development should be granted despite being contrary to policy. To this end the applicant has identified a number of planning benefits of the proposed development, which are considered below.

Social

196. The provision of up to 75no. affordable homes could contribute to the Local Planning Authority's stock of affordable housing. However, to develop the site now would be premature and place further pressure on future land supply. In order to inform future housing need including types and tenures, there is an emerging suite of evidence, which will support a robust local plan for the next 15 -20 years. There is no need to deliver this site now, rather, it should await the evaluation and outcome of the Central Lancashire Local Plan Review process. Accordingly, this is not a material consideration that justifies the early release of this site.

Environmental

197. The illustrative masterplan and D&A statement show both open space and children's playgrounds. These features would be accessible to new residents and the wider community. The provision of green infrastructure, open space and recreation facilities would be of moderate benefit, however, the provision of green infrastructure and open space is a policy requirement (HS4A) rather than a benefit of the proposal.

Economic

198. The economic benefits of the proposal carry little weight in justifying development of safeguarded land because they are generic and arise equally (pro rata) from the development of land that is not safeguarded. The proposals are likely to result in increased spend in the local area, which is considered to carry moderate weight.

199. The proposals also have a number of temporary benefits associated with the construction phase such as employment opportunities, indirect spend and new homes bonus funding. Due to their temporary nature it is considered these attract some moderate weight.
200. The Council does not regard increased council tax receipts as a benefit of the development as this is essential to cover the increased demand for Council services that the development would generate and is, therefore, a neutral factor.
201. There are no evident economic benefits that this development would provide that would not be generated by the residential development of land that is not safeguarded. It is not allocated for housing in the development plan and, therefore, such growth has not been accounted for in plan-making including developing the supporting evidence for future strategic infrastructure such as transport, education and training, open space and recreation, and, employment and skills.
202. The benefits advanced by the applicant are moderate in the weight that can be attributed to them as a whole and do not result in factors either individually or collectively that would indicate that the development should be granted despite being contrary to policy.

Community Infrastructure Levy (CIL)

203. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development will be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

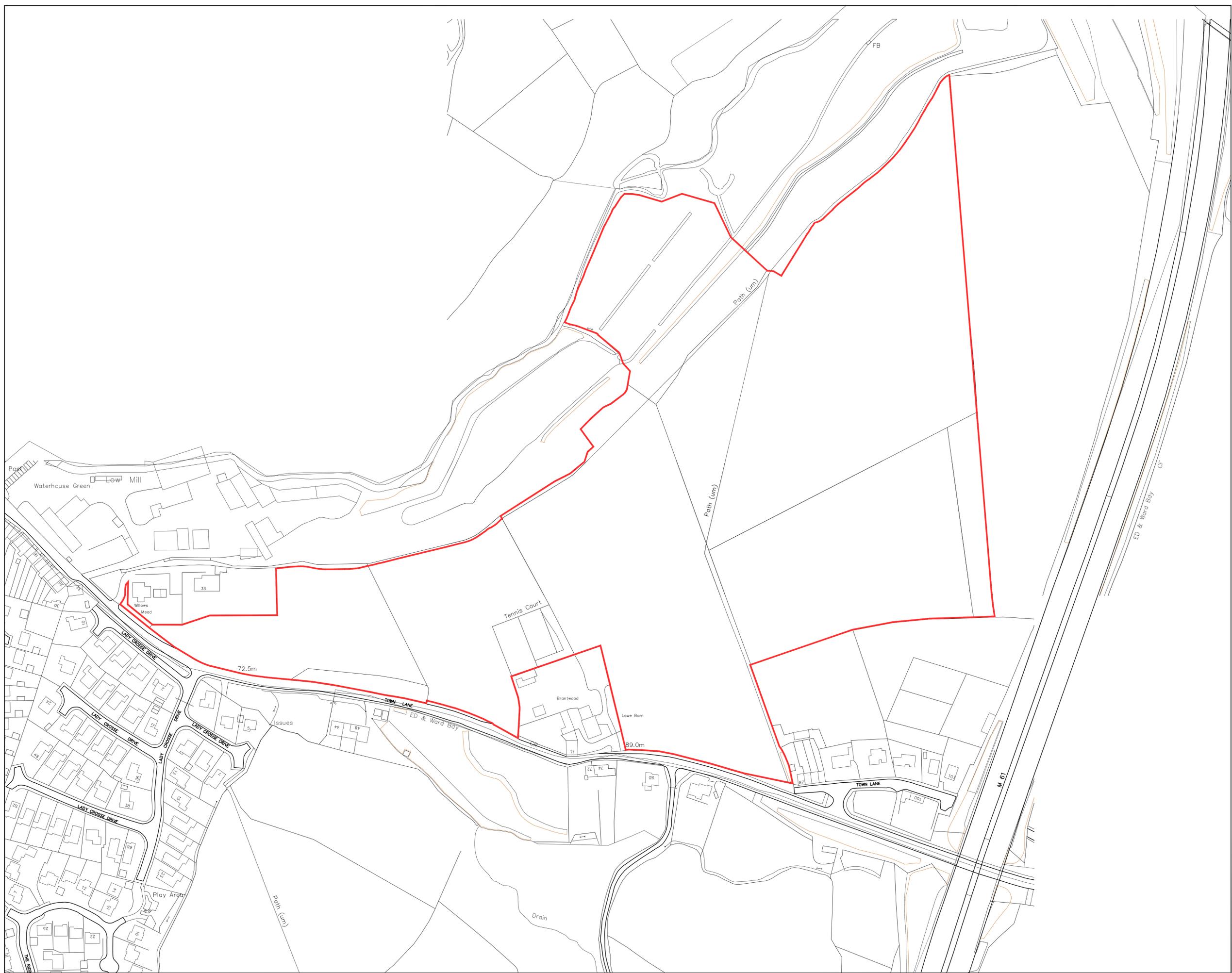
CONCLUSION

204. The application is contrary to the provisions of the development plan and does not represent a sustainable form of development having regard to the Framework presumption in favour of sustainable development. Overall it is not considered that there are any material considerations that would outweigh the conflict with the development plan and the Framework when taken as a whole. The housing requirement for Chorley is 417 homes per annum. The Council has a 11.2 year housing supply. The 'tilted balance' in paragraph 11(d) is therefore not engaged.
205. In addition, piecemeal development of this wider area of safeguarded land prevents the whole designation from being properly masterplanned in order to respond to the full impact of its development and achieve a suitable form of development, as this does not allow for infrastructure and services to keep up.
206. Overall it is not considered that there are any material considerations that would outweigh the conflict with the development plan and the Framework when taken as a whole and it is therefore recommended that the application be refused.

RELEVANT HISTORY OF THE SITE

Ref: 87/00746/FUL **Decision:** PERFPP **Decision Date:** 23 February 1988
Description: Erection of Bungalow with garage and carport and greenhouses for propagation of cacti and succulents

RELEVANT POLICIES: In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.



Revision	Date	Amendment	Red edge amended as per comments from land	FB	By	Check
A	01.09.2020					

Development		LAND OFF TOWN LANE	
Location		WHITTLE-LE-WOODS	
Marketing Name			
Drawing Title		Location Plan	
Drawing Number	TLWW/LP/01	Revision	-
Drawn By	StB	Scale @ A1	1:1250
Checked by	-	First Issue	08.11.2019


REDROW HOMES
 Redrow Homes Lancashire
Redrow House, 14 Eaton Avenue, Buckshaw Village, Chorley, PR7 7NA
 Tel: 01772 643700 Fax: 01772 643701 Web: www.redrow.co.uk

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This layout has been designed after due consideration of our Context & Constraints Plan

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Planning
Committee Meeting

12 April 2021



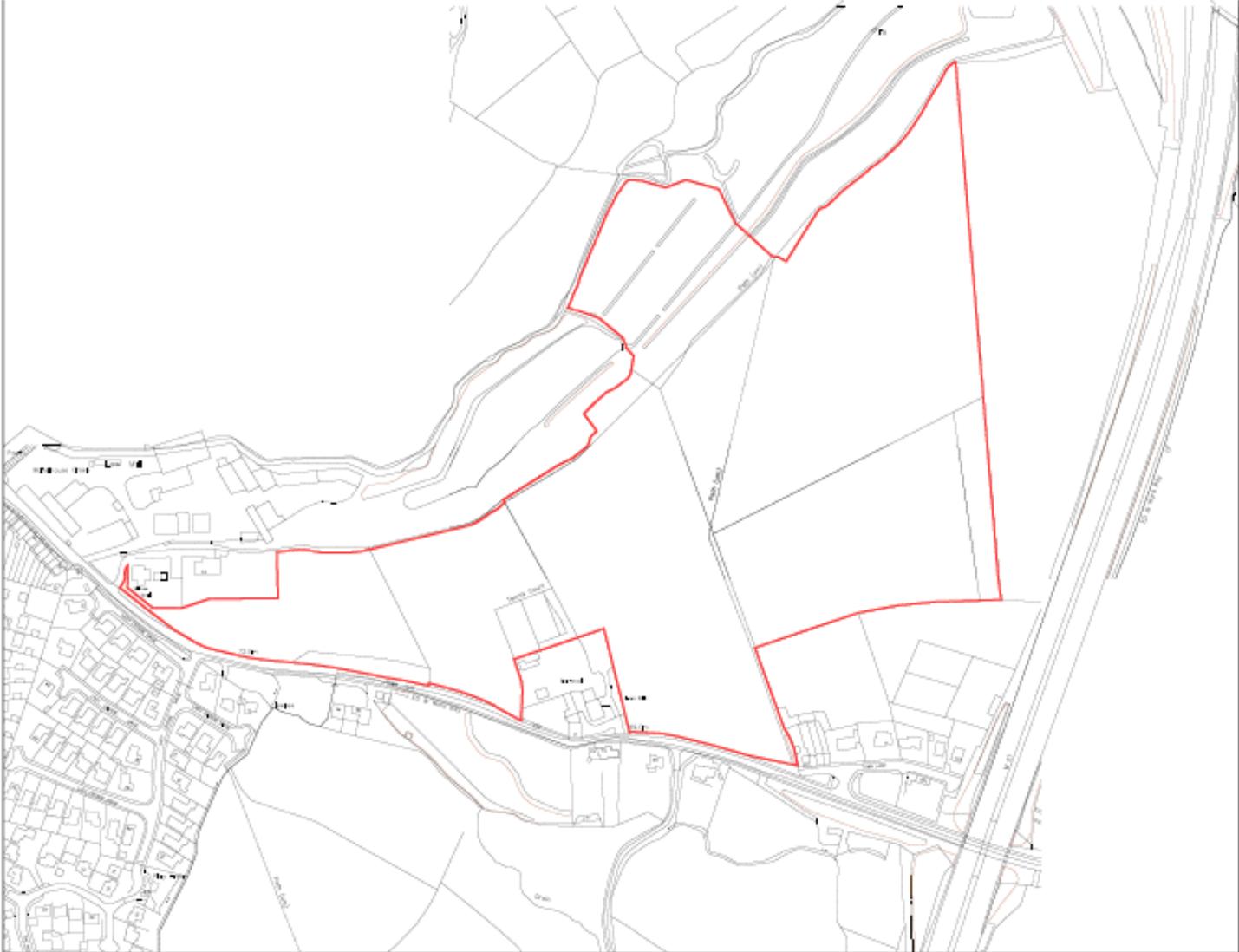
Item 3e

20/01347/OUTMAJ

Land North of Town Lane, Whittle-le-Woods

Outline planning application for the construction of up to 250 dwellings and associated infrastructure (including 30% affordable housing) with all matters reserved aside from the access from Town Lane

Location Plan

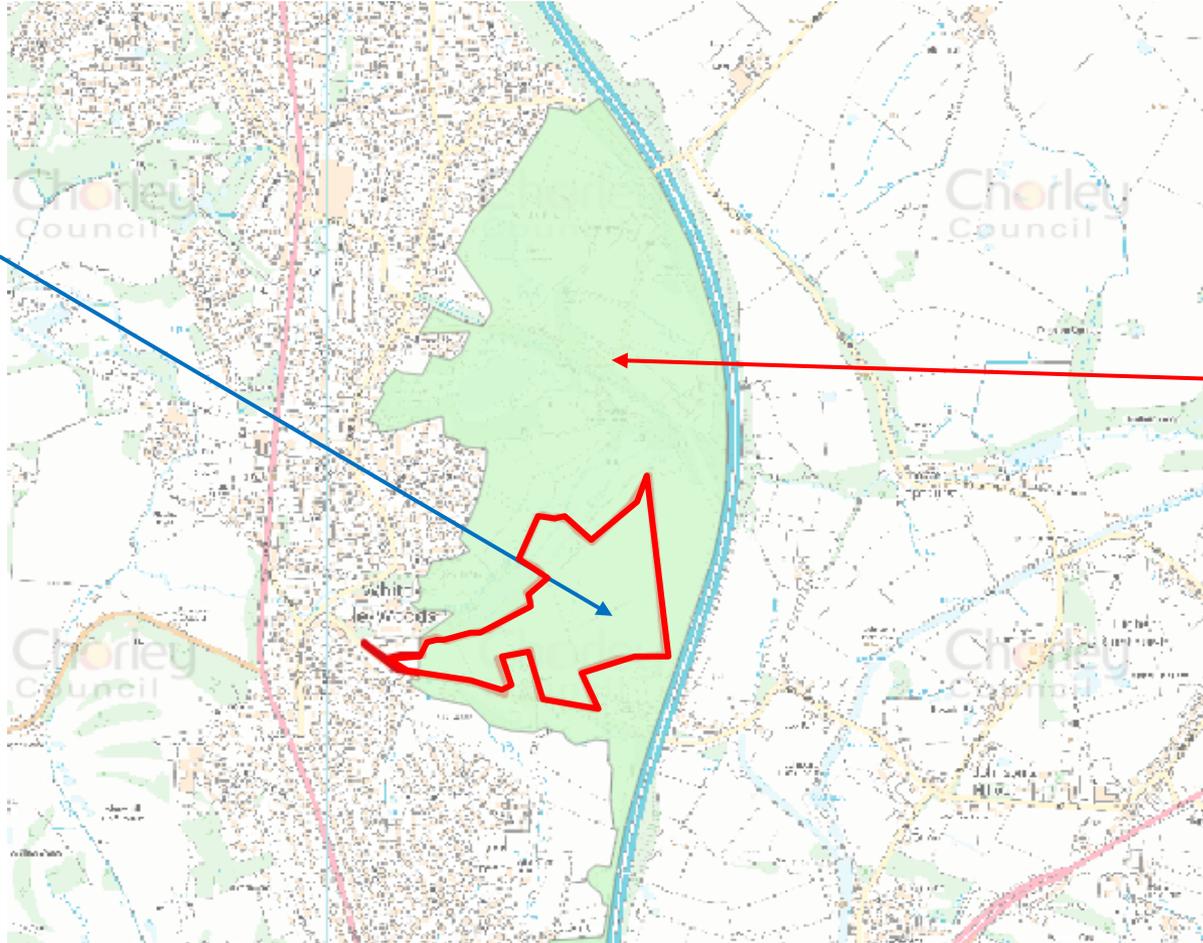


Aerial Imagery



Plan Showing Site in Context of Wider Safeguarded Land Designation

**Approximate
Location of
Application
Site**



**Remainder of
Safeguarded
Land
Designation is
Light Green**

Indicative Site Layout



Proposed Access from Town Lane



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C O M M I T T E E R E P O R T		
REPORT OF	MEETING	DATE
Chief Planning Officer	Planning Committee	Date: 12 April 2021

ADDENDUM

ITEM 3e – 20/01347/OUTMAJ - Land North of Town Lane, Whittle-le-Woods

The recommendation remains as per the original report.

Councillor Gabbott has objected to the application and has commented as follows:

- 1) it is safeguarded land which is currently under dispute due to central government but we cannot make decisions if our position is right.
- 2) it goes against our local plan in that: SO2: To ensure there is sufficient and appropriate infrastructure to meet future needs, funded where necessary by developer contributions. There is no mention of how infrastructure will be provided and Coppull is in need of an upgrade in several local services that are under pressure.
- 3) I do not believe that this application sufficiently complies with our policy ST1: New Provision or Improvement of Footpaths, Cycleways, Bridleways and their associated facilities in existing networks and new development.
- 4) it will contribute to more vehicles on the roads and increase emissions due to issues such as Policy ST2: Rail Facilities, Electrification and Improvement Land will be safeguarded for a railway station, and associated facilities including additional car and cycle parking at:
ST2.1 Station Road, Coppull for a new railway station;
- 5) I believe that it further exacerbated the extremely high density of homes in the Coppull ward going against SO6: To achieve densities for new housing that recognises the local character of surrounding areas, whilst making efficient use of land.
- 6) Coppull has a lack of green space especially amenity land for the health and wellbeing of residents. This land is used by a vast amount of locals and this development would remove their right to amenity green space as per Policy HS4A: Open Space Requirements in New Housing Developments All new housing developments will be required to make provision for open space and recreation facilities, where there are identified local deficiencies in the quantity, accessibility or quality and/or value of open space and recreation facilities.
- 7) this will have a long term devastating impact on the environment, wildlife, natural habitat and green space and this application contradicts the requirements we have set out in SO15: To foster 'place shaping' to enhance the character and local distinctiveness of the built environment in Central Lancashire by encouraging high quality design of new buildings
 - SO16: To protect, conserve and enhance Central Lancashire's places of architectural and archaeological value and the distinctive character of its landscapes
 - SO17: To maintain and improve the quality of Central Lancashire's built and natural environmental assets so that it remains a place with 'room to breathe'.
- 8) As per BNE1 this development will have a significant detrimental impact because of its density, siting and scale. It will also be overbearing for neighbouring properties

with the potential to overlook and overshadow. The elements of this proposal are of low quality and fail to adhere to the local plan and stay within the local character. It adversely impacts the highways and risks the safety of pedestrians and vehicles. It has a huge impact on important landscape features. The current green fields and landscape features help to absorb sound and it would create a dramatic increase in noise for neighbouring residents. There is also a lack of thought on how to prevent crime and promote community safety.

9) BNE 3.6 states it shall not be permitted.

10) BNE 6 states no nuisance effects on neighbours in relation to lighting but this cannot be guaranteed as the area is away from the highway and is high density and will require lighting that will be a nuisance to existing residents.

11) Policy BNE9: Biodiversity and Nature Conservation

In Chorley, Biodiversity and Ecological Network resources will be protected, conserved, restored and enhanced:

12) Policy BNE10: Trees Development proposals which would result in the loss of trees and/or involve inappropriate works to trees which contribute positively to the character and appearance of a Conservation Area will not be permitted. there is no exceptional circumstance which would warrant the destruction of established trees.

13) the council would be brought into disrepute if it went against the following strategic objectives SO18: To improve the health and wellbeing of all Central Lancashire's residents and reduce the health inequalities that affect the more deprived areas.

- SO19: To improve access to health care, sport and recreation, open green spaces, culture, entertainment, and community facilities and services, including healthy food.

- SO20: To create environments in Central Lancashire that help to reduce crime, disorder and the fear of crime, especially in the more deprived areas which often experience higher levels of crime. which if permission is granted would not adhere to these objectives in our local plan.

14) it goes against the councils green agenda, climate change emergency announcement and

SO24: To reduce water usage, protect and enhance Central Lancashire's water resources and minimise the pollution of water, air and soil. This development puts further strain on air quality and pushes the council further away from its target.

15) the area has previously seen an application refused: 400 Dwellings and Shop Units Ref. No: 5/5/09586 | Status: Refusal of Outline Planning Permission nothing has changed and so the result should be the same.

Finally, 5.1.2 of the air quality assessment particularly concerns me and could affect the health of residents especially during the Covid pandemic with the major health issue being respiratory problems.

Parish Councillors Peter Higham and William Yates have objected to the application and have both commented as follows:

- This land has not been designated for development in the current Local Plan.
- Chorley has exceeded its requirements for housing needs.
- The single access onto Town Lane will cause major traffic problems on Town Lane to the east on Blackburn Road and to the west at Waterhouse Green.
- Will have a very detrimental effect to the flow of traffic as these are already difficult areas of congestion.
- Previous Redrow housing developments have caused extensive flooding to houses on Town Lane and Waterhouse Green. Although the installation of attenuation tanks on these sites were supposed to prevent flooding this was not the case and flooding occurred.

- Public footpaths transverse and circumvent this site which will be totally ruined by this development.
- Residents with children in the village have constant problems trying to secure a place for their children in a local schools due to there being no places available.

Whittle-le-Woods Resident's Association have objected to the application and have commented as follows:

Summary of Objection

A very detailed objection has been received from Whittle-le-Woods Resident's Association as summarised below. At their request a copy of their full objection is appended to this addendum.

Is inappropriate on several grounds including scale, style, and lack of social and environmental sustainability.

If the land is to be developed in the future, it should be at much smaller scale, retaining more of the land in its current open character, and be progressed in the future ONLY when the local infrastructure is better able to provide services for the increased population.

It is not a mixed development with smaller (affordable) housing crammed into the least favourable areas of the site.

The design does not respond to the local area in terms of townscape or design. This echoes Redrow's 'standardised' approach nationwide.

Journeys from the site will largely be by car. The DAS assessment of its foot and cycle connectivity is based on underestimated measurement of distance, ignorance of footpath suitability and optimism of propensity to walk, cycle or use the infrequent bus service.

The assessment of journeys, including at peak time, seems significantly lower than that which would normally occur with a development of this size.

The only point of access is onto Town Lane, which has several points of restriction. Several structures along Town Lane, including a narrow canal bridge, are listed and the whole road has a 7.5 tonne weight limit. This will prove problematic in both the construction and the occupancy phases. Other local roads which may become 'cut-throughs' are unsuitable and will compound the problem.

Contrary to Redrow's assertions, the site shows considerable capacity for wildlife much of which would probably be reduced if the development proceeds at the proposed scale.

The effects of the development on areas already prone to flooding is likely to be severe. The incidence of extreme rainfall events is likely to increase and the excess run-off AT THESE TIMES is likely to exacerbate current risk to Waterhouse Green, just downstream of the site. Flood warnings are a regular occurrence in this part of the village. They are very concerned that the ability of the proposed attenuation measures will not be enough to prevent a worsening of the already bad situation for local residents. They are very concerned that insufficient pre-application monitoring has been carried out to firmly conclude that the proposals will not increase the vulnerability of Waterhouse Green / Town Lane, to flooding and we believe the applicant's survey and report do not cover the issues that need to be addressed.

Infrastructure in Whittle-le-Woods is currently inadequate to support the present population, especially in terms of school spaces and healthcare, and will be even more so if a development of this scale proceeds. The shop referred to has closed, the doctor's surgery is relocating an extra c.800m further away from the site, and the dentist indicated does not take NHS patients.

Foul sewage would use the existing network along Town Lane. The same applicant also intends to connect the new properties at Croston's Farm to this same pipe. We believe this is likely to overload the system and cause issues.

Redrow's record on developing properties that provide environmental sustainability is poor – though the DAS pays lip-service to this there is no indication that they will deliver anything over the statutory minimum in this field. This will do nothing to help meet the Government's Climate Change targets.

The issues raised at previous community meetings, planning consultations and Redrow's own inadequate pre-planning consultation have not been addressed.

The nuisance from noise and air pollution from the M61 has not been adequately addressed.

The plans include 'areas for future development'. This would increase all of the issues that cause problems with the site, as well as being very close indeed to the M61.

The proposed footway/cycle-path connection to Town Lane is unlikely to be mobility-friendly and is positively dangerous at the junction point. Redrow's record of good provision in this area is poor. The cycleway indicated on the indicative masterplan to the north does not yet exist and is unlikely to be built in the rear future. Routes to a single local shop for pedestrians is generally not suitable for shopping trips and the cycle route is not easy. The committee are invited to undertake a site visit which includes walking or cycling to the local amenities.

The subject site has such significant constraints that sustainable development, responding to the nature and context of the site is very difficult. At the scale proposed it is impossible. If the site is to be developed it should be for many fewer properties, designed sympathetically to compliment the local character, leaving the northern and eastern parts of the site as open land. Much more attention needs to be paid to environmental sustainability, responding to the site's ecology and ensuring safe access and use of Town Lane.

The proposal does nothing to offer benefit to the local community – on the contrary, it will be a significant disbenefit in almost every respect. For example, see the analysis of healthcare in the area.

Whittle-le-Woods Flood Action Group have objected to the application and have commented as follows:

Summary of Objection

As a village, Whittle-le-Woods has encountered significant and increasing distress based on actual residential flood events, EA flood alerts (30 spanning the last 4+ years) and Telemetry system alerts (8 of which have occurred in 2020 alone). The telemetry system was an investment made following the 2015 Boxing Day floods

allowing a 'local' understanding of the River Lostock and it's erratic and sudden behaviours the be achieved.

Following the 'once in a 100 year' events of 2015, they have worked with CBC, EA, LCC, Whittle Parish councils and a number of third parties in dispatches to help to build flood mitigation resources, improve surface water run offs through culvert clearance & improve our knowledge of the river all in the hope of protecting the village and villagers, lives and livelihoods. The immediate community residing in either the highest risk Flood zone area (as defined by the EA) and/or up/down stream have been tremendous in their endeavours, commitment and tolerance of what is now everyday life - living with the threat of the River Lostock on their doorstep. The meandering stream that turns into an aggressive force given in some cases only a few hours worth of rain.

The Flood Action Group (FAG) has liaised tirelessly with primarily Whittle Parish Council to secure funding on an annual basis and continues to play an active and protective role on a weekly, sometimes daily basis clearing gullies, clearing the river banks, deploying sandbags etc. Rest assured this work will continue.

The development proposal simply serves to perpetuate the flood risk already existing at the highest level. The development site does not have a flood risk associated to itself, however the downstream consequences are highly likely to be negatively significant to flooding.

They have attached a number of reports to their objection commissioned in the past 12 months that clearly outline in detail the associated risk – both current and indeed in anticipation of future development. It must be stated at this point that Redrow have already had planning permission granted for another 54 dwellings (Croston's Farm) with spades already in the ground – this will further the downstream impact. The field based report has been produced by independent experts indicating that the risk increases by a factor of three based on a development of this scale. The FRA produced by Waterco lacks local knowledge and detail and was produced back in 2019 – this is the reporting used to support the planning application. The submissions relating to surface water run-off into both the River Lostock and other drains used to carry away surface water is a smoke screen as these both would end up in the River Lostock in the Flood Risk Zone. The reports are not specific enough, lack detail and are out-dated.

The EA also and very importantly commissioned an assessment of the River Lostock dated 5th March 2020 (which they have attached). This report is extensive. It details options available to mitigate against flooding. It recognises the downstream threat in Whittle-le-Woods to the extent that the EA submitted for funding for 'upstream storage'. This comes at considerable cost and as such the National Programming Team proposed that this should be deferred until 2024/25 based on cost ratio. The EA team feel so strongly about this that they are challenging the National Programming Team saying 'that we don't want this project deferred due to repeated flooding in the community'. This indicates that a considerable threat currently exists and all of this reporting was produced before a '3 fold impact development' was proposed. What will the risk to lives and livelihoods be now based on these new proposals? They do not fully understand why the EA themselves would not object – they interpret that the EA are providing the green light to allow permits to be granted based on the vicinity of the development to the River Lostock without taking the time

to thoroughly evaluate this application – the above report (Lostock assessment) clearly does this.

They object and ask the content of this correspondence to be considered, consider the detailed reporting attached, understand the endeavours of the community and ask the council to support them in their attempts to protect a village and a community that is threatened and compromised by a proposal based on limited detail, a lack of local insight and a total disregard for the impact it will have on an adjacent/downstream community. Just because the development isn't sited in a Flood Risk Zone does not mean that serious implications don't exist for others.

The Environment Agency

Confirm that we have received consultation requests from Chorley Borough Council for the [six] proposals on Safeguarded Land.

With regards to these sites, they are not planning any works or undertaking any appraisals that could conflict with these.

They state they have also looked through the comments from the drainage engineer and we have no comments. The Environment Agency is not resourced to comment on surface water drainage, sewer flooding and flooding from ordinary watercourses as these are outside our remit as a statutory consultee.

The Environment Agency have provided further additional comments regarding strategic flood risk in relation to this state They state:

In 2018 the Environment Agency commissioned an Initial Assessment into flood risk on the River Lostock from Whittle-le-Woods to Ulnes Walton. The assessment sought to identify the baseline level of flood risk and options to mitigate the identified risk, as the first step towards development of a possible flood alleviation scheme. One of the conclusions of this study was that Whittle-le-Woods would need a further more detailed assessment. We plan to begin this assessment in April 2021.

In the Initial Assessment construction of a flood storage area is one of the recommended solutions to reduce flood risk downstream of the proposed development site in Whittle-le-Woods. The land considered as a flood storage area is east of the proposed development site. There is no direct impact on the site proposed for development and construction of a flood storage area will only proceed if future studies lead to a successful business case. However, due to the proximity of the site we are keen to start a dialogue with the developer as the proposals develop this year.

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Objection to Planning Application 20/01347 relating to Land to the North of Town Lane, Whittle Le Woods.

Objector : Whittle Le Woods (Town Lane neighbouring land) Residents' Association.

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3. Conclusion

List of Appendices

Appendix One – Redrow design ‘variety’ – illustrations from around England and Wales

Appendix Two – Schedule of wildlife known to use Town Lane site

Appendix Three – Flood alerts and warnings 2015-2021

Appendix Four – Air Quality

Appendix Five - Health indicators for the area

For queries or further comment, please contact wlwtownlaneresass.PR6@gmail.com

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1. Introduction and Summary of Objection

Introduction

This objection to Planning Application 20/01347 is made by Whittle Le Woods (Town Lane neighbouring land) Residents' Association. It is supported by many other residents of Whittle Le Woods with whom it has been shared.

The application comprises a significant number of documents which we have carefully considered. In order to provide clarity, our objection is structured around the 'Design and Access Statement' (DAS) provided on behalf of the applicants by Cass Associates. We will summarise our points of objection in the remainder of this Section 1, and then amplify and support them in Section 2 which provides a critique of, and mirrors the structure of, the applicant's DAS.

Summary of Objection

As we will demonstrate, the proposed development is inappropriate on several grounds including scale, style, and lack of social and environmental sustainability. The application for outline permission should be refused by Chorley Borough Council. We understand that the subject land has previously been identified as suitable for future development by the Council. However, it is our contention that, if such development is to take place, it should be at much smaller scale, retaining more of the land in its current open character, and be progressed in the future ONLY when the local infrastructure is better able to provide services for the increased population.

In contrast to the claims in the applicant's DAS, we submit that:

- Contrary to the DAS's assertion, the proposal does not provide 'mixed' development. It comprises large, detached villas with the minimum acceptable high density (affordable?) housing crammed into the least favourable area of the site.
- The design, as far as can be gleaned, does not respond to the local area in terms of townscape or design. This echoes Redrow's 'standardised' approach nationwide (see Appendix 1).
- Journeys from the site will largely be by car. The DAS assessment of its foot and cycle connectivity is based on underestimated measurement of distance, ignorance of footpath suitability and optimism of propensity to walk, cycle or use the infrequent bus service.
- The assessment of journeys, including at peak time, seems significantly lower than that which would normally occur with a development of this size.
- The only point of access is onto Town Lane, which has several points of restriction, which we detail below. Several structures along Town Lane, including a narrow canal bridge, are listed and the whole road has a 7.5 tonne weight limit. This will prove problematic in both the construction and the occupancy phases. Other local roads which may become 'cut-throughs' are unsuitable and will compound the problem.

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- Contrary to Redrow's assertions, the site shows considerable capacity for wildlife (see Appendix 2) much of which would probably be reduced if the development proceeds at the proposed scale.
- The effects of the development on areas already prone to flooding is likely to be severe. The incidence of extreme rainfall events is likely to increase and the excess run-off AT THESE TIMES is likely to exacerbate current risk to Waterhouse Green, just downstream of the site. Appendix 3 provides details of recent flood alerts and warnings.
- Infrastructure in Whittle Le Woods is currently inadequate to support the present population, especially in terms of school spaces and healthcare, and will be even more so if a development of this scale proceeds.
- Foul sewage would use the existing network along Town Lane. The same applicant also intends to connect the new properties at Croston's Farm to this same pipe. We believe this is likely to overload the system and cause issues.
- Redrow's record on developing properties that provide environmental sustainability is poor – though the DAS pays lip-service to this there is no indication that they will deliver anything over the statutory minimum in this field. This will do nothing to help meet the Government's Climate Change targets
- The issues raised at previous community meetings, planning consultations and Redrow's own inadequate pre-planning consultation have not been addressed.
- The nuisance from noise and air pollution from the M61 has not been adequately addressed.
- The plans include 'areas for future development'. This would increase all of the issues that cause problems with the site, as well as being very close indeed to the M61.
- The proposed footway / cycle-path connection to Town Lane is unlikely to be mobility-friendly and is positively dangerous at the junction point. Redrow's record of good provision in this area is poor.
- The proposal does nothing to offer benefit to the local community – on the contrary, it will be a significant disbenefit in almost every respect. For example, see the analysis of healthcare in the area (Appendix 4)

From the detailed critique that follows we would contend that the Design and Access Statement, which is intended to provide the main justification for the proposal, falls short in many ways. The bullet points above and the details below provide ample evidence of this, reflecting the inherent unsuitability of the applicant's current proposals for this site.

If the applicant is serious about community engagement and 'listening to learn' (as they state) we would welcome the opportunity to take part (with other stakeholders) in a genuine community engagement exercise in an effort to develop a more appropriate approach to the subject site.

However, given the information we have at this time, we urge the Council to REFUSE the application as it stands.

2. Design and Access Statement

The Design and Access Statement follows a similar pattern to those provided by this developer on other sites in the vicinity – it includes words which promote the supposed accessibility, sustainability and quality of the proposal but omits any real detail. It omits any elements that provide contra-indications to undermine the proposal. It reserves much of the detail for later stages, but we would contend that the ‘devil’ is in this very detail and Redrow have proven by their track record that their delivery often falls short of the vague promises made at this early stage. We have therefore used the lessons of previous Redrow developments in the area to inform and supplement some of our objections to current application.

2.1 Design Objectives

These state that a diverse ‘mix’ of housing will be provided. However, the site layout plan indicates wholly detached villa style properties for the vast majority of the site with some ‘higher density’ blocks (probably indicating terraced housing) to the eastern boundary. This is presumably the promised affordable housing which is located in the part of the site most likely to suffer noise and traffic pollution effects of the M61 - see below. Good design practice on a site of this scale and nature favours a more mixed pattern of built form. This favours the ‘pepper-potting’ of affordable housing throughout the site, with ‘tenure-blind’ design to ensure a ‘them and us’ situation is avoided. The current design proposed leads to exactly the opposite. This approach by Redrow is a repeat of that most recently seen at the Croston’s Farm development to the south of the subject site where the ‘Avon’ and ‘Stour’ ‘affordable’ house types sit in the least favourable part of the site, adjacent to the M61, and with internal space standards that are significantly below those set out in the Nationally Described Space Standards. This form of ‘design apartheid’ should not be acceptable.

It is stated that the site is designed to provide a ‘distinct identity’. We would contend that, from the information so far available, and the developer’s record, the outcome will be the same characterless pastiche of 1930s suburbia provided by Redrow elsewhere. This is amply illustrated by a quick view of the ‘variety’ offered in sites across the country – see Appendix One. The vernacular of the individual locations is being completely ignored in these developments and, going by the track record in this area, it will be on the subject site unless significant changes are made.

Whilst we would not advocate slavishly copying older styles, we would hope that the site design palette could echo the local stone fronted, slate / gabled roofed, cottage-scale properties that form the majority of the properties on Town Lane, with a built form that tends to provide continuous frontages, not the low density villas which Redrow’s developments have provided elsewhere locally. Thoughtful, contemporary site layout and design could provide a townscape that echoes the best elements of the surroundings of the site, rather than imposing an identity that is not common in Whittle Le Woods (or at least was not until Redrow started developing).

2.2 Placemaking Principles

This section of the DAS sets out a set of design principles and the ‘Redrow 8’ urban design principles. Unfortunately, the currently proposed layout and (as far as can be gleaned) the likely townscape and detailing, fail to address the issues raised. As stated above, there is no indication that the actual layout or design will respond to the vernacular of Whittle Le Woods in general, or most of the

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buildings on the Town Lane approach to the site. The proposed layout is a generic middle/upper market speculative estate format, with the 'higher density' housing – we assume this is the affordable portion) to one side in the location most likely to suffer road noise and pollution.

The DAS propounds 'innovation and sustainability' of design but there is no indication of how this will be achieved. Going by Redrow's track record, we are not hopeful. On Lucas Green, for example, PV panels to achieve 'sustainability' targets via renewable electricity are exclusively positioned on the rear roofs of all properties, even when this means they are oriented to the north and north east, which is the least productive orientation for generation. They would be much more effective if positioned to the face south or south west. This would not mean altering the site layout, merely putting them on some front roof slopes. Even if some of the roof details mean smaller areas of panels could be accommodated, this would still be more effective than 'hiding' them around the (north facing) back of the property. Clearly a misplaced design priority has won out over environmental imperative.

The DAS also claims the site will be well connected and incorporate new routes for pedestrian and cycle connectivity. As we will demonstrate below, this is not achieved by the current proposals.

The 'Redrow 8' principles of urban design set out are laudable, but it is not clear how the proposal meets any of them (or, indeed, how they affect proposals for any individual site).

On the important aspect of pre-application consultation, the leaflet provided by Redrow gave scant information on the proposals and the responses to the issues raised are often vague and superficial. Even with the current restrictions, it is vital that a more interactive means of consultation and involvement be developed if the first Redrow principle of 'Listen to Learn' is to be achieved.

2.3 The Site and Context

This section ignores some serious issues that compromise the suitability of the site for development at the scale proposed. We believe the peak vehicle flow rates predicted by the applicant, of 88 departures and 31 arrivals during the busiest morning hour, are significant under-estimates for an estate of this size. Most of the properties will have 2 or 3 cars, and many will have a least 3 or 4 'earners or learners'. Experience from other similar local estates suggests much higher level of vehicle usage, especially at peak times. Unfortunately, during the current lockdown, it is impossible to carry out a meaningful survey to confirm this.

The only access point, onto Town Lane, is to a relatively narrow road that is already well used by both local traffic and as a cut through from the A6 to the A674 Blackburn Road. There is a significant pinch-point and blind bend in the road some 60m to the west of the proposed access point. At this blind bend, the single footway swaps from one side of the road to the other and the carriageway width is only 4.5m. This is in a 40mph stretch of road. Although the applicant's Transport Assessment mentions this carriageway width issue, it fails to point out that this is at the very point where the road bends sharply and there is a blind brow, together with a cluster of 3 driveways in a very short distance - see photos. Given the properties on either side of the road at this point it is very difficult to see how this dangerous situation could be improved.

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Above - The 4.5m wide carriageway and narrow footpath at the blind bend with driveways, Town Lane – viewed from East (on left) and West (on right).

The safe use of the proposed site access for traffic may be compromised by vehicles going into or out of Lucas Lane. Here, because of the steep gradient and constrained entrance, traffic tends to swing out across the centre-line of Town Lane. The approach from the east includes the crest of a hill and traffic approaches at speed along this stretch. Although none of the Applicant’s documents seem to have stated it, the whole length of Town Lane has a 7.5 tonne weight limit (which will clearly have to be ignored by the significant amount of construction traffic which will have to use it if the scheme proceeds). To the east of the site Town Lane crosses the Leeds & Liverpool Canal over a single lane, grade 2 listed bridge with no footways and vulnerable parapets. To the west, the length of Town Lane opposite Low Mill industrial Estate is almost always constrained to a single lane by parked cars owned by the residents of terraced housing, where there is no alternative but to park on the road.



Traffic congestion at West end of Town Lane – several parked cars are continually present here. NOTE – this is a ‘typical’ situation – it is frequently more congested than this.

In addition, Town Lane is a well-used horse-riding route. There are 4 sets of stables along its length between Lady Crosse Drive and the canal, and it is part of a well-known local ‘circuit’ for riders, being designated a ‘semi-rural lane’ by Lancashire County Council. The extra traffic will conflict with this activity and could cause danger to horses, riders, and other road users.

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Given the local road layout, we would anticipate some of the extra residential traffic will use Lucas Lane to access Chorley and Buckshaw Village, and Town Lane and the very narrow Dark Lane to access the M61 southbound. Lucas Lane and Dark Lane are both very narrow roads and unsuitable for journeys other than for direct access to properties on them. The extra volumes of traffic generated by an estate which provides 675 car parking spaces will significantly exacerbate the existing issues arising from these constraints. The Lucas Lane issue will be further exacerbated by the applicant's proposal to build on Croston's Farm.

The distances quoted to support the contention that the site is highly accessible for non-motor journeys (by foot or by cycle) seem to be 'as the crow flies' or they are significant underestimates. They also take no account of the varied local topography – for example, use of some of the footpath routes quoted require climbing the hill on Chorley Old Road and then descending to the A6 – both steep gradients.

The nearest bus route is at Waterhouse Green, but this provides only a very limited service of hourly in each direction at peak times. There is no evening service, and the Sunday service has been discontinued. The distance claimed of 400m to this bus stop is significantly under-estimated (the distance to the site entrance being c600m), especially for the occupants of the higher density (probably affordable) portion of the site. **This is not a 'high level of accessibility' as claimed in the DAS.**

Much is made of Whittle Le Woods as a centre for services. Yet the plan (Framework Travel Plan, Fig 3.3) provided is out of date, including a shop (the nearest to the site) that has closed and ignoring the extra distance to the co-op small general store (c1600m from the site). The doctor's surgery is also relocating an extra c800m further north, away from the site, and the dentist indicated elsewhere does not take NHS patients.

The DAS and other supporting documents indicate that journeys to these 'local' facilities are envisaged to be via foot or cycle, rather than vehicle. This is incredibly optimistic as the footpath leading to the north from the site (giving the most direct route, probably closest to the distances quoted in the application) is invariably difficult to navigate because of mud – even in periods of good weather this persists along the considerable stretch at the base of the embankment to the former canal near Martin Farm. This route is a rough walking route with stiles, not one that would be classed as suitable for a trip to the shops. It would certainly be impassable for large parts of the year of a person with a buggy or less than good mobility, for example. The path then proceeds via a private road and Hilltop Lane, neither of which have footways (including at access points to 2 quarries used by heavy traffic).

The cycleway indicated on the 'indicative masterplan' to the north does not yet exist, and the route shown goes directly up the valley side, rising by 35m in less than 200m. This cycleway link is unlikely to be built in the near future and in its absence, cyclists would need to go round Town Lane and then tackle Dolphin Brow to access the 'local' store. Dolphin Brow on Chorley Old Road is itself a steep hill with a blind and narrow bend at the top, and would not be suitable for many casual or young cyclists.

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ABOVE: The footpath leading from the site to the north. This is not a good route to the local shop.



Above - Town Lane bend – single narrow footway

Chorley Old Rd bend on steep hill – single narrow footway

In short, the most direct route to the single local shop for pedestrians is not generally suitable for shopping trips, and the cycle route is not easy. It is therefore likely that most trips from the site to access these local amenities will be via car, rather than more sustainable transport. This will, in turn, have a significant effect on traffic levels. **To confirm this, the Committee are invited to undertake a site visit which includes walking or cycling to the local amenities.**

The same argument as above relates to the playground in the centre of Whittle Le Woods. The DAS claims this has a ‘high’ level of accessibility which is plainly incorrect for children of an age that would use the facilities provided. Additionally, one of the play areas proposed on site is immediately adjacent to a drainage pond, which could be very dangerous.

The routes using footpaths 9-22FP58 and 92-22 BW57 which the DAS claim would be used to access the GP surgery and School are plainly not practical – they would involve ascending Dolphin Brow / Chorley Old Road only then to steeply descend to the A6. The much more likely route would be to

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follow Town Lane, cross Waterhouse Green and walk up School Brow, which itself has problematic footways and parking issues. The proposed cycleway is covered in more detail in Section 2.7 below.

We have researched the local school provision and it has been confirmed to us that both the St John’s CofE primary and St Chad’s RC primary which are closest to the site are already oversubscribed (typically 100+ applications each year for 30-35 places). The promise of CIL to support infrastructure is wholly inadequate for the shortcomings that exist locally for a proposal of this size, especially combined with the applicant’s other local development underway at Croston’s Farm.

It is our strong contention that the DAS seriously overstates the accessibility and therefore sustainability of the site. This in turn will have a knock-on effect on the number of car journeys made from and to the site, increasing traffic along Town Lane and more widely. In particular, the site would mean that for anyone with conditions affecting mobility (including limited range for walking, heart / lung conditions and visual impairment) the site would only be accessible with assistance and probably motor transport. From a transport and accessibility point of view, this site is very poor indeed.

2.4 Constraints and Opportunities.

The applicant’s contention that the site is of little ecological value is strongly contested. Several of the applicant’s documents refer to the site as being ‘opencasted’ in the past. This implies it is has been damaged and is not in its natural state. In fact the surface damage from the temporary gravel extraction in the 1970s has been almost entirely remediated by the passage of time. The site has the appearance of being ‘greenfield’. The site supports (either as habitat, food source or throughfare) a wide variety of birds and animals, detailed in Appendix Two. ELEVEN of the bird species listed are on the BoCC’s Red List. Several of these are ground-nesting species. Bats using the site will also be disturbed and will lose habitat of mature hedges and trees due for removal.

This Appendix demonstrates the vagueness of the words used in the DAS and the impact the proposal will have on the fauna on the site. We do not believe the applicant’s Ecological Impact report has covered the site in sufficient detail. The wildlife currently using the site will not continue to be supported by the much smaller areas of open land proposed by the developer, whose track record on provision for wildlife is poor, given the evidence from Lucas Green.



The species listed in the appendix have all been observed on the site. In particular, its use by deer, thought to traverse north-south between other open spaces would be blocked by the proposal. The disturbance of bats and ground-nesting birds would be immense.

Left: Deer on site, January 2021. Photo: Rabia Govali

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The effects of run-off containing silt from the construction and then longer term may affect the fishing lodge which depends for its supply of water on springs from the site which are fed by underground aquifers that may well be disturbed by site works. Residents on Town Lane have already noticed increased silt levels in the stream that flows from the same applicant’s current works at Croston’s Farm.



Springs from the site feeding the Fishing Lodge – this is vulnerable to pollution and changes in flow.

Both the Desk Study Report and Flood Risk Assessment (FRA) Documents confirm that the majority of the site area (described in the Desk Study Report as the Eastern Area – comprising four fields to the east of Lowe Barn) is currently poorly drained – due to historical gravel mining activity in the 1960’s for the M61 motorway. Other objectors have, we understand, commissioned a technical review of the FRA and so our comments are made from a lay (but locally informed) standpoint. The fields in the north and east of the site regularly hold surface water (as anyone familiar with walking the public right of way through them would testify) and are very boggy with reeds being the dominant vegetation .



One of several areas on the site which currently ‘store’ water for gradual release into the river. The current benefit realised by the topography is that the land already retains considerable rainfall – probably more than the proposed retention pond for that area, the northern end.

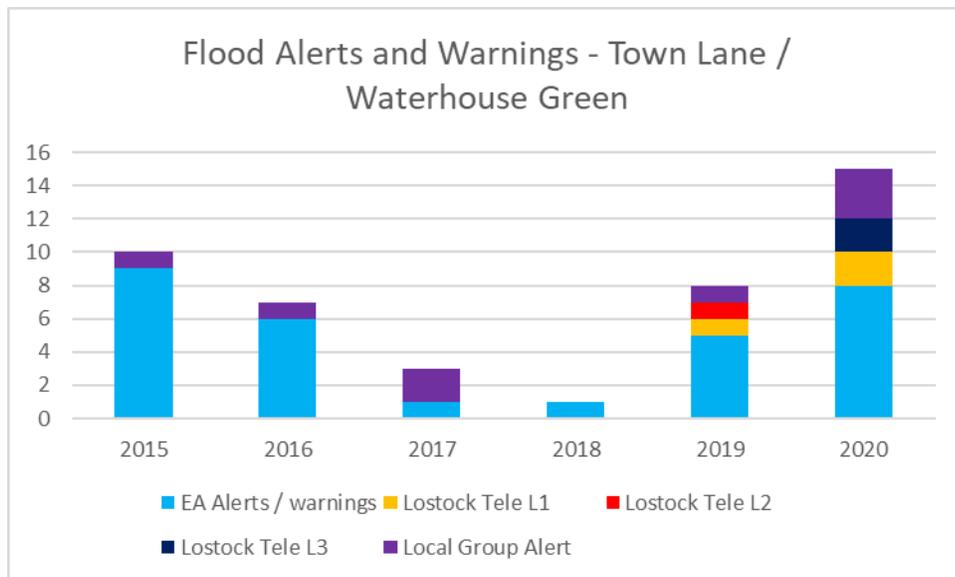
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The River Lostock located to the site’s north western boundary is currently protected from the impact of swift rainfall run off from these fields because of the time taken for percolation to the watercourse or absorption. The conversion of these fields into a major housing estate will mean that the protection currently afforded to the River Lostock will be lost – with the resulting impact downstream in the Waterhouse Green area of the village in times of heavy rainfall. The positioning of the proposed attenuation pond in the ecological area close to the course of the river will not afford the same delay in run-off reaching the river and increasing flow at critical times.

The remainder of the site (described as the Western and Central areas in the Desk Study report) appears to be intended to drain (according to the FRA) into a proposed Detention Pond at the Western corner of the site and from there released into a Public Surface Water drain at Lady Crosse Drive (which in turn feeds into a stream flowing into the Lostock at Waterhouse Green). We repeat our concerns noted above. We believe the WaterCo report should be much more detailed.

We also note that a Detention Pond was created on the recent completed Redrow Lucas Green Estate – which appears to do little to limit excess water run-off from this estate. We have similar concerns over the Detention Pond planned for the currently in progress Croston’s Farm Development.

It should be noted that flood warnings are a regular occurrence in this part of the village - there have been at least nine in the last 12 months (see graph below and Appendix Three). It should be noted that at each EA flood Alert or warning, residents have to take action as if flooding will occur, which causes distress and disruption. The River Lostock Telemetry was only installed in mid 2017.



Recent research by the Water Resilient Cities project indicates that the North of England is likely to see severe flood events increase by 25-28% in magnitude. We understand this to have effects in both frequency and seriousness of events. We believe the flood risk data relied on by the developer is now being superseded by the increasing frequency of storm events. The Developer states that there will be no increased run-off over the life of the development, but this is irrelevant. It is the

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exceptional event run-off that causes local flooding, and the site currently absorbs a vast amount of water which is released slowly into the River Lostock.

We are very concerned that the ability of the proposed attenuation measures will not be enough to prevent a worsening of the already bad situation for local residents. We are very concerned that insufficient pre-application monitoring has been carried out to firmly conclude that the proposals will not increase the vulnerability of Waterhouse Green / Town Lane, to flooding and we believe the applicant's survey and report do not cover the issues that need to be addressed.

We note the intention to drain foul water into the public combined sewer on Town Lane. We believe this to be 375mm diameter. We note that the FRA document predates the plans finally confirmed for the neighbouring Croston's Farm site (which entail the installation of new sewer infrastructure along Town Lane from its junction with Lucas Lane) and in this respect the Drainage network Plans provided by UU to support the FRA are out of date. We have written to UU in part requesting confirmation that the combined effect of the Croston's Farm and Town Lane Foul water drainage plans will not compromise the existing Public Combined sewer on Town Lane and await their reply.

We have concerns that the impact of the noise levels from the M61 have been downplayed and that they will have a significant impact on the site. The proposed 3m noise barrier seems to be positioned in a location that is below the level of the road and so its effectiveness will be compromised. The issue of air pollution caused by the high amount of heavy traffic using the motorway as it climbs the hill is also a concern. We believe the site suffers from relatively high levels of both PM2.5 and NO2 pollution. This is further detailed in Appendix Four. We are not aware that the applicant has carried out a detailed air quality assessment – this should be done – in conditions of full traffic, not Covid19 lockdown – before any planning consent is considered.

In terms of delivery of the development, we have significant concerns around the amount of heavy traffic this will generate. As previously stated, Town Lane has a 7.5 tonne weight limit, is a designated semi-rural lane and has a significant amount of pedestrian, cycle and horse usage. The eastern end has a narrow section outside a primary school with a footway on one side of the road only. From this direction the road also passes over the single lane hump backed Grade 2 listed canal bridge (with parapets and no footways), with single-side footways for significant parts of the route. It is unlikely that heavy traffic will be able to access the site from this direction. To the west, Town Lane has the restriction and bend outside 'Brantwood', again with poor footway provision and then towards the end the hazard of almost permanently parked cars towards the entrance to Low Mill. The footway here is single sided. This area will be a source of significant issue both during the construction period and after when the site is occupied, if the full 250 homes are built.

2.5 Planning Policy Context

We understand this application is one of seven applications by various developers made to Chorley BC within a short period of time. We are confining our comments to this site, but we are very concerned at this concerted effort to rapidly expand the town when facilities and services are not in a position to keep up. This is supported by the high number of properties developed within Whittle le Woods over the past 20 years with very little in the way of new infrastructure, other than the geographically distinct Buckshaw Village. The health indicators for the whole area are also

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concerning, revealing relatively high demand and relatively low provision (see Appendix Four). Significant amounts of new development can only make this more problematic.

The higher density housing (where it is likely the affordable homes will be located) is positioned in the least favourable part of the site – furthest away from the amenity areas, closest to the noise and air pollution from the M61 and at the most distant point for pedestrian and cycle access to services.

The document is very vague on environmental standards for the new development. Given the national policy objective of achieving zero carbon by 2050 it would be appropriate to make a commitment to delivering very low carbon properties, building in renewable energy heating rather than committing the properties to gas boilers, orienting the properties and designing fenestration to maximise solar gain and using some of the open space for sustainable local production (e.g. allotments, a community orchard). We would also expect each home (including the affordable ones) to be provided with at least one electric vehicle charging point. Whilst the application is not yet at a detailed level, it is not unreasonable to expect these matters to be dealt with at the inception and masterplanning stage – they are notably absent.

This section of the DAS also claims that the proposals respect local character. As stated above, local character is exemplified by stone fronting, slate roofs, gable ends (not hips) and linked buildings. Indications from Redrow is they propose brick built detached villas, with tiled and hipped roofs.

2.6 Access

We believe we have demonstrated above that the site will not provide easy accessibility to local services other than by car, and therefore does not meet the requirements of local policies. We believe the calculations for vehicular journeys vastly understate that which is likely and would be confident of demonstrating this by surveys of other local development sites. However, the present Covid lockdowns make such an exercise currently impossible.

2.7 Meeting Design and Access Objectives

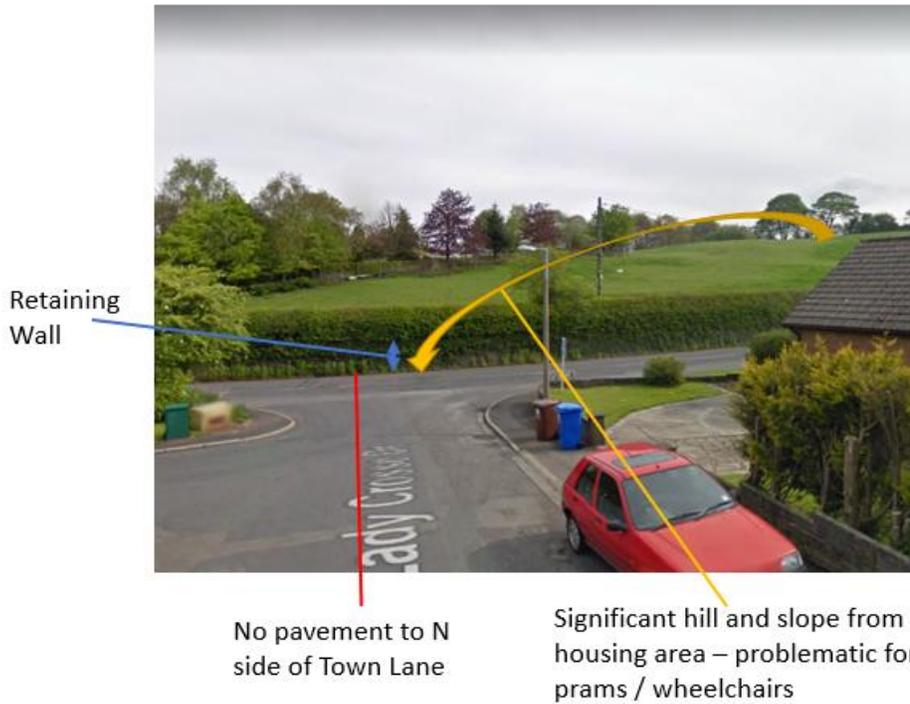
Much of this section vaguely repeats points claimed to have been demonstrated earlier in the document. Repetition does not indicate veracity. In many respects the DAS fails to demonstrate that its own objectives have been met, or that the level of quality it says it aspires to will be delivered on this site.

The site's location, character and linkages mean several of the stated objectives are difficult to meet (e.g. non-vehicular access).

The path and cycleway proposed to run to Town Lane at the western end of the site has been located with scant regard for the topography of that area and safety of users. As can be seen 'on the ground' and from the topographical survey, the land here rises up from the proposed housing to the east and then falls sharply to meet Town Lane, with a significant retaining wall making the boundary. The proposed junction with Town Lane is directly opposite Lady Crosse Drive . This is illustrated below.

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Issues with access to proposed cycleway / footpath at west end of site



The proposed line of the path / cycleway means it will include a considerable slope up from Town Lane which will be much steeper than the recommended 1:20 for wheelchair use. To achieve this gradient would require significant groundworks giving a ‘railway cutting’ effect or include zig-zags to lengthen the path to decrease the gradient. The point of access to Town Lane is also on the inside of a significant bend without a footway and so is a hazard for joining the trafficked route, especially as it conflicts with the Lady Cross Drive junction.



Proposed cycleway / footpath exit onto Town Lane – on inside of bend with limited visibility, no footway on N side of road, clashes with junction of Ladycrosse Drive.

Redrow’s track record of providing for non-vehicular journeys is very poor, with the example locally of the path and cycle track between their Lucas Green development and Lady Cross Drive

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being so poorly designed and constructed that, only a couple of years after construction it has deteriorated significantly.



Above – Cycle path/footway only recently provided by Redrow at Lucas Green. The erosion of surface is caused by surface water run-off from inadequate rainwater mitigation measures.

Our contention is that the subject site has such significant constraints that sustainable development, responding to the nature and context of the site is very difficult. At the scale proposed it is impossible. If the site is to be developed it should be for many fewer properties, designed sympathetically to compliment the local character, leaving the northern and eastern parts of the site as open land. Much more attention needs to be paid to environmental sustainability, responding to the site’s ecology and ensuring safe access and use of Town Lane.

3. Conclusion.

From this detailed critique we would contend that the Design and Access Statement, which is intended to provide the main justification for the proposal, falls short in many ways. The bullet points at the start of this analysis and the detail above provide ample evidence of this, reflecting the inherent unsuitability of the applicant’s current proposals for this site.

If the applicant is serious about community engagement and ‘listening to learn’ we would welcome the opportunity to take part (with other stakeholders) in a genuine community engagement exercise in an effort to develop a more appropriate approach to the subject site.

However, given the information we have at this time, we urge the Council to REFUSE the application as it stands.

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APPENDIX ONE – Redrow Design Variety - examples of ‘variation’ to reflect local character



Caddington Woods, Bedfordshire



Thorpe Park Leeds



Cae St Fagans, Cardiff



Northampton



Leyland, Lancashire.

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Sherburn in Elmet, N Yorks



Leyland, Lancashire



Haywards Heath, West Sussex



Blackford Cross, Chester



Canterbury, Kent

In short, Redrow seem to provide the same pastiche of 1930s design response no matter what the local vernacular.

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Appendix Two – Ecology and Schedule of wildlife known to use the Town Lane site and environs.

Part One - Ecology

The Design and Access statement is littered with glib statements highlighting how the development will provide opportunities to enhance the ecology of the area. Examples include:

- *‘Nature for people: Creating new or enhancing existing wildlife habitats and better connecting people to them.’*
- *‘Opportunities to enhance biodiversity’*
- *‘New development will not have an adverse effect on statutory or non-statutory designated sites for nature conservation’*
- *‘This area will accommodate new open water by way of a surface water detention pond. The pond and its margins present a particular opportunity to create new and better habitats’*
- *‘New greenspace corridors are included in the framework for development.’*

We comment on the above statements below.

The Cambridge Dictionary defines ecology as:

the relationships between the air, land, water, animals, plants, etc., usually of a particular area, or the scientific study of this:

In simple terms circa 13 hectares of safeguarded land is being removed thus increasing pollution and removing the habitats of wildlife and vegetation. This does not, under any circumstances enhance wildlife habitats and biodiversity.

The National Geographic Society refers to a habitat as:

*‘... a place where an organism makes its home. A **habitat** meets all the environmental conditions an organism needs to survive. For an animal, that **means** everything it needs to find and gather food, select a mate, and successfully reproduce. ... The main components of a **habitat** are shelter, water, food, and space.’*

This proposal severely depletes space and food and in addition removes shelter. Thus it destroys a large area of habitat that it purports to support and enhance.

Further the main source of water for this habitat and more downstream including the fishing lodge and Cuerdon Valley are springs on site and the River Lostock, which will be at risk of contamination.

A report commissioned from Water Resource Associates dated January 2021 advises that the FRA report does not include any information about the risk of contamination to the River Lostock and the fishing lodge on the north-western edge of the site.

In regard to surface water detention ponds, they do not create “*better habitats*”. Evidence of this can be found on the Redrow Lucas Lane site where, not only does the pond not function correctly, but it is not maintained (in breach of any maintenance schedule) and has created nothing in terms of a habitat.

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Further, we would expect to see on a development of this scale:

- The facility for plant and animal life to be able to **pass through** the development
- Corridors of grassland/hedgerows **throughout** the development

These two points are simply not addressed by the plans submitted, despite the assertion that *“New greenspace corridors are included in the framework for development.”*

We attach a list of wildlife observed over the last 24 months by a local resident whose property overlooks the site.

The list is up to date and relevant, more so than the inadequate observations made by the Redrow Ecology Consultants ERAP Ltd.

Importantly the ERAP report was undertaken following a single day visit, outside the breeding season for birds and hence it is no surprise they found no evidence of ground nesting birds.

The limited survey also failed to detect otters.

We know these are present in the river and the commercially stocked fishing lodge adjacent to the site has been obliged to erect fencing to prevent otters gaining access to the lodge.

The ERAP report recommends that any loss of hedgerow must be compensated for by the provision of an equal or greater length of native species-rich hedgerow which must be managed in the long term for its benefits to biodiversity. Replacing mature hedgerow is known to be devastating for wildlife as the new provision lacks the complex matrix of biodiversity that is lost. The enclosed photograph of a now 4-year-old hawthorn hedge planted and ‘managed’ by Redrow on the Lucas Lane site, evidences the flagrant disregard of the above commitments. (This despite countless emails over 3 years asking for the issue to be addressed. It is patently obvious that this ‘hedge’ supports nothing like the diversity of wildlife that would suffer from the removal of a mature hedgerow.



The Design and Access statement includes “The limited extent of hedgerows on the site are Priority Habitat, and along the north-eastern edge the broad-leaved woodland is an example of lowland Mixed Deciduous Woodland Priority Habitat. Hedgerows and woodland **should** be retained and managed to enhance their biodiversity value.” The word “should” leaves Redrow with too much scope and our preference is that this, in the event of planning permission being granted, is replaced by **will**. Doubts however exist, considering the above example, that the hedgerows would be **managed**.

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The list of sightings provided by the local resident detailed below includes 11 species of birdlife noted on the Birds of Conservation Concern 4 (BoCC) Red List and 8 species on the BoCC4 Amber List. Several species are also ground nesting e.g., Curlew, Lapwing, Snipe and Oystercatcher. Their breeding site will be destroyed.

The ERAP report also makes recommendations for bat, house sparrow and other woodland bird boxes to compensate for the loss of habitat. These are poor compensation for the extensive loss of habitat which will occur. To quote the Wildlife Trust:

Nature doesn't & can't live in a box

Finally, Lucas Lane Pastures, a Biological Heritage Site, is close to the site. The ERAP report considers "*The proposals are reasonably unlikely to impact upon the BHS either directly or indirectly.*" Hence, they do not rule out that there will be an impact. Two potential impacts may be pollution from the site and increased vehicular traffic on Lucas Lane. Redrow is currently building 53 houses on land opposite the BHS. Already residents have noted the complete absence of deer grazing on the site since construction work began. This had previously been an almost daily occurrence, much appreciated by residents of Whittle and visitors walking along Lucas Lane. It has also been noted that the silt levels in the stream along Town Lane have increased since the works began. This does not sit very well with the Design & Assess statement in the first bullet point from the Design and Access Statement quoted above:

- *Nature for people: Creating new or enhancing existing wildlife habitats and better connecting people to them.*

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Appendix Two, Part Two

Schedule of Wildlife - All of these have been seen on the site over the past 2 years. Frequency varies.

1. Birds (mix of resident and visiting)

BoCC 4 Red List status	BoCC 4 Amber List status	BoCC 4 Green List status
House Sparrow	Snipe	Blackbird
Tree Sparrow	Swift	Long Tailed Tit
Starling	House Martin	Great Tit
Merlin	Oystercatcher	Blue Tit
Song Thrush	Tawny Owl	Nuthatch
Mistle Thrush	Cormorant	Blackcap
Yellow Wagtail	Kestrel	Goldcrest
Fieldfare	Mallard	Swallow
Grey Wagtail		Greenfinch
Lapwing		Wren
Curlew		Barn Owl
		Little Owl
		Sparrowhawk
		Buzzard
		Pheasant
		Canada Goose
		Grey heron
		Moorhen
		Partridge
		Peregrine Falcon
		Goldcrest
		Robin
		Chaffinch

2. Mammals, Amphibians

Moles, shrews, field mice, rats

Foxes, stoats

Roe deer, fallow deer*

Hares, rabbits, hedgehogs

Bats** (probably brown long-eared and pipistrelle)

Frogs, toads, common newts

NOTES

*It is believed that the site forms part of a north-south corridor on the western side of the M61 for deer to traverse the area and may be a linkage between more substantial populations to the north and south.

**Some of these bats are believed to roost in one or more of the oldest sycamore trees to the west of the site, some of which are identified for felling in the application.

Appendix Three - Flood Alerts and Warnings 2015 – Jan 2021

Flood events body of Evidence	Previous							
	Major Floods	2015	2016	2017	2018	2019	2020	2021
EA Flood Alerts / Warnings Totals	2	9	6	1	1	5	8	2
	22/08/1987	31/03/2015	03/01/2016	21/10/2017	12-Oct	12/03/2019	09/02/2020	14/01/2021
Upon receipt of a Flood Alert, Residents have to take action as if flooding will occur, which causes distress and disruption.	01/08/1999	02/06/2015	09/01/2016			28/07/2019	15/02/2020	18/01/2021
		07/10/2015	29/02/2016			27/09/2019	16/02/2020	
		22/10/2015	08/03/2016			05/10/2019	24/02/2020	
		14/11/2015	22/08/2016			13/12/2019	25/08/2020	
		05/12/2015	11/11/2016				03/10/2020	
		12/12/2015					06/10/2020	
		21/12/2015					07/10/2020	
		25/12/2015						
River Lostock Telemetry system (2018)				0	0	2	4	
		Boxing Day				L1 *	L3	
Residents know flood threat is imminent		Floods				02/08/2019	09/02/2020	
L1 - River has risen significantly, 2 is a concerning level, L3 is Critical level (flooding is assured)		Town Lane & Waterhouse				L2 *	L1	
		Green				29/09/2019	25/08/2020	
Note not all EA FW match							L3	
Local & telemetry events *							06/10/2020	
							L1 *	
							29/10/2020	
Local watercourse flooding								
Town Lane / Lucas Lane areas	2	1	1	2	0	1	3	1
Flooding not always related to EA Alerts, could be after heavy rainfall, water rises quickly	05/07/2012	26/12/2015	26/01/2016	05/10/2017		29/07/2019	13/02/2020	19/01/2020
	18/12/2013			07/11/2017			27/09/2020	
							06/10/2020	
Other Issues Logged - all evidenced					May & Sept 2019	24/04/2019		
					Water discolour	Sewer Burst		
					Moss Lane build	End of Town Lane		
Comments:								
Whittle-le-Woods Parish Council installed a Local telemetry system in River Lostock at Waterhouse Green back in Aug 2017. It is set at 3 levels L1, L2 & L3								
Residents and the Flood Action Group now know what to expect once the L1 warning is issued. By way of example February 2020 the river level rose from L1 to L3 in 4 hours, causing more flooding to houses and gardens.								

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Appendix Four - Air quality issues in respect of planning application 20/01347/OUTMAJ

- Allowing this development before adequate consideration through the local plan process would appear to run contrary to the councils own stated objective of - “producing an ambitious plan that will then support individual authorities to implement planning guidance that seeks to minimise any negative impact of development on air quality and strive to improve air quality”.
- The design and access statement pays lip service in encouraging a reduced reliance on car usage without adequately outlining how this will be done, but at the same time includes provision for an additional 675 cars.
- Levels of pollution already seem to be high around the two nearest monitoring tubes to the proposed site - 18 and 18b show some of the highest levels of pollution in the area.
- We conclude that the so called “affordable housing” will be occupied by residents in a lower socioeconomic group, young families, or first-time buyers. One might surmise this group may have poorer levels of health and comprise a higher proportion of children. They are therefore more susceptible to the effects of pollution and it seems inappropriate to site such housing close to the M61 motorway.
- We note there are several actions listed in the Annual Air Quality Status report under section 2.3 The Local Authorities Approach to Reducing PM2.5 Emissions and/or Concentrations As detailed in Policy Guidance LAQM.PG16 (Chapter 7) – Pages 6 and 7. We are interested to understand how the Council seeks to apply these objectives to this and any other planning applications going forward.
- Section 2.3 also states that “Public Health have produced data (June 2017) which identifies the mortality burden of PM2.5 on the under 75’s. The Lancashire average is 15.3/100,000 population, Chorley is 17.1/100,000 population, the second highest in Lancashire after Burnley (Blackpool and Blackburn with Darwen are not included as Unitary Authorities)”. Again, the proximity of some housing close to the M61 and the number of additional cars being catered for would in our view be likely to make this position worse. At the very least this should be considered and monitored properly prior to allowing any development to ensure the councils own objectives on air quality are met.

We would conclude that in the absence of a new local plan this development should be refused. In the meantime, there should be more air quality monitoring of local sites proposed for development prior to their inclusion in the local plan or mitigation measures put in place.

Where development is allowed the developers should as a condition of planning be expected to put in place robust strategies to offset any additional pressure on air quality. Such measures might include support for better public transport, the embedding of green energy solutions such as heat pumps into housing design, or the inclusion of electric car charging points as standard.

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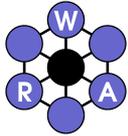
Appendix Five - The state of Healthcare in Whittle, Chorley and the wider Lancashire area.

- Across the Chorley and South Ribble area the ratio of GP's and other patient facing staff is below the average for England as a whole (HR1)
- Lancashire Teaching Hospital Trust, which is currently the main acute trust for the area, has in its last annual report to 2020 only met 3 out of 14 of its performance indicators. Its latest CQC inspection indicated that the trust "requires improvement" in three of the five areas inspected. The CQC's assessment of the trust was that "it requires overall improvement" (HR2 and HR3)
- The Marmot Data for Lancashire indicates that Overall Life Expectancy and Healthy Years Life Expectancy is below the England average across all indicators for both Male and Females. (HR4)
- Chorley has a higher-than-average number of people with long term and complex health conditions compared to the England average. (HR7)
- Children's Oral health in Chorley is well below the England average and currently none of the local dentists are taking on new NHS patients. (HR8) (NHS Choices data)
- Hospital admissions due to asthma in children and in young adults under 19 years is above the average for England as a whole (HR5 and HR6). This has implications when considering additional air pollution in developments close to major highways such as the A6 and M61 motorway.
- Hospital admissions generally are above the England average in Chorley. There is also a higher incidence of admissions due to respiratory conditions particularly in children (see above re air pollution) (HR6)

Reference documents (HR*n*) can be provided for the above if required.

Conclusions.

Generally, we can conclude that the health of residents of Chorley and Lancashire is below the average for England. This results in lower life expectancy and a higher than average need to access healthcare services. Additionally, the evidence is that local healthcare infrastructure is at best stretched and at worst is already broken. The recent report 'NHS Performance and Waiting times Priorities for the next Government' (2019), indicates that patient satisfaction and performance are deteriorating across the whole of the country in both primary and secondary care. Given that Lancashire and indeed Chorley are performing below the England average it would seem logical that healthcare provision that does not keep pace with additional residential development, risks the health and indeed the lives of existing residents? We note that the population of Chorley has increased by 23.2% since 2016 well above the England average of 17.3%. Some of the observations above have wider implications for Lancashire but we would conclude that without substantial investment in infrastructure and in particular healthcare there should be no further development in Whittle Le Woods or indeed Chorley until a full review of the local plan and infrastructure improvements is concluded.



Water Resource Associates

A network of consultants in hydrology, water resources and environmental issues

Please reply to:
Harvey Rodda

PO Box 838
Wallingford
Oxfordshire OX10 9XA

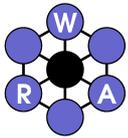
Tel: +44 (0) 1491 838190
Mobile: +44 (0) 7971108980
Email: harvey@watres.com

Review of the Flood Risk Assessment and Desk Study for the proposed development at Town Lane, Whittle-le- Woods, Lancashire

Dr Harvey J. E. Rodda *BSc., PhD., FRGS*

January 2021

Version 3: Final Report Incorporating Client Comments



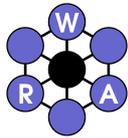
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Executive Summary

In summary the following key points have been identified for the FRA and Desk Study Report for the proposed development at the land off Town Lane, Whittle-le-Woods.

1. Both reports are dated February 2019, and have not been submitted until a period almost 2 years after their completion.
2. Both reports are limited and lacking in detail which may be due to the current status of the proposals. It is expected that more detail will be provided in the FRA for the management of surface water at a later stage once ground investigations have been undertaken at the site (as recommended in the desk study) and the development layout has been finalised.
3. The FRA is lacking detail on the hydrology of the River Lostock and information on historical flooding.
4. The FRA proposed a stringent design in terms of restricting the surface runoff from the site to the 1-year greenfield flow. The associated storage volume with this flow restriction is given as 5,500 m³, adequate provision for this storage must be demonstrated and tested using drainage design software.
5. The FRA in its current format does not provide a robust SUDS design.
6. The FRA does not consider the issue of contamination and soil erosion during construction. This may be requested by the EA and included within another report if any environmentally sensitive areas are deemed to be at risk. The neighbouring fishing lodge should be highlighted as a sensitive area which is at risk of contamination.
7. The Desk Study Report is lacking attention to detail and has listed wrong values for the topography and incorrectly named the River Lostock the River Istock.
8. Photos of the site show wet areas and surface water indicating the risk of surface water flooding may be higher than stated on the EA maps.
9. Information on the geology is missing from the Desk Study Report and the FRA needs to be revisited to consider the risk of groundwater flooding once site investigations have been completed.



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Background

Water Resource Associates LLP (WRA) has been engaged by Whittle-le-Woods Parish Council (WLWPC) in January 2021 to undertake a review of the documents submitted as part of the planning application for land at Town Lane, Whittle-le-Woods, Lancashire in relation to the risk of flooding. This work is in addition to earlier studies undertaken by WRA in 2019 and 2020 which considered the risk of flooding associated with a number of development sites around Whittle-le-Woods including the Town Lane site. The Town Lane site was the subject of a study by WRA submitted in March 2020 entitled *Hydrological Survey Phase 4: Review of Flood Risk for additional development sites at Whittle-le-Woods, Lancashire*. The study considered the risk of flooding from all sources and concluded that under the current conditions the risk of flooding was low, but with the development of the site and the conversion of greenfield land to a housing estate with significant areas of impermeable surfaces the peak flow of surface runoff from the site would increase approximately by a factor of three. Therefore, measures would need to be included in the development to attenuate the additional water.

This current report provides a review of documents (and their appendices) submitted as part of the application which are relevant to flood risk. These are a Flood Risk Assessment and Drainage Strategy, by Waterco, dated February 2019 and a Desk Study Report for Land to the North of Town Lane, Whittle-le-Woods undertaken by Betts Geo and also dated February 2019. It is notable that both reports have only been recently submitted, almost two years after being completed.

Document Contents

The contents of the two reports are as follows

Flood Risk Assessment (85 pages in total):

Pages 1-4 title and contents;

Pages 5 – 19 main text (without figures);

Pages 20 -22 Appendix A map of the development location;

Pages 23 – 24 Appendix B topographic survey;

Pages 25 – 32 Appendix C sewer plan;

Pages 33 – 52 Appendix D Environment Agency flood maps;

Pages 53 – 54 Appendix E ReFH2 model output;

Pages 55 – 69 Appendix F MicroDrainage model output;

Pages 70 – 71 Appendix G Drainage optioneering sketch;

Pages 72 – 82 Appendix H Maintenance schedules;

Pages 83 – 85 Appendix I Concept designers risk assessment.

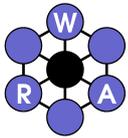
Desk Study Report (41 pages plus 199 pages of Appendices)

Pages 1-7 title, contents and summary;

Pages 8-41 main text;

Appendix A: 11 pages showing site location plan, site photos and aerial photo;

Appendix B: historical maps divided into three files of 15, 21 and 21 pages;



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Appendix C: coal report divided into two files 57 and 85 pages;
Appendix D 2 pages repeating source pathway receptor conceptual model;
Appendix E 2 pages notes on limitations.
Other associated documents:

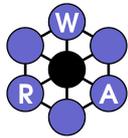
Topographic Survey: provided as three separate maps and one overview map
Illustrative masterplan: single drawing
Location plan: single map
Utilities Report: 7 pages

FRA Review

A Flood Risk Assessment (FRA) is a detailed report which is submitted as part of a planning application. This is required where development sites are shown to be within areas of medium to high risk of flooding as shown on the Environment Agency's (EA) flood zone maps or required for any areas in excess of 1 ha in area. For the Town Lane site this is subject to both requirements. The aim of the FRA is to consider the flood risk to the development site from all sources and to ensure the flood risk to neighbouring properties is not increased by the development. The level of detail associated with a FRA should be proportional to the scale of the development, therefore a greater level of detail would be expected for a significant housing development such as in the current study as opposed to a proposed single dwelling development. The 85-page report submitted by Waterco would appear to be of considerable detail given its length. However, only 14 pages are actual written text within the FRA, the majority of the document is made up of the appendices including drawings, reports from other organisations, and printouts from modelling software.

The main body of text of the FRA is generally well written and but key information such as the location, geology maps, flood risk maps and plans showing the extent of the development are not included as figures within the main text but are given in the appendices or referred to in other documents. There are no photos of the site which is a normal requirement to demonstrate the consultants have actually visited the site. Overall, the FRA is very brief for the size of the development, however it does state that proposed development plans are not available at this stage and that the report is intended to aid with the master planning process. This implies that further reports will be submitted giving more details at a later stage.

The FRA is generally lacking in background information on the hydrology of the site. Apart from identifying the site being close to the River Lostock there is no information given about the frequency and characteristics of flooding on this river. Likewise, the description of historical flooding at the site is limited to mapped information given by the EA. For such a significant development more information on the hydrology would be expected to be included in the FRA. Such information is readily available through internet sources. By contrast, one of the earlier studies by WRA on behalf of WLWPC was a Hydrological Survey of Whittle-le-Woods undertaken in November and December 2019, which included a detailed description of the River Lostock catchment, an analysis of flow records and a listing of flooding events which affected the



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parish. The FRA does identify that the site is bordering areas at high risk of surface water flooding along town lane but it does not identify the at risk area as including both residential and commercial properties and it only summarises the surface water flood risk at the site itself.

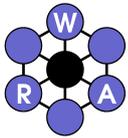
The FRA does provide information on the impact of the increased areas of impermeable surfaces on surface water flooding and correctly used the ReFH2 to calculate the greenfield flow at the site. The values for the predicted greenfield flows are given in Appendix E, but no other details in terms of the ReFH2 model parameters are included. A comparison of the Waterco results with the ReFH2 simulations undertaken by WRA in the March 2020 study shows similar 100-year flows of 0.19 and 0.24 cumecs (cubic metres per second) respectively. Unlike the WRA study, the FRA does not however use the ReFH2 to simulate the flow from the developed site scenario, which would have been most appropriate given a lack of detail about the layout and would have provided concise and clear results. The developed site peak flow value is not actually given in the FRA, instead the discharge rate from the developed site is proposed to be limited to 0.0458 cumecs (45.8 l/s) and the volume of storage is estimated at 5,500m³. This flow value is the 1-year greenfield peak flow, and the storage volume is much more stringent than the volume proposed in the WRA study (1702 m³ of storage) which is based on limiting flow to the 100-year greenfield value.

The initial drainage design from the FRA based on these values would represent a reduction in the risk of flooding to the River Lostock. However, the FRA does not provide any more details on the actual measures or a plan showing where they would be implemented. The selected measures would be based on the results of ground investigations at the site, which have not yet been undertaken. It is assumed a detailed SUDS design would need to be submitted at a later stage, which would include the finalised layout and simulations using the specialist drainage design software, MicroDrainage to prove the performance of the system under a range of flooding scenarios. In its current format the FRA does not include a full and robust SUDS design.

The FRA does not include any information about the risk of contamination and soil erosion from the site and how this could lead to siltation issues in the River Lostock. It also does not consider the impacts of construction on the reservoir (as identified in the report) which is a fishing lodge on the north-western edge of the site. The impact of soil erosion and contamination during construction is not normally an issue for developments unless there are particularly sensitive areas nearby such as designated nature reserves which may be at risk of receiving contaminants. The fishing lodge however does represent a sensitive receiving area and the Environment Agency and local authority should be made aware of this. In this instance the developer would need to include a construction management plan supported by the application of water quality modelling to estimate the potential sediment erosion from the site, which would require EA and local authority approval.

Desk Study Report Review

The desk study report is mostly a summary of the data provided by the Groundsure searches in Appendices B and C. Groundsure are a company which undertake site based environmental searches for domestic or commercial property. The searches make use of freely available information in the public domain such as maps and data from the British Geological Survey (BGS), Ordnance Survey and Environment Agency. Information provided from these searches is



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used to inform other aspects of the development proposal such as the FRA. In addition to the Groundsure searches the report does refer to a brief walkover inspection of the site with some photos. These show former mill races at the site, areas of wet ground with marsh grass, surface water and even a spring which raise concerns about the surface water flood risk at the site being higher than shown on the EA maps.

As with the FRA, a greater level of detail is normally expected for such a significant development including ground investigations and monitoring which should continue over a period of at least 6 months. It appears that ground investigations will be undertaken at a later stage in the project. These are recommended in the Desk Study Report section 8.2 but they will provide critical information for the detailed SUDS design including the infiltration rates of the soils at the site and boreholes which can give the seasonally high groundwater levels. If the soils are only slowly permeable or groundwater comes to within 1m of the surface, then any infiltration-based schemes for managing the surface water (i.e. soakaways) will not function. This would mean some form of surface water storage, like detention ponds and swales would be the ideal solution.

The Desk Study Report is lacking accuracy. The River Lostock is incorrectly named the River Istock, and the altitude range given in the description of the topography of the site (161 – 175m AOD) is different from the FRA which gives the range between 73 and 92m AOD. The maps of the topographic survey prove the FRA values are correct, although these are very difficult to read due to the small font used for spot heights. A summary map such as that given in Appendix B of the FRA with contours, shading for different altitude ranges and selected spot heights is more informative and should be made available for general use on the project. The lack of attention to detail for some of the most basic information does not inspire confidence in the authors of this report that further information such as the review of monitoring results will be correctly presented.

There are some other aspects of the report which are not fully dealt with. The discussion of the geology for example states that although records for 18 boreholes were found there are no freely accessible borehole records within 250m of the site. However, the BGS Borehole Scans (BGS, 2021) listed only 4 of these boreholes as confidential. Also, other BGS data identifies the potential for groundwater flooding within 50m of the boundary of the site, with a high degree of confidence, as emergence from superficial deposits. The FRA does not consider the risk of groundwater flooding to be high and it appears that it has not referenced the Desk Study Report. A revised assessment of the risk of groundwater flooding should be given based on the BGS information and the results of monitoring at the site.

References

BGS, 2021. [Geology of Britain viewer | British Geological Survey \(BGS\)](#)

WRA LLP 2019. Whittle-le-Woods, Lancashire Hydrological Survey Phase 1 and 2.

WRA LLP 2020. Hydrological Survey Phase 4: Review of Flood Risk for additional development sites at Whittle-le-woods, Lancashire.

Table of recent flooding events, alarms and warnings

Flood events body of Evidence		Previous Major Floods	2015	2016	2017	2018	2019	2020	2021
EA Flood Alerts / Warnings	Totals	2	9	6	1	1	5	8	2
Upon receipt of a Flood Alert, Residents have to take action as if flooding will occur, which causes distress and disruption.		22/08/1987 01/08/1999	31/03/2015 02/06/2015 07/10/2015 22/10/2015 14/11/2015 05/12/2015 12/12/2015 21/12/2015 25/12/2015	03/01/2016 09/01/2016 29/02/2016 08/03/2016 22/08/2016 11/11/2016	21/10/2017	12-Oct	12/03/2019 28/07/2019 27/09/2019 05/10/2019 13/12/2019	09/02/2020 15/02/2020 16/02/2020 24/02/2020 25/08/2020 03/10/2020 06/10/2020 07/10/2020	14/01/2021 18/01/2021
River Lostock Telemetry system (2018)					0	0	2	4	
Residents know flood threat is imminent L1 - River has risen significantly, 2 is a concerning level, L3 is Critical level (flooding is assured)			Boxing Day Floods Town Lane & Waterhouse Green				L1 * 02/08/2019 L2 * 29/09/2019	L3 09/02/2020 L1 25/08/2020 L3 06/10/2020 L1 * 29/10/2020	
Note not all EA FW match Local & telemetry events *									
Local watercourse flooding									
Town Lane / Lucas Lane areas		2	1	1	2	0	1	3	1
Flooding not always related to EA Alerts, could be after heavy rainfall, water rises quickly		05/07/2012 18/12/2013	26/12/2015	26/01/2016	05/10/2017 07/11/2017		29/07/2019	13/02/2020 27/09/2020 06/10/2020	19/01/2021
Other Issues Logged - all evidenced						May & Sept 2019 Water discolour Moss Lane build	24/04/2019 Sewer Burst End of Town Lane		

Comments:

Whittle-le-Woods Parish Council installed a Local telemetry system in River Lostock at Waterhouse Green back in Aug 2017. It is set at 3 levels L1, L2 & L3 Residents and the Flood Action Group now know what to expect once the L1 warning is issued. By way of example February 2020 the river level rose from L1 to L3 in 4 hours, causing more flooding to houses and gardens.

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APPLICATION REPORT – 20/01399/OUTMAJ

Validation Date: 30 December 2020

Ward: Chisnall

Type of Application: Major Outline Planning

Proposal: Outline planning application 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. All matters reserved save for access.

Location: Land Adjacent Blainscough Hall Blainscough Lane Coppull

Case Officer: Adele Hayes

Applicant: Lea Hough And Co LLP

Agent: Mr Elliott Bullock, NJL Consulting

Consultation expiry: 2 February 2021

Decision due by: 31 March 2021

RECOMMENDATION

1. It is recommended that the application is refused for the following reasons:
 - 1) The proposed development would be located within an area of Safeguarded Land as defined by the Chorley Local Plan 2012 - 2026. Chorley has a five year housing land supply as required by the National Planning Policy Framework. The proposal therefore conflicts with policy BNE3 of the Chorley Local Plan 2012 - 2026. It is not considered that there are material considerations put forward in favour of the development are sufficient to outweigh the presumption against it.
 - 2) The application contains insufficient information to determine the presence or otherwise of great crested newts and, therefore, the impact of the proposed development on this protected species cannot be fully assessed. The application is, therefore, contrary to policy BNE9 of the Chorley Local Plan 2012 -2026.
 - 3) The application site is proposed in isolation from the wider site allocation BNE3.6 of the Chorley Local Plan 2012 -2026 and, therefore, leads to a piecemeal approach to the development of the wider site which results in an unsustainable form of development. It fails to consider patterns of movement and connectivity which means that the development does not integrate or function well with the surrounding area. The proposal does not, therefore promote sustainable transport options for people or secure a high-quality inclusive design. The proposal is, therefore, contrary to policy 17 of the Central Lancashire Core Strategy 2012, policy ST1 of the Chorley Local Plan 2012 – 2026 and the National Planning Policy Framework.

SITE DESCRIPTION

2. The application site forms part of a wider parcel of land designated as Safeguarded Land under Chorley Local Plan 2012-2026 policy BNE3 (BNE3.6 Blainscough Hall, Coppull).

3. The site covers an area of approximately 5.51 hectares and is located adjacent to the defined settlement boundary of Coppull. Public Rights of Way run through it.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. The application is in outline form and proposes up to 123no. new dwellings, with all matters reserved save for access. The two new access roads are proposed on Grange Drive, on the northern edge of the site. It is anticipated that the dwellings would be a range of three to five bedroom properties designed as detached, semi-detached or mews. These are arranged on access roads which consist of an access loop between the two new access points, with four cul-de-sacs from the loop located across the site with six turning heads.

REPRESENTATIONS

5. 35no. representations have been received citing the following summarised grounds of objection:

Principle

- Surely Camelot should be developed before a green field?
- The proposal also goes against section BNE3.6 of the current local plan which has identified this land as safeguarded land and as such is identified for future development needs, beyond 2026
- This is to ensure continuity of green belt land and to quote Paragraph 85 of the framework "planning permission will only be granted following a local plan review"
- Presently Chorley Council can show that they have enough housing capacity for the next five years and as such safeguarded land should remain safeguarded, especially as there are more than enough Brownfield sites as yet untouched that can be developed
- In light of other areas available and indeed where development has been granted permission such as Strawberry Fields and Park Hall Camelot it is questionable whether this particular scheme is actually required
- The development will doubtlessly increase traffic in the area and therefore have a negative impact on pollution and carbon emissions - it therefore conflicts directly with local core objective SO3: "To reduce the need to travel, manage car use, promote more sustainable modes of transport and improve the road network" and NPPF guidance on sustainability

Highway safety

- Trying to exit the junction from Grange Drive onto Spendmore Lane [which traffic from the development would use] is difficult and there have been lots of near misses
- Better traffic control at this junction is needed
- Access should be onto Blainscough Lane as it has a safe access to the public highway
- There is obstructed view from the mini-roundabout
- This development is contrary to Local Plan policy BNE1d which states that the residual cumulative highways impact of the development should not be severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic
- This proposal plans to access the site via the mini roundabout on Spendmore Lane and Grange Drive
- Spendmore Lane is a road which is heavily congested and this development of 123 dwellings would lead to an increase of 200-250 vehicles all of which would have to use Spendmore Lane, a considerable impact leading to further congestion
- On leaving Grange Drive the visibility to the right is very poor and again is an accident waiting to happen
- It is certainly not a suitable access route for construction vehicles and heavy lorries

- Grange Drive itself is not a particularly wide road and has several pinch points due to parking
- It is a residential area incorporating a play area for small children
- Surely it cannot be acceptable to increase the risk to these children by allowing a significant increase in heavy traffic
- The road leading from Grange Drive onto Spendmore Lane is controlled by a roundabout that is very dangerous for the current residents as people traveling on Spendmore Lane do not acknowledge the roundabout and speed up to it
- Grandchildren have become accustomed to the current low levels of traffic in the Cul-De-Sac
- LCC have a responsibility to reduce their carbon footprint - by increasing the traffic to an area is not meeting this responsibility
- The scheme will result in substantial additional through-traffic and corresponding additional air pollution
- All the additional traffic will need to pass immediately alongside an existing childrens play area
- Pick up and drop off at the school causes numerous issues, parking on pavements, at the entrance by the roundabout to the estate and double parking outside the school resulting in traffic backing up both ways.
- The planners claim the development will only increase the volume of traffic entering/ exiting the estate to be around 50+ each way - how can a valid survey of the existing volume of traffic be correct considering we are in our third lockdown
- Walking is hazardous as pavements are used for parking and pushing a pram means using the road
- There is no parking facility for St. Oswald's school, thus parents park on Grange Drive, constricting access to the estate
- The primary school children leaving these vehicles will also be at increased risk at all points of the build project, as well as once complete because of the increased traffic
- If this proposal were to proceed, additional access to the estate from the main roads would be an absolute requirement, as well as the consideration of traffic calming measures on Spendmore Lane
- The Spendmore Lane mini-roundabout junction has been a long standing local safety concern
- Vehicles turning right into Grange Drive are too often required to take evasive action to avoid those who fail to give way
- Worse still is egress from Grange Drive where visibility to the right is inadequate
- It is naive for the Consultant to assume the junction is of an adequate standard to offer the required vehicular capacity to accommodate such a development not to mention the safety issues presented by such a proposal
- A simple review of the junction for compliance with the Design Manual for Roads and Bridges (DMRB) CD 116 - Geometric Design of Roundabouts, indicates that the existing design is evidently poor and appears to have been designed with the following design parameters:
 - 85th percentile speed for the arm to the right (Spendmore Lane westbound) is assumed to be
 - 25mph.
 - A gap acceptance time of 2 seconds.
 - An 'F' distance of 2.4m.
- Design Issues
 - It is intangible that the 85th percentile speed on Spendmore Lane is 25mph
 - Traffic surveys should be conducted to establish the actual speed
 - CD 116 states the minimum 'F' distance i.e. distance back from the give way line in which the visibility envelope starts shall be 9m but does permit a relaxed 'F' of 4.5m as well as a further relaxation to 2.4m "where neither the 9m or 4.5m can be achieved" providing the peak hour entry flow on the arm is less than 300 veh/hr. An 'F' of 2.4m is clearly undesirable and does not offer a safe level of visibility to drivers exiting Grange Drive
 - The Highway Authority failed to reinstate the 'domed' aspect of the white circle and also omitted the outer red coloured surfacing

- While the latter is not prescribed in CD116 it did offer the benefit of conspicuity
- Other nearby features on Spendmore Lane such as bus stops, Tansley Avenue & Westend Avenue junctions make this a particularly hazardous location for all users
- More surprising is that there are no facilities for the visually impaired or those with limited mobility to navigate this poorly designed arrangement safely
- If the Blainscough Lane development was to proceed then a new access off Preston Road, via Blainscough Lane is required
- Residents and visitors are required to park their vehicles along the estate roads due to insufficient off road parking provision
- The width of the existing estate roads is 5.5m and the horizontal alignment consists of sweeping curves and tight radii
- However in reality the presence of parked vehicles with this approach often becomes a road safety issue
- We strongly oppose the "access loop" in which an existing cul-de-sac is converted into a through road
- Access to any new development should be via a newly created, fit for purpose vehicular access from Blainscough Lane during both construction and upon completion
- The conversion of a cul-de-sac to a spine road would increase traffic flows
- The Grange Drive and Manor Way estate roads have only very recently been adopted by the Highway Authority; taking over 10 years despite a S38 being in place, however numerous highway verges and fences remain unadopted
- While the footways and carriageway are now maintained by LCC the grass verges, hedgerows and trees are not included on the Chorley Borough Council maintenance schedule and are maintained infrequently by the developer
- The LPA need to consider the maintenance of the highway features and open spaces at the application stage to prevent similar situations in the future
- Throughout Grange Drive and Manor Way there is rotten/damaged highway fencing as well as other features which are missing or have been vandalised
- The layout of Grange Drive is already quite unsafe due to its steepness and is hazardous in poor weather
- Using this road for sole access is dangerous, mainly due to its connection to a busy Broad, Spendmore Lane, where many accidents have occurred due to the roundabout which connects the two roads

Infrastructure

- *The local schools are already over subscribed - with more children, many local schools don't have the space to be extended*
- *More houses may impact on existing residents getting access to doctors and dentists*
- *The increase in population will have an adverse effect on schools, doctors, dentists, clinics and leisure centre facilities*
- *Waiting a long time to get GP appointment*
- *No longer any police presence and crime is on the up, with police doing nothing about well known individuals*
- *The plan shows the primary schools, however it does not show that due to developments such as Buckshaw/Duxbury, our secondary schools are oversubscribed, some changing their catchment areas meaning children in Coppull struggle to get their school of choice.*

Ecology and landscape

- It will affect Blainscough Woods Nature Reserve
- This development is contrary to Local Plan policy BNE1f which states that any development should not have a detrimental impact on important natural habitats and landscape features such as historic landscapes, mature trees, hedgerows, ponds and watercourses
- This proposal would have significant detrimental effect on important natural habitats and landscape features such as mature trees, hedgerows, ponds and watercourses

- The site borders the protected area of Blainscough nature reserve and is used as a wildlife corridor through to Chisnall and Hic Bibi - any development on this site would seal off this corridor with a resultant loss of wildlife
- Well known wildlife route
- Nature reserve - This is home to many wild animals and birds. Bats and squirrels live in this area and last year there was a breeding pair of Sparrowhawks
- There is also no mention of the natural pond that contains newts and other animals
- Any new development would disturb the wildlife and it seems incredulous that you are planning to build so close to it
- Line of fields that occupy field boundaries provide safe haven for animals
- Last year a large tree was felled in nearby St Oswalds Court just so they could conduct a survey
- Trees act as a windbreak / noise barrier
- In the local plan it states that intent is to maintain and improve the quality of the environment, creating 'room to breathe' - stating that we should protect open spaces
- The proposal does not support this - it does not take into account the impact on existing features, trees, watercourses and wildlife
- It removes green space, will adversely affect the character of the setting, the adjacent nature reserve will be impacted as the fields are a wildlife corridor for a number of animals and plant species
- Natural pond, not shown on plan received, newts frogs toads spawn yearly here
- Also damsel and dragon flies
- Home to bats, wild birds, roe deer, squirrels, owls, birds of prey (sparrow hawks and common buzzards)
- Bat habitat around old moat area
- Hedgehogs are in abundance
- Natural pond situated 10m from the significant line of healthy trees which fall within the border of the plans and lies within the proposals

Drainage and flooding

- In winter the brook that runs along the lower end of Grange Drive and under Spendmore Lane gets high in the winter months - will it cope with more housing and more hard surfaced area?
- This development is contrary to Local Plan policy BNE1f with regard to the watercourse as the proposal aims to provide drainage into Tanyard Brook
- Tanyard Brook is already struggling to cope with the amount of water running through it at present
- This site floods quite severely and at the time of writing this objection the site is flooded in several areas
- Extensive work would be required in order to control this flooding
- At the moment the field is full of water, the public footpath leading up to the bridge is flooded, the brook which takes the water has struggled with heavy down pour and in the past has risen to a worrying state, raising concerns for their property and their neighbour's property
- The fields are currently used for hay (3 crops a year) and winter grazing - this means that rainfall is absorbed by the ground and slowly percolates into the surrounding watercourses
- During heavy rainfall this prevents localised flooding
- The field behind Manor Way, especially, holds surface water that would otherwise overwhelm Tanyard Brook
- Raw sewage has come out from manhole covers
- Fields flood after couple days of rain – where will this water go?
- Brook can reach over 20 feet across in parts and is extremely deep
- Fields hold a lot of water which would end up in Brook if houses built
- Drains have water bubbling up from them in heavy rainfall even bubbling up through tarmac in path along side brook

- Path from bridge over Brook to field has been inaccessible at times due to water levels being so high
- Can pumping Station cope with 120+ more houses?

Amenity

- It will impact on privacy
- This is a greenfield site which provides much needed amenity value for the health and well-being of the community using the footpaths that cross it
- Local walks will be ruined, the fields are a walkers haven, safe for children and people with dogs
- Somewhere safe to walk away from the busy main roads
- Grange Drive already has a play area which is currently in the ownership of a developer
- Therefore the maintenance of these facilities are the responsibility of said developer
- The condition of the play area is poor and tired in appearance
- In addition, there are obvious safety issues which have been long ignored i.e. safety matting has lifted/deteriorated, presenting a trip hazard
- The LPA need to consider the ownership of any new play area to ensure the upkeep is of a satisfactory standard
- Ideally all play areas should be adopted by Chorley Borough Council.
- The 3 footpaths that cross it are well used for leisure, to get to work and other parts of the village

Heritage

- Blainscough Hall used to be surrounded by a moat and is mentioned in the 16th century when priests took refuge in the English Civil War
- There is also the remains of a Roman Road that runs past Blainscough Hall from Hic Bibi towards Preston
- This ancient building and road should be protected

Other

- There is a park that runs along Grange Drive, and that road would get more traffic and increase the risk to playing children
- Construction traffic and deliveries during the build should use a temporary access through Blainscough Lane rather than bringing construction traffic through a residential area
- It will impinge on ability to maintain boundaries
- It would impair the availability of established and safe off the public highway walking routes around the area
- No matter how elaborate these developments are, continuation of building on what's left of green spaces is not in the best interest of the village and its community
- Concerned about the amount of affordable housing on this proposed site - this will have a negative impact on house prices and add to issues surrounding social behaviour
- Slowest roll out of COVID vaccines in area
- A childrens trim trail adjacent to the main road into the development and next to open water does not seem sensible from a safety perspective
- Not seen any measures in the plan to prevent crime and promote community safety
- Public consultation via a mail drop and email is not meaningful consultation on a subject that has such a significant impact on the community and its surroundings
- When we purchased our property in June 2016, we received documentation stating the fields to the rear of our property had a 10 year moratorium, starting 2016 to 2026
- There are also mineshafts in that location which would mean the land is unstable for development and poses a serious risk to people's health and wellbeing

- Concerned that if this is passed the developers could sell on the planning permission to another developer who could resubmit for more housing impacting the infrastructure further
- Why is this development called Blainscough development when there is no exit or entrance from Blainscough Lane - it is a Grange Drive development
- Save land for future and do better general public consultation so that more people can find out about selling land
- Rumour has it Miller Homes have bought this land - odd seeing as no planning permission has been granted.

CONSULTATIONS

6. Coppull Parish Council – Have objected to the proposal and have commented as follows:
 - Support the objections raised by the community of Coppull.
 - Damage to the environment and established wildlife habitats and corridors from the overdevelopment and unnecessary removal of a large recreational green space in the village.
7. Charnock Richard Parish Council – Have objected to the proposal and have commented as follows:

“The single access proposed from Spendmore Lane, has design flaws which make it hazardous. The increase in vehicular movements to and from the development will compromise highway safety on roads in Coppull and in neighbouring Parishes. The local infrastructure in Coppull and the neighbouring Parish of Charnock Richard is inadequate, with school places difficult to secure and doctors surgeries hard pressed to serve their local communities. Local shops, dentists, opticians and leisure facilities are simply not big enough to cope with the demand from existing homeowners, without the increased pressure of additional demand from new housing provision. The additional pressure on an already inadequate drainage system in the area will result in flooding issues. The loss of trees, woodland and wildlife habitats will have a significant detrimental impact on the area which is currently a haven for wildlife. The impact on the traffic levels and already existing parking problems in Charnock Richard will be heightened as residents of the new development seek to find school and pre-school places in our Parish. The Parish Council do not believe there is sufficient local infrastructure available to support further development in Coppull”.
8. Lancashire Constabulary Architectural Liaison: Make a number of recommendations in relation to designing out crime.
9. Environment Agency: Have no objection.
10. Greater Manchester Ecology Unit: Make a number of recommendations and advise that great crested newt surveys are required.
11. Waste & Contaminated Land: No objection subject to land contamination condition.
12. Regulatory Services - Environmental Health: No comments have been received.
13. United Utilities: Have no objections, conditions are recommended.
14. Lancashire Fire and Rescue Service: No comments have been received.
15. Lancashire County Council Highway Services – Comments to be reported on the addendum.
16. Lancashire County Council Education: Advise that an education contribution is not required at this stage in regards to this development.
17. Lead Local Flood Authority: Raise no objection, subject to various conditions.

18. NHS: No comments have been received.
19. CIL Officers: Comment that CIL Liability is not calculated at outline application stage. The development will be CIL Liable on approval of the final reserved matters application (if approved).

PLANNING CONSIDERATIONS

Principle of development

20. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that if regard is to be had to the development plan for any determination then that determination must be made in accordance with the plan unless material considerations indicate otherwise.
21. The Development Plan comprises the adopted Central Lancashire Core Strategy (2012) and the adopted Chorley Local Plan 2012- 2026.
22. The Central Lancashire Core Strategy was adopted in July 2012 and covers the three neighbouring authorities of Chorley, South Ribble and Preston. The three authorities are a single Housing Market Area (HMA).
23. Core Strategy Policy 1 (Locating Growth) identifies Whittle-Le-Woods as an Urban Local Service Centre where some growth and investment will be encouraged to help meet local housing and employment needs.
24. Core Strategy Policy 4 Housing Delivery of the Plan sets the following minimum requirements for housing development across the Core Strategy area:
 1. Preston 507 dwellings pa
 2. South Ribble 417 dwellings pa
 3. Chorley 417 dwellings pa
25. Core Strategy Policy 5 Housing Density indicates densities will be secured in keeping with local areas and which will have no detrimental impact on the amenity, character and appearance, distinctiveness and environmental quality of an area, consideration will also be given to making efficient use of land.
26. Core Strategy Policy Policy 7 Affordable and Special Needs Housing of the Plan seeks to ensure sufficient affordable housing and special needs housing is provided to meet housing needs. It sets a requirement of 30% affordable housing on residential schemes in the urban parts of Chorley. In terms of the National Planning Policy Framework major development proposals are defined where 10 or more houses are provided or where the site has an area of 0.5 hectares or more.
27. Policy V2 of the Chorley Local Plan 2012 - 2026 establishes the Settlement Areas in the Borough. Within these areas there is a presumption in favour of appropriate sustainable development, subject to material planning considerations and the other policies of the Development Plan. It is within these areas (and the strategic allocations) that the majority of development is envisaged to take place.
28. The application seeks outline planning permission for up to 123no. dwellings on approximately 5.51 hectares of land. The site is adjacent to the settlement area of Coppull and is located on designated safeguarded land, as defined in Policy BNE3 (Areas of Land Safeguarded for Future Development Needs) of the Chorley Local Plan 2012 - 2026. This application site forms part of a wider parcel of safeguarded land known as BNE3.6 Blainscough Hall, Coppull.
29. The site was designated as Green Belt in the 1993 Lancashire Structure Plan. It was removed from the Green Belt designation and reallocated as Safeguarded Land along with a number of other sites in the 1997 Chorley Borough Local Plan under the Safeguarded

Land policy (Policy C3). In the Chorley Borough Local Plan Review in 2003 the site was again designated as Safeguarded Land under Policy DC3.11.

30. The areas of Safeguarded Land covered by Policy DC3 were reviewed as part of the current Local Plan process which started in 2010. The review included a sustainability assessment, and consultation with Lancashire County Council and United Utilities. In order to meet Chorley's housing, employment and open space requirements in the Chorley Local Plan 2015, safeguarded sites that were considered the most suitable, specifically those that were natural extensions to existing settlements, and proved most viable in terms of highways access and the characteristics of the site were allocated. The remaining Safeguarded Land was retained as Safeguarded Land under Policy BNE3 to provide for potential future development needs beyond the Plan period (i.e. after 2026).
31. Policy BNE3 is a restraint policy and states that development other than that permissible in the Green Belt or Area of Other Open Countryside (under Policy BNE2) will not be permitted on Safeguarded Land. The proposal is, therefore, contrary to Policy BNE3.
32. Policy BNE3 is in accordance with paragraph 139 of the National Planning Policy Framework (The Framework) (February 2019) which states that local planning authorities should c) "where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer term development needs stretching well beyond the plan period" and d) "make clear that the 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".

Other material considerations

33. The Framework is a key material consideration. The purpose of the planning system is to contribute to the achievement of sustainable development. There are three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). There are three objectives to sustainable development set out at paragraph 8 and it is fundamental that development strikes the correct balance between:
 1. Environmental - the protection of our natural, built and historic environment.
 2. Economic - the contribution to building a strong and competitive economy.
 3. Social - supporting strong, vibrant and healthy communities
34. Paragraph 10 of the Framework states that so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).
35. Paragraph 11 of the Framework states for decision-taking this means:
 - c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - a. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - b. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
36. The Footnote (6) to paragraph 11 sets out examples of the type of policies that may indicate development should be refused. Footnote 7 makes clear that the tilted presumption in favour of sustainable development will apply where a Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites.
37. Paragraph 59 of the Framework confirms the Government's objective of significantly boosting the supply of homes.

38. Paragraph 60 of the Framework reinforces that requirements represent the minimum number of homes needed.
39. Paragraph 73 of the Framework requires Local Planning Authorities to maintain a supply of deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategies or against their local housing need where the strategic policies are more than five years old. Footnote 37 states in circumstances where strategic policies are more than five years old, five year housing land supply should be calculated against Local Housing Need calculated using the Government standard methodology, unless those strategic policies have been reviewed and found not to need updating.
40. Section 13 of the Framework sets out the Government's policy on protecting Green Belt land. It begins by stating that "the government attaches great importance to Green Belts". The importance of the permanence of the Green Belt is reiterated. Paragraph 139 explains that Local Authorities should, where necessary, identify in their plans areas of 'safeguarded land' between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period. It further states that Local Authorities "should make clear that the 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 a Local Plan review which proposes the development".
41. Land is allocated as such to ensure that Green Belt boundaries last for a long time and it is protected from development until a time in the future which it might be required to serve development needs. The main purpose of designating Safeguarded Land in Chorley is to ensure that the inner boundary of the Green Belt will endure in the long term rather than act as a land bank for future development. Designating land as safeguarded does not mean that its development is inevitable in the long term. Retaining this land for future development needs at this time is consistent with the purposes of designating the site as safeguarded land within the Local Plan, in accordance with the Framework.
42. The proposed development would result in the irreversible loss of part of a safeguarded greenfield site not required to meet current housing needs at this point in time. The application site is approximately 5.51 hectares whilst the overall safeguarded site BNE3.6 is 7.8 hectares. This loss weighs heavily against the proposal and is contrary to the prudent use of land and resources in an area where much of the Borough is designated Green Belt. The Framework is clear that safeguarded land is not for development at the present time (i.e. within the Plan period) and planning permission should only be granted following a Local Plan review.

Housing land supply

43. The applicant considers that the Council is unable to demonstrate a five-year housing land supply when considered against the Local Housing Need (LHN) requirement and that two of the most important policies relating to the application site, namely Core Strategy Policy 4 and Chorley Local Plan Policy BNE3, are out of date. They therefore consider that the presumption in favour of sustainable development at Paragraph 11d) of the Framework is engaged.
44. The Core Strategy policies are more than five years old (adopted July 2012), however, following the Cardwell Farm decision (Appeal ref: APP/N2345/W/20/3258889 9th March 2021) the Council now uses Core Strategy Policy 4 to determine the 5 year housing supply. The Council has a 11.2 year deliverable housing supply over the period 2020 – 2025 based on an annual housing requirement of 144 dwellings which includes a 5% buffer and takes into account the previous oversupply.
45. The proposal does provide a mix of housing on site, 123 dwellings ranging from 3-5 bedroom properties houses detached, semi-detached or mews. The residential development covers 3.69 hectares. The average net density across the site equates to 33.3 dwellings per

hectare. The provision of public open space and natural play area is 0.81 hectares. The undeveloped root protection area is 0.79 hectares.

46. The Icen Housing Study 2020 refers to broad density targets below using four broad types of location including rural locations (including villages), suburban locations, urban areas (i.e. urban fringe locations) and town centres. This site is in a suburban/urban extension location. The proposal should provide for a mix of houses.
47. For sites 5-10ha a net developable area of 60% has been applied so the yield for this site would be 115 dwellings (net developable area of 3.30 ha x 35dph, (SHELAA methodology Table)).
48. The piecemeal development of this area of safeguarded land prevents the whole allocation being masterplanned and does not allow for infrastructure and services to keep up.
49. The position of the Council in respect of Housing Land Supply is set out below:

The Euxton Lane Inquiry Decision APP/D2320/W/20/3247136 (11 August 2020)

50. The appeal was allowed and outline planning permission was granted for the erection of up to 180 dwellings including 30% affordable housing, with public open space, structural planting and landscaping, surface water flood mitigation and attenuation and vehicular access points from School Lane on land at Pear Tree Lane, Euxton, Chorley in accordance with the terms of the application, Ref 19/00654/OUTMAJ.
51. Para 10 of the decision states “The presumption in favour of sustainable development in paragraph 11(d) of the Framework directs that, where the policies which are most important for determining the application are out-of-date, the ‘tilted balance’ applies, whereby permission should be granted unless the policies of the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Paragraph 73 of the Framework also requires local planning authorities (LPAs) to maintain a supply of deliverable sites sufficient to provide a minimum of 5 years’ worth of housing against their housing requirement or local housing need. Where an LPA cannot demonstrate a 5 year supply of deliverable sites, Footnote 7 of the Framework establishes that the policies of the development plan which are most important for determining the application are out-of-date”.
52. The main issues in the appeal were:
 - a. Whether or not the Council can demonstrate a 5 year supply of deliverable housing land in Chorley borough, 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;
 - b. 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; and
 - c. Whether this, or any other material consideration, would justify the proposed development on safeguarded land at this time.
53. In respect of the Five Year Housing Supply, the Inspector concluded:
54. Para 36 “...I have concluded above that 569 dpa is the appropriate housing requirement figure for Chorley for the purposes of calculating the 5YHLS in this appeal. The main parties dispute the deliverability of an allocated site at Cowling Farm, for which the Council includes 112 dwellings in the supply to the end of March 2025. However, even if the Cowling Farm figure were included in the deliverable supply, 1,617 dwellings would only amount to a 2.7 year supply against the LHN calculated using the standard method, still well below the 5 year requirement. Consequently, it is not necessary for me to consider the evidence for and against the inclusion of the Cowling Farm site any further here”.

55. Para 37 "...Overall, therefore, in the light of the evidence before me at this appeal, the provisions of the development and the relevant national policy and guidance, I conclude that the Council is unable to demonstrate a 5 year supply of deliverable housing sites measured against the LHN for Chorley".
56. In respect of the most important development plan policies the Inspector concluded:
57. Para 44 "... Policies 1 and 4 of the CLCS and Policy BNE3 of the CLP are the 'most important' policies in this case, defining the need and appropriate locations for housing in Chorley and the limitations on development on the appeal site as Safeguarded Land".
58. Para 45 "... The courts have established that a policy may become 'out-of- date' where it is overtaken by a change in national policy. That is clearly the situation applying to Policy 4 of the CLCS, where its housing requirements were derived from the former Regional Spatial Strategy for the North West, which in turn relied on the 2003-based household projections. This, combined with the introduction of the standard method in the 2018 Framework and the application of the 2014-based household projections, renders the housing requirements in Policy 4 out-of-date".
59. In respect of Policy 1 the Inspector at para 47 states:
60. "In this case, Policy 1 does not of itself define settlement boundaries or limit development only to sites within settlements in Chorley borough. The evidence before me does not show that Policy 1 would unreasonably constrain the ability of the borough to accommodate its standard method housing requirement of 569 dpa. As such, I do not consider that Policy 1 of the CLCS is out-of-date for the purposes of this appeal".
61. In respect of Policy BNE3 the Inspector concluded:
62. Para 49 "...My conclusions on the 5YHLS above indicate that the restriction on the development of Safeguarded Land in Policy BNE3 is preventing the Council from being able to provide an adequate housing land supply, against its standard method LHN within the current plan period to 2026".
63. Para 50 ".....This is further supported by the fact that the emerging CLLP identifies all but one of the Areas of Safeguarded Land in Policy BNE3, including the appeal site, as site proposals to meet the borough's housing needs for the period 2021-2036. Whilst the emerging CLLP is at an early stage and the final selection of housing allocations will be determined through the local plan examination process, it clearly recognises that land currently safeguarded in Policy BNE3 for development needs beyond the end of the CLP plan period in 2026, may need to be released before then to meet a housing requirement based on the standard method LHN".
64. At Para 51 the Inspector concludes "In this case the 'basket' comprises Policies 1 and 4 of the CLCS and Policy BNE3 of the CLP. Although the overall spatial strategy for Central Lancashire in Policy 1 is not itself out-of-date, the policies establishing the amount of housing needed in Chorley borough and designating the appeal site as Safeguarded Land, so preventing it from contributing to those needs, are out-of-date. On this basis therefore, taken as a whole, I conclude that the 'most important' policies for determining this appeal are out-of-date".
65. At Para 98 the Inspector sets out "Paragraph 11(d) of the Framework is also an important material consideration in this case. I have concluded above that the most important policies for this decision are out-of-date, both on their own merits and because the Council is unable to demonstrate a 5YHLS against the standard method LHN for Chorley. As such the 'tilted balance' in paragraph 11(d) is engaged for this decision. This means 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 6, 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”.

The Memorandum of Understanding

66. The three councils of Chorley, Preston and South Ribble entered into a Memorandum of Understanding (MOU 1) in September 2017 and this document provided clear evidence of the close working relationship between the three authorities in plan-making, building on the extant Core Strategy and committing to the preparation of a new single Central Lancashire Local Plan, which is now progressing.
67. MOU1 reflected the single HMA across Central Lancashire and is a policy-on response to the findings of the Strategic Housing Market Assessment (SHMA published in 2017) which concluded that: ‘the spatial distribution of need within the HMA varies depending on judgements made on projections. There has been an historical over-delivery of homes in Chorley relative to housing requirement policies, compared to an under-delivery in Preston and South Ribble’.
68. In May 2020, the three Councils approved an addendum to MOU2, entitled Joint Memorandum of Understanding & Statement of Co-operation Relating to the Provision and Distribution of Housing Land: Statement of Common Ground.
69. MOU2 aggregates the minimum annual Local Housing Need standard method figures for the three Local Planning Authorities and redistributes that housing need across the Central Lancashire area. The redistribution relies on evidence in the Central Lancashire Housing Study (March 2020) (CLHS) produced to inform the preparation of the Central Lancashire Local Plan. But it also seeks to provide an interim set of district level housing requirements, which MOU2 states is ‘to reflect the most sustainable pattern of development in the sub-region’ and ‘to align with City Deal growth aspirations in Preston and South Ribble.
70. As at 1st April 2020, the application of the agreed distribution ratio to this aggregate figure results in the following requisite minimum housing requirements for each Central Lancashire authority:

Preston:	404 dwellings pa
South Ribble:	328 dwellings pa
Chorley:	278 dwellings pa
Total:	1,010 dwellings pa
71. The Inspector for the Pear Tree Lane Inquiry considered the MOU and stated:
72. Para 23 “Whilst paragraph 2a-013 of the PPG does not prohibit LPAs in joint plan areas from relying on a redistribution of LHN figures to determine planning applications in advance of the adoption of their plans, this paragraph ostensibly applies to plan-making rather than decision-making. This is clear from the question it seeks to answer and its repeated references to spatial development strategies and policy-making. The national guidance on how housing need should be calculated for the purposes of decision-making is found in section 68 of the PPG on Housing supply and delivery”.
73. Para 24 “The courts urge treating the PPG with considerable caution when there is a dispute about its interpretation, given that it is intended to be guidance not policy. However, the guidance in the PPG on calculating housing need and the 5YHLS for decision-making purposes mirrors the policy in paragraph 73 and footnote 37 of the Framework, that where the adopted housing requirement is more than 5 years old and the strategic housing policies need updating, as in Chorley, the 5YHLS will be measured against the LHN using the standard method”.
74. Para 25 “The standard method was introduced into national policy in the 2018 Framework as the new baseline for assessing 5YHLS in the absence of an up to date plan, in order to incentivise LPAs to get plans in place. Therefore, it is reasonable to conclude that the guidance in paragraph 2a-013 of the PPG is not intended to allow for a redistribution of

LHN in joint plan areas to provide the basis for calculating 5YHLS in decision-making in advance of that distribution being properly tested at examination and found sound. For the PPG to do so would run counter to the definition of LHN in the Framework and the clearly stated policy on the application of the standard method in decision-making”.

75. Para 26 “Nevertheless, to date the courts have held that it is not unlawful for an LPA to rely on a housing requirement or an apportionment of housing need for decision-making purposes, even if this is not contained in an adopted plan. I recognise that the St Modwen and Oadby & Wigston judgements predate the standard method and the Harrogate judgement related to a planning permission granted before the latest version of the Framework made clear that LHN could only be calculated using an alternative approach in the context of preparing strategic policies. However, these judgements remain and establish the principle that an apportionment of housing need in an emerging joint plan can be a material consideration in decision-making. Therefore, I consider below the evidence for and against the apportioned housing need figure based on the analysis in MOU2 and the weight that should be attached to it.”
76. In conclusion the Inspector stated:
77. Para 31 “.....Whilst MOU2 was the subject of consultation, it is evident that there are significant and substantive objections to the proposed redistribution of the LHN and the evidence which supports it, which remain outstanding and will need to be resolved, ultimately through the CLLP examination. The Court of Appeal has established that ‘it is not for an Inspector on a S78 appeal to seek to carry out a sort of local plan process so as to arrive at a constrained housing requirement figure’ “.
78. Para 32 “....Paragraph 48 of the Framework allows weight to be given to policies in emerging plans, according to the stage of preparation, the extent to which there are unresolved objections and the degree of consistency to the Framework. This guides my assessment of the weight that can be given to a housing requirement based on the redistribution of LHN in MOU2, as a policy document which informs the emerging CCLP. The emerging plan is at a very early stage and carries limited weight in this appeal. Although the MOU2 redistribution is an agreed position by the LPAs, there are significant unresolved objections to the recommended figures, which may result in Chorley’s apportionment being modified following examination. For these reasons and in the light of my consideration of the evidence submitted, I attach limited weight to the housing requirement figure for Chorley of 278 dpa in this appeal”.
79. Para 33 “....However, full weight can be attached to the standard method LHN figure for Chorley, given that its value and use in this case are entirely consistent with the Framework and the PPG. Accordingly, I conclude that the figure of 569 dpa should be used for the purposes of calculating the 5YHLS in this appeal. This would also support the Government’s objective, in paragraph 59 of the Framework, of significantly boosting the supply of homes”.
80. Para 34 “...In reaching this view, I have had regard to the previous decision for the appeal site in 2017. Whilst the Inspector in that appeal applied a redistribution of the objectively assessed housing need (OAN) for Chorley based on the 2017 version of the MOU2 (MOU1) in order to calculate the 5YHLS, the apportionment in MOU1 aligned with the adopted CLCS, rather than an alternative arrangement. In addition, national policy on the calculation of 5YHLS at the time of that decision was very different, in that it predated the 2018 Framework and the introduction of the standard method. However, I also note that in the Chain House Lane appeal decision, which dealt with the draft version of MOU2 in the context of the new Framework and the standard method, the Inspector gave limited weight to the draft MOU2 and concluded that the standard method LHN figure for South Ribble should be used in that case. I have explained my reasoning for attaching limited weight to a housing requirement based on the redistribution of LHN in MOU2 in the light of the evidence before me in this case”.

Preston Withdrawal from the MOU

81. In light of the Pear Tree Lane, Euxton appeal decision Preston City Council withdrew from the MOU agreement on 4 November 2020.

Chain House Lane, Whitestake, Preston Judgement 21 August 2020

82. The decision was quashed, in relation to the claimant's contentions in ground 5. A new Inquiry was held in March 2021.

Land at Cardwell Farm, Garstang Road, Barton, Preston, PR3 5DR, APP/N2345/W/20/3258889 (9th March 2021)

83. The appeal was allowed and planning permission granted. The Inspector identified four main issues of which two had implications for Chorley. These are:
1. Whether the Council can demonstrate a five-year supply of deliverable housing sites, having particular regard to the housing need or requirement for Preston; and,
 2. Whether paragraph 11 d) ii. of the Framework is engaged either by reason of a lack of a five-year supply of deliverable housing sites or because the most important policies for determining the appeal are out-of-date.
84. The Inspector concluded the following:

The review of the Core Strategy housing requirement via MOU1 and the 2017 SHMA is the only footnote review to have taken place.

Para 24 "...Paragraph 73 of the Framework requires that local planning authorities (LPA) should 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 strategic policies, or against their local housing need (LHN) where the strategic policies are more than five years old. Footnote 37 of the Framework indicates that where strategic policies have been reviewed and found not to require updating they should still be used as a basis for the housing requirement even if they are more than five years old".

Para 25 ".....Planning Practice Guidance³ (PPG) contains similar wording to Footnote 37 but also notes that the housing requirement figures identified in adopted strategic housing policies should be used for calculating the five-year housing land supply figure where the strategic housing policies have been reviewed within the last five years and found not to need updating. This wording in the PPG was introduced in July 2019. It followed on from wording contained in the 2018 version of the PPG which reflected the July 2018 Framework and the introduction of the standard method for calculating LHN".

Para 26 ".....Footnote 37 and the related PPG were introduced without any transitional arrangements. Therefore, the effect of national policy and guidance is that any review of the strategic housing requirement undertaken from July 2014 onwards which found the requirement not to require updating would amount to a 'Footnote 37 Review'. Whilst PPG is not policy, it does not depart from the Framework on this subject but seeks to assist with the time period whereby a review has currency".

Para 27 "...The development plan minimum housing requirement for Preston of 507 dwellings per annum (dpa) is set out in Policy 4 of the CLCS. This is out of a total requirement for Central Lancashire of 1,341 dpa. This requirement was set by adopted strategic policies which are more than five years old".

Para 28 "...However, in October 2017, some five years after the adoption of the CLCS, the Central Lancashire authorities of Preston, Chorley and South Ribble entered into a Joint Memorandum of Understanding and Statement of Co-operation relating to the provision of Housing Land (MOU1). MOU1 agreed that the housing requirement in the CLCS should be applied until the adoption of a replacement plan".

Para 29 “....MOU1 was informed by a Strategic Housing Market Assessment (SHMA) which indicated that, if each LPA were to meet its own Objectively Assessed Need, the total requirement for Central Lancashire would only exceed the Policy 4 requirement by some 20 dpa, albeit that different distributions would result depending on whether demographic or economic growth figures were used. The SHMA used the 2014-based household projections as the starting point for assessing housing need”.

Para 30 “.....MOU1 noted that continuing to apply the CLCS housing requirement would, amongst other things, reflect the spatial pattern of development set out in Policy 1 of the CLCS, including directing housing growth to priority areas such as Cottam and North West Preston where land had been allocated to deliver significant new housing in accordance with the Preston, South Ribble and Lancashire City Deal; that site allocations had been determined to meet the spatial pattern of development in the CLCS; that the CLCS requirement reflects the high levels of containment for both travel to work and housing market areas (HMA); and that the Policy 1 apportionment would help to address net out-migration from Preston to other parts of the HMA. That the Policy 4 figures were based on the defunct North West Regional Spatial Strategy and had a baseline date of 2003 were not factors that were referred to in MOU1 and, therefore, on the face of it were not given much weight”.

Para 31 “.....Although it was entered into before the publication of the 2018 Framework, the Council and the appellant agree that MOU1, supported by evidence in the SHMA, was a ‘Footnote 37 review’. Based on the information before me, I see no reason to take a different view”.

The decision of Preston to revert to standard method after withdrawal from MOU2 did not constitute a review and was not a robust process.

Para 32 “.....However, the Council considers that matters have moved on from MOU1. MOU1 included a clause whereby the document was to be reviewed no less than every three years but would also be reviewed when new evidence that renders the MOU out of date emerges. It is more than three years since MOU1 was entered into. The Council points to the introduction of the standard method for assessing LHN as being a significant change in circumstances. If the LHN figure is used, Preston would be required to deliver 250 dpa”.

Para 33 “.....Footnote 37 and PPG do not indicate whether, once reviewed and found not to require updating, the development plan housing requirement can be reviewed again outside the formal local plan process. However, the implications of paragraphs 31-33 of the Framework is that it is anticipated that relevant strategic policies will need updating through a new local plan or partial review of a local plan rather than through a ‘review of a review’. That said, it seems to me that there may be justification to revert to LHN even if the requirement had been previously reviewed and found not to require updating. However, the decision to depart from the findings of a review undertaken in the last five years would need to be supported by a robust process”.

Para 34 “.....In this respect the Central Lancashire LPAs entered into a second Memorandum of Understanding in April 2020. This was augmented by a Statement of Common Ground in May 2020 reflecting a slight change in LHN housing numbers for April 2020. However, for the purposes of this decision the changes are not significant, and I will refer to these documents collectively as MOU2”.

Para 35 “.....MOU2 took into account the Central Lancashire Housing Study (CLHS), published in March 2020. The CLHS was commissioned to inform the review of the CLCS. However, the CLHS did not assess housing need in the way the SHMA did. It focused on LHN as a basis for the housing requirement, not on whether to plan for a higher level of need. In addition to findings in relation to affordable and other specific housing needs, it recommended that, pending the adoption of a new local plan, LHN should be used as a basis for assessing five-year housing supply but that the LHN should be redistributed such that Preston’s requirement would be 404 dpa. However, the recommendations did not

appear to consider that a Footnote 37 review had already been carried out, and started with the assumption that the LHN should be used as the basis for the housing requirement”.

Para 36 “...As a result, MOU2 sought not to use solus LHN figures or retain the CLCS requirement but redistribute the LHN figures across the Central Lancashire LPAs. The veracity of MOU2 was tested at an inquiry in the summer of 2020 relating to a development of up to 180 dwellings at Pear Tree Lane, Euxton, Chorley. The Inspector in his decision gave limited weight to the figure for Chorley derived from MOU2 because it was outside the local plan process. He noted that PPG allows the housing requirement for a joint plan making authority to be distributed across the plan area but this should be done through the plan making process, not through decision-making. I agree with this analysis and that Footnote 37 effectively provides two principal options for an LPA housing figure, either the adopted strategic policy requirement or the LHN”.

Para 37 “...The Inspector agreed that the LHN figure should be used for Chorley. However, it appears that the option of using the CLCS requirement was not put to him. The only reference to MOU1 in his decision is in relation to a previous appeal for the Pear Tree Lane site in 2017. In other words, it was not argued that MOU1 still had currency as a Footnote 37 review”.

Para 38 “...Up to December 2019 Preston continued to use the CLCS requirement for the purposes of assessing its five-year housing land supply. This was in the knowledge of the longevity of the CLCS requirement and the fact that it was based on calculating need in accordance with the 2012 Framework. However, following an appeal decision relating to Chain House Lane, South Ribble, where the Inspector concluded that MOU1 did not constitute a Footnote 37 review and that LHN should be used, the Council decided to use the LHN figure. However, the Chain House Lane decision was quashed in the High Court. The judge found that the Inspector’s reasoning for concluding that MOU1 was not a review was inadequate”.

Para 39 “....Subsequently, following the Pear Tree Lane decision, the Council withdrew from MOU2 because the Inspector ‘has attributed limited weight to the MOU in determining the appeal.’ The Council’s decision does not indicate on what basis the housing requirement or the five-year supply will be derived as an alternative to MOU2, albeit it is noted that the Central Lancashire LPAs are in the process of reviewing the Local Plan which will consider the matter of distribution of housing”.

Policy 4 should be used for the purposes of assessing whether there is a minimum of five years’ worth of housing against the housing requirement.

Para 40 “.....Pulling this chain of events together, to my mind the review of the CLCS housing requirement through MOU1 is the only Footnote 37 review that has been undertaken. The decision to revert to the LHN figure after withdrawal from MOU2 did not constitute such a review as it has not followed a robust process. The factors set out in paragraph 30 above are still relevant today. In addition, the higher housing requirement derived from the CLCS would deliver more affordable housing. Therefore, Policy 4 of the CLCS should be used for the purposes of assessing whether there is a minimum of five years’ worth of housing against the housing requirement”.

Based on the CLCS requirement of 507 dpa and factoring in past under-supply and a 5% buffer, there would be a 4.95 years supply of housing land.

For the above reasons, the Council cannot demonstrate a five-year supply of deliverable housing sites, having regard to the housing requirement for Preston.

85. The Inspector concluded that the adverse impacts of the proposed development relating to the conflict with the development strategy and effects on character and appearance would not significantly and demonstrably outweigh the considerable economic and significant social benefits.

Summary - the tilted balance

86. Paragraph 11 d (ii) of The Framework essentially comes into play whereby the most important policies for determining an application are out of date, then planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
87. Whilst the Inspector accepted that there would be some limited harm to the character and appearance of the area, in terms of benefits, provision of new housing would bring construction supply chain jobs, places for economically active to live, increased local spend and greater choice in the market. The affordable homes would be a benefit and the proposal would boost supply, therefore he attached moderate weight to the economic benefits and significant to the social benefits. He concluded the adverse impacts of the proposed development relating to the conflict with the development strategy and effects on character and appearance would not significantly and demonstrably outweigh the considerable economic and significant social benefits.
88. Taking account of the Cardwell decision para 42 relating to Preston's housing supply the calculation for Chorley is:
89. At 1st April 2020 there was a total supply of 1,617 (net) deliverable dwellings which is a 11.2 year deliverable housing supply over the period 2020 – 2025 based on the annual housing requirement of 144 dwellings which includes a 5% buffer and takes into account the previous oversupply.
90. The tilted balance is not, therefore, engaged.

Emerging Central Lancashire Local Plan

91. The assessment of Safeguarded Land is being undertaken as part of a comprehensive review of the Central Lancashire Local Plan (CLLP). This assessment process will ensure that the most suitable areas of Safeguarded Land are released, if required, and brought forward for development where appropriate, thereby minimising harm to Green Belt boundaries. Granting planning permission on safeguarded land outside that process means that the opportunity is not taken to ensure that the decisions taken are least harmful.
92. There is a total of 11 Safeguarded Land sites designated in the Chorley Local Plan (which includes the Euxton Lane appeal site and adjacent area forming site BNE3.9 Policies Map 1, Chorley Borough). The assessment should not be carried out ad-hoc through the development management process, rather as part of a holistic Strategic Housing Economic Land Availability Assessment and sustainability appraisal process. The new Local Plan will cover the whole single housing market area.
93. Call for Site submissions for housing use on the safeguarded land BNE3.6 site (Annex 5 Issues and Options consultation for the Central Lancashire Local Plan (CLLP) include:
 - 19C064 Blainscough, land south of Grange Drive
 - 19C108 South Blainscough – this also extends into the Green Belt
94. For note there were two submissions on land in the Green Belt adjacent to the BNE3.6 site on land West of Blainscough lane - 19C012 and 19C016.
95. Part of the safeguarded area BNE3.6 was included in the Issues and Options consultation for the Central Lancashire Local Plan (CLLP) (Annex 1 to this consultation – site reference 19C256x). The Annex 1 site is slightly smaller than the application proposal which takes additional land at Blainscough Hall. Public consultation on this document was between November 2019 – February 2020.
96. This application is for a proposed residential development of the northern part of the safeguarded area. The wider safeguarded area will be considered as part of development

of the CLLP, which will allow for the future of the safeguarded area to be considered as a whole. This will allow for all necessary infrastructure provision to be considered as part of the wider area.

Central Lancashire Local Plan: Site Assessment work

97. Three call for sites exercises have been completed to date for the CLLP. The results from call for sites 1 and 2 were consulted on as part of the Issues and Options Consultation which ran between November 2019 and February 2020, during this time, a further window was opened for additional site suggestions (Call for sites 3).
98. Detailed work to assess the sites commenced in February 2021 following completion of Level 1 Strategic Flood Risk Assessment (SFRA). This being undertaken in line with Strategic Housing and Economic Land Availability Assessment (SHELAA) methodology.
99. Officers in Chorley, South Ribble and Preston Councils finished their initial assessment of the sites in January 2021, and their findings have been collated by the CLLP Team into the SHELAA database. The CLLP Team are now starting to assess the sites in detail to look at their suitability. This work will also include undertaking Integrated Assessment (IA) and Habitats Regulation assessment (HRA) and viability assessment of the sites, and will bring in findings of the SFRA as well as consultation responses on the specific sites from Statutory Consultees and local residents.
100. The direction of growth and development of a spatial strategy for the area is also in early development, with the Councils starting to look at the level of growth likely to be needed over the plan period and how the plan should look to direct this. There is still considerable work to be done on this, including testing the emerging options in terms of transport and other infrastructure needs as they develop.
101. It is important to note that until all these stages of work have been completed, no decision on sites to be taken forward through the Central Lancashire Local Plan can be made.
102. When considering the acceptability of the principle of the development and taking in account the above factors as set out in this section, the proposed development is unacceptable as a matter of principle, in planning policy terms.
103. Notwithstanding this, it is necessary to consider whether there are any other material considerations that would outweigh the non-compliance with the development plan and identify any resultant harm.

Ecology

104. *Policy BNE9 (Biodiversity and Nature Conservation) of the Chorley Local Plan 2012 – 2026 stipulates that Biodiversity and Ecological Network resources will be protected, conserved, restored and enhanced; and that priority will be given to, among other things, protecting, safeguarding and enhancing habitats for European, nationally and locally important species. The policy also requires, among other things, that where there is reason to suspect that there may be protected habitats/species on or close to a proposed development site, the developer will be expected to carry out all necessary surveys in the first instance; planning applications must then be accompanied by a survey assessing the presence of such habitats/species and, where appropriate, make provision for their needs.*
105. The policy also requires, among other things, that where there is reason to suspect that there may be protected habitats/species on or close to a proposed development site, the developer will be expected to carry out all necessary surveys in the first instance; planning applications must then be accompanied by a survey assessing the presence of such habitats/species and, where appropriate, make provision for their needs.
106. The application is accompanied by a Preliminary Ecological Appraisal which was carried out on the 21st July 2020.

107. The appraisal identifies 3no. ponds within 250 metres of the site. One of these is within the site itself, the other is just outside the edge of the site approximately 12 metres away, and a third is located 240 SW of the site, separated by the A49 highway. The appraisal acknowledges that the two closest ponds should be surveyed, however, none have been provided as part of the application.
108. Greater Manchester Ecology Unit (GMEU) have assessed the application and advise that the surveys need to be carried out prior to determination of the application as it is essential that the presence, or otherwise, of protected species is established and the extent to which they may be affected by the proposed development is fully assessed.
109. The appraisal identifies one of the trees within the site as having bat roosting potential, however, it is unclear if this tree is identified for removal as part of the application. Notwithstanding this, the layout is indicative and any reserved matters application would be expected to contain an updated arboricultural report to account for the detailed layout and an assessment of the tree for bats (bat emergence survey) would also be required if this tree (TN4) was identified for removal.
110. The appraisal provides that the site has high quality bat foraging potential through a combination of the trees, hedgerows and extensive woodland edge providing linear features. These would largely be retained by the proposed layout, although it is important to recognise that the layout is indicative at this stage. However, at this stage, GMEU advise that the risks of negative impacts on the favourable conservation status on foraging and commuting routes is currently sufficiently low that no further information is required. If, however, outline planning permission was granted and the reserved matters layout changed significantly to impact on these linear features, bat activity surveys may be required at that time, including an external lighting strategy due to the effects of lighting on bat foraging.
111. Otter and water voles have not be found to be present on site, however, there were difficulties in surveying. As otters often wander from watercourse, GMEU advise that whilst the risk to them is low, the submission of reasonable avoidance measures should be submitted due to indirect impacts during construction. This could be subject to a planning condition.
112. Some hedgerows and trees are identified for removal as part of the indicative layout to facilitate roads etc, however the majority are retained. GMEU identify a low risk to ground nesting birds and would not expect the site to be of value to species such as lapwing or skylark. However, all British birds nests and eggs (with some exceptions) are afforded protection under Section 1 of the Wildlife & Countryside Act 1981, as amended and GMEU recommend a condition to prevent works to trees or shrubs during bird nesting season (1st March and 31st August) unless detailed nesting surveys are carried out. This could be subject to a planning condition.
113. The appraisal identifies an invasive plant species on the site and GMEU advise that a method statement detailing eradication / control / avoidance measure should be submitted. This could be subject to a planning condition.
114. Given the proximity of Tanyard Brook to the site, which may be negatively impacted upon during construction, GMEU advise that a Method Statement to protect Tanyard Brook during construction (i.e. from surface water run-off, spillages, dust, debris etc) should be submitted. This could be subject to a planning condition.
115. In terms of mitigation for any losses such as trees, hedgerows, the extent of grassland, and to secure biodiversity enhancements, an ecological enhancement management plan could be secured by way of condition.
116. Whilst most impacts on ecological interests are satisfactory, or could be satisfactorily addressed by way of planning condition, the application contains insufficient information to

determine the presence or otherwise of great crested newts and, therefore, the impact of the proposed development on this protected species cannot be fully assessed as material consideration in the determination of the application. The application is contrary to Chorley Local Plan 2012 -2026 policy BNE9.

Heritage

117. The Framework recognises that heritage assets range from sites and buildings of local historic value to those of the highest significance. The Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).
118. The Framework also states that local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.
119. The Lancashire County Council Archaeology (LCCA) have reviewed the application and advise that Blainscough Hall, which falls outside the application site, is the site of a moated manor house possibly extant since the 1200s (PRN 906).
120. It should be noted that this site has no statutory designation as a heritage asset and no local designation.
121. LCCA state that associated with Blainscough Hall is an oval enclosure which is outside the proposed development area but which may be the site of a hunting park for deer, perhaps indicating a change in use for the moated site from a farm or estate management centre to a hunting lodge with its own deer park (PRN 1382). In the wider landscape is the line of a Roman road which, as extrapolated from known sections, runs to the east of the development site, but the exact route at this point is not certain. They also advise that there is also the possibility of the site having buried remains of sites as yet unknown. Increasingly medium and large housing developments are uncovering sites and features of significance and which are not visible on the surface.
122. LCCA also state that the known site of the manor house is in the southern corner of the site, in an area proposed as a "natural play" area and green buffer on the Design and Access Statement plans. The proposals for exactly what will be done in this area to create the "natural play area, and its long-term management, should also be considered carefully.
123. LCC advise that there is a lack of assessment of the proposed development on the known site and the area of farmland to the north of this (the bulk of the site), and that a geophysical survey of the site should be carried out and the results submitted prior to determination of the application, but acknowledge that it could be secured by condition.
124. Whilst it is recognised that the application does not consider the moated manor, which is a non-designated heritage asset, an investigation could be secured by way of condition, if the application was approved, and the historic environment could be appropriately recorded.

Highway safety

125. *Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that the residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction.*

126. *Policy ST1 (New provision of Footpaths, Cycleways, Bridleways and their associated facilities in existing networks and new development) stipulates that new development and highways and traffic management schemes will not be permitted unless they include appropriate facilities for pedestrian, cycle parking facilities, and /or cycle routes. The policy requires, among other things, that proposal should provide for facilities for pedestrians and cyclists to facilitate access on foot and by bicycle to nearby residential, commercial, retail, educational and leisure areas, where appropriate; and additional footpaths, bridleways and cycleway routes between the countryside and built up areas where appropriate.*
127. Patterns of movement, connectivity and linkages are a key element in achieving a high quality residential development to promote sustainable transport options for people. In this context, the Framework is clear that applications for development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and also that that proposals should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards. This is reinforced in policy ST1 of the Chorley Local Plan 2012 -2026 which expects proposals to provide facilities for pedestrians to access, on foot, nearby services and amenities.
128. Manual for Streets recommends that footways should normally be provided where pedestrians are likely to be present in significant numbers, to create an environment in which they can walk, or stop and chat, without feeling intimidated by motor traffic and to make it easier for them to move around.
129. The application is on outline form, however, access is a detailed matter. Access is sought from Grange Drive via two access points.
130. The submitted indicative plan shows that the existing Public Rights of Way which cross the site would be retained as part of a green network within the site.
131. Lancashire County Council Highway Services have been consulted in relation to the proposed development, but had not finalised their report at the time of writing. The comments of Lancashire County Council as the Local Highway Authority (LHA) will therefore be reported on the addendum prior to the Committee meeting.
132. On the matters of parking provisions policy ST4 'Parking Standards' of the Chorley Local Plan 2012-2026 requires that proposals for development will need to make parking provision in accordance with the standards set out in Appendix A of the Local Plan. Appendix A identifies the Council's minimum parking standards for new development. It is not currently known how many bedrooms would be provided within each dwelling. It is, however, considered that there is sufficient room on-site for the provision of parking spaces to accord with policy ST4 at reserved matters stage and their provision could be required by planning condition.
133. Any internal site layout requirements such as Manual for Streets, turning heads, swept path analysis could all be secured at reserved matters stage.

Impact on the character and appearance of the area

134. *Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, among other things, the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials; that the layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area; and that the proposal would not have a detrimental impact on important natural habitats and landscape features such as historic landscapes, mature trees, hedgerows, ponds and watercourses. In some circumstances where on balance it is considered acceptable to remove one or more of*

these features, then mitigation measures to replace the feature/s will be required either on or off-site.

135. *Policy BNE10 (Trees) Stipulates, among other things, that proposals that would result in the loss of trees, woodland areas or hedgerows which make a valuable contribution to the character of the landscape, a building, a settlement or the setting thereof will not be permitted. Replacement planting will be required where it is considered that the benefit of the development outweighs the loss of some trees or hedgerows.*
136. *Core Strategy policy 17 seeks to ensure that the design of new buildings takes into account the character and appearance of the local area, including among other things, linking in with surrounding movement patterns and not prejudicing the development of neighbouring land; and protecting existing landscape features and natural assets.*
137. The application seeks outline planning permission for up to 123 no. dwellinghouses with the illustrative masterplan showing a layout which derives from an access loop off two points from Grange Drive to the north of the site. The layout provides a central green corridor through the site from the access point connecting to the greenspace at Tanyard Brook, providing a key focal point for the development. This is, however, indicative and detailed design is reserved for latter consideration at reserved matters stage.
138. When considering any development proposal, the Council must be mindful of the National Planning Policy Framework (The Framework) that states that the Government attaches great importance to the design of the built environment and good design is a key aspect of sustainable development. The Framework also states that planning policies and decisions should aim to ensure that developments (amongst other things) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
139. Chorley Council plans positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes and seeks to create well-mixed and integrated developments which avoid segregation and have well-planned public spaces that bring people together and provide opportunities for physical activity and recreation. The provision of connective footpaths and pedestrian permeability through the wider site is an important aspiration for the development of the site when considering the acceptability of the principle of the development.
140. Whilst the application illustrates connectivity to the existing residential estate to the north, via Grange Drive, with footpaths and green infrastructure as part of the development site itself, the proposal is designed in isolation from the wider BNE3.6 allocation. It presents a piecemeal approach, whereas the Council would expect a comprehensive masterplan of the site as a whole.
141. The layout, appearance, scale and landscaping aspects of the proposal do not form part of this outline application and would follow at any reserved matters stage. Detailed design would be addressed at this stage, having regard to the character and appearance of the site and the area.

Amenity

142. *Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, where relevant to the development the proposal would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact; and that the proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses.*
143. The application proposes up to 123 no. dwellings on land adjacent to existing residential properties, the majority of which back on to the site. The submitted plan shows an indicative

layout, although this is not for approval at this stage. Any reserved matters application would need to ensure that the amenity afforded to all neighbouring residential properties is safeguarded from any adverse impacts such as overlooking, overbearing impacts and loss of light. In addition, any proposal would need to ensure acceptable living conditions for future occupiers.

144. The site is adjacent to an industrial site and the application is accompanied by a Noise Assessment. This recognises that some properties, i.e. those nearest to Blainscough Lane and the industrial estate will experience noise levels beyond the set ambient level and, therefore, mitigation is recommended in the form of enhanced glazing and mounding/ acoustic screening in some areas. As the layout is only indicative, full mitigation can only be established at reserved matters stage, however, it is considered that the application demonstrates that a technical solution can be achieved to ensure that any future occupiers are not adversely affected by noise from existing neighbouring uses.
145. Any impacts during the construction phase would be temporary and suitable mitigation measures could be imposed by a planning condition, for example, through a Construction Environmental Management Plan.

Drainage and flood risk

146. *Core Strategy Policy 29 (Water Management) seeks to improve water quality, water management and reduces the risk of flooding in a number of ways including, among other things, appraising, managing and reducing flood risk in all new developments.*
147. The site lies in Flood Zone 1, as defined by the Environment Agency Flood Maps for Planning. Flood Zone 1 has the lowest probability of flooding (from rivers or sea) and residential development is appropriate in flood zone 1 in terms of the flood risk vulnerability classification as set out in the Planning Practice Guidance at Table 3.
148. The application is accompanied by A Flood Risk Assessment which has been assessed by united Utilities and the Lead Local Flood Authority (LLFA).
149. Both United Utilities and the LLFA raise no objection to the application, but drainage conditions are recommended. Having regard to the advice obtained from these consultees, it is considered that satisfactory drainage of the proposed development could be secured by way of conditions.

Affordable housing

150. Core Strategy policy 7 sets down the approach to the delivery of affordable and special needs housing:

“Subject to such site and development considerations as financial viability and contributions to community services, to achieve a target from market housing schemes of 30% in the urban parts of Preston, South Ribble and Chorley and of 35% in rural areas on sites in or adjoining villages.....”

“Aside from rural exception sites the minimum site size threshold will be 15 dwellings (0.5 hectares or part thereof) but a lower threshold of 5 dwellings (0.15 hectares or part thereof) is required in rural areas.”

151. The adopted Central Lancashire Affordable Housing Supplementary Planning Document provides additional information on the delivery of affordable housing, with paragraph 34 stating:

“The size of development should not be artificially reduced to reduce or eliminate the affordable housing requirement as set out in the Core Strategy and at page 5 of this document, for example by sub-dividing sites or reducing the density of all or part of a site.”

152. However, the Framework requires that affordable housing should only be sought for residential developments that are major developments (10 or more dwellings). The affordable housing threshold in rural areas of 5 dwellings in Core Strategy Policy 7 has, therefore, now been replaced by the Framework threshold of 10 dwellings.
153. In accordance with Core Strategy Policy 7, 30% of the dwellings are required to be affordable. This equates to 37no. dwellings. 70% (26no.) of these should be social rented and 30% (11no.) should be shared ownership.
154. The applicant is proposing 30% affordable housing which is in accordance with Core Strategy Policy 7.
155. The house types to be provided will be determined at the reserved matters stage.
156. This would need to be secured through a Section 106 legal agreement if the application was approved.

Public open space

157. Policy HS4A and HS4B of the Chorley Local Plan 2012 – 2026 - Open Space Requirements in New Housing Developments explains that all new housing developments will be required to make provision for open space and recreation facilities, where there are identified local deficiencies in the quantity, accessibility or quality and/or value of open space and recreation facilities. The requirements for the proposed development are as follows:

Amenity Greenspace:

158. Local Plan Policy HS4A sets a standard of 0.73 hectares per 1,000 population.
159. There is currently a deficit of provision in Chisnall in relation to this standard, a contribution towards new provision in the ward is therefore required from this development. As the development is 10 or more dwellings the required amenity greenspace should be provided on-site. The amount required is 0.2155 hectares. A maintenance cost of £86,100 is also required for a 10 year period if private maintenance is not proposed.

Provision for children/young people:

160. Local Plan Policy HS4A sets a standard of 0.08 hectares per 1,000 population.
161. There is currently a surplus of provision in Chisnall in relation to this standard and the site is within the accessibility catchment (800m) of an area of provision for children/young people. A contribution towards new provision in the ward is therefore not required from this development. However, there are areas of provision for children/young people within the accessibility catchment that are identified as being low quality and/or low value in the Open Space Study (sites ref: 1472 Play area opposite 14 Manor Way, Coppull; 1373.1 Byron Crescent Play Area, Coppull; and 1373.2 Byron Crescent MUGA, Coppull). A contribution towards improvements to these sites is therefore required from this development. The amount required is £134 per dwelling.

Parks and Gardens:

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

Natural and Semi-Natural Greenspace:

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

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

Allotments:

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

167. The site is not within the accessibility catchment (10 minutes' drive time) of a proposed new allotment site, a contribution towards new allotment provision is therefore not required from this development.

Playing Pitches:

168. A Playing Pitch Strategy was published in June 2012 which identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is therefore required from this development. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements. The amount required is £1,599 per dwelling.

169. The total financial contribution required from this development is as follows:

Amenity greenspace	= £86,100
Equipped play area	= £16,482
Parks/Gardens	= £0
Natural/semi-natural	= £0
Allotments	= £0
Playing Pitches	= £196,677
Total	= £299,259

170. A financial contribution of £299,259 is required and this would need to be secured through a Section 106 legal agreement if the application was approved.

Sustainability

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

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

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

172. Given this change, instead of meeting the code level, the dwellings should achieve a minimum dwelling emission rate of 19% above 2013 Building Regulations in accordance with the above provisions. This can be controlled by a condition.

Education

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

174. Lancashire County Council, as the Education Authority, seek to secure financial contributions towards any additional school places required as a result of new housing development in order to mitigate the impact upon the education infrastructure which new housing developments may have.

175. The latest information available at this time is based upon the 2021 School Census and resulting projections. Based upon the latest assessment, LCC would require a contribution for 18 secondary school places, however, no primary places are required.

176. Calculated at the current rates, this would result in a claim of:

18no. Secondary places: £415,111.50

177. This assessment represents the current position on 25th March 2021.

178. A financial contribution of £415,111.50 is required and this would need to be secured through a Section 106 legal agreement if the application was approved.

Employment skills provision

179. The Central Lancashire Employment Skills Supplementary Planning Document (SPD) was adopted in September 2017. The SPD introduces Employment Skills Statements and provides clarity as to how this requirement relates to the relevant policies set out in the Core Strategy and Local Plan as well as the guidance set out in the Framework. The SPD goes on to state that one of Central Lancashire's priorities is to encourage economic growth within Central Lancashire that benefits the people and businesses in the three boroughs. The SPD seeks to;

- Increase employment opportunities by helping local businesses to improve, grow and take on more staff
- help businesses to find suitable staff and suppliers, especially local ones
- improve the skills of local people to enable them to take advantage of the resulting employment opportunities
- help businesses already located in Central Lancashire to grow and attract new businesses into the area

180. The SPD requires development over certain thresholds to be accompanied by an Employment and Skills Statement to ensure the right skills and employment opportunities are provided at the right time. This is to the benefit of both the developer and local population and covers the following areas:

- Creation of apprenticeships/new entrants/graduates/traineeships
- Recruitment through Job Hub and Jobcentre plus and other local employment vehicles.
- Work trials and interview guarantees
- Vocational training (NVQ)
- Work experience (14-16 years, 16-19 years and 19+ years) (5 working days minimum)
- Links with schools, colleges and university

- Use of local suppliers
- Supervisor Training
- Management and Leadership Training
- In house training schemes
- Construction Skills Certification Scheme (CSCS) Cards
- Support with transport, childcare and work equipment
- Community based projects

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

Benefits of the scheme

182. The Council considers that the adopted housing land supply policies are up to date, therefore the proposal is contrary to the development plan. Paragraph 12 of the Framework states "Where a planning application conflicts with an up-to-date development plan [...] permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed."

183. In this instance it has been identified that the proposed development is contrary to the policies of the development plan. It is therefore important to consider the proposal in the round. In accordance with Section 38(6) the decision maker should consider whether there are material factors that indicate that the development should be granted despite being contrary to policy. To this end the applicant has identified a number of planning benefits of the proposed development, which are considered below.

Social

184. The provision of up to 37no. affordable homes could contribute to the Local Planning Authority's stock of affordable housing. However, to develop the site now would be premature and place further pressure on future land supply. In order to inform future housing need including types and tenures, there is an emerging suite of evidence, which will support a robust local plan for the next 15 -20 years. There is no need to deliver this site now, rather, it should await the evaluation and outcome of the Central Lancashire Local Plan Review process. Accordingly, this is not a material consideration that justifies the early release of this site.

Environmental

185. The illustrative masterplan and D&A statement show both 0.81ha of open space provision across the site with identified opportunities for children's play. The applicant indicates this level of provision is significantly over and above Local Plan Policy HS4A requirements.

186. These features would be accessible to new residents and the wider community. The provision of green infrastructure, open space and recreation facilities would be of moderate benefit however the provision of green infrastructure and open space is a policy requirement (HS4A) rather than a benefit of the proposal.

Economic

187. The economic benefits of the proposal carry little weight in justifying development of safeguarded land because they are generic and arise equally (pro rata) from the development of land that is not safeguarded. The proposals are likely to result in increased spend in the local area, however, this carries moderate weight.

188. The proposals also have a number of temporary benefits associated with the construction phase such as employment opportunities, indirect spend and new homes bonus funding. Due to their temporary nature it is considered these attract some moderate weight.

189. The Council does not regard increased council tax receipts as a benefit of the development as this is essential to cover the increased demand for Council services that the development would generate and is, therefore, a neutral factor.
190. There are no evident economic benefits that this development would provide that would not be generated by the residential development of land that is not safeguarded. It is not allocated for housing in the development plan and therefore such growth has not been accounted for in plan-making including developing the supporting evidence for future strategic infrastructure such as transport, education and training, open space and recreation, and, employment and skills.
- 189 The benefits advanced by the applicant are moderate in the weight that can be attributed to them as a whole and do not result in factors either individually or collectively that would indicate that the development should be granted despite being contrary to policy.

Community Infrastructure Levy (CIL)

191. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development will be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

CONCLUSION

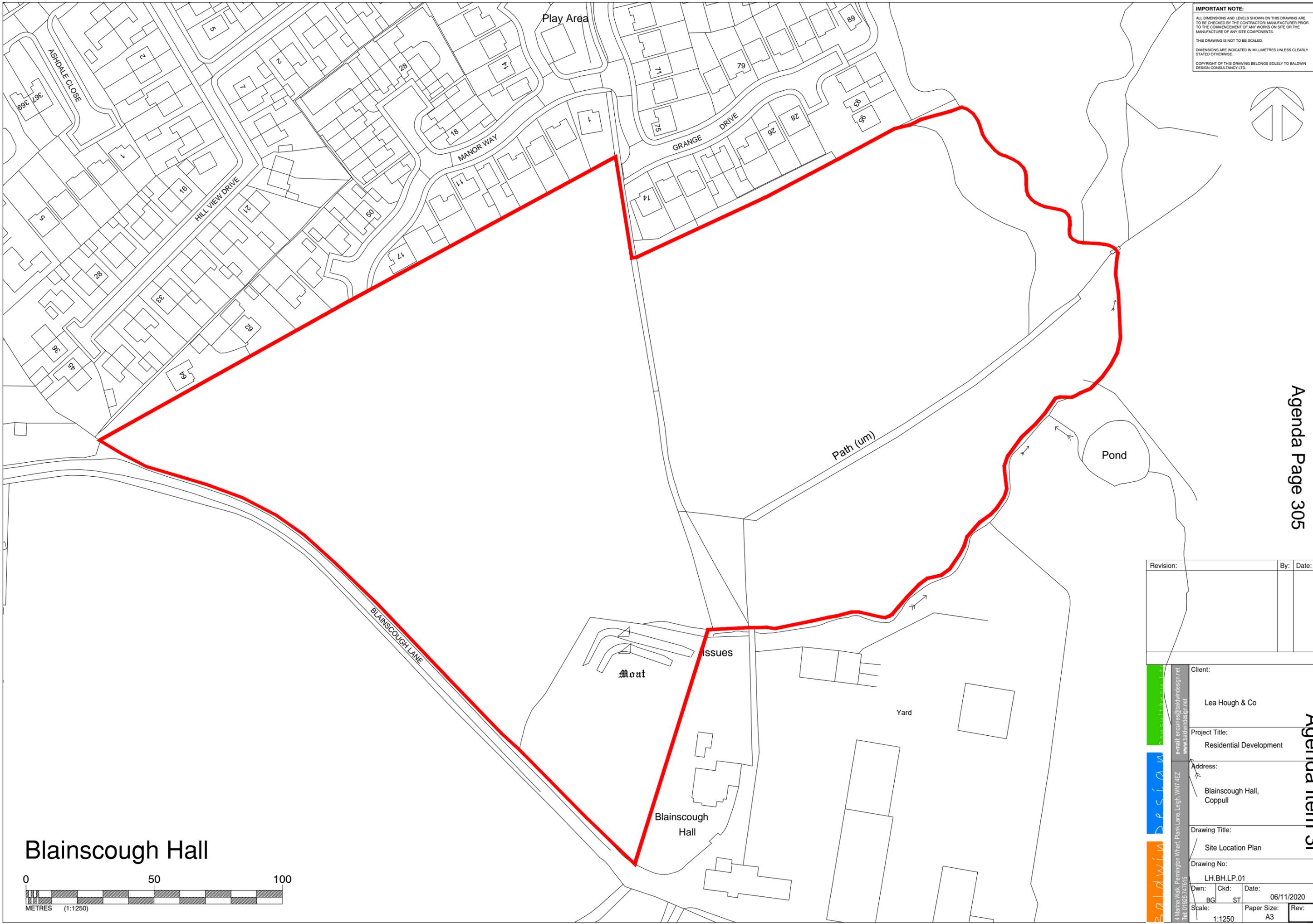
192. The application is contrary to the provisions of the development plan and does not represent a sustainable form of development having regard to the Framework presumption in favour of sustainable development. Overall, it is not considered that there are any material considerations that would outweigh the conflict with the development plan and the Framework when taken as a whole. The housing requirement for Chorley is 417 homes per annum. The Council has a 11.2 year housing supply. The 'tilted balance' in paragraph 11(d) is therefore not engaged.
193. Furthermore the application contains insufficient information to determine the presence or otherwise of great crested newts and, therefore, the impact of the proposed development on this protected species cannot be fully assessed as material consideration in the determination of the application.
194. In addition piecemeal development of this wider area of safeguarded land prevents the whole designation from being properly masterplanned in order to respond to the full impact of its development and achieve a sustainable form of development, as this does not allow for infrastructure and services to keep up.
195. Overall, it is not considered that there are any material considerations that would outweigh the conflict with the development plan and the Framework when taken as a whole and it is, therefore, recommended that the application be refused.

RELEVANT HISTORY OF THE SITE

- | | | |
|---|-------------------------|--|
| Ref: 5/5/04614 | Decision: CLO | Decision Date: 25 March 1969 |
| Description: Amendment of the development plan | | |
| Ref: 5/5/09586 | Decision: REFOPP | Decision Date: 16 November 1973 |
| Description: 400 Dwellings and Shop Units | | |
| Ref: 89/00254/COU | Decision: PERFPP | Decision Date: 22 August 1989 |
| Description: Change of use from dwelling house to Nursing Home | | |
| Ref: 98/00634/FUL | Decision: PERFPP | Decision Date: 4 November 1998 |
| Description: Erection of detached garage and provision of hardstanding | | |

RELEVANT POLICIES: In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/ guidance considerations are contained within the body of the report.

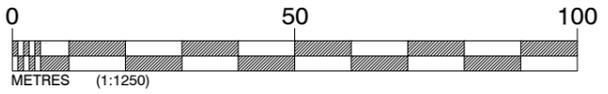
IMPORTANT NOTE:
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Revision:	By:	Date:

	Client:	Lea Hough & Co
	Project Title:	Residential Development
	Address:	Blainscough Hall, Coppull
	Drawing Title:	Site Location Plan
	Drawing No:	LH.BH.LP.01
Dwn:	Ckd:	Date:
BG	ST	06/11/2020
Scale:	Paper Size:	Rev:
1:1250	A3	

Blainscough Hall



e-mail: enquiries@baldwindesign.net
 www.baldwindesign.net
 4 Marina Walk, Pennington Wharf, Plank Lane, Leigh, WN7 4EZ
 Tel: 01925 747615

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Planning
Committee Meeting

12 April 2021



Item 3f

20/01399/OUTMAJ

Land Adjacent Blainscough Hall, Blainscough Lane, Coppull

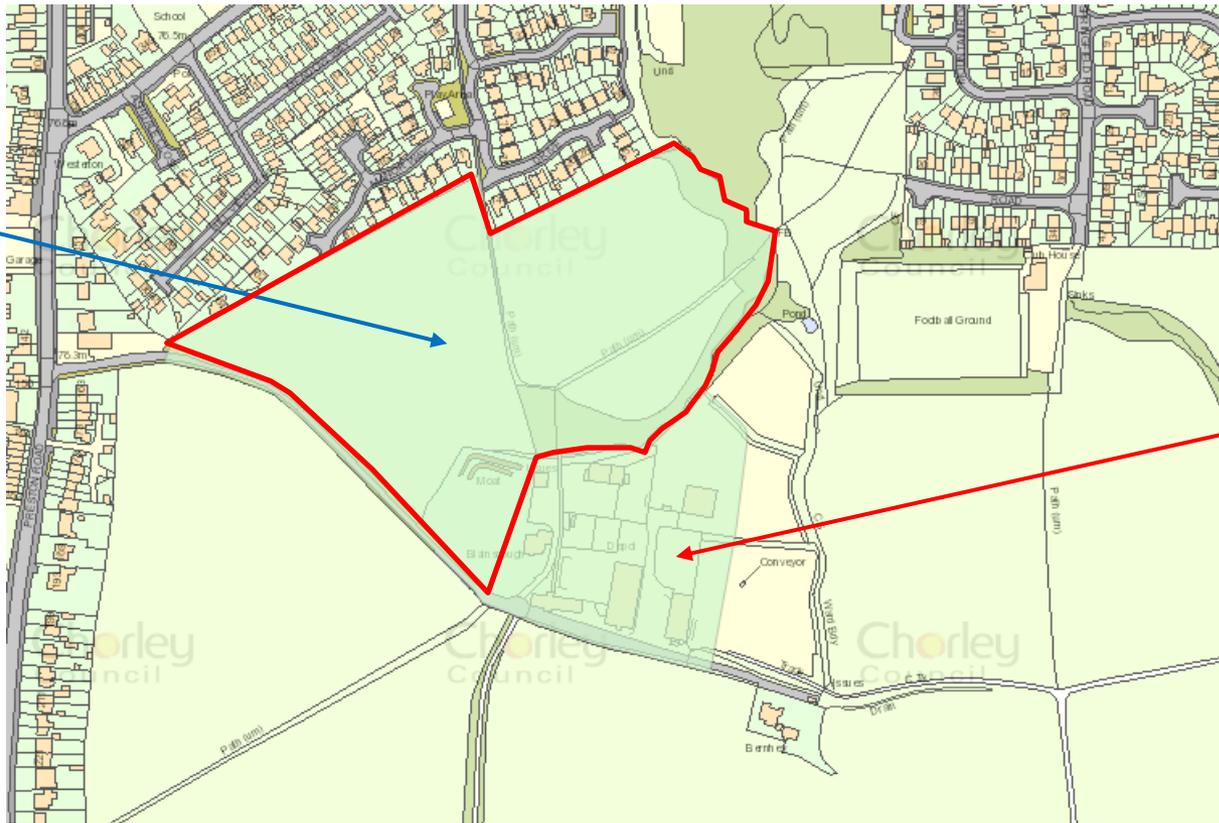
Outline planning application for the erection of up to 123 dwellings (including 30% affordable housing) with public open space provision, structural planting and landscaping, and vehicular access points from Grange Drive. All matters reserved save for access.

Aerial Imagery



Plan Showing Site in Context of Wider Safeguarded Land Designation

Application Site



Remainder of Safeguarded Land Designation is Light Green



Indicative Site Layout



C O M M I T T E E R E P O R T		
REPORT OF	MEETING	DATE
Chief Planning Officer	Planning Committee	Date: 12 April 2021

ADDENDUM

ITEM 3f - 20/01193/OUTMAJ - Land Adjacent Blainscough Hall, Blainscough Lane, Coppull

The recommendation remains as per the original report

The Environment Agency:

Have confirmed that they have received consultation requests from Chorley Borough Council for the [six] proposals on Safeguarded Land.

With regards to these sites, they are not planning any works or undertaking any appraisals that could conflict with these. They are aware of flooding in the vicinity of Tincklers Lane from Syd Brook but they would rely on Lancashire County Council (Lead Local Flood Authority) to advise on this development as it is outside the scope of development proposals the Environment Agency is consulted on as a statutory consultee.

They state they have also looked through the comments from the drainage engineer and have no comments.

The Environment Agency is not resourced to comment on surface water drainage, sewer flooding and flooding from ordinary watercourses as these are outside our remit as a statutory consultee.

Lancashire County Council Highways

I refer to the above planning application and would like to thank you for the opportunity to provide comments. Lancashire County Council (LCC) as the Local Highway Authority (LHA) is responsible for providing and maintaining a safe and reliable highway network. With this in mind, the present and proposed highway systems have been considered and areas of concern that potentially could cause problems for the public, cyclists, public transport, motorists and other vehicles in and around the area have been identified.

LCC embraces appropriate development within Lancashire in line with local and national policies / frameworks and that which is emerging. This involves working closely with planning authorities, in this case officers of Chorley Council, developers and their representatives. This approach supports the delivery of high quality, sustainable development and an appropriate scale of development that can be accommodated both locally and strategically.

As submitted LCC CANNOT support this development, however, should the developer provide further analysis and where appropriate propose mitigation measures then this view could change.

The development proposal is in outline form, save for access, for 123 dwelling.

Vehicular access to the development is proposed from the existing adopted highway network by extending and modifying Grange Drive adjacent to number 14. The site currently has field gate accesses to Blainscough Lane, which is a privately maintained highway the carries PROW FP37. PROWs FP34 and FP35 run through the development site. It is not clear from the plans whether or not pedestrian access is proposed between the site and Blainscough Lane.

The developer has produced a Transport Assessment (TA) and Framework Travel Plan (FTP) in support of their proposal.

The TA concludes that the impact of the development on the local highway network should be acceptable to LCC as the Highway Authority.

There are elements of the TA which are not agreed and are as follows:

- Traffic Generation: The trip rate whilst derived from the TRICS database appear to be low. LCC encourage developers to adopt the trip rate used is northwest Preston when dealing with developments in the central Lancashire region.
- Junction Assessment: No capacity assessment has been undertaken and the TA appear to rely on observations of little queuing to conclude that highway capacity is not an issue. No future years assessment has been undertaken.
- Road Safety Analysis: The review of collision data does not cover the extent of the local highway network that LCC considers necessary. The TA includes "crashmap" data from 2015 – 2019, as 2020 data is now available this should be reviewed.

In assessing the development the TA looks at distances to amenities, however, this is only one element of why a particular route for walking and cycling may be used. The quality of that route is also an important factor and as such the provision of dropped kerbs and crossing points and desire lines need to be taken into consideration.

In terms of public transport the site is close to Spendmore Lane and Preston Road where the 362 service operates with a 20minute frequency. Whilst access to the bus stops on Spendmore Lane would be via a safe well lit route the potential access to the stops on Preston Road would be via Balinascough Lane which is unlit and without footways.

Spendmore Lane would be used by all vehicular traffic to the development and the vast majority of pedestrians, as such it is essential that this route is seen to be safe for all road users. From Preston Road to Grange Drive (approximately 300m) there are 4 recorded injury accidents (all slight) in a five year period. From Grange Drive eastwards along Spendmore Lane the road safety record is poorer with 5 injury accidents (3 severe and 2 slight) within 500m of Grange Drive.

The FTP will require additional work before it can be agreed. However, as the application is in outline form the statement of intent it provides is considered sufficient at this stage.

Summary.

The TA requires updating with;

1. Agreement on appropriate trip rates
2. Junction capacity assessment for Preston Road / Spendmore Lane and Spendmore Lane / Grange Drive, to include further years and committed development.
3. Review of road safety on Spendmore Lane and mitigation scheme.
4. Review of walking routes and improvements.
5. Access to Blainscough Lane and pedestrian improvements.

Conclusion.

As submitted LCC cannot support this proposal as based on the information provided there is insufficient evidence to show that the development will not have an unacceptable impact on highway safety.

LCC are willing to work with the developer, their Transport Consultants and Chorley Planning Officers to see if the issues highlight can be resolved.

Reasons for refusal

The consultation response received from Lancashire County Council Highways objects to the proposed development and therefore it is recommended that a further reason for refusal is added as follows:

The application fails to demonstrate sufficient evidence to show that the development will not have an unacceptable impact on highway safety. The proposal is, therefore, contrary to policy BNE1 (d) of the Chorley Local Plan 2012 - 2026.

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