

24 October 2012

Dear Councillor

**DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 30TH OCTOBER 2012**

I am now able to enclose, for consideration at the above meeting of the Development Control Committee, the following reports that were unavailable when the agenda was printed.

**Agenda No    Item**

4.    **Planning applications to be determined**

- a)    12/00741/OUTMAJ - Land surrounding Huyton Terrace. previously Baly Place Farm, Bolton Road, Adlington (Pages 1 - 36)

**Proposal**

Outline application for residential development of up to 170 dwellings, demolition of 74 and 76 Bolton Road, formation of new access, landscaping, open space, highways and associated works.

**Recommendation**

Permit (subject to Legal Agreement)

- b)    12/00941/OUTMAJ - Land north of Lancaster Lane and bounded by Wigan Road and Shady Lane, Lancaster Lane, Clayton-le-Woods (Pages 37 - 110)

**Proposal**

Outline planning application for the development of land to the east of Wigan Road for the erection of up to 160 dwellings and associated open space with all matters reserved, save for access. (Resubmission of Application: 11/01093/OUTMAJ).

**Recommendation**

Permit (subject to Legal Agreement)

5.    **Enforcement Report** (Pages 111 - 116)

Report of the Director of Partnerships, Planning and Policy (enclosed).

6.    **Enforcement Report** (Pages 117 - 122)

Report of the Director of Partnerships, Planning and Policy (enclosed).

Yours sincerely



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ان معلومات کا ترجمہ آپ کی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون

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کیجئے:

Item 4a	12/00741/OUTMAJ
Case Officer	Hannah Roper
Ward	Adlington & Anderton
Proposal	Outline application for residential development of up to 170 dwellings, demolition of 74 and 76 Bolton Road, formation of new access, landscaping, open space, highways and associated works.
Location	Land Surrounding Huyton Terrace Previously Baly Place Farm Bolton Road Adlington Lancashire
Applicant	Fox Strategic Land & Property
Consultation expiry:	5 October 2012
Application expiry:	25 October 2012

## RECOMMENDATION

***The agenda for this meeting indicated an initial recommendation of approval on this application. This recommendation was subject to agreement and inclusion of a number of elements within the legal agreement and that conditions should be attached to any planning permission to overcome any harm identified. The conditions must also be assessed in relation to the tests for planning conditions.***

***There are matters associated with the legal agreement that remain unresolved at the time of release of the report and there is uncertainty over the imposition of conditions as the principle of those conditions has not been agreed. The applicant has not agreed to extend the time limit for determination past the 30 October 2012 Committee and have verbally indicated an intention to appeal against non-determination if the application is not placed on the agenda.***

***The final outcome of requests for contributions and the potential for conditions to be imposed will be reported in the addendum and the officer recommendation will be presented at the time based on the information included on the addendum.***

***For the purposes of this report the National Planning Policy Framework (NPPF) is referred to as the Framework.***

### Proposal

1. The application is described as:  
*Outline planning application for residential development of up to 170 dwellings, demolition of 74 and 76 Bolton Road and formation of new access, landscaping, open space, highways and associated works.*
2. The site is 7.3 hectares and is located to the south of Adlington outside of the defined settlement boundary. The site is characterised by trees and hedgerows within and around the perimeter of the site which delineate the existing field boundaries.
3. Within Circular 01/2006 Guidance on Changes to the Development Control System Section 2: Outline Planning Permission and Reserved Matters, it states that a minimum amount of information is required to

be submitted with outline planning applications. This proposal is accompanied by an illustrative Masterplan and Design and Access Statement showing how the development might be accommodated on the site. The proposal includes for the following:

- ☐ Up to 170 dwellings including 30% affordable units;
- ☐ Demolition of number 74 and number 76 Bolton Road, Adlington to form vehicular access
- ☐ Retained trees and vegetation within green corridors
- ☐ New pedestrian and cycle links within new green corridors
- ☐ Flood plain retention and enhancement of natural habitat
- ☐ On site sustainable urban drainage ponds
- ☐ Integration of existing footpath/Adlington circular walk
- ☐ Neighbourhood Equipped Area of Play and MultiUse Games Area
- ☐ Planting to compliment/enhance existing vegetation to provide landscape benefits
- ☐ New buffer planting to backs of housing on Abbey Grove and Bolton road

### Assessment

4. The assessment of these proposals is structured as follows

#### 1) Policy Assessment

- (a) Chorley Borough Council Local Plan Review
- (b) Adopted Chorley Borough Local Plan Review
- (c) Core Strategy
- (d) Site Allocations and Development Plan Policies DP (Preferred Option Paper)
- (e) Masterplanning Approach
- (f) Prejudice
- (g) Assessment of Proposal Against Final Criterion of NPPF Paragraph 159

#### 2) Other Material Policy Considerations

- (a) Urgency
- (b) Ministerial Statement- Planning for Growth
- (c) Localism
- (d) The Community Infrastructure Levy

#### 3) Affordable Housing

#### 4) Policy Conclusion

#### 5) Other Issues

- (a) Principle of Development
- (b) Background Information
- (c) Housing Development
- (d) Density
- (e) Design
- (f) Levels
- (g) Impact on Neighbours
- (h) Open space
- (i) Trees
- (j) Landscape
- (k) Ecology
- (l) Flood risk and Drainage
- (m) Traffic and Transport
- (n) Public Right of Way
- (o) Contamination
- (p) Sewers
- (q) Section 106 Agreement
- (r) Crime and Safety
- (s) Public Consultations
- (t) Sustainability

#### 6) Overall Conclusion

### \Representations

5. 694 letters of objection have been received raising the following concerns:

- ☐ Impact on the existing amenities in the area (schools, doctors, police, road networks)

- ☐ Highway safety concerns
- ☐ Impact on wildlife
- ☐ Increase in traffic
- ☐ Loss of parking
- ☐ Relocation of bus stops
- ☐ Increase in flood risk
- ☐ Impact of site traffic
- ☐ Decreasing house values
- ☐ The plans are inconsistent with The Chorley Local Plan Review for safeguarded land.
- ☐ This land was 'put aside' in the Central Lancashire Core Strategy /Allocation Policies as a 'possible' area should Adlington need more housing in the next 15 to 20 years and no figures have yet been determined. Permission should not even be considered before public consultations and inquiries are complete.
- ☐ The plans do not achieve the Governments ambitions for sustainable development- It is not sustainable to take away a very large area of greenfield pasture land and replace it with housing that is not necessary to the village.
- ☐ There is not enough employment to sustain Adlington at present.
- ☐ The village infrastructure cannot support more traffic.
- ☐ Access of Bolton Road is dangerous.
- ☐ Health centre is overloaded
- ☐ Paths are well used
- ☐ Adverse on plant life
- ☐ Loss of green space
- ☐ Loss of open space for children
- ☐ Loss of village feeling
- ☐ If the application is successful the extra housing units will greatly increase the usage of all our village facilities, schools, nursery, health services, both doctor and dental services as well as the increase in traffic.
- ☐ The police station has been closed so how will it be policed.
- ☐ It would destroy what is currently a beautiful place to live.
- ☐ The residents of Adlington do not want another development
- ☐ Inadequate public transport
- ☐ Not clear what the application is seeking- up to 300 houses and 30% affordable housing?
- ☐ There was minimal consultation with the local community at pre-application stage as such it cannot be said that comments received were taken into account
- ☐ This application cannot be reconciled with the aims of PPS7
- ☐ The submitted map within the statement of community involvement is inaccurate
- ☐ Insufficient parking is shown
- ☐ The Grove Farm application should weaken the case for the need for more housing
- ☐ Disruption caused during the construction phase.
- ☐ Junction of Babylon Lane, Chorley Road and Bolton Road already a 'difficult' junction.
- ☐ Timing of application is inappropriate due to being main holiday season.
- ☐ Plans not available on line
- ☐ The reduction in numbers of dwellings since the previous application suggests that the full number of dwellings will be brought forward over time
- ☐ The visual analysis submitted with the application shows that the landscape will be ruined
- ☐ The need for a separate emergency access shows that the traffic situation will be worsened following development
- ☐ Will increase antisocial behaviour in the area
- ☐ The proposed playground will be noisy for residents nearby
- ☐ The bus/train information submitted in the Transport Assessment is inaccurate
- ☐ Housing targets for the area have already been achieved
- ☐ The plans do not reflect local traditions and properties
- ☐ Not within the settlement boundary
- ☐ Overbearing, out of scale and character
- ☐ Concerns over future maintenance
- ☐ Data provided in support of the application is wrong
- ☐ Loss of parking for existing residents
- ☐ Other more suitable brownfield sites are available
- ☐ Transport Assessment insufficient as does not consider impacts of other approved schemes
- ☐ Loss of two long standing properties
- ☐ This will set a precedent if approved
- ☐ Adlington is merging into Manchester
- ☐ The proposal will result in damage to roads
- ☐ Documents provided have not been amended since previous application
- ☐ Application seems to make the assumption that other part of the site will come forward

- ☐ No garages shown on plans
- ☐ Air Quality Assessment is not accurate
- ☐ The boundaries of properties shown are too close to the existing boundary.
- ☐ Allotments shown on previous application should be provided in this application
- ☐ Cycle and footpaths links to station shown in previous application should be provided

#### Prematurity.

- ☐ It is not necessary to release this site for housing at the present time, given that Chorley Council currently has more than its five year supply of land for housing required by national planning policy.
- ☐ Whilst the site is listed within the Preferred Options document as a housing site, this document has itself not been formally approved by the Council. A decision on this site prior to this is pre-emptive and would pay little regard to the processes established to ensure that development in the borough is planned and managed in the most appropriate way.
- ☐ The development of this site, to this scale and extent raises serious issues for the longer term sustainability of Adlington and indeed the borough of Chorley. The recent growth of Adlington together with this proposed addition is not sustainable in terms of its impact upon quality of life, pressure on local services, amenities and wildlife.

#### Location of development: the greenfield/brownfield issue

- ☐ PPS 3 and Regional Spatial Strategy targets for the development of brownfield land are 60% and 70% respectively. The release of this large greenfield site potentially contradicts these policies and if so, priority should be given to the release and development of previously developed land.

#### Scale of development

- ☐ I understand that Chorley's requirement for new housing as set out in the Regional Spatial Strategy is 417 new dwellings per year. It is not acceptable for one location to provide for more than 70% of that target.
- ☐ The population increase is not acceptable or sustainable in terms of the impact upon local amenities, services and roads. Without significant investment in health care, schools and other public amenities Adlington will not be able to support this increase in population.
- ☐ There is only a limited resource of land available to accommodate further growth and at some stage a decision will need to be taken about the extent to which any area can be expected to accommodate ever-increasing levels of growth.

#### Impact on local services and amenities and the road network.

- ☐ Bolton Road and particularly its junction with Rothwell Road have been problematic for road users and pedestrians alike over the last few years. A number of accidents have been reported, hence measures have been put in place to improve visibility and control traffic movement in and around the junction. The creation of a main entrance to the site for a minimum of 300 cars (but likely at least twice that number) less than 100m away seems to run contrary to common sense – let alone highway safety.
- ☐ The development will only add to the surface run off and create even greater flooding risk, especially given the poor drainage evident on the site.

#### Impact on wildlife and ecology

- ☐ The development of housing – even with green corridors and ponds will change the character and ecology of the site to the detriment of local residents and wildlife alike.

#### **6. Adlington Town Council** object to the proposals on the following grounds:

- ☐ In the Town Council response to the "Sites for Chorley" document, a request was made for a meeting with Planning Officers. To date, this request has been ignored.
- ☐ The Town Council would like to see a decision on this application deferred until the Lancashire Core Strategy/Allocation policies are finalised.
- ☐ The proposed development would cause encroachment into the green belt corridor between Lancashire and Greater Manchester
- ☐ The proposals, if conjunction with recent existing development would, if permitted change the village character of Adlington
- ☐ The type of housing proposed in the development is out of keeping with the existing housing surrounding the site which is predominantly bungalows. Some of these would be additionally overshadowed by the new housing as in some parts of the site the housing would be at a higher level.
- ☐ The proposed site of the multi-use games area is inappropriate as it is at the edge of development and therefore would inconvenience residents of existing properties
- ☐ The Town Council is concerned that there may not be adequate places available in local schools to cater for the large increase in the population, should this development go ahead.

- ☐ At present it has not been determined whether local medical and dental services and local Accident & Emergency facilities have adequate capacity to deal with the proposed population increases in Adlington and surrounding area.
- ☐ There is very little local employment available.
- ☐ It is uncertain whether Lancashire Constabulary has the resources to police the increased population, particularly in view of the fact that the local Police Station is closing and the Community Beat Manager is part time.
- ☐ Parking is a problem on Bolton Road and adjacent roads and some of the space that is currently available for residents would be lost if the development is allowed.
- ☐ In light of the above, The Town Council considers that the proposed development is unsustainable.
- ☐ Both residents and observers would disagree with the brief summary in the Design and Access statement, stating that there is an absence of protected wildlife species. The Town Council would like to see an independent ecology survey and request that CBC or LCC facilitate this.
- ☐ The Town Council queries the vehicle movement figures given in the documentation as this development would comprise mainly multiple car households, which would not appear to have been taken in to account.
- ☐ There is already traffic congestion on Bolton Road and this would be exacerbated by this development. The local Police have expressed concern about speeding in the area of the proposed development (Fox Developments' own survey records average speeds of 31mph on this 30 mph road.) In addition a major housing development three miles away currently in progress in the neighbouring area of Horwich will inevitably increase the volume of traffic on this road.
- ☐ Because of the lack of employment opportunities in Adlington, this development would create a large increase in commuters, contrary to Government policy.
- ☐ Public transport is not a viable option as the express service to Manchester has recently been withdrawn and the rail service is infrequent. There are no plans to increase public transport services.
- ☐ The data used to compile the transport assessment is from the 2001 Census and is, therefore, completely out of date, rendering the report unfit for purpose.
- ☐ Has Lancashire County Council been consulted about the design and layout of the access road, and if so, is it considered acceptable? The Town Council is particularly concerned at the proposed junction's proximity to the St Joseph's Primary School entrance.
- ☐ As there are no secondary schools in Adlington, this development, if permitted, would increase the number of car journeys made, and/or extra school buses would be required, both increasing the amount of traffic on the roads at peak times.
- ☐ The Town Council considers that a development of this size will have an adverse effect on the noise and pollution levels in the village, particularly in the area of the junction with the development and at the traffic lights in the commercial centre of Higher Adlington.
- ☐ The proposed development will require the re-siting of existing bus stops. This would cause problems for local residents, particularly elderly residents of Rothwell Road.

**7. Anderton Parish Council** have made the following comments on the application:

- ☐ The Parish is extremely concerned by the proposal to demolish two well established and serviceable properties in order to construct and access point onto Bolton Road. The council is aware of serious safety concerns that residents on this particular stretch of road already face in terms of the junction of Rothwell Road. The council feels that given the constraints of the current road system an additional junction at this point would form an additional and unacceptable road safety hazard.
- ☐ The council considers that a development of this scale and nature would have a detrimental impact on both the amenity of the local area and on residents. The site forms an outward facing area towards the greenbelt boundary with greater Manchester and as such forms an important delineator with the adjacent district.
- ☐ Over time the proposed site has become a valuable environmentally natural amenity enjoyed by our local residents and the council is concerned about the potential loss of green space to housing development, which appears contrary to good sustainability principles.
- ☐ The council believes that since the LDF/Sites Allocation process has not yet been completed this application is premature. Previous structure plans have indicated that a more suitable development of this site would be for recreational purposes, which would appear more in keeping with this rural area.

**Consultations**

**8. Lancashire County Council (Ecology)** have reviewed the information submitted in support of this application, in conjunction with environmental information held by Lancashire County Council and consider that sufficient information has been submitted within the Ecology report to determine the application.

**9. Natural England** have made the following comments:

- ☐ This proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development.
- ☐ Natural England has adopted national standing advice for protected species which should form as material consideration in the determination of any planning application.

10. **The Environment Agency** has no objection to the proposals subject to the use of appropriate conditions.

11. **The Architectural Design and Crime Reduction Advisor** has commented in respect of security and crime but recommends that they have further input as the scheme is developed

12. **Network Rail** have no objections subject to conditions

13. **Chorley Council's Planning Policy Section** have made the following points:

- ☐ The land is allocated as Safeguarded Land in the Local Plan and development of the site is not in accordance with Policy DC3. However, at a recent appeal for 300 houses on another part of the Safeguarded Land, the Inspector concluded that there were material considerations that outweighed the breach of Policy DC3. The application therefore needs to be considered in the context of all material considerations...
- ☐ Chorley Council has a five year housing supply including a 5% buffer in line with the Framework; therefore there is no additional presumption to consider this proposal favourably.
- ☐ The site is allocated for housing in the Local Plan Publication Version but the proposal is not in line with phasing for the proposal.

14. **Director People and Places** has no objection to the proposal but has advised the developer that all reasonable precautions should be taken to avoid unnecessary disturbance to exiting residents.

15. **Leisure Services have commented as follows:**

- ☐ The landscape and visual appraisal has been carried out in accordance with the Guidelines for Landscape and Visual Assessment and gives a good overview of the issues pertinent to the site. I have no comments in relation to the findings which acknowledge that there will be short term adverse impacts to the visual amenity of a limited number of local residents but these should be mitigated in the long term by the planting strategy.
- ☐ The NEAP is well located with a good level of surveillance from overlooking properties. The location also makes it easily accessible from the existing properties north of Bolton Road.
- ☐ The design and access statement makes reference to the NEAP providing a mix of toddler, child and teen provision and the parks and open spaces team support this approach.
- ☐ The open space and footpath network makes maximum use of the existing landscape structure and links well with the wider footpath network. This is good practice and seems an appropriate provision considering the scale of development proposed.

16. **United Utilities** – no comments received. Any comments returned will be reported on the Addendum.

17. **Lancashire County Council (Highways)** – have no objection to the proposal subject to the applicant entering into a Section 278, Section 106 contributions and appropriate conditions.

18. **Lancashire County Council (Archaeology)** has no objection to the proposal. It is considered that no further archaeological investigation at the site is required.

19. **Chorley's Waste & Contaminated Land Officer** has no objection subject to conditions

20. **Lancashire County Council (Education)** have requested £698,139 to address a shortfall in primary school as a result of the proposal.

21. **Central Lancashire Primary Care Trust** have made the following comments:

- ☐ The local GP practices have the capacity to accommodate an estimated increase in population of patients.
- ☐ There are two GP surgeries in Adlington and one PCT owned health clinic. Adlington Medical Centre has sufficient capacity to cope with the anticipated number of patients from the new development.
- ☐ Granville House Medical Centre has a total of 8,200 patients registered at the present time and has no spare physical capacity within their existing practice premises.
- ☐ One of the key infrastructure requirements identified in the PCT's Capital Development and Estates Strategy 2010 – 2020 was the upgrade of Adlington clinic. PCT capital monies were used to fund the



cost of the alteration and refurbishment work. This work was completed in 2011 and has significantly enhanced the clinical environment and increased the clinical capacity available at the clinic.

- ☐ Any further increase in dwellings in this area over and above those identified in this latest planning application would have an adverse impact on the provision of local medical services

**22. Lancashire County Council (Planning Contributions)** – No comments received to date

**23. Environmental Health (Air Quality)** - have made the following comments:

- ☐ I have reviewed the report they have submitted and confirmed that other than some short term impact from the construction phase, which will require some mitigation, the overall impact of the development on air quality objectives will be negligible.

**24. Environmental Health (Noise)** - have no comments to make

**25. Lancashire County Council (Public Rights of Way)** have no objection to the proposals subject to a number of informatives being applied to any approval.

**26. The Council's Housing Manager** has commented in respect of the affordable housing mix.

**27. The Highways Agency** raise no objection to the application

### **Applicants Case**

**28.** Following the publication of the Framework (27 March 2012) the applicants have provided the following comments in support of the application:

#### Economic

- ☐ As evidenced within the related Socio Economic Impact report produced by Regeneris Ltd. the application proposal will make a significant contribution toward the economic growth and prosperity of Chorley Borough by ensuring that sufficient housing land is available in Chorley borough and more specifically in Adlington where development is required to meet housing need.
- ☐ The economic benefits that flow directly from construction jobs will be realised immediately on implementation of the development and thereafter the economic benefits from the spending capacity of new residents will help to reinforce and boost the local economy.
- ☐ Several national house builders have indicated their interest in the site to us which indicates national house builders are confident that if planning permission is granted housing would be delivered quickly. This will not only contribute towards meeting housing needs but will also provide much needed jobs within the local economy.
- ☐ It has been demonstrated that the requisite infrastructure necessary to serve the proposed development is or can be made available.
- ☐ Overall it is submitted that the application proposals accord with the economic dimension of sustainable development in the context of the Framework.

#### Social

- ☐ The application proposals will make a significant contribution to meeting both open market and affordable housing needs within the borough.
- ☐ In relation to affordable housing there is a significant identified need due to historic under delivery which the application proposals will help to address quickly thus contributing to a socially inclusive and cohesive community. Affordable dwellings will be located throughout the scheme thereby helping to create a mixed and balanced community.
- ☐ Increasing the overall supply of housing improves affordability by addressing supply/demand imbalances thus allowing more people to access the housing market which is a positive social benefit
- ☐ With regard to the matter of creating a high quality environment, whilst in outline at this stage, the Design and Access Statement submitted with the original planning application demonstrates that the development will be of high quality. In itself this constitutes a significant social benefit by reason of providing the new and existing community with an attractive place to live.
- ☐ Accessibility to local services is good and as a designated Urban local Service Centre Adlington is identified as a settlement where housing and employment growth will be accommodated.

#### Environmental

- ☐ In terms of the environmental aspects of sustainability it has been demonstrated that there is a need to release greenfield land Adlington to meet part of the boroughs housing need.
- ☐ The principle of development on this site is also underpinned in policy terms by reason of the current local plan designation as 'Safeguarded' Land', which is also reinforced by Council having now

proposed the allocation of the site as one of its preferred options for a housing allocation in the 'Sites for Chorley' Sites Allocations DPD.

- ☐ Acknowledging that the principle of the development in land use terms is acceptable, it is also therefore necessary to consider how the application proposals perform against the environmental aspects of sustainability as set out under Paragraph 7 of the Framework.
- ☐ In relation to biodiversity the ecological assessment submitted with the planning application demonstrates that there are no incumbent factors that would prevent development on the site. Equally there is opportunity for biodiversity enhancements as part of the proposals.
- ☐ Various safeguards, in the form of proposed appropriate planning conditions, will be applied in this regard.
- ☐ In relation to the sustainability of the built development the application proposals will provide for energy efficient housing. The outline planning application was accompanied by a Sustainability Appraisal that examined various options for producing energy efficient homes that comply with local and national standards.

#### Mutual Dependency

- ☐ Paragraph 8 of the Framework indicates that the economic, social and environmental roles of sustainability are mutually dependent and should be sought jointly and simultaneously through the planning system.
- ☐ In this case it is evident that the application proposals would secure economic, social and environmental benefits and would result in a sustainable development that makes a positive and significant contribution toward meeting housing need within this part of the borough whilst utilising the environmental attributes present on site to maintain and enhance the habitat and potential for species.

#### Local Circumstances

- ☐ Paragraph 10 of the Framework states that: "Plans and decisions need to take local circumstances into account, so that they respond to different opportunities for achieving sustainable development in different areas".
- ☐ The application proposals respond to local circumstances by helping to deliver affordable and open market houses in a location identified by the Council as being suitable for such purpose.
- ☐ In this case there is no conflict with the government's localism agenda. There is a relatively small modicum of local objection to the scheme. However the Council has identified the land as 'Safeguarded Land' in its Local Plan which is reserved from the Green Belt to accommodate development needs up to 2016.
- ☐ Further it has democratically elected to propose the site for a housing allocation in the 'Sites for Chorley' Sites Allocations DPD as part of mixed use allocation. There is also strong evidence provided within the application submission which demonstrates that the proposals for a 3ha employment allocation on the site should not be affirmed as it is not fit for purpose in land use terms.
- ☐ It is also notable that the Grove Farm Local Plan employment allocation which immediately adjoins the application site was recently released from its allocated purpose to accommodate housing development.

#### The Presumption In Favour Of Sustainable Development

- ☐ Paragraph 14 of the Framework establishes a presumption in favour of sustainable development. For decision-taking this means (unless material considerations indicate otherwise):
  - "approving development proposals that accord with the development plan without delay; and
  - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
    - 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; or
    - specific policies in this Framework indicate development should be restricted."
- ☐ The application proposals meet current housing needs in a manner which does not compromise the ability of future generations to meet their own needs; they therefore constitute sustainable development and therefore should benefit from the presumption in favour of such development as stated in Paragraph 14 of the Framework.
- ☐ In the context of decision taking (Paragraph 14 of the Framework) the evidence produced by the applicant demonstrates that the application proposals constitute a departure from the local plan but moreover achieve strong accord with the emerging Core Strategy and Site Allocations DPD.
- ☐ It is evident that the Local Plan does not attract 'full weight' given that it was adopted in 2003. To do so it would have to have been adopted since 2004.
- ☐ In the context of this planning application the Local Plan is in effect inconsistent with the Framework. The policy of restraint applied through DC3 'Safeguarded Land' is demonstrably out of date. This is clearly evidenced by the fact that a significant majority of 'Safeguarded Land' being located at and around the six Urban Local Services Centres is now identified with in the Site Allocations DPD as the Council's preferred option for housing growth.

- ☐ The weight to be attributed to the Policy DC3 in this case is low. Hence the departure from the Local Plan is acknowledged but should not be a decisive determining factor in this application.
- ☐ In the context of this planning application the Central Lancashire Publication Core Strategy has reached an advanced stage of preparation having been through an 'Examination in Public'. It should therefore carry 'significant' weight in the decision making process on this proposal.
- ☐ The key strategic policies contained within the emerging Core Strategy are; Policy 1 – Locating Growth, Policy 4 Housing Delivery and Policy 9 – Economic Growth.
- ☐ Policy 1 identifies Adlington as an Urban Local Service Centre where some housing and employment will be accommodated. The suitability of Adlington to accommodate growth has therefore been assessed by the Council in its plan making process and it has been deemed to be sustainable.
- ☐ Policy 4 specifies that the ULSC will deliver 2100 dwellings between 2010 and 2026. In this context the Council has chosen the application site as one of its preferred allocations in its emerging Site Allocations DPD. The council's policies with regard to this site (178 dwellings) are the subject of significant support from third party contributors to the process and therefore the weight to be attached to these policies should be significant.
- ☐ Overall, the policy basis for the proposal demonstrably accords with key strategic emerging policies.
- ☐ The policy approach to weighting proposals against emerging policy accords with the approach advocated in the Framework, paragraph 14 and thus the 'presumption in favour of sustainable development' must legitimately apply and override the out of date Local plan in respect of this proposal.
- ☐ A related material consideration in the context of the presumption in favour of sustainable development is the direct comparison with the planning permission granted by Secretary of State in July 2011 at Clayton-le-Woods. The Secretary of State's decision at Clayton-le-Woods is an important material consideration in this case.
- ☐ On the matter of prematurity the approach taken by the Secretary of State in his decision should equally apply to these proposals. Thus they cannot logically be regarded as premature when the advice contained in the Framework is properly applied. In accordance with paragraph 49 of the Framework the local planning authority should consider this application in the context of the presumption in favour of sustainable development. There would be no legitimate planning reason to hold back development in this ULSC. It could not be argued that the application is premature nor would it lead to any oversupply of housing in this ULSC, particularly as the current delivery rate of dwellings in Adlington is five dwellings in the last monitoring year. Indeed the Framework does not advocate any form of arbitrary restraint in housing delivery; rather it seeks to "boost significantly the supply of housing". As the rate of housing delivery remains extremely low across the ULSC this site should be released now.
- ☐ The Inspector at a recent appeal for 27 dwelling in Coppull concluded that DC3 is outdated and should not be afforded considerable weight.

#### Delivering Sustainable Development – Promoting Sustainable Transport

- ☐ The application proposals have the potential to support sustainable transport modes through the close proximity of shops and services which will foster walking and cycling. Additionally the public transport network in the area offers the potential for journeys to be made by bus and train.
- ☐ Section 36 of the Framework indicates that a key tool to promote sustainable transport is a Travel Plan. Notably the application contains a draft TP in this regard.

#### Delivering Sustainable Development – Promoting Healthy Communities

- ☐ The proposals have the potential to promote a healthy community through the creation of a safe and accessible development and one which has access to areas of open space and the wider countryside for recreation and which encourages sustainable transport modes such as walking and cycling.

#### Delivering Sustainable Development - Meeting the Challenge of Climate Change, Flooding & Coastal Change

- ☐ The areas proposed for built development on the site are not at risk of flooding and there are no objections to the appeal proposals on flooding grounds from either the Council or Environment Agency (EA).

#### Delivering Sustainable Development – Conserving and Enhancing the Natural Environment

- ☐ Section 11 of the Framework deals with the natural environment. In the appeal context the following matters are relevant:
  - Landscape.
  - Ecology.
  - Trees.
  - Pollution.
  - Agricultural land.

- ☐ In relation to landscape the report produced by FPCR demonstrates that the application site can adequately accommodate the proposed development without adverse effects on the landscape or visual amenities and this factor weighs in favour of the proposals.
- ☐ In relation to biodiversity the ecological assessment submitted with the planning application demonstrates that there are significant opportunities for bio diversity enhancements as part of the proposals.
- ☐ In relation to trees the proposals provide for significant tree retention (almost 100%) and new deciduous tree planting will more than compensate for the removal of an insubstantial amount of poor quality trees.
- ☐ In relation to pollution the application site is not contaminated, noise matters can be satisfactorily mitigated and air quality matters do not raise any adverse impact.
- ☐ In relation to agricultural land the site is not best and most versatile agricultural land.

#### Applicant's Summary

- ☐ In summary, the application proposals scheme has been demonstrated to be sustainable and should therefore benefit from the presumption in favour of such development as set out in Paragraph 14 of the Framework. The Local Plan is out of date and for the reasons specified in the Framework policy DC3 'Safeguarded' should not be attributed full weight. The policies contained within the now advanced emerging Central Lancashire Core Strategy should attract significant weight with which proposals strongly accord.
- ☐ A wealth of other material considerations relating to housing need (both open market and affordable) has been identified by the Council in their CS evidence base and these factors weigh heavily in favour of the proposals.
- ☐ The Secretary of State in his decision at Clayton-le-Woods acknowledged the need to steeply increase the amount of housing in the ULSC now. This principle therefore applies to Adlington.
- ☐ The site has been identified by the Council as one of its preferred options for housing and employment in the Sites for Chorley Site allocations DPD. The employment element of the proposed allocation is the subject of substantial objection and has been shown to be demonstrably unsuitable in land use planning terms. The weight to be attributed to that element of proposed allocation is therefore low and should not be regarded as decisive in the determination of this case.
- ☐ Taken as a whole the application proposals achieve strong accordance with the Framework and clearly benefit from the presumption in favour of sustainable development.

#### **Policy Background**

##### **National Planning Policy:**

29. The relevant national planning policy guidance/statements are as follows:

##### ☐ **National Planning Policy Framework (NPPF) 'The Framework'**

The Framework states:

*'Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions. Planning policies and decisions must reflect and where appropriate promote relevant EU and statutory requirements.'*

30. The Framework confirms that for 12 months from the day of publication (27th March 2012), decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the Framework.

31. In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

32. From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- ☐ the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- ☐ the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- ☐ the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

33. At the heart of the Framework is the presumption in favour of sustainable development which is established as the 'golden thread' running through the plan and decision making processes. For decision making this means:
- ☐ Approving development proposals that accord with the development plan without delay; and
  - ☐ Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission 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; or
    - Specific policies in the Framework indicate development should be restricted.
34. The Framework states that local authorities should:
- ☐ identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;
  - ☐ To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.
35. Paragraph 48 of the Framework states:  
*'Local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.'*
36. Paragraph 49 of the Framework states:  
*.'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.'*
37. Paragraph 50 states:  
*'to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:*
- ☐ *Plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community;*
  - ☐ *Identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and*
  - ☐ *Where they have identified that affordable housing is needed, set policies for meeting this need on-site unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.'*
38. One of the core principles of the Framework is to proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Another of the core principles is to promote mixed use developments.
39. Paragraph 19 states that significant weight should be placed on the need to support economic growth through the planning system. Paragraph 37 also states that planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, training and emergency service needs.

**The Development Plan**

40. The development plan comprises the Central Lancashire Core Strategy, 2012, the saved policies of the Adopted Chorley Borough Local Plan Review 2003 and the North West of England Regional Strategy 2008 (RS).
41. The starting point for assessment of the application is Section 38 of the Planning and Compulsory Purchase Act 2004 that states if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

**Regional Spatial Strategy (RS)**

42. At the current time the Regional Strategy (RS) for the North West is still in force. The Secretary of State's intention to revoke RS, and how that intention should be considered has been a matter for the courts, with the outcome that RS remains part of the development plan, and that the intention to revoke can be regarded as a material consideration in the determination of planning applications.
43. Section 109 of the Localism Act has already come into force which gives the Secretary of State the power to revoke the whole or part of any Regional Spatial Strategy. Consultation on Strategic Environmental Assessment (SEA) which considers the environmental impacts of revocation expired on 20 January 2012. The Government had previously indicated that it intended to revoke RS by April 2012, however further Strategic Environmental Assessment on this is still anticipated.
44. The relevant policies of the RS are as follows:
- ☐ DP1: Spatial Principles
  - ☐ DP2: Promote Sustainable Communities
  - ☐ DP4: Make the Best Use of Existing Resources and Infrastructure
  - ☐ Policy DP5: Manage Travel Demand; Reduce the Need to Travel and Increase Accessibility
  - ☐ DP7: Promote Environmental Quality.
  - ☐ DP9: Reduce Emissions and Reduce Climate Change.
  - ☐ RDF1: Spatial Priorities
  - ☐ RDF2: Rural Areas
  - ☐ L4: Regional Housing Provision
  - ☐ L5: Affordable Housing
  - ☐ RT2: Managing Travel Demand
  - ☐ RT9: Walking and Cycling
  - ☐ EM1: Integrated Enhancement and Protection of the Region's Environmental Assets
  - ☐ EM5: Integrated Water Management
  - ☐ EM15: A Framework for Sustainable Energy in the North West
  - ☐ EM16: Energy Conservation and Efficiency
  - ☐ EM17: Renewable Energy
  - ☐ CLCR1: Central Lancashire City Region Priorities
  - ☐ L4: Regional Housing Provision

**Adopted Chorley Borough Local Plan Review**

45. The Framework confirms that for 12 months from the day of publication of the Framework (27th March 2012), decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the Framework. The Local Plan Policies were adopted in 2003 and saved by the Secretary of State in 2007 which was in accordance with the Planning and Compulsory Purchase Act 2004. The Framework also confirms that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans. The emerging plan is addressed later in this report.
46. The relevant policies of the Local Plan are as follows:
- ☐ GN1- Settlement Policy – Main Settlements
  - ☐ GN5 - Building Design and Retaining Existing Landscape Features and Natural Habitats
  - ☐ GN9 – Transport Accessibility and Mixed Uses
  - ☐ DC1- Green Belt
  - ☐ DC3 – Safeguarded Land
  - ☐ EP2 – County Heritage Sites and Local Nature Reserves
  - ☐ EP4 - Species Protection
  - ☐ EP9 - Trees and Woodlands
  - ☐ EP10 - Landscape Assessment
  - ☐ EP12 – Environmental Improvements
  - ☐ EP17- Water Resources and Quality

- ☐ EP18 – Surface Water Run Off
- ☐ EP21A - Light Pollution
- ☐ EP22 - Energy Conservation
- ☐ EP23 - Energy from Renewable Resources
- ☐ HS1- Housing Land Requirements in Chorley
- ☐ HS4 – Design and Layout of Residential Development
- ☐ HS5 – Affordable Housing
- ☐ HS6 – Housing Windfall Sites
- ☐ HS19 – Public Open Space in Housing Developments
- ☐ HS20 – Ornamental Open Space
- ☐ HS21 – Playing Space Requirements
- ☐ TR1 – Major Development – Tests for Accessibility & Sustainability
- ☐ TR4 – Highway Development Control Criteria
- ☐ TR18 – Provision for Pedestrians and Cyclists In New Development
- ☐ TR19 – Improvement or Provision of Footpaths, Cycle ways and Bridleways in Existing Networks and New Developments
- ☐ LT10 – Public Rights of Way

47. The Local Plan Review has a number of employment objectives. Although this site is allocated as Safeguarded Land in the Local Plan, of most relevance to this application is the objective relating to providing an adequate supply of land which is suitable for a range of employment purposes and capable of being developed in the plan period, and to ensure where possible major employment sites are located in transport choice locations and that all sites are easily accessible by both the road network and by other means other than the private car. This objective is consistent with the Framework.

#### **Central Lancashire Local Development Framework: Joint Core Strategy**

48. Central Lancashire Core Strategy – The Central Lancashire Core Strategy has been prepared jointly by Chorley, Preston and South Ribble Councils and was adopted by all three authorities in July 2012.

49. The following Core Strategy Policies are of relevance to this application:

- ☐ **Policy 1** Locating Growth identifies locations that are appropriate for growth and investment. Adlington is identified as an Urban Local Service Centre and states that some growth and investment will be encouraged there to help meet housing and employment needs. Therefore, it is a settlement where some housing and employment growth is considered appropriate.
- ☐ 9% of Central Lancashire's housing development will take place in Urban Local Service Centres, including Adlington, over the period 2010 – 2026. Approximately 2100 dwellings are predicted in total in the 6 Urban Local Service Centres based upon:
  - o existing housing commitments (sites that already have planning permission for housing)
  - o proposed allocations in the Sites for Chorley Preferred Option Paper
  - o dwellings already completed in the 6 Urban Local Service Centres during the first year of the Core Strategy housing requirement period (2010 – 2011).
- ☐ However, the document highlights that this is a predicted distribution based on the potential for housing development in each place and *not* proportions that are required to be met.
- ☐ **Policy 2** of the Core Strategy relates to infrastructure. The Policy refers to the application of a levy/tariff based on standard charges as appropriate, noting that *'This will ensure that all such development makes an appropriate and reasonable contribution to the costs of provision after taking account of economic/viability considerations'* The policy also notes that LPAs "will set the broad priorities on the provision of infrastructure, which will be linked directly to the commencement and phasing of developments. This will ensure that enabling infrastructure is delivered in line with future growth, although some monies will be specifically collected and spent on the provision of more localised infrastructure."
- ☐ **Policy 3** encompasses increasing accessibility and promoting sustainable travel as a key theme within chapter 7 Catering for Sustainable Travel. Travel includes measures to reduce the need to travel by improving public transport
- ☐ **Policy 4** Housing Delivery sets out housing requirements of 417 dwellings per annum for the two-year period 2010-2012.
- ☐ **Policy 5** relates to housing density which is an important consideration in any proposed housing scheme. The key objective is to achieve high quality design that responds to the character of the area in terms of existing density, siting, layout, massing, scale, design and landscaping etc.
- ☐ **Policy 7** relates to affordable housing and states that 30% affordable housing will be sought from market housing schemes.
- ☐ **Policy 14** Education provides for educational requirements by enabling new schools to be built in locations where they are accessible by the communities they serve using sustainable modes of transport.

- ☐ **Policy 17** relates to the design of new buildings which will be expected to take account of the character and appearance of the local area.
- ☐ **Policy 22** looks to conserve, protect and seek opportunities to enhance and manage the biodiversity and geodiversity assets of the area through a number of measures. Measures a) and b) promote the conservation and enhancement of biological diversity and seek opportunities to enhance and expand ecological networks.
- ☐ **Policy 27** relates to incorporating sustainable resources into new developments. Objections related to its implementation and its relationship with other guidance and regulations.

### **Emerging\_Policy Considerations**

#### **Chorley Local Plan (Previously Site Allocations & Development Management Policies DPD)**

##### **Publication Stage**

50. Consultation on the publication version of this document, referred to as the 'Local Plan Publication Version' will take place between the 19<sup>th</sup> October and the 30<sup>th</sup> November 2012 following approval by full Council in September 2012. This document will accord with the broad content of the Central Lancashire Core Strategy but will provide more site-specific and policy details. The purpose of this document is to help deliver the aims of the Central Lancashire Core Strategy by setting out development management policies and allocating or protecting land for specific uses. The emerging plan is at a relatively advanced stage of preparation, and can be afforded a limited degree of weight. At a recent appeal the Inspector referred to the document being afforded limited weight when at the Preferred option stage. The document is now further advanced it can now be afforded greater weight.
51. The land that is the subject of this application forms the HS1.24 Land Adjacent to Bolton Road residential allocation under Policy HS1: Housing Site Allocations. The emerging Local Plan safeguards this 7.2 hectare site for residential development.
52. Policy HS2: Phasing of Housing Development sets out the phasing that should take place on allocated sites over the plan period. The following phasing applies to this site:
- ☐ 46 dwellings in phase 2 (2016 – 2021)
  - ☐ 146 dwellings in phase 3 (2021 – 2026)

##### **Other Material Considerations**

53. In July 2011 an appeal decision relating to a proposal for 300 dwellings on a Safeguarded Land site in Clayton-le-Woods (appeal ref: APP/D2320/A/10/2140873) was allowed even though the Inspector concluded that the development of Safeguarded Land for housing was contrary to Local Plan Policy DC3, and that there was a proven 5.4 years supply of land for housing. The Secretary of State stated that:
- ☐ Clayton-le-Woods is a main place for growth as it is identified as an Urban Local Service Centre where 'some growth and investment will be encouraged';
  - ☐ there would need to be a steep increase in housing delivery from now onwards, and that the area of strategic land that includes the appeal site is realistically the only land available in Clayton-le-Woods for delivering this growth;
  - ☐ that given the extensive consultation which has occurred on this proposed designation since November 2006, the area's consistent identification for growth, and the relatively advanced stage of the Core Strategy, this part of the Core Strategy should be afforded significant weight.
54. The Planning Inspector and the Secretary of State both agreed that there was a five-year supply of housing in the Borough they also took the view that the determination of need involves a consideration of more than the five-year housing supply and that it should take account of wider issues, particularly the planned growth within the emerging Core Strategy and this was a material consideration in determining the appeal.
55. In July 2012 an appeal for development of up to 135 dwellings on land to the north and west of Lucas Lane, Whittle-le-Woods was upheld by the Inspector even though it was concluded that the Council had a small oversupply of houses and therefore a five year supply could be demonstrated.
56. The Inspector concluded that the (then unadopted) Core Strategy identified Whittle-le-Woods as an area for 'some growth' and whilst the Site Allocations DPD was at an early stage it was clear that some safeguarded land would need to be released to provide for the necessary growth. As the appeal site represented the Councils preferred option in the emerging DPD and as there were no infrastructure



constraints prohibiting it being brought forward, then the release of the land now would not undermine the Development Plan process or set a harmful precedent.

#### 57. **Ministerial Statement – Planning for Growth**

On the 23rd March 2011 The Minister of State for Decentralisation and Cities, Greg Clark MP, issued a written parliamentary statement in which he said that ministers will work quickly to reform the planning system to ensure that the sustainable development needed to support economic growth is able to proceed as easily as possible. The principles of this document have now been enshrined within the Framework which has superseded this statement.

### **1) Policy Assessment**

#### **1a) Chorley Local Plan Review, 2003**

58. Chorley Local Plan Policy DC3 allocates the land as Safeguarded Land under Policy DC3.2 in the Local Plan. Safeguarded Land comprises areas and sites which may be required to serve development needs in the longer term, i.e. well beyond the plan period, in line with the Framework (paragraph 85). The supporting text to policy DC3 states that this land was to be treated as if it were Green Belt until such time as a need for it was identified in a future review of the plan. It also states that Safeguarded Land in the Plan will remain protected until 2006.
59. Policy DC3 states that development other than that permissible in the countryside under policies DC1 (Development in the Green Belt) and DC2 (Development in the Area of Other Open Countryside) will not be permitted. The proposal is not for development permissible under either Policy DC1 or DC2 and it is therefore contrary to policy DC3.
60. The Adopted Local Plan at 1.4 states 'A key feature of the 1997 adopted Plan is that for the first time, it established precise Green Belt boundaries. It was the intention that the overall extent of the Green Belt in Chorley Borough will not be changed until at least the year 2016. To help achieve this Areas of Safeguarded Land were identified in the 1997 Plan, and are with one exception retained in this Plan, to accommodate development pressure in the period up to 2016 if necessary'. It was therefore intended the extent of the Green Belt to remain until at least 2016, however it was expected that there would be a review before the end of the plan period, which extended to 2006.
61. The current Local Plan Review was adopted in 2003. However The Planning and Compulsory Purchase Act 2004 introduced the Local Development Framework process which replaced the local plan-making process. Safeguarded Land was protected until 2006, but following the establishment of the Local Development Framework process Chorley Borough Council applied for and obtained a Direction from the Government Office for the North West to save a number of policies including DC3, for on-going use after 27 September 2007. As part of that letter from the Government Office it provides the following guidance:
- 'Following 27 September 2007 the extended policies should be read in context. Where policies were adopted sometime ago, it is likely that material considerations, in particular the emergence of new national and regional policy and also new evidence, will be afforded considerable weight in decisions. In particular, we would draw your attention to the importance of reflecting policy in Planning Policy Statement 3 Housing and Strategic Housing Land Availability Assessment in relevant decisions.'*
62. The Framework confirms that there is an ongoing requirement that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is a material consideration which may justify determining an application against the provisions of the development plan, depending on the extent to which the plan is inconsistent with the Framework. For the first 12 months following the publication of the Framework, this applies only to those development plan policies adopted before 2004 (as is the case with the Chorley Local Plan). The implication of this provision is that reduced weight may be given to a development plan where it is inconsistent with the Framework. Conversely where a development plan is consistent with The Framework (even where adopted before 2004); it follows that applications should continue to be determined in accordance with the development plan.
63. The Council consider that Policy DC3 is in accordance with the Framework which confirms that safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development (Para 85) and consider that significant weight should continue to be attached to the development plan policies and that, in this instance, the publication of the Framework does not reduce the weight to be attached on the basis that they are in general conformity with The Framework. This is not the conclusion drawn by the Inspectors at the most recent appeal on safeguarded land at

Wigan Road and Lucas Lane as outlined above. Both Inspectors concluded that Policy DC3 should be considered out of date and afforded limited weight.

64. The Council consider that the proposal would be in breach of saved Policy DC3; however this policy must be read in the context of other material considerations that may be more up to date. The issue is therefore whether there are other material considerations that outweigh policy DC3 to justify releasing the application site now.
65. Paragraph 47 of the Framework states that local planning authorities should *'identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;'*
66. In accordance with paragraph 47 of the Framework the Council have identified in excess of 5 years supply of housing. It is not the applicant's case that the Council does not have a 5 year supply. The issue of five year supply was debated at the recent Lucas Lane Inquiry. However the Inspector concluded that there was a 5.45 years supply was available, exceeding the 5 year plus 5% buffer required. The information in the 2010-2011 Annual Monitoring Report indicates that there is a 5.7 year supply for the period 1st October 2011 – 30th September 2016.
67. The Framework goes on the state (para 49) that *'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.'*
68. As the Council have identified in excess of 5.25 years supply of deliverable housing sites there is no requirement to consider this application favourably in line with paragraph 49 of the Framework.
69. From April 2010 (the start date of the Core Strategy housing period) to April 2011, 5 dwellings were completed within the Adlington settlement. A further 111 dwellings with planning permission were yet to be completed as at 1 April 2011 (48 were residential moorings). In the following 6 month period from April to October 2011, 21 of the remaining 111 dwellings were completed.
70. An additional 110 dwellings were granted planning permission in Adlington in the 6 month period from April to October 2011. 75 dwellings were granted outline permission at Grove Farm, 20 dwellings were granted planning permission at Weldbank Plastics, 14 were granted planning permission at Acresfield and one was granted planning permission on Chorley Road.
71. In total 26 dwellings were completed in Adlington between April 2010 and October 2011 which go towards meeting the Core Strategy housing requirements. A further 120 dwellings have full planning permission and 80 dwellings have outline planning permission.
72. Paragraph 159 of the Framework states Local Planning Authorities should have a clear understanding of housing needs in their area. Local planning authorities should:
- ☐ prepare a Strategic Housing Market Assessment to assess their full housing needs, working with neighbouring authorities where housing market areas cross administrative boundaries. The Strategic Housing Market Assessment should identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period which:
    - meets household and population projections, taking account of migration and demographic change;
    - addresses the need for all types of housing, including affordable housing and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);and
    - caters for housing demand and the scale of housing supply necessary to meet this demand;
  - ☐ prepare a Strategic Housing Land Availability Assessment to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period.
73. In accordance with the Framework, the proposed development should seek to provide a mix of high quality housing to assist in meeting current and future demographic needs of the borough. The scheme is in outline with all matters reserved apart from access, therefore details are not provided about the design or layout. These matters will need to be addressed at the reserved matters stage if outline planning permission is granted.

74. In terms of the suitability of the site for housing, the Local Plan identifies for future development needs. This allocation is proposed within the Local Plan Publication Version. Therefore, it has been recently assessed as being genuinely capable of development as part of the Local Plan process, in line with guidance in the Framework. The site has also been assessed as part of the emerging Local Plan. Overall the site scores a Band B (Band A being the most sustainable and Band E the least sustainable). The site scores well in relation to its accessibility by bus and its links to the road and motorway network. It does not however have good access to a number of facilities and services such as schools and doctors. Its sustainability score is further reduced by the fact that the site is greenfield.
75. A core principle of the Framework is to encourage the effective use of land by re-using land that has been previously developed. This is not a previously developed site, but there is a limited supply of suitable and available previously developed land in Adlington, so the expectation is that some of the planned growth for the settlement will take place on Greenfield land. This site has been allocated and protected for future housing development through its inclusion within the emerging Local Plan.
76. The Local Plan Review has a number of housing objectives. Of most relevance to this application, and consistent with the Framework, is the objective relating to meeting the housing requirements of the whole community in both rural and urban areas including those in need of affordable and special needs housing.
77. In the adopted Core Strategy there are 5 Homes for All Strategic Objectives. Of particular relevance to this application are Objectives SO5 and SO8 which are consistent with the Framework:
- Objective SO5: 'To make available and maintain within Central Lancashire a ready supply of residential development land over the plan period, so as to help deliver sufficient new housing of appropriate types to meet future requirements. This should also be based on infrastructure provision, as well as ensuring that delivery does not compromise existing communities.'*
- Objective SO8: 'To significantly increase the supply of affordable and special needs housing particularly in places of greatest need such as more rural areas.'*
78. However, it is considered that the best way of achieving the Local Plan Review objective of meeting the housing requirements of the whole community and the Core Strategy objective of making available a steady supply of residential land is through the Development Plan process. This process gives supporters and objectors to all proposed housing allocations the opportunity to debate and determine future housing sites in the Borough. The emerging Local Plan has already been through significant consultation and is at an advanced stage and as such, in accordance with the Framework should be accorded some weight.
79. The emerging Local Plan Publication Version identifies the development site within phase 2 and phase 3 for development. It is anticipated that 46 dwellings will be brought forward within phase 2 and 146 within phase 3. It is anticipated that development will come forward on the site in a phased manner in accordance with the requirements of the phasing strategy. At both recent appeals, the inspector concluded that the release of the sites to which the appeal related would not set a precedent for the release of further safeguarded sites across Chorley.
80. The final criterion in paragraph 159 relates to ensuring that housing need within the Borough caters for housing demand and the scale of housing supply necessary to meet this demand.

### **1b) Core Strategy**

81. In terms of the Core Strategy, Policy 1 supersedes Policy GN1 of the Local Plan but continues to identify Adlington in strategic land terms as one of six Urban Local Service Centres (ULSCs) where some [author's emphasis] growth and investment will be encouraged to help meet housing and employment needs in Central Lancashire.
82. The policy does not specify how much development should go in each ULSC. It has no housing requirement for individual settlements and there is no requirement for the split between settlements to be equal. It is considered the growth and investment cannot equate to an equal split between the ULSCs settlements as they have differing amounts of available and suitable developable land for housing.
83. Therefore the fact that Adlington is a location for some growth in broad spatial terms is acknowledged as a material consideration. The Core Strategy does not determine how growth is to be distributed between the six ULSCs; this is an issue for the emerging Local Plan.

**1c) Local Plan (formerly Site Allocations & Development Management Policies DPD (Publication Version)**

84. The 'Local Plan Publication Version' will be the subject of consultation commencing in October 2012. In accordance with the Core Strategy, the emerging Local Plan allocates preferred sites for housing in Urban Local Service Centres.
85. As stated above, the Core Strategy predicts that 9% of dwellings will be provided in the 6 Urban Local Service Centres in the Borough between 2010 and 2026 (amounting to 2,100 units) but states that these are predictions and not proportions that are required to be met. This figure is not intended to be split equally between the 6 Urban Local Service Centres as they all have a different amount of available and suitable land for housing development.
86. Between 2010 and 2011, 78 dwellings were developed in the Urban Local Service Centres, leaving a remaining 2,022 predicted dwellings to be provided in these areas. The emerging Local Plan allocates a number of preferred housing sites in these areas, which in total will provide for approximately 1,906 dwellings (613 of which have planning permission). An additional 163 dwellings have planning permission on other windfall sites in the Borough. This is a total of 2,069 dwellings which marginally exceeds the predicted Core Strategy provision to allow for any slippage such as non delivery or reduced housing delivery on sites.
87. The emerging Local Plan allocates land for 310 dwellings in Adlington. The area of Safeguarded Land covered by this application is a preferred housing allocation for 192 dwellings. This application is for up to 170 dwellings, slightly below the anticipated number
88. Policy HS2 of the emerging local Plan sets out a phasing schedule for the housing development on the site. In total 192 houses are proposed on the site with 96 dwellings proposed in the period 2016-21 and 96 dwellings in the period 2021-26.
89. The principle of housing development at this location is accepted through its continued allocation in the Local Plan Publication Version. The document is at an advanced stage, and therefore should be afforded limited weight with significant weight given to the allocation of this site which has been retained throughout the process.

**1d) Masterplanning Approach**

90. The Council has set out its desire to see the development of this site take place as part of a master planned approach. In reality, this application seeks permission for the overall development of the site as a whole and as such the applicant has submitted an indicative masterplan in support of this outline application. This masterplan demonstrates that the proposed number of dwellings and area of open space can be accommodated as well as retaining existing landscape features. The indicative masterplan has been viewed by consultees during the course of the application and no issues have been raised. It is therefore considered that the indicative masterplan is acceptable albeit some refining will be required at reserved matters stage.

**1e) Prejudice**

91. Whilst the Framework is silent on the issue of prematurity, Annex 3 of the Framework lists the revoked guidance documents. The Planning System: General Principles is not listed as a document which is revoked and as such the Council's view is that the guidance contained within this document is extant.

92. Paragraphs 17-19 of The Planning System: General Principles state:

*'...in some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a DPD is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD. A proposal for development, which has an impact on only a small area, would rarely come into this category. Where there is a phasing policy, it may be necessary to refuse planning permission on grounds of prematurity if the policy is to have effect. Otherwise, refusal of planning permission on grounds of prematurity will not usually be justified. Planning applications should continue to be considered in the light of current policies. However, account can also be taken of policies in emerging DPDs. The weight to be attached to such policies depends upon the stage of preparation or review, increasing as successive stages are reached. For example: Where a DPD is at the consultation stage, with no early prospect of submission for examination, then refusal on prematurity grounds would seldom be justified because of*

*the delay which this would impose in determining the future use of the land in question.* [Authors own emphasis]

93. In recent appeal decisions at Clayton-le-Woods at Whittle-le-Woods, the issues of prejudice/prematurity was considered by the Inspector who concluded that the release of these sites at the current time would not prejudice the delivery of the strategic aims and objectives of the Local Plan/Core Strategy. The site to which this application relates is allocated within Phases 2 and 3 for release in the emerging Local Plan. This document is at an advanced stage and it can be concluded that this site will both be allocated and brought forward for residential development at some point in the future.
94. The developer has provided some information on the potential phasing of the development. It is estimated that the first houses will be delivered in 2014 at the earliest, potentially 2015. A build rate of 25-30 dwellings per annum will result in the development taking 5-7 years, completing at the start of phase 3 within the Local Plan Publication Version. This is not in accordance with the phasing schedule set out within the emerging Local Plan and agreement on the imposition of a condition relating to phasing is still an outstanding issue with the developer.

#### **1f) Assessment of Proposal Against Final Criterion of NPPF Paragraph 159**

95. Relating this back to the Framework the final criterion in paragraph 159 relates to ensuring that housing need within the Borough caters for housing demand and the scale of housing supply necessary to meet this demand.
96. The emerging Local Plan is at an advanced stage. The site of this application has been carried forward through the process of the production of the plan. It is therefore protected for house building for the plan period and it can be realistically assumed that this site will be brought forward for development at some point in the future. Should outline approval be granted, the developer still have to submit a reserved matters application and it is likely that the site will be sold on the open market. The applicant has indicated that the development may be brought forward ahead of the phasing schedule set out in the emerging local plan, however a condition can be applied to ensure that the development is brought forward in accordance with the emerging Local Plan phasing schedule, however agreement on this issue is still outstanding with the developer.

#### **2) Other Material Policy Considerations**

##### **2 a) Urgency**

97. It has also been assessed whether there is an urgent need to release this site. The Local Plan allows appropriate development within the Urban Local Service Centres however it does not specify housing targets for settlements within Chorley Borough and housing completion levels overall have been broadly in line with RS (acknowledging a small undersupply at April 2011).
98. In terms of 'steep increase' the Clayton-le-Woods appeal Inspector stated (with which the SoS agreed): *'Therefore, over the plan period 1810 [now 2100 new dwellings] new dwellings will be required in these ULSCs, all but one of which is in Chorley. In order to meet this planned growth, there would need to be a steep increase in housing delivery from now onwards. The area of Safeguarded Land that includes the appeal site is realistically the only land available in Clayton-le-Woods for delivering this growth'*. It should be noted that in fact all six ULSCs are in Chorley Borough, not all but one as stated by the Inspector.
99. In order to meet the predicted proportion of housing development in the ULSCs it is acknowledged that higher levels of house building will be required as a whole in the future in the six ULSCs as a whole than may have taken place in the past.
100. At the time of the Clayton-le-Woods appeal decision (21<sup>st</sup> July 2011) the Site Allocations DPD was at an early stage. Consultation had taken place on the Issues and Options but the Council had not reached Preferred Option Stage. The Council has now consulted on its Preferred Option so the DPD and the Publication Version will and consultation will commence in October 2012. It can therefore be afforded limited weight.
101. As well as identifying sites for allocation then publication document sets out a housing development phasing schedule at policy HS2 which had not been produced at the time of the Clayton-le-Woods appeal. This phasing schedule shows that the required number of dwellings can be achieved over then plan period and that the release for development of this site forms part of achieving the required dwelling numbers.
102. This shows that the sites proposed to be allocated have been properly considered and that they can be realistically built out over the plan period to achieve the level of housing required across the Borough to achieve the planned level of growth as required by the Core Strategy. The dwellings proposed and

already completed since 2010 in the six ULSC settlements marginally exceed the Core Strategy predicted proportions over the plan period to make allowance for any slippage (non-delivery or reduced delivery of housing) on sites. It is proposed to use a condition on any approval that ensures that the development will be brought forward in line with the emerging Local Plan. Whilst it can therefore be argued that there is no urgent need to release the site at this point, the condition would remove any harm that may result from granting planning permission at the current time. The developer, to date, however has not agreed to this phasing condition.

### **2 b) Ministerial Statement – Planning for Growth (now enshrined with the Framework):**

103. The principles of this document are now enshrined within the Framework. Whilst this is supportive of growth and it states that the Government expects the answer to development and growth wherever possible to be 'yes', it had a caveat to it that states *'except where this would compromise the key sustainable development principles set out in national planning policy'*. The Secretary of State will take the principles in this statement into account when determining applications that come before him for decision. In particular it states the Government will attach significant weight to the need to secure economic growth and employment.
104. As has already been explored Chorley has good housing delivery performance which has not been as negatively affected by the economic climate. The general presumption of poor delivery nationally and therefore the need to stimulate the economy through housing delivery is not considered to apply with the same weight in Chorley as it may in other Boroughs.
105. The viability evidence underpinning the current consultation on a Central Lancashire CIL notes that a number of developers consider that the market for new houses in Chorley is in the short term over-supplied, and they are taking a more cautious approach to delivery linked more closely to sales. However the site is allocated for housing development and it is realistically considered that development will be brought forward on the site during the plan period. Therefore, in assuring that the necessary infrastructure is brought forward to accommodate this and future development it is not considered that the proposal will compromise the principals of sustainable development.

### **2 c) Localism**

106. The Localism Agenda is being introduced through the Localism Act 2011 and post-dates the draft Framework and Planning for Growth. The Government's intention is to shift power from central government back into the hands of individuals, communities and councils. The Government state that they are committed to this because over time central government has become too big, too interfering, too controlling and too bureaucratic. This has undermined local democracy and individual responsibility, and stifled innovation and enterprise within public services. They want to see a radical shift in the balance of power and to decentralise power as far as possible.
107. The proposed allocation has been consulted upon during the production of the Site allocations DPD and the document is now at an advanced stage. The allocation of the land as safeguarded land has remained following this consultation.

### **2 d) The Community Infrastructure Levy (CIL)**

108. The Localism Act received royal assent on 15 November 2011. Some of its provisions came into force on 16th January including Section 143 which brings in provisions that where local finance considerations are material to a planning application they should be taken into account in the determination of that planning application.
109. Infrastructure is a key component of any assessment of sustainability, and cumulative impacts can arise from the overall development proposed within a development plan. The Community Infrastructure Levy (CIL) is a new charge which local authorities in England and Wales will be able to levy on most types of new development in their areas over a certain size. The proceeds of the levy will provide new local and sub-regional infrastructure to support the development of an area in line with local authorities' development plans and could include new schools, hospitals, roads and transport schemes, as well as libraries, parks and leisure centres. The government's position on CIL is that it provides a basis for a charge in a manner that obligations alone cannot achieve, enabling, for example, the mitigation from the cumulative impacts of a number of developments. The government acknowledges that even small developments can create a need for new services. Until such time as a CIL charge is set, obligations must be addressed under s106 agreements, and the relevant tests.
110. Strategic Objective S02 of the Core Strategy seeks to ensure there is sufficient appropriate infrastructure to meet future needs, funded where necessary by developer contributions. Chapter 6:

Infrastructure refers to the tariff approach, noting that further research and consultation is required, and that the key to avoiding adverse impacts of new developments on existing and new communities is the timely provision of the necessary infrastructure and other mitigation measures. Policy 2 refers to the application of a levy/tariff based on standard charges as appropriate, noting that "This will ensure that all such development makes an appropriate and reasonable contribution to the costs of provision after taking account of economic/viability considerations." The policy also notes that LPAs "will set the broad priorities on the provision of infrastructure, which will be linked directly to the commencement and phasing of developments. This will ensure that enabling infrastructure is delivered in line with future growth, although some monies will be specifically collected and spent on the provision of more localised infrastructure."

111. On 31st January 2012, the Central Lancashire authorities began preliminary draft consultation on a Central Lancashire CIL, which ran until March 2012. A further four week period of consultation commenced on the 19<sup>th</sup> October 2012 on the CIL proposals.
112. Infrastructure delivery schedules have been prepared and these show a range of infrastructure projects including those regarded as "Pan-Central Lancashire" as well as for the three separate borough areas of Chorley, Preston and South Ribble. A tariff of £70 per sq m of residential development is proposed.
113. The applicant has expressed an intention to provide up to 170 dwellings on the site. If the homes provided had an average size of 90 square metres this would equate to a CIL contribution of £6,300 per dwelling calculated at a rate of £70 per square metre. If 119 market houses were built (allowing for 30% affordable housing) on this site this would equate to a CIL contribution of £749,700 for this site.
114. While it is not argued here that the absence of a CIL contribution should be a reason for refusal per se, the CIL infrastructure delivery schedules demonstrate the wider infrastructure needs that arise from the planned growth for Central Lancashire.

### 3) Affordable Housing

115. Core Strategy Policy 7, requires 30% affordable housing on market schemes in non-rural areas of Chorley.
116. The Core Strategy Policy 7 states that affordable housing should be delivered on site, but financial contributions instead of on site affordable housing are acceptable where the development location is unsuitable for affordable housing. It is considered that this location is suitable for affordable housing and that it should be provided on site. No evidence has been put forward by the applicant that the site is unsuitable for affordable housing.
117. The application states, in the Draft Heads of Terms submitted with the application, that the developer will provide 30% of the dwellings to be constructed on the land as Affordable Housing.
118. Following consultation with the Housing Manager it is considered that any affordable housing on this site should be split as follows:

**Tenure:** 70% for Social Rent and 30% for Intermediate sale i.e. shared ownership

#### **Mix:**

- ☐ **Social Rented homes** (assuming total number of homes provided is 170)

36 homes in total as follows:

4 x 2 bed bungalows

30 x 2bed houses

2 x 4bed houses

- ☐ **Intermediate Sale** (shared ownership)

15 homes in total as follows:

5 x 2bed houses

10 x 3bed houses

- ☐ In terms of location the affordable units should be dispersed across the development.
- ☐ All the affordable homes should comply with HCA HQI standards.

- ☐ All of the affordable homes should be transferred to one Affordable Housing Provider /Registered Provider who is a member of the Select Move choice based lettings system and who has an existing management presence in the borough/area e.g. Adactus /CCH or Places for People Housing Group

119. Additionally, as this application is outline in nature and proposes up to 170 dwellings an affordable housing contribution will be include within the Section 106 Agreement in the event that the affordable housing percentage does not equate to a whole number.
120. If the application site were to be developed, the site would provide a significant proportion of the future housing supply for Adlington over the Core strategy period. As such, it is considered affordable housing should be provided on site in order to help deliver a sustainable mixed community. The site provides a realistic opportunity for the provision of affordable housing, unlike on some smaller sites, which are below the current and proposed affordable housing delivery size threshold.

#### 4) Policy Conclusion

121. On basis of all the information preceding a balancing exercise needs to be done.
122. The proposal would be in breach of the Safeguarded Land policy DC3, this Policy is consistent with the Framework. Whilst the Council consider that this Policy should be afforded significant weight, this is not the view taken by the Inspectors at the recent appeals at Lucas Lane and Wigan Road and as such it acknowledged that this policy must be read in the context of other material considerations that may be more up to date.
123. Adlington, on a broad strategic level, is identified as a location for some growth which is acknowledged as a material consideration and given significant weight in decision making. The Local Plan Publication Version sets out how growth is to be distributed between the six ULSCs, and proposes the site as a safeguarded land allocation which is likely to be brought forward in phases 2 and 3, commencing in 2016 and 2021 respectively.
124. The appeals at Wigan Road, Clayton-le-Woods in July 2011 and Lucas Lane, Whittle-le-Woods, July 2012 for the development of safeguarded land sites are material considerations in the consideration of this proposal. At both Inquiries it was established that Chorley had an established five year supply of housing but that ultimately that the release of the site would not be premature, prejudice the plan making process or result in material harm.
125. The developer suggests that some of the proposed dwellings may be brought forward ahead of the proposed phasing strategy as set out in the Local Plan Publication Version, however by phase 3 delivery the proposals will be in accordance with this schedule. Given the identified need for growth identified by the Inspector at both recent appeals, it can be argued that the proposal will not result in harm should permission be granted now but with a condition requiring that phasing is in line with the emerging Local Plan. A matter still outstanding with the developer.

#### Assessment

##### (a) Principle of development

126. The site is allocated as safeguarded land within the existing Local Plan and is proposed for allocation within the emerging local plan. The purpose of this allocation is to identify land that will come forward at for development at a future date. It is therefore considered that the overarching principle of residential development on this site is established.

##### (b) Background Information

127. A previous application for 300 dwellings on the site was withdrawn. At the time of this application a larger area of land was proposed for development and the emerging Local Plan was proposing the site for mixed residential and employment development. Whilst the application was considered contrary to policy at the time, it was withdrawn due to land ownership issues. The part of the site to which the land ownership issues relates has been removed from the current application.

##### (c) Housing Development

128. The development relates to the erection of up to 170 dwellings on the site. The application is outline in nature with all matters reserved save for access. The siting of the properties is not being considered as part of this application, although an indicative layout plan has been submitted that demonstrates that the number of dwelling on which permission is sought can be accommodated on the site.



**(d) Density**

129. The site covers an area of 7.3 hectares. The application is for the development of up to 170 dwellings. The applicant states that the developable area of the site (ie that excluding formal and informal play space and natural constraints will be 4.86 hectares. The density of the proposed development will therefore be 35 dwellings per hectare.
130. Core Strategy policy 5 states that densities will be sought that reflect and are in keeping with the local areas and which will have no detrimental impact on the amenity, character, appearance, distinctiveness and environmental impact of an area, consideration will also be given to making the most efficient use of land.
131. The density proposed is considered to be acceptable when considered against the surrounding urban area to the north and west of the site which are characterised by a mixture of housing types.

**(e) Design**

132. The design of the proposed properties is not being assessed as part of this application and would be addressed as part of any future reserved matters application. No comments have been received from the Councils Policy and Design Team leader. Any comments will be reported on the addendum report.

**(f) Levels**

133. The site is undulating in a nature and varies in terms of levels to those properties adjacent to it to the north and east. The applicant has indicated that the maximum height of houses proposed on the site will be 3 storeys, maximum of 12m in height. Given the significant difference in levels across the site then the layout at Reserved Matters stage will need to ensure that the design represents the levels change across the site in terms of impact to the surrounding area.

**(g) Impact on the neighbours**

134. The main neighbouring impacts are likely to be to properties along Bolton Road and Belmont Road whose properties border the proposed development. The exact layout at interaction between these properties and those proposed is a matter for detailed consideration at the Reserved Matters Stage, however the indicative layouts and tree survey proposed confirm that the existing thick tree belts that run between these properties and the development will be retained and bolstered and that residential property will be further separated by 'lanes' to the site boundaries.

**(h) Open Space**

135. An Open Space Strategy and Playing Pitch Strategy were published in May and June 2012 respectively in accordance with the Framework that requires an up to date assessment of the need for open space, sports and recreation facilities and opportunities for new provision.
136. The applicant is only proposing 2.14 hectares of public open space in the form of a linear park. Whilst this includes some existing woodland the amount that would be required under the new strategy would be 0.29 hectares.
137. In terms of equipped play space, the amount required under the Open Space Strategy is 0.03 hectares. The applicant is proposing 0.1 hectares.
138. In terms of playing pitches, the Playing Pitch Strategy identifies a deficit of 29.06 hectares of playing pitches which can predominantly be met by improvements to existing pitches. In line with the recommendations of the Playing Pitch Strategy a contribution of £264,375 is required for a development of this size. The developer is aware of this requirement and as yet agreement to this contribution remains unconfirmed.

**(i) Trees**

139. The application site is a greenfield site which is characterised by large open fields separated by mature hedgerows and trees. The application is accompanied by an Arboricultural report which makes an assessment of the mature trees on the site.
140. In total 8 individual trees and 7 groups of trees were assessed. Of the trees assessed 2 individual trees and 3 groups of trees were identified as high quality and value, 4 individual trees and 2 groups of trees were identified as moderate quality and value, 3 individual trees and 2 groups of trees were identified as low quality and value. No individual trees were identified for removal, however a small number of trees forming part of a group were in poor physical condition.

141. The submitted report confirms that the layouts of the residential parcels have been designed around the natural features of the site and the principal built infrastructure components and access points have attempted to limit tree loss. However it is acknowledged that there will be some tree loss across the site.
142. The highest tree losses to facilitate the development would be for the access point at the northern boundary leading off Bolton Road and the minor spur road serving the first residential parcel. Two groups of trees were assessed in this area as part of the tree survey. It is anticipated that the majority of TG6 will be retained. The report concludes that any tree losses incurred as part of the road access would be adequately mitigated for through replacement tree planting.
143. There will also be need to remove a small number of trees to make the necessary gaps for road links through to the new residential areas across the existing tree belts. Tree losses for links would possibly involve the loss of T5, retention category c; possibly several further specimens to either side of T5 and part of TG4; several trees to the side of T6 for the main vehicular connection and possibly a small number of trees within TG5 in the vicinity of the "gap" that already exists.
144. As the report does not identify the extent of the precise tree loss required to necessitate the development which will be confirmed at reserved matters stage, in the event of a positive decision, a Tree Preservation Order has been placed on the trees with high and moderate value which will ensure their future retention and/ or ensure adequate mitigation for any losses.

**(j) Landscape**

145. The applicant has submitted a Landscape and Visual Impact Assessment in support of the application.
146. The site itself is characterised by open greenbelt land, punctuated by mature tree belts and hedgerows. The undulating landscape offers long range views as far as Blackrod Church, Rivington Moor and Rivington Pike.
147. The document concludes that there will be moderate impact on the residents of Bolton Road in terms of visual impact and minor adverse impacts on the residents of Huyton terrace.
148. Whilst it is acknowledged that there will be some impact on views out of and into the site as a result of the development. The site is safeguarded land for future development and as such it is accepted that the landscape of the site will be subject to change. The detailed layout and design of the properties is a matter for consideration at the Reserved Matters stage.
149. The Council's parks and Open Spaces Officer has commented on the proposals and has made the following comments:
- ☐ The landscape and visual appraisal has been carried out in accordance with the Guidelines for Landscape and Visual Assessment and gives a good overview of the issues pertinent to the site. I have no comments in relation to the findings which acknowledge that there will be short term adverse impacts to the visual amenity of a limited number of local residents but these should be mitigated in the long term by the planting strategy.
  - ☐ The open space and footpath network makes maximum use of the existing landscape structure and links well with the wider footpath network. This is good practice and seems an appropriate provision considering the scale of development proposed.

**(k) Ecology**

150. As set out above Lancashire County Council (Ecology) raise no objections in principal to the proposals, subject to the use of recommended conditions and informative and have made the following specific comments.

**European Protected Species: Bats**

- ☐ Surveys did not find any evidence of bat roosts within the application area, despite the presence of bat boxes and some trees with potentially suitable features. Precautionary mitigation measures for the avoidance of impacts on bats during tree works are proposed however (appendix 7: Method Statement for Tree Works) and should be implemented by planning condition.
- ☐ Surveys found that the site is used by foraging and commuting bats, with the majority of activity associated with linear features. The illustrative masterplan does indicate that the majority of the existing features of value to bats would be retained. It therefore seems reasonably unlikely that the proposals would result in significant impacts on foraging habitat or habitat connectivity for bats at this

site. Provided sufficient foraging and commuting habitat can be retained, and protected from artificial illumination/light pollution, the proposals will not result in adverse impacts on bat populations locally.

#### European Protected Species: great crested newts

- ☐ Surveys found no evidence to suggest that great crested newts would be present within the application area, although ponds did support other amphibians and there are suitable terrestrial habitats within the application area. I am satisfied that the proposals do not have any implications for great crested newts or their habitat.

#### Badgers

- ☐ Surveys did not find evidence of badger setts within the application area, but the report acknowledges that badgers do use the site. Mitigation measures during construction and operation of the development are proposed. These appear appropriate and should therefore be implemented by planning condition.

#### Nesting birds

- ☐ A reasonably large number of bird species was recorded using the site, the majority associated with woodland and hedgerows but also using grassland and wetland areas for foraging. It will clearly be important that impacts on nesting birds (offences) are avoided during construction.
- ☐ Additionally, and to ensure that the proposals do not lead to declines in biodiversity (including Species of Principle Importance, see below), it will be important to ensure that adequate bird nesting and foraging habitat is retained and protected within the development. The Illustrative Masterplan indicates that the main bird nesting habitats would be retained and enhanced within the development. There is also the opportunity to incorporate additional nesting opportunities (such as house sparrow terraces, and other bird boxes). These matters can be dealt with by planning condition.

#### Water vole

- ☐ Although there was no evidence of water voles within the application area at the time of survey, the presence of suitable habitat and the fact that water voles are known to be present in the wider area does not preclude the possible presence of this species at some future date. Precautionary mitigation is therefore proposed, including a re-survey prior to works and the development of mitigation proposals, if required. This is appropriate and should be implemented by planning condition.

#### HABITATS AND SPECIES OF PRINCIPLE IMPORTANCE (SECTION 41 NERC Act 2006)

- ☐ ODPM Circular 06/2005 indicates that UK Biodiversity Action Plan Priority Species and Habitats (Species and Habitats of Principal Importance, NERC Act 2006) are capable of being a material consideration in the making of planning decisions.

#### Hedgerows

- ☐ The majority of hedgerows within the application area are species-poor, with the exception of hedgerow H2 which was considered to qualify as 'important' under the Hedgerow Regulations 1997. However, all are Habitats of Principle Importance and it will therefore be important to ensure that the hedgerow resource is adequately maintained. The Illustrative Masterplan does appear to indicate that the majority of hedgerows would be retained, or that there could be adequate replacement planting/enhancement to offset losses. Details of the treatment of hedgerows can be addressed as part of the landscaping/habitat management scheme for this site.
- ☐ Lowland Mixed Deciduous Woodland: according to the ecology report the semi-natural woodland within the application area can be classified as a priority habitat type. The Illustrative Masterplan indicates that the majority of this feature would be retained within the development although it will be damaged in part to facilitate development. Measures for the long-term protection and enhancement of this habitat can be dealt with by the landscaping/habitat management scheme.
- ☐ Species of Principle Importance within the application area include bats, linnet, song thrush, reed bunting, house sparrow, starling, marsh tit and dunnoek. From the information it seems unlikely that the proposals would result in significant adverse impacts on these species or their habitat.

#### INVASIVE AND INJURIOUS WEEDS

- ☐ According to the ecology report, the application area supports species listed in Schedule 9 of the Wildlife and Countryside Act 1981 (as amended), including Japanese knotweed, Himalayan Balsam and Rhododendron. It will therefore be appropriate for the applicant to adopt working methods to prevent the spread of these species as a result of development.

LIGHTING

- ☐ Planning decisions should limit the impact of pollution from artificial light on nature conservation (Framework paragraph 125). See also bats above.

HABITAT CREATION AND LANDSCAPING

- ☐ Planning decisions should address the integration of new development into the natural environment (Framework paragraph 61) and opportunities to incorporate biodiversity in and around developments should be encouraged (Framework paragraph 118). In this case, the Illustrative Masterplan indicates that the areas of greatest biodiversity value would be incorporated into the design of the development, losses (e.g. ponds) would be compensated; and the proposals could result in an enhancement of biodiversity value (for some species, at least).
- ☐ Landscaping and habitat creation schemes should therefore comprise native species and habitats appropriate to the locality. Appropriate guidance is given in Lancashire County Council's Supplementary Planning Guidance on Landscape and Heritage

**(l) Flood Risk and Drainage**

151. The application has been accompanied by a Flood Risk Assessment which has been assessed by the Environment Agency. The Environment Agency has no objection to the proposals subject to the addition of a number of conditions to any grant of permission.

**(m) Traffic and Transport**

152. Lancashire County Council (LCC) as the Local Highway Authority (LHA) is responsible for providing and maintaining a safe and reliable highway and have offered the following initial highways and transport observations based on the planning information that has been provided to date; including the Transport Assessment (TA) and Travel Plan (TP) produced by Ashley Helme Associates (AHA), Planning Statement produced Fox Land & Property Ltd and a Design & Access Statement produced by FPCR, all dated July 2012.

Proposed Site Access Arrangements It is proposed a new priority junction to serve the development as illustrated on Drg No 1249/07 Rev B "Proposed Access Arrangements". It is proposed to use land presently occupied by properties 74 and 76 Bolton Road to provide access to the Site.

- ☐ The design of the priority controlled junction in general accords with current national guidance and advice provided in the 2007 'Manual for Streets'(MfS) and the complementary 'Manual for Streets 2' (MfS2), however a number of small amendments have been requested.

Emergency Access

- ☐ It is proposed to provide a 3.7m wide pedestrian/cycle link between Site access road and the existing Huyton Lane, which is located circa 40m to the east. Huyton Lane is a public footpath and also provides vehicular access to the properties on Huyton Terrace. It is proposed that the 3.7m wide pedestrian/cycle link will also provide an emergency access link to Bolton Road via a circa 25m section of the existing access track, as indicated on AHA Drg No 1249/07 Rev B. There are no issues in principle with this proposal; however, it is not clear how vehicular access from Huyton Lane (by non-emergency vehicles) will be controlled and or prohibited. Amended plans should include control measures that can be subject of an appropriate condition.

Sustainable Transport

- ☐ The Highway Engineer considers that it is essential where possible and practicable that the development support sustainable transport and communities. The development must ensure that cycling and pedestrian movements are catered for on suitable desire lines; this also applies to public transport forming part of a fully sustainable service (satisfying the full needs of the development including adequate frequency for both weekday and weekend).

Cycle/Pedestrian Linkages

- ☐ The developer proposes measures to enhance pedestrian infrastructure, as part of the development proposals. It is proposed to provide two new pedestrian accesses on Bolton Road and a pedestrian link to Huyton Road to the south of the Site via the existing public footpath. The developer further proposes to fund an improvement to the existing public footpath which runs through the Site. The TA

states "improvements will include for example: upgraded surface material, fencing, signage and the introduction of street lighting where appropriate. This is subject to discussion/agreement with LCC". While I welcome the developers offer, this detail has not been agreed. Given the lack of good quality direct routes to the south I would seek improvements for PROW footpath 8 on Huyton Lane to be upgraded to a full shared pedestrian/cycle facility. Lancashire County Council Public Rights of Way Officer has not objected to the proposals subject to an informative being added to any approval.

☐ The developer also proposes to fund the introduction of a Zebra crossing on Bolton Road in the vicinity of the site and pedestrian/cycle improvement works at the existing Bolton Road/Chorley Road/Railway Road/Babylon Lane junction including advance cycle stop lines and lead-in cycle lane on the approach to all arms of the junction; together with the provision of pedestrian crossing facilities on the Railway Road/Babylon Lane arms of the junction. The applicant has been advised of the need for MOVA signal technology to optimise signal timings and minimise potential queuing that may result from the developments traffic.

- ☐ The Highway Engineer also considers the following to facilitate sustainable development of this site:
  - ☐ The proposed Zebra pedestrian crossing facility on Bolton Road, A673 to improve links from the site to St Joseph's School and to local services east of Bolton Road, should be a PUFFIN type signal controlled crossing.
  - ☐ A cycle path provided linking to Huyton Road. This would give access from the development to employment/services in the western part of Adlington and National Cycle Route 55 on the canal. As suggested by the developer, I encourage the upgrading of PROW (Footpath 8) through site from Bolton Road to Huyton Road south of the railway bridge. This will require surfacing and lighting, the design under the Main West Coast railway bridge might need altering, and the industrial part of Huyton Road might need footway Improvements, (in addition to the lighting issue AHA identified).
  - ☐ Cycle parking improvements at Adlington railway Station; the provision of secure cycle storage for 10 cycles to encourage residents to catch the train to Preston, Liverpool, Chorley, and Manchester. This would be a particular benefit for school pupils/students in addition to commuters.
  - ☐ Developer funding to facilitate a pedestrian/cycle link to the Grove Farm development to establish a direct access route north to Railway Road. The availability of a link for pedestrians/cyclists to the railway station and local services (south Railway Road area) would seem very important to make the development sustainable. The level of funding to be agreed, but this should at least cover potential construction costs.

#### Public Transport

- ☐ The key requirements on the layout of developments served by buses are indicated below:
  - ☐ The bus service should be attractive to users of the development
  - ☐ Entry & exit points should be compatible with local bus network
  - ☐ The proposed road layout should allow a direct route through the development
  - ☐ The maximum walking distance to a bus stop should not exceed 400m and preferably no more than 300m.
- ☐ The delivery of a suitable a bus route diversion off A673 through the site is not feasible due to single access point and hence the development would not meet some criteria above. However, the site has the advantage to be located off the A673 which benefits from a frequent (approximately 10 minute during the weekday daytime) express service between Bolton and Preston, calling at Chorley and Horwich. There are existing bus stops located close to the site access and most properties on the illustrative site masterplan will be within 300m walking distance to a bus stop on A673; and only a limited number of properties at the southern margin of the site would exceed (but not considerably) the 400m maximum walking distance to the bus stops identified above.
- ☐ The developer in the TA has committed to the provision of the upgrade of the two existing bus stops closest to the site access junction on Bolton Road, A673, (one in each direction) to Quality Bus Standard incorporating real time passenger information.
- ☐ There appears to be adequate spare capacity on existing bus services to accommodate custom from the development, and in these circumstances, I would not seek further developer obligation

regarding public transport, subject to the provision of MOVA signal technology at the Railway Road/Babylon Lane junction identifies above.

### Travel Plan

- ☐ The majority of the content within the submitted Interim Travel Plan is acceptable. However, there are a number of points that need to be addressed. A number of conditions have therefore been requested to deal with these including further survey work prior to and following occupation of the dwellings.
- ☐ Highways have confirmed that for a development of this size a contribution of £12,000 would be requested to enable Lancashire County Council Travel planning team to provide a range of services. The applicant has agreed to this request.

### Mitigation

- ☐ The Highway Engineer has confirmed that they have assessed the information submitted and consider that the following supporting measures are required to reduce the impact and influence of this development to deliver sustainable development. The Developer will enter into a Section 278 agreement to undertake a number of works in conjunction with LCC including number crossings, junction improvement works, improved cycle and pedestrian facilities upgrading bus stops. The final layout of these proposals will be subject to detailed design.

The Highway Engineer has also confirmed that s106 contributions are required to make the development acceptable:

- ☐ Sustainable Transport Contribution to implement changes to limit the negative impact on the existing, at times congested transport network.
- ☐ Bus Service Provision which should be progressed via the s278 agreement as identified above and not via the s106.
- ☐ Funding of Pedestrian and Cycleway Improvements towards works that support the sustainable linkages from the edge of the proposed site to the wider network. Funding should be secured to provide the pedestrian and cycle improvements identified in the "Cycle/Pedestrian Linkages", section above.
- ☐ Travel Plan Funding to support the measures and achieve the targets of the Full Travel Plan. £12,000 has been requested.
- ☐ A sustainable transport contribution of £210.00 per dwelling, and utilised (if required), to achieve the targets set within the agreed Full Travel Plan, such as personalised Travel Planning.

### **LCC Highways Conclusion**

153. The Highways Engineer has confirmed that Lancashire County Council as LHA would not object to this development proposal on condition that appropriate S106 planning obligations, as detailed above, are provided by the developer and that all agreements with respect to all highway and related works are progressed and delivered to the satisfaction of the LHA.

154. However, he has stressed that the Section 278 works on their own, without the sustainable links from the site and on to the wider highway network, will not provide the level of mitigation necessary to make this development acceptable to the LHA.

155. The developer has submitted plans that have dealt with all issues raised by the applicant in relation to the site access and the emergency access. The Highway Engineer has confirmed that he is satisfied with what has been submitted.

156. In terms of the other Section 106 Agreement works and Section 278 works required to make the development acceptable. The developer has agreed to the £12,000 contribution to the implementation of the Travel Plan and has provided justification with regard to the £210 per household for personalised travel planning. In terms of the other works, Highways have provided cost estimates for the work to the developer and has requested confirmation that these are acceptable. No response has been received from the developer and the issue remains outstanding.

### **(n) Public Right of Way**

157. The Public Rights of Way Officer has viewed the proposals and has made a number of comments relating to the developers obligations with regard to Public Footpath no's 7 & 8, Adlington. No objection has been raised to the proposal however a number of informatives have been provided should the application be approved.

**(o) Contamination and Coal Mines**

158. The applicant has completed a Phase 1 Desk Study Investigation (Ref: KB488-07/AES/HB). The Councils Waste and Contaminated Land Officer is satisfied with the results of this survey and is in agreement with the recommendation within that report that a Phase 2 Intrusive Site Investigation is carried out.

159. The Environment Agency has also commented on the Phase I Desk Study and have not raised any objections to the proposals but have requested a number of conditions be added to any approval.

**(p) Sewers**

160. No comments have been received from United Utilities in relation to sewerage and drainage on the site. They also did not provide any response on the former application on the site for 300 dwellings that was withdrawn earlier this year. The applicant has submitted a Flood Risk Assessment which deals with drainage and sewerage. This document has been considered by the Environment Agency who have not made any objection to the proposals but have requested informatives relating to the drainage issue. Whilst no concerns have been raised from the EA United Utilities will be contacted again and their response reported on the addendum report.

**(q) Section 106 Agreement**

161. Due to the nature of the development a Section 106 Agreement will be required to secure the necessary planning obligations resulting from this development in accordance with the tests set out in the Framework, as follows:

- Necessary to make the development acceptable in planning terms
- Directly related to the development
- Fairly and reasonably related in scale and kind to the development

162. In respect of the current application, this would include:

- Up to 30% affordable housing on a 70/30 split in terms of social rent and sale (plus financial contingency)
- Mitigation in respect of environmental impacts (still to be identified)
- A contribution of £698,139 towards the creation of 60 Primary School Places
- A contribution of £12,000 for implementation of the Travel Plan
- Further contributions towards sustainable transport as identified by the Highways Authority:
  - a. The improvement of the existing PROW (continuation of Huyton Road south of Huyton Terrace). As indicated on Drg No 1249/24 Section B-E, including lighting is estimated to cost of £70K
  - b. The provision of a pedestrian/cycle link from the site to the Grove Farm development, (to facilitate direct access to Railway Road) is estimated to cost £20K. The funding would be returned to the developer if work on the link as not commenced within 3 years of the first residential occupation on the site.
  - c. Adlington railway station; the provision of secure cycle storage for approx. 10 cycles. Estimate for an enclosed/secure cycle store structure within the station complex is £20K.
- Management of Open Space
- Contribution of £264,375 towards playing pitch provision.

163. The applicant has been advised of these requirements. The developer has not confirmed that they will agree to the Education, Highways or Open Space Contribution and these matters remain unresolved.

**(r) Crime and Safety**

164. The proposals have been assessed by the Police Architectural Liaison Officer who has made the following comments:

165. The above planning application consultation is for a residential development of up to 170 dwellings. During the period 17/08/2011 to 17/08/2012 there have been recorded crimes and incidents within this location. These include burglary in a dwelling and vehicle crime. The Design and Access statement makes reference to designing out the opportunity for crime at the site which is supported, this includes:-

- ☐ Buildings will be located to actively face streets and public areas in order to promote 24 hour surveillance, and to encourage safer places.
- ☐ Public areas such as the Streets and Play Area will be designed so that they are safe, easily accessible and attractive to use. It is important that there is good surveillance of public spaces by a number of properties and buildings, and those barriers, blank walls and 'dead ends' are avoided.
- ☐ Locating windows and doors on corners, or gable ends is a key principle, and occurs within the local context. Across the whole development careful attention will be paid to designing out crime through the layout, and promoting privacy and security.

There are a number of public open spaces within the development eg area 9 – these must be carefully designed so as to ensure they are used appropriately eg the play area should be secured with 1 m high railings and secure gated access. Further details on secure play areas can be found at [www.securedbydesign.com](http://www.securedbydesign.com)

As the scheme progresses I would recommend further input with an Architectural Liaison Officer in respect of the following:-

- ☐ Detail of dwelling elevations and boundary fencing arrangements.
  - ☐ Landscape Plan – given that the site is surrounded by woodland and the potential issues this creates relating to natural surveillance.
  - ☐ Cycle path and footpath lighting.
- ☐ The application is currently outline in nature and these issues relate to more detailed design issues. They should be addressed in detail by the applicant at reserved matters stage.

**(s) Public Consultation**

166. The applicant has carried out a full consultation exercise and has submitted a Statement of Community Consultation in support of the application. The document outlines the stakeholders who have been directly consulted on the application, including the Town Council, local head teachers and health care providers.
167. The developer also attended a meeting of the Town Council and arranged two consultation events for local residents.

**(t) Sustainability**

168. The applicant has submitted a Renewable Energy Statement. The document outlines how the proposals will accord with the requirements of the Sustainable Resources SPD. This document has since been superseded by Policy 27 of the Adopted Core Strategy. The applicant is proposing that Code Level 3 will be achieved. Policy 27 requires Code Level 4 from January 2013 and Code Level 6 to be achieved from January 2016. The requirements of this policy will be met at the Reserved Matters stage. Whilst sufficient information has been submitted at this stage a suitably worded condition will need to be attached to any reserved matters planning permission to ensure that the requirements of Policy 27 are achieved.

**(u) Waste Collection and Storage**

169. The Waste Officer has raised no objection to the proposed development. The application is outline in nature with all matters save for access reserved. The indicative masterplan indicates that all the dwellings on the site will be individual, with no apartments. There is therefore no indication that communal bin stores/refuse collection would be required. A condition can be attached that requires details of waste storage and waste collection at Reserved Matters stage.

**Overall Conclusion**

170. The proposal would be in breach of Safeguarded Land Policy DC3b which the Planning Authority considers is in accordance with the Framework. This is not, however, the conclusion that the Inspectors drew at the time of the most recent appeals on Safeguarded sites in the borough despite the existence of a five year deliverable supply of housing. As such the Council acknowledges that this policy must be read in the context of other material considerations that may be up to date.
171. The land is allocated and protected for housing development through its inclusion within the emerging Local Plan. It can therefore be assumed that the site will be brought forward for housing at some point in the future and its continued inclusion through the process of the plan production indicates that it should be afforded significant weight.



- 172. Following the approval at appeal of 300 houses on the south of the safeguarded site, the Local Plan Publication Document suggests that the site be released within phases 2 and 3 which commence in 2016 and 2021 respectively. The applicant has indicated that the proposal may be brought forward ahead of this phasing schedule. A condition could be added to any approval to ensure that it is brought forward in accordance with any phasing schedule in the emerging Local Plan or subsequent overriding policy, however the developer has not agreed with this condition and the issue remains outstanding.
- 173. A number of s106 requests have been made of the applicant to mitigate against harm that may result from the proposal. The applicant has agreed to the contribution of 30% affordable housing and a £12,000 contribution to implement the Travel Plan, however agreement to contributions in relation to Education, Highways and Playing Pitches remain unconfirmed and outstanding by the applicant.

**Other Matters**

**Planning Policies**

National Planning Policies:

National Planning Policy Framework  
Regional Strategy for the North West

Adopted Chorley Borough Local Plan Review

Policies: GN1, GN5, GN9, DC1, DC3, EP2, EP4, EP9, EP10, EP17, EP18, EP21A, EP22, EP23, HS1, HS4, HS5, HS6, HS19, HS20, HS22, TR1, TR4, TR18 and TR19

Supplementary Planning Guidance:

- Statement of Community Involvement
- Design Guide

Chorley's Local Development Framework

Emerging Site Allocations and Development Management DPD – Local Plan Publication Version

Joint Core Strategy

Polices: 1, 2, 3,5,7,14,17, 22, 27

**Planning History**

<b>Ref:</b>	12/00082/OUTMAJ	<b>Decision:</b>	WDN	<b>Decision Date:</b>	
	7 June 2012				
<b>Description:</b>	Outline planning application for the development of land to the south of Bolton Road, Adlington for the erection of up to no. 300 dwellings and associated open space with all matters reserved, save for access.				
<b>Ref:</b>	12/00738/SCE	<b>Decision:</b>	PESCEZ	<b>Decision Date:</b>	10 August 2012
<b>Description:</b>	Screening opinion for the development of the land for up to 170 dwellings, demolition of 74 and 76 Bolton Road, formation of new access, landscaping, open space, highways and associated works.				

**Recommendation: Permit subject to legal agreement  
Conditions**

1. Each dwelling hereby permitted shall be constructed to achieve the relevant code for Sustainable Homes level required by Policy 27 of the Adopted Central Lancashire Core Strategy or in accordance with national standard postdating the Core Strategy at the time of construction. The current requirements to be completed are as follows: Level 3 for all dwellings commenced from 1<sup>st</sup> January 2010, Level 4 for all dwellings commenced from 1<sup>st</sup> January 2013 and Level 6 for all dwellings commenced from 1<sup>st</sup> January 2016 and achieve 2 credits within Issue Ene7: Low or Zero Carbon Technologies. *Reason: To ensure that the development is in accordance with Policy 27 of the Adopted Central Lancashire Core Strategy.*

2. Before the development hereby permitted is first commenced, full details of the reserved matters to be approved (namely the siting, design, landscaping of the site and the external appearance of the dwellings) shall be made to the Council before the expiration of five years from the date of this permission and the development hereby permitted shall be begun three years from the date of this permission. *Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.*

3. No development shall take place until a scheme of landscaping, to include habitat creation, enhancement and management) for each phase of the development has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail that may have previously been submitted. The scheme shall indicate all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of the development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; detail and change of ground level or landform, mitigation/compensation proposals outlined in the report 'Bolton Road, Adlington Lancashire, Ecological Assessment' (FPCR Environment and Design Limited, July 2012): paragraphs 4.32, 5.11, 4.38-4.40 (habitats and habitat connectivity), 4.41 (SUDS). 4.44 (bat roosting opportunities), 4.45 (breeding bird opportunities) and 4.46 (long terms management proposals). the scheme shall demonstrate maintenance and enhancement of the biodiversity value of the site. Thereafter, landscaping shall be carried out in accordance with the approved details. *Reason: In the interests of amenity of the area and in accordance with Policy GN5 of the Chorley Local Plan Review and Policy 17 of the Adopted Core Strategy and to ensure opportunities for biodiversity maintenance and enhancement of the site.*

4. The development hereby permitted shall not commence until full details of the colour, form and texture of all hard ground surfacing materials has been submitted to and approved in writing by the Local Planning Authority, for each phase of the development. The development shall only be carried out in accordance with the approved details. *Reason: To ensure a satisfactory form of development in the interests of visual amenity of the area and in accordance with policies GN5 and HS4 of the Chorley Local Plan Review and Policy 17 of the Adopted Chorley Local Plan Review.*

5. All seeding, planting and turfing comprised in the approved details of landscaping as set out in condition XXX shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. *Reason: In the interests of the appearance of the locality, in accordance with Policy GN5 of the Chorley Borough Local Plan Review and Policy 17 of the Adopted Central Lancashire Core Strategy.*

6. Due to the size/scale of the development and sensitive end use (residential housing with gardens), no development shall take place until:

- ☐ A methodology for investigation and assessment of ground contamination has been submitted to and agreed in writing with the Local Planning Authority. The investigations and assessment shall be carried out in accordance with current best practice including British Standard 10175:2011 'Investigation of Potentially Contaminated Sites – Code of Practice.' The objectives of the investigations shall be, but not limited to, identifying the type(s, nature and extent of contamination present to the site, risks to receptors and potential for migration within and beyond the boundary of the site;
- ☐ All testing specified in the approved scheme (submitted under a))and the results of the investigation and risk assessment, together with remediation proposals to render the site capable of development have been submitted to the Local Planning Authority;
- ☐ The Local Planning Authority has given written approval to any remediation proposals (submitted under b)), which shall include an implementation timetable and monitoring proposals. Upon completion of remediation works a Validation Report containing and validation sampling results shall be submitted to the Local Planning Authority.

Thereafter the development shall only be carried out in full accordance with the approved plans.

Should during the course of the development, any contaminated material other than that referred to in the Investigation and Risk Assessment Report and identified for treatment in the remediation proposals be discovered, then the development should cease until such time as further remediation proposals have been submitted to and approved in writing by the Local Planning Authority. *Reason: To protect the Environment and prevent harm to human health, by ensuring the site is suitable for the proposed end use in accordance with paragraph 121 of the National Planning Policy framework.*

7. The development hereby permitted shall not commence until full details of the colour, form and texture of all external facing materials to the proposed buildings have been submitted to and approved in writing by the Local Planning Authority for each phase of the development. The development shall only be carried out using the approved external facing materials. *Reason: To ensure that the materials used are visually appropriate to the locality in accordance with Policies GN5 and HS4 of the Chorley Local Plan Review and Policy 17 of the Adopted Core Strategy.*

8. No part of the development hereby approved shall commence until a scheme for the construction of all site access, emergency access and the off-site highway works of highway improvement referred to below have been submitted to and approved in writing by the Local Highway Authority in consultation with the Highway Authority.

Prior to the first occupation of any part of the development, hereby approved, the highway works should be constructed in accordance with the details approved. The required highway works to include:

- Construction of the site access has been completed based on drawing No 1249/07 Rev B or variation as requested by the Local Planning Authority in consultation with the Local Highways Authority.
- The improvement of two bus stops (one in each direction) to Quality Bus Standard incorporating real time bus information, located close to the site access on Bolton Road as requested by the Local Planning Authority in consultation with the Local Highways Authority.
- The provision of a PUFFIN crossing on Bolton Road.
- Improvement works to provide cycle and pedestrian facilities at the existing Bolton Road/Chorley Road/ Railway Road/Babylon Lane junction as shown on drawing 1249/23 'proposed junction improvement scheme'. The works include advance cycle stop lines and lead in cycle lane on the approach to all arms of the junction; together with the provision of pedestrian facilities on the Railway Road/Babylon Lane arms of the junction. To also include the installation of MOVA signal technology to optimise signal timing to improve network reliability.

*Reason: In order to satisfy the Local Planning Authority and the Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and in order to improve the accessibility of the site and ensure that residents of the development have satisfactory access to services and facilities.*

9. No site preparation (which includes demolition) or construction shall commence until all of the off-site highways works have (including land dedications) have been completed on land not controlled by the applicant. *Reason: To ensure that the approved scheme referred to in condition XXX can be provided.*

10. Within 3 months of the first occupation of 80 of the dwellings of the development, hereby permitted, a Residential Travel Survey will be undertaken. Subsequently, a Full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority within three months of the first Residential Travel Survey. The Travel Plan shall include objectives, targets, measures and funding mechanism to achieve the targets, monitoring, implementation timescales for delivery (which exceeds the build out period) and the provision of a travel plan coordinator. The approved plan(s) will be audited and updated at intervals as approved and the approved plan(s) shall be implemented as approved. *Reason: In order to satisfy the Local Planning Authority and the Highway Authority that these sustainable transport links can be substantially completed prior to the occupation of the phased development and effect the modal choice of the occupants; in order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions.*

11. There shall not at any time in connection with the development hereby permitted be planted hedges, trees or shrubs, over 1m above the road level within any visibility splay required to maintain safe operation for all road users. *Reason: To ensure adequate visibility splays are maintained at all times.*

12. No development shall commence until a surface water drainage scheme for the site, based upon Sustainable Drainage Principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall limit the surface water run-off generated by the 100 year critical storm so that it will not exceed the run off from the undeveloped site and not increase the risk of flooding off site and include details of how the drainage system shall be maintained and maintained after completion. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. *Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity and ensure future maintenance of the surface water drainage system.*

13. No development shall commence until :

- A desktop study has been undertaken to identify all previous site uses, potential contaminants that may reasonable be expected given those uses and other relevant information. Using this information a diagrammatical representation (conceptual Model) for the site of all potential contaminant sources, pathways and receptors should be produced.
- A site investigation has been designed for the site using information obtained from a) above. This should be submitted to and approved in writing by the Local Planning Authority prior to the investigation being carried out on the site.
- The site investigation and associated risk assessment have been undertaken in accordance with details approved in writing by the Local Planning Authority.
- A Method Statement and Remediation Strategy, based on the information obtained from c) above has been submitted to and approved in writing by the Local Planning Authority.

The development shall then proceed in strict accordance with the measures approved. Work shall be carried out and completed in accordance with the approved Method Statement and Remediation Strategy referred to in d) above and to a timescale agreed in writing by the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority.

If during the development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for an addendum to the Method Statement. This addendum must detail how this unsuspected contamination shall be dealt with.

Upon completion of the remediation details in the Method Statement a report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Further monitoring proposals and reporting shall be detailed in this report. *Reason:*

- To identify all previous site uses, potential contaminants that might reasonably be expected given those uses and the sources of contamination, pathways and receptors*
- To enable: A Risk Assessment to be undertaken, Refinement of the conceptual model and the development of a Method Statement and Remediation Strategy.*
- & d) To ensure that the proposed site investigation and remediation strategy will not cause pollution of ground and surface waters both and off site*

14. Prior to the commencement of development, a detailed Method Statement for the removal or long term management/ eradication of Himalayan Basal and Japanese Knotweed on the site shall be submitted to and approved in writing by the Local Planning Authority. The Method Statement shall include proposed measures to prevent the spread of Himalayan Balsam and Japanese Knotweed during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of seeds/root/stem of any invasive plant covered under the wildlife and Countryside Act, 1981. Development shall [proceed in accordance with the approved Method Statement. *Reason: To prevent the further spread of Himalayan Balsam and Japanese Knotweed as a result of the development.*

15. Before the development, hereby permitted, is commenced full details of the position, height and appearance of all fences and walls to be erected on the site shall be submitted to and approved in writing by the local Planning Authority for each phase of the development. No dwelling shall be occupied until all of the fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. *Reason: To ensure a visually satisfactory form of development and to provide for a reasonable standard of privacy to all residents and in accordance with Policy HS4 of the Chorley Local Plan Review.*

16. Prior to the commencement of works on site, a Construction Environment Management Plan shall be submitted to and approved in writing by Chorley Borough Council. The approved plan shall be implemented in full. The plan shall be in accordance with the recommendations of the report 'Bolton Road, Adlington, Lancashire Ecological Assessment' (FPCR Environment and Design Ltd, July 2012): paragraphs 4.24-4.3 (protection of retained habitats and features, working measures to control invasive species). *Reason: To ensure that habitats are suitably protected by works on the site.*

17. The precautionary measures for the protection of badgers outlined in paragraph 5.17 of the Ecological Appraisal Report by FPCR, 2010 shall be implemented in full before the development is commenced. *Reason: To ensure the protection of badgers during the course of the development in accordance with the Protection of Badgers Act, 1992.*

18. Precautionary measures for the avoidance of impact on bats (Appendix 7: Method Statement for Tree Works, 'Bolton Road, Adlington, Lancashire. Ecological Assessment' (FPCR Environment and Design Limited, July 2012)) shall be implemented in full. *Reason: To ensure the protection of any bat species present on site and to comply with the legislation outlined in the Wildlife and Countryside Act, 1981 (as amended).*

19. Measures for the avoidance of impacts on nesting birds (paragraph 4.35, 'Bolton Road, Adlington, Lancashire Ecological Assessment' (FPCR Environment and Design Ltd, July 2012) shall be implemented in full. *Reason: To prevent detrimental impact on nesting birds during development of the site.*

20. Precautionary measures for the avoidance of impacts on water voles (as outlined in paragraph 4.36 'Bolton Road, Adlington, Lancashire, Ecological assessment' (FPCR Environment and Design Ltd, July 2012)) shall be implemented in full. This includes re-surveys prior to the development and if water voles are suspected, proposals for mitigation must be submitted for approval and subsequently implemented in full. *Reason: To prevent impacts on water voles during the course of development.*

21. There shall be no felling of trees, vegetation clearance works, demolition works or other works that may affect nesting birds between March and July (inclusive), unless the absence of nesting birds has been confirmed by further written surveys or inspections. *Reason: To ensure the protection of nesting birds during the construction period.*

22. The development shall be limited to no more than 170 dwellings and shall be carried out in accordance with the following plans:

Plan ref:	Title
4698 – P – 01 Rev J	Location Plan
4698 – P – 02 Rev J	Development Framework
4698 – P – 03 Rev J	Illustrative Masterplan
4698 – P – 04 Rev B	Illustrative Sections

*Reason: To define the permission and in the interests of proper development of the site.*

23. The application for approval of reserved matters shall be accompanied by full details of existing and proposed ground levels and proposed building slab levels. *Reason: To protect the appearance of the locality and in the interests of the amenities of local residents and in accordance with Policy No's GN5 and HS4 of the Chorley Local Plan Review and Policy 17 of the Adopted Central Lancashire Core Strategy.*

24. During the construction period, all trees to be retained shall be protected by 1.2m high fencing as specified in paragraph 8.2.2 of the British Standard BS5837:2005 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within areas to be fenced. All excavations within the areas so fenced shall be carried out by hand. *Reason: to safeguard the trees to be retained and in accordance with policy Nos. EP9 and HT9 of the Adopted Chorley Local Plan Review.*

25. The development shall be brought forward in a manner that accords with the phasing schedule set out within Local Plan: Site Allocations and Development Management DPD, or any other policy which supersedes the schedule set out within this document, at the time that development commences. *Reason: To ensure the managed delivery of housing in accordance with Policy 4 of the Joint Lancashire Core Strategy and Policy HS2 of the Local Plan: Site Allocations and Development Management DPD.*

**Item 4b**                    **12/00941/OUTMAJ**

**Case Officer**            **Hannah Roper**

**Ward**                      **Clayton-le-Woods West and Cuerden**

**Proposal**                **Outline planning application for the development of land to the east of Wigan Road for the erection of up to 160 dwellings and associated open space with all matters reserved, save for access. (Resubmission of Application: 11/01093/OUTMAJ).**

**Location**                **Land North Of Lancaster Lane And Bounded By Wigan Road And Shady Lane Lancaster Lane Clayton-Le-Woods Lancashire**

**Applicant**                **Redrow Homes Ltd (Lancashire Division)**

**Consultation expiry: 31 October 2012**

**Application expiry: 1 January 2013**

#### **Proposal**

1. The application proposal is described as:  
*Outline application for the development of land to the east of Wigan Road for the erection of up to 160 dwellings and associated open space with all matters reserved save for access.*
2. The site is 8.48 hectares and is located to the north of Clayton-le-Woods outside of the defined settlement boundary. The site is characterised by trees and hedgerows within and around the perimeter of the site which delineate the existing field boundaries. On the southern boundary there is a pond and Woodcocks Farm is located to the north. Directly to the south of the application site is the site that was granted outline planning permission for up to 300 dwellings on appeal in July 2011. The land along the western and southern boundary is allocated as a Biological Heritage Site within the Local plan.
3. There is a public right of way which runs from Wigan Road along the western boundary of the site and through the application site. This is proposed to be retained as part of the development.
4. The site is relatively flat with a rise in land levels from the west towards Shady Lane.
5. Within Circular 01/2006 Guidance in Changes to the Development Control System Section 2: Outline Planning permission and Reserved Matters, it states that a minimum amount of information is required to be submitted with outline planning applications, this proposal is accompanied by an illustrative masterplan and Design and Access Statement showing how the development might be accommodated on the site. The proposal includes for the following:
  - ☐ Up to 160 dwellings including 30% affordable units
  - ☐ Full planning permission from a single access point on Wigan Road
  - ☐ Retention of the public right of way which runs through the site
  - ☐ Retention of the existing pond (which will be incorporated into the open space).
6. The applicant advises that the development would consist of a mix of housing from 1 to 4 bed homes which will reflect the market demand for larger market homes.

#### **Recommendation**

7. It is recommended that this application is granted conditional outline planning approval subject to the associated Section 106 Agreement

**Background**

8. The background to this application forms an important consideration in the determination of this application.
9. The application represents a resubmission of application number: 11/01093/OUTMAJ that was refused at committee on the 6<sup>th</sup> June 2012. The reason for refusal was as follows:

*With reference to:*

- ☐ *Planning System General Principles;*
- ☐ *The National Planning Policy Framework*
- ☐ *The Development plan, including policy DC3 of the Chorley Local Plan Review;*
- ☐ *Central Lancashire Core Strategy;*
- ☐ *Chorley Site Allocations & Development Management (SADM) DPD (preferred option)*
- ☐ *Other material considerations as detailed within the report to the Development Control Committee;*

*The Central Lancashire Core Strategy identifies some growth across six Urban Local Service Centres, and is currently at examination stage. The Chorley SADM DPD identifies sites that could accommodate a level of growth, together with a phasing policy and is at preferred options stage. The level of growth and the sites to be allocated to support that growth are matters to be determined by the SADM DPD, and there are representations on this site in favour and against, and representations about other sites that may also have the potential to support a level of growth.*

*The Council has a five year housing supply, and there is no need to favourably consider this application. This application is one of a number of applications on Safeguarded Land that if approved, would set a precedent, and the cumulative effect would be so significant that granting permission would individually and cumulatively undermine the spatial vision, aims, and objectives of existing and proposed plans that are and will form the Development Plan.*

*Due to the current supply within Clayton-le-Woods and the Borough, there is not an urgent need to increase growth and there are a significant number of sites that could deliver the level of growth that will be determined by the SADM DPD process. This site has been assessed as having a sustainability score of B, that when compared to the existing, proposed and potential sites within Clayton le Woods is not any more sustainable than the other options and there is not a more urgent case to deliver growth over the Central Lancashire Core Strategy area. This site and this location does not represent an urgently needed solution or the most sustainable location to deliver growth, the level of which has not been determined.*

*Delivery of sustainable development includes not only site specific criteria, but also wider benefits to support the required infrastructure to support the spatial vision, aims and objectives of the plan and to achieve sustainable development. The infrastructure delivery schedules within Chorley and Central Lancashire detail infrastructure projects that arise in order to meet the overall spatial vision, aims and objectives of the Core Strategy and so achieve sustainable development.'*

The Committee Report for Application 11/01093/OUTMAJ forms Appendix A to this Report.

**The Resubmission Application**

10. The previous reason for refusal related solely to the status of housing policy at the time of the applications determination. No other technical issues were raised in the reason for refusal.
11. This scheme is identical in nature to that that was refused, however identical resubmission application seeks to overcome this reason for refusal in light of new and emerging policy and in light of the Inspectors conclusions on the Lucas Lane appeal which was the subject of an almost identical reason for refusal. Furthermore, the applicant's case has been update and the applicant has indicated their willingness to accept a condition that prevents any development being brought forward until 2016 in accordance with the phasing schedule as set out within the emerging Local Plan.
12. The committee report from the original submission is attached at Appendix A for convenience. This committee report outlines the representations and consultation responses raised as part of the previous application as they remain pertinent to the current application.



## Representations

13. At the time of the original application 136 representations were received. These can be viewed at paragraph 9 of the original committee report. The representations received to the current application are in then paragraph below.
14. 35 letters of objection have been received raising the following issues:
- ☐ The proposals are contrary to 'safeguarded land' policy
  - ☐ The application is premature as the Site Allocations document is still being prepared. Approval now would render the preparation of this document a waste of time and money
  - ☐ Resubmission does not result in democracy and is contrary to the Localism Act
  - ☐ No requirement for large development in Clayton-le-Woods when 300 homes already have approval and further developments at Buckshaw. The Inspector dismissing the relevance of this at Lucas Lane is nonsense.
  - ☐ This application represents more than the 'some' development stated in the CLPCS
  - ☐ There are empty employment premises nearby
  - ☐ Development on a large greenfield agricultural site is not sustainable
  - ☐ The extra traffic will be detrimental to the quality of life of people living in the vicinity
  - ☐ The land is a BHS and therefore the development is not appropriate
  - ☐ Nell Lane and Shady Lane cannot cope with the extra traffic
  - ☐ Loss of light to existing residents
  - ☐ The emerging policies should not be discounted nor should the existence of a five year supply
  - ☐ Development should not be permitted just to solve the problems of the recession
  - ☐ Provision of open space not proportionate to what is being used to replace it
  - ☐ The site should be returned to greenbelt
  - ☐ The impact on wildlife is unfathomable
  - ☐ Intolerable burden on local infrastructure
  - ☐ The scale of the building is out of keeping with the area and the appearance of the building is likely to be in keeping with the local area
  - ☐ There will be an increase in noise and disturbance during the construction phase
  - ☐ The roads are already busy and the situation will be worsened.
  - ☐ If approved wooded areas should break up the houses
  - ☐ Services should be considered as there are already low gas pressures
  - ☐ There is plenty of land available at Buckshaw village
  - ☐ The land will be contaminated for generations
  - ☐ There will too much noise from children
  - ☐ Offices and industry should not be built near homes
  - ☐ The roads are already in a terrible state
  - ☐ There will be an increased flood risk
  - ☐ The proposed density will take away from the rural feel
  - ☐ The land supports wildlife
  - ☐ The Shady Lane access is dangerous and difficult for more than one vehicle to navigate
  - ☐ The borough is becoming overdeveloped which is changing the nature and aspect from semi-rural to built up
  - ☐ There is an oversupply of housing with many new sites unoccupied
  - ☐ Good access to motorways and rail but this is not enough to sustain a viable community
  - ☐ There should be no rented houses/rented homes will cause problems
  - ☐ The railway is overused and local roads and motorway network overstretched
  - ☐ Loss of privacy to existing residents
  - ☐ Peace and quiet of the country footpaths used by walkers will be lost
  - ☐ Detrimental impact on house prices
  - ☐ Established hedgerows and wildflower meadows will be lost with devastating effects on wildlife
  - ☐ Sufficient five year supply of housing
  - ☐ No Great Crested Newt Survey
  - ☐ Minor highway improvements will not result in ability of road junctions to cope

## Parish Council

15. The Parish Council have objected to the proposals stating that their reasons from the original application relating to traffic, over development of the area and the close proximity to other housing developments still stand.

## Consultations

16. **Lancashire County Council (Ecology)** – no comments received to date, however they raised no objection to the previous identical application.

17. **The Environment Agency** - no comments received to date however they raised no objection to the previous application and advised of appropriate conditions
18. **The Architectural Design and Crime Reduction Advisor** – has commented on the application and recommends that Secure by Design principles are adopted
19. **Director People and Places** - no comments received to date, however they raised no objection to the previous identical application
20. **United Utilities** – no comments received to date. No comments were received on the previous identical application.
21. **Lancashire County Council (Highways)** – Comments have been received that suggest that the proposal is acceptable subject to a number of conditions, the applicant entering into an s278 agreement and s106 agreement.
22. **Chorley's Waste & Contaminated Land Officer** – Comments have been received and suggest the use of a condition.
23. **Lancashire County Council (Education)** – have requested a contribution to assist in the provision of primary school places.
24. **Lancashire County Council (Planning Contributions)** – no comments received to date
25. **Chorley's Housing Manager** – no comments received to date, however no objections were raised to the previous identical application.
26. **Highways Agency** – have raised no objection to the application subject to the addition of appropriate conditions. They have also signed up to a joint statement for the appeal on the site raised no objection to the package of highway works proposed.
27. **LCC Archaeology** – have replied outlining that they wish to make the same comments as on the original application.
28. **Planning Policy** – no comments received to date.

#### **Applicants Case**

29. The applicants case remains as previously presented at Paragraphs 30 and 31 of the original committee report, however their case has been updated to represent changes in policy since the previous refusal. The updated arguments are as follows:

☐ It is clear at all levels of policy and strategic thinking that housing development is recognised as a key component of economic growth contributing to the Framework objective of building a strong, competitive economy. In Central Lancashire where there is a vision for economic growth stimulated by accelerated rates of housing delivery, the release of the application site at Wigan Road is an essential component to fulfilling that objective.

☐ In addition to the inherent economic benefits that the housing development will bring, the scheme will also deliver direct economic benefits in the form of the New Homes Bonus (estimated to be in the region of c. £1.2M), construction-related jobs and indirect employment.

☐ The identification of Clayton-le-Woods as a component of the 'centralised urban part' of the Borough in the CBLPR, and a 'Main Place' and Urban Local Service Centre in the Core Strategy and emerging Site Allocations DPDs (categorising the site as a 'Band B' site) recognises the sustainable location of the settlement and its public transport accessibility.

☐ Specifically, the site is capable of offering a range of opportunities to encourage sustainable transport modes to be taken up by future residents, in preference to the use of the private car. This is consistent with Paragraph 37 of The Framework.

☐ In accordance with paragraphs 32 and 36 of The Framework, the application is supported by a detailed Transport Assessment (TA) and Interim Travel Plan (ITP). The submitted documents demonstrate that the transport impacts of development on the site would not be 'severe', which meets the relevant test set out at paragraph 32 of the Framework.

☐ The council is encouraged to adopt a pro-active approach to securing new permissions for housing in accordance with the policies of The Framework. A grant of consent for the application proposals will enable the Council to meet the forecast uplift in housing delivery between Phases 1 and 2 of the Core Strategy and deliver a range and mix of new dwellings to meet objectively assessed needs in Clayton le-

Woods and the borough.

☐ There is limited scope for the LPA to significantly increase the supply of affordable housing units in the borough without granting further planning consents. The proposed development would deliver 30% affordable units (up to 48 dwellings). This is a significant material consideration and positive benefit of the scheme; a factor that weighed significantly in favour of the appeal for the adjacent site at Clayton-le-Woods (see paragraph 14.73 of the Inspector's Report) and the Lucas Lane Appeal.

☐ It is reasonable to conclude that a high quality design for the site could be achieved at the Reserved Matters stage. Consequently, the scheme is compliant with paragraphs 56 – 68 of the Framework, as far as is reasonable for an application of this type.

☐ The Lucas Lane appeal decision (and others at Wigan Road, Clayton-Le-Woods and Clancutt Lane, Coppull) clearly establish that the Safeguarded Land policy of the CBLPR (Policy DC3) is out-of-date and was due to be reviewed in, or before, 2006. It was also accepted by the LPA in respect of the earlier application on this site that policy DC3 needs to be considered in the light of other material considerations including The Framework and the development strategy of the Development Plan (RS and Core Strategy). In light of this, Chapter 9 of The Framework is not directly relevant to the determination of this application and the release of Safeguarded Land is justified.

☐ There are no large-scale brownfield sites in the settlement of Clayton-le-Woods that could accommodate the future development needs of the settlement and it is clear that a number of greenfield housing sites will be generally required across the borough. Paragraph 110 of the Framework does not preclude the development of sustainable greenfield sites particularly where there are no suitable alternatives. The agricultural land at Wigan Road is not the best and most versatile and therefore utilising this area to meet development needs rather than higher quality land is entirely concordant with paragraph 112 of the Framework. The majority of trees and hedgerows will be retained, along with the pond on the southern boundary, which could form part of an area of open space.

☐ However, the draft SADPD sets out a suggested phasing of HS1.31 to provide 90 dwellings in the period up to 2016, then 305 between 2016 – 2021, and 304 between 2021 and 2026. Due to the need to provide infrastructure improvements and market conditions the likely phasing of built development across the wider site is likely to reflect that set out in the SADPD. Indeed, Redrow is willing to agree, without prejudice, that a condition can be imposed on a grant of planning permission preventing the development of any of the dwellings on the appeal site prior to 2016. Notwithstanding the above, it is important to grant planning permission for this development now, to allow for an appropriate lead-in time, and maintain a momentum of housing building across the overall site in the short-medium term.

## Policy Background

### National Planning Policy:

30. The relevant national planning policy guidance/statements are as follows:

☐ **National Planning Policy Framework (NPPF) ('The Framework')**

The Framework states:

*'Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions. Planning policies and decisions must reflect and where appropriate promote relevant EU and statutory requirements.'*

31. The Framework confirms that for 12 months from the day of publication (27th March 2012), decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the Framework.

32. In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

33. From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- ☐ the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- ☐ the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

- ☐ the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

34. At the heart of the Framework is the presumption in favour of sustainable development which is established as the 'golden thread' running through the plan and decision making processes. For decision making this means:

- ☐ Approving development proposals that accord with the development plan without delay; and
- ☐ Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission 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; or
- Specific policies in the Framework indicate development should be restricted.

35. The Framework states that local authorities should:

- ☐ identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;
- ☐ To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.

36. Paragraph 48 of the Framework states:

*'Local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.'*

37. Paragraph 49 of the Framework states:

*'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.'*

38. Paragraph 50 states:

*'to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:*

- ☐ *Plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community;*
- ☐ *Identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and*
- ☐ *Where they have identified that affordable housing is needed, set policies for meeting this need on-site unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.'*

39. One of the core principles of the Framework is to proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Another of the core principles is to promote mixed use developments.

40. Paragraph 19 states that significant weight should be placed on the need to support economic growth through the planning system. Paragraph 37 also states that planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, training and emergency service needs.

- ☐ **The Planning System General Principles and its supplement Planning and Climate Change**

Annex 3 of the Framework lists the revoked guidance documents. The Planning System: General Principles is not listed as a document which is revoked and as such the Council's view is that the guidance contained within this document is extant. This position has been supported at appeal.

### **The Development Plan**

41. The development plan comprises the Central Lancashire Joint Core Strategy, 2012 and the saved policies of the Adopted Chorley Borough Local Plan Review 2003 and the North West of England Regional Strategy 2008 (RS).
42. The starting point for assessment of the application is Section 38 of the Planning and Compulsory Purchase Act 2004 that states if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

### **Regional Strategy (RS)**

43. At the current time the Regional Strategy (RS) for the North West is still in force. The Secretary of State's indicated his intention to revoke RS. However further Strategic Environmental Assessment on the proposal is still anticipated and as such RS remains part of the development plan at the current time.
44. Section 109 of the Localism Act has already come into force which gives the Secretary of State the power to revoke the whole or part of any Regional Spatial Strategy. Consultation on Strategic Environmental Assessment (SEA) which considers the environmental impacts of revocation expired on 20 January 2012. The Government indicated that it intended to revoke RSS by April 2012 however at the time of writing this report this had not happened.
45. The relevant policies of the RS are as follows:
  - ☐ DP1: Spatial Principles
  - ☐ DP2: Promote Sustainable Communities
  - ☐ DP4: Make the Best Use of Existing Resources and Infrastructure
  - ☐ Policy DP5: Manage Travel Demand; Reduce the Need to Travel and Increase Accessibility
  - ☐ DP7: Promote Environmental Quality.
  - ☐ DP9: Reduce Emissions and Reduce Climate Change.
  - ☐ RDF1: Spatial Priorities
  - ☐ RDF2: Rural Areas
  - ☐ L4: Regional Housing Provision
  - ☐ L5: Affordable Housing
  - ☐ RT2: Managing Travel Demand
  - ☐ RT9: Walking and Cycling
  - ☐ EM1: Integrated Enhancement and Protection of the Region's Environmental Assets
  - ☐ EM5: Integrated Water Management
  - ☐ EM15: A Framework for Sustainable Energy in the North West
  - ☐ EM16: Energy Conservation and Efficiency
  - ☐ EM17: Renewable Energy
  - ☐ CLCR1: Central Lancashire City Region Priorities
  - ☐ L4: Regional Housing Provision

### **Adopted Chorley Borough Local Plan Review**

46. The Framework confirms that for 12 months from the day of publication of the Framework (27th March 2012), decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the Framework. The Local Plan Policies were adopted in 2003 and saved by the Secretary of State in 2007 which was in accordance with the Planning and Compulsory Purchase Act 2004. The Framework also confirms that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans. The emerging plan is addressed below.
47. The relevant policies of the Local Plan are as follows:
  - ☐ GN1- Settlement Policy – Main Settlements
  - ☐ GN5 - Building Design and Retaining Existing Landscape Features and Natural Habitats
  - ☐ GN9 – Transport Accessibility and Mixed Uses
  - ☐ DC1- Green Belt
  - ☐ DC3 – Safeguarded Land
  - ☐ EP2 – County Heritage Sites and Local Nature Reserves
  - ☐ EP4 - Species Protection
  - ☐ EP9 - Trees and Woodlands

- ☐ EP10 - Landscape Assessment
- ☐ EP12 – Environmental Improvements
- ☐ EP17- Water Resources and Quality
- ☐ EP18 – Surface Water Run Off
- ☐ EP21A - Light Pollution
- ☐ EP22 - Energy Conservation
- ☐ EP23 - Energy from Renewable Resources
- ☐ HS1- Housing Land Requirements in Chorley
- ☐ HS4 – Design and Layout of Residential Development
- ☐ HS5 – Affordable Housing
- ☐ HS6 – Housing Windfall Sites
- ☐ HS19 – Public Open Space in Housing Developments
- ☐ HS20 – Ornamental Open Space
- ☐ HS21 – Playing Space Requirements
- ☐ TR1 – Major Development – Tests for Accessibility & Sustainability
- ☐ TR4 – Highway Development Control Criteria
- ☐ TR18 – Provision for Pedestrians and Cyclists In New Development
- ☐ TR19 – Improvement or Provision of Footpaths, Cycle ways and Bridleways in Existing Networks and New Developments
- ☐ LT10 – Public Rights of Way

48. The Local Plan Review has a number of employment objectives. Although this site is allocated as Safeguarded Land in the Local Plan, of most relevance to this application is the objective relating to providing an adequate supply of land which is suitable for a range of employment purposes and capable of being developed in the plan period, and to ensure where possible major employment sites are located in transport choice locations and that all sites are easily accessible by both the road network and by other means other than the private car. This objective is consistent with the Framework.

#### **Central Lancashire Local Development Framework: Joint Core Strategy**

49. Central Lancashire Core Strategy – The Central Lancashire Core Strategy has been prepared jointly by Chorley, Preston and South Ribble Councils and was adopted by all three authorities in July 2012.

50. The following Core Strategy Policies are of relevance to this application:

- ☐ **Policy 1** Locating Growth identifies locations that are appropriate for growth and investment. Clayton-le-Woods is identified as an Urban Local Service Centre where some growth and investment will be encouraged there to help meet housing and employment needs. Therefore, it is a settlement where some housing and employment growth is considered appropriate.
- ☐ 9% of Central Lancashire's housing development is predicted to take place in Urban Local Service Centres, including Clayton-le-Woods, over the period 2010 – 2026. Approximately 2100 dwellings are predicted in total in the 6 Urban Local Service Centres based upon:
  - o existing housing commitments (sites that already have planning permission for housing)
  - o proposed allocations in the Sites for Chorley Preferred Option Paper
  - o dwellings already completed in the 6 Urban Local Service Centres during the first year of the Core Strategy housing requirement period (2010 – 2011).
- ☐ However, the document highlights that this is a predicted distribution based on the potential for housing development in each place and *not* proportions that are required to be met.
- ☐ **Policy 2** of the Core Strategy relates to infrastructure. The Policy refers to the application of a levy/tariff based on standard charges as appropriate, noting that *'This will ensure that all such development makes an appropriate and reasonable contribution to the costs of provision after taking account of economic/viability considerations.'* The policy also notes that LPAs "will set the broad priorities on the provision of infrastructure, which will be linked directly to the commencement and phasing of developments. This will ensure that enabling infrastructure is delivered in line with future growth, although some monies will be specifically collected and spent on the provision of more localised infrastructure."
- ☐ **Policy 3** encompasses increasing accessibility and promoting sustainable travel as a key theme within chapter 7 Catering for Sustainable Travel. Travel includes measures to reduce the need to travel by improving public transport
- ☐ **Policy 4** Housing Delivery sets out housing requirements of 417 dwellings per annum for the two-year period 2010-2012.
- ☐ **Policy 5** relates to housing density which is an important consideration in any proposed housing scheme. The key objective is to achieve high quality design that responds to the character of the area in terms of existing density, siting, layout, massing, scale, design and landscaping etc.
- ☐ **Policy 7** relates to affordable housing and states that 30% affordable housing will be sought from market housing schemes.

- ☐ **Policy 14** Education provides for educational requirements by enabling new schools to be built in locations where they are accessible by the communities they serve using sustainable modes of transport.
- ☐ **Policy 17** relates to the design of new buildings which will be expected to take account of the character and appearance of the local area.
- ☐ **Policy 22** looks to conserve, protect and seek opportunities to enhance and manage the biodiversity and geodiversity assets of the area through a number of measures. Measures a) and b) promote the conservation and enhancement of biological diversity and seek opportunities to enhance and expand ecological networks.
- ☐ **Policy 27** relates to incorporating sustainable resources into new developments. Objections related to its implementation and its relationship with other guidance and regulations.

### **Emerging Policy Considerations**

#### **Local Plan (Previously the Site Allocations & Development Management Policies DPD (Publication Version))**

51. Consultation on the publication version of this document, referred to as the emerging Local Plan commenced on the 19<sup>th</sup> October 2012 and will continue until the 30<sup>th</sup> November 2012. This document will accord with the broad content of the Central Lancashire Core Strategy but will provide more site-specific and policy details. The purpose of this document is to help deliver the aims of the Central Lancashire Core Strategy by setting out development management policies and allocating or protecting land for specific uses. The emerging document is at a relatively advanced stage of preparation, and can be afforded limited weight. At a recent appeal, the Inspector referred to the document that was then at Preferred Stage, as being afforded limited weight and the document is now at an even further advanced stage.
52. The land that is the subject of this application forms the HS1.31 Land to the East of Wigan Road under Policy HS1: Housing Site Allocations and policy EMP1: Employment Site Allocations. The emerging Local Plan safeguards this land for 699 dwellings and 20 hectares of B1, B2 and B8 use.
53. Policy HS2: Phasing of Housing Development sets out the phasing that should take place on allocated sites over the plan period. The following phasing applies to this site:
  - ☐ 90 dwellings in phase 1 (2012 – 2016)
  - ☐ 305 dwellings in phase 2 (2016 – 2021)
  - ☐ 304 dwellings in phase 3 (2021 – 2026)
54. Policy EP10 states that land is reserved for a number of sites for school purposes including land within the overall safeguarded land to which this application relates.

### **Other Material Considerations**

55. In July 2011 an appeal decision relating to a proposal for 300 dwellings on a Safeguarded Land site in Clayton-le-Woods (appeal ref: APP/D2320/A/10/2140873) was allowed even though the Inspector concluded that the development of Safeguarded Land for housing was contrary to Local Plan Policy DC3, and that there was a proven 5.4 years supply of land for housing. The Secretary of State stated that:
  - ☐ Clayton-le-Woods is a main place for growth as it is identified as an Urban Local Service Centre where 'some growth and investment will be encouraged';
  - ☐ there would need to be a steep increase in housing delivery from now onwards, and that the area of strategic land that includes the appeal site is realistically the only land available in Clayton-le-Woods for delivering this growth;
  - ☐ that given the extensive consultation which has occurred on this proposed designation since November 2006, the area's consistent identification for growth, and the relatively advanced stage of the Core Strategy, this part of the Core Strategy should be afforded significant weight.
56. The Planning Inspector and the Secretary of State both agreed that there was a five-year supply of housing in the Borough they also took the view that the determination of need involves a consideration of more than the five-year housing supply and that it should take account of wider issues, particularly the planned growth within the emerging Core Strategy and this was a material consideration in determining the appeal.

57. In July 2012 an appeal for development of up to 135 dwellings on land to the north and west of Lucas Lane, Whittle-le-Woods was upheld by the Inspector even though it was concluded that the Council had a small oversupply of houses and therefore a five year + 5% supply could be demonstrated.
58. The Inspector concluded that the (then unadopted) Core Strategy identified Whittle-le-Woods as an area for some degree of development and whilst the Site Allocations DPD was at an early stage it was clear that some safeguarded land would need to be released to provide for the necessary growth. As the appeal site represented the Council's preferred option in the emerging Local Plan and as there were no infrastructure constraints prohibiting it being brought forward, then the release of the land now would not undermine the Development Plan process or set a harmful precedent.
59. The decision also emphasised that in the case of Whittle-le-Woods there was some development being undertaken, however if the approval of sites for the development of future sites awaited the Site Allocation document then there would be a gap in delivery.

60. **Ministerial Statement – Planning for Growth**

On the 23rd March 2011 The Minister of State for Decentralisation and Cities, Greg Clark MP, issued a written parliamentary statement in which he said that ministers will work quickly to reform the planning system to ensure that the sustainable development needed to support economic growth is able to proceed as easily as possible. The principles of this document have now been enshrined within the Framework which has superseded this statement.

**Policy Assessment**

61. **(A) Chorley Local Plan Review, 2003**

- i. Chorley Local Plan Policy DC3 allocates the land as Safeguarded Land under Policy DC3.2 in the Local Plan. Safeguarded Land comprises areas and sites which may be required to serve development needs in the longer term, i.e. well beyond the plan period, in line with the Framework (paragraph 85). The supporting text to policy DC3 states that this land was to be treated as if it were Green Belt until such time as a need for it was identified in a future review of the plan. It also states that Safeguarded Land in the Plan will remain protected until 2006.
- ii. Policy DC3 states that development other than that permissible in the countryside under policies DC1 (Development in the Green Belt) and DC2 (Development in the Area of Other Open Countryside) will not be permitted. The proposal is not for development permissible under either Policy DC1 or DC2 and it is therefore contrary to policy DC3.
- iii. The Adopted Local Plan at 1.4 states '*A key feature of the 1997 adopted Plan is that for the first time, it established precise Green Belt boundaries. It was the intention that the overall extent of the Green Belt in Chorley Borough will not be changed until at least the year 2016. To help achieve this Areas of Safeguarded Land were identified in the 1997 Plan, and are with one exception retained in this Plan, to accommodate development pressure in the period up to 2016 if necessary*'. It was therefore intended the extent of the Green Belt to remain until at least 2016, however it was expected that there would be a review before the end of the plan period, which extended to 2006.
- iv. The current Local Plan Review was adopted in 2003. However The Planning and Compulsory Purchase Act 2004 introduced the Local Development Framework process which replaced the local plan-making process. Safeguarded Land was protected until 2006, but following the establishment of the Local Development Framework process Chorley Borough Council applied for and obtained a Direction from the Government Office for the North West to save a number of policies including DC3, for on-going use after 27 September 2007. As part of that letter from the Government Office it provides the following guidance:

*'Following 27 September 2007 the extended policies should be read in context. Where policies were adopted sometime ago, it is likely that material considerations, in particular the emergence of new national and regional policy and also new evidence, will be afforded considerable weight in decisions. In particular, we would draw your attention to the importance of reflecting policy in Planning Policy Statement 3 Housing and Strategic Housing Land Availability Assessment in relevant decisions.'*

- v. The Framework confirms that there is an ongoing requirement that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is a material consideration which may justify determining an application against the provisions of the development plan, depending on the extent to which the plan is inconsistent with the Framework. For the first 12 months following the publication of the Framework this applies only to those development plan policies adopted before 2004 (as is the case with the Chorley Local Plan). The implication of this provision is that reduced weight may be given to a development plan where it is inconsistent with the Framework. Conversely where a development plan is consistent with the



Framework (even where adopted before 2004); it follows that applications should continue to be determined in accordance with the development plan.

- vi. The Council consider that Policy DC3 is in accordance with the Framework which confirms that safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development and consider that significant weight should continue to be attached to the development plan policies and that, in this instance, the publication of the Framework does not reduce the weight to be attached on the basis that they are in general conformity with the Framework, this is not the conclusion drawn by the Inspectors at the most recent appeal on safeguarded land at Wigan Road and Lucas Lane as outlined above. Both Inspectors concluded that Policy DC3 should be considered out of date and afforded limited weight.
- vii. The Council consider that the proposal would be in breach of saved Policy DC3; however this policy must be read in the context of other material considerations that may be more up to date. The issue is therefore whether there are other material considerations that outweigh policy DC3 to justify releasing the application site now.
- viii. Paragraph 47 of the Framework states that local planning authorities should *identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;*
- ix. In accordance with paragraph 47 of the Framework the Council have identified in excess of 5 years supply of housing. It is not the applicant's case that the Council does not have a 5 year supply. The issue of five year supply was debated at the recent Lucas Lane Inquiry. However the Inspector concluded that there was a 5.45 years supply was available, exceeding the 5 year plus 5% buffer required. The information in the 2010-2011 Annual Monitoring Report indicates that there is a 5.7 year supply for the period 1st October 2011 – 30th September 2016.
- x. The Framework goes on the state (para 49) that *Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.*
- xi. As the Council have identified in excess of 5.25 years (5 years + 5%) supply of deliverable housing sites there is no requirement to consider this application favourably in line with paragraph 49 of the Framework.

#### **(B) National Planning Policy Framework**

62. Paragraph 159 of the Framework states Local planning authorities should have a clear understanding of housing needs in their area. Local planning authorities should:

- ☐ prepare a Strategic Housing Market Assessment to assess their full housing needs, working with neighbouring authorities where housing market areas cross administrative boundaries. The Strategic Housing Market Assessment should identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period which:

- meets household and population projections, taking account of migration and demographic change;
- addresses the need for all types of housing, including affordable housing and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);and

- caters for housing demand and the scale of housing supply necessary to meet this demand;

- ☐ prepare a Strategic Housing Land Availability Assessment to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period.

63. In accordance with the Framework, the proposed development should seek to provide a mix of high quality housing reflecting local demand. The scheme is in outline with all matters reserved apart from access, therefore details are not provided about the design or layout. These matters will need to be addressed at the reserved matters stage if outline planning permission is granted.

64. In terms of the suitability of the site for housing, the application is located on Land that the emerging Local Plan identifies for future development needs. This allocation is proposed within the Local Plan Publication Version. Therefore, it has been recently assessed as being genuinely capable of

development as part of the Local Plan process, in line with guidance in the Framework. The site has also been assessed as part of the Sustainability Appraisal of the Site Allocations and Development Management Policies DPD Preferred Option. Overall the site scores a B (Band A being the most sustainable and Band E the least sustainable). The site scores well in relation to its accessibility by bus and its links to the road and motorway network. Its sustainability score is further reduced by the fact that the site is greenfield.

65. A core principle of the Framework is to encourage the effective use of land by re-using land that has been previously developed. This is not a previously developed site, but there is a limited supply of suitable and available previously developed land in Clayton-le-Woods, so the expectation is that some of the planned growth for the settlement will take place on Greenfield land.
66. The Local Plan Review has a number of housing objectives. Of most relevance to this application, and consistent with the Framework, is the objective relating to meeting the housing requirements of the whole community in both rural and urban areas including those in need of affordable and special needs housing.
67. In the adopted Core Strategy there are 5 themes for All Strategic Objectives. Of particular relevance to this application are Objectives SO5 and SO8 which are consistent with the Framework:

Objective SO5: *'To make available and maintain within Central Lancashire a ready supply of residential development land over the plan period, so as to help deliver sufficient new housing of appropriate types to meet future requirements. This should also be based on infrastructure provision, as well as ensuring that delivery does not compromise existing communities.'*

Objective SO8: *'To significantly increase the supply of affordable and special needs housing particularly in places of greatest need such as more rural areas.'*

68. However, it is considered that the best way of achieving the Local Plan Review objective of meeting the housing requirements of the whole community and the Core Strategy objective of making available a ready supply of residential land is through the Development Plan process. This process gives supporters and objectors to all proposed housing allocations the opportunity to debate and determine future housing sites in the Borough. The emerging Local Plan has already been through significant consultation and is at an advance stage and therefore, in accordance with the Framework it should be afforded limited weight.
69. The emerging Local Plan Publication Version identifies the overall safeguarded land site to be brought forward in phases 1, 2 and 3. It is anticipated that 90 dwellings will be brought forward within phase 1, 305 in phase 2 and 304 in phase 3. The dwellings approved at the south of the site will form phase 1 and the proposed dwellings will fall into phase 2
70. The final criterion in paragraph 159 relates to ensuring that housing need within the Borough caters for housing demand and the scale of housing supply necessary to meet this demand.

### **(C) Core Strategy**

71. In terms of the Core Strategy, Policy 1 supersedes Policy GN12 of the Local Plan but continues to identify Clayton-le-Woods in strategic land terms as one of six Urban Local Service Centres (ULSCs) where some [author's emphasis] growth and investment will be encouraged to help meet housing and employment needs in Central Lancashire.
72. The policy does not specify how much development should go in each ULSC. It has no housing requirement for individual settlements and there is no requirement for the split between settlements to be equal. It is considered the growth and investment cannot equate to an equal split between the ULSCs settlements as they have differing amounts of available and suitable developable land for housing.
73. Therefore the fact that Clayton-le-Woods is a location for some growth in broad spatial terms is acknowledged as a material consideration. The Core Strategy does not determine how growth is to be distributed between the six ULSCs; this is for the emerging Local Plan.

### **(D) Local Plan (Previously Site Allocations & Development Management Policies DPD (Publication Version))**

74. The 'Local Plan Publication Version' will be the subject of consultation commencing in October 2012. In accordance with the Core Strategy, the DPD allocates preferred sites for housing in Urban Local Service Centres.

75. As stated above, the Core Strategy predicts that 9% of dwellings will be provided in the 6 Urban Local Service Centres in the Borough between 2010 and 2026 (amounting to 2,100 units) but states that these are predictions and not proportions that are required to be met. This figure is not intended to be split equally between the 6 Urban Local Service Centres as they all have a different amount of available and suitable land for housing development.
76. Between 2010 and 2011, 78 dwellings were developed in the Urban Local Service Centres, leaving a remaining 2,022 predicted dwellings to be provided in these areas. The Site Allocations DPD allocates a number of preferred housing sites in these areas, which in total will provide for approximately 1,906 dwellings (613 of which have planning permission). An additional 163 dwellings have planning permission on other windfall sites in the Borough. This is a total of 2,069 dwellings which marginally exceeds the predicted Core Strategy provision to allow for any slippage such as non-delivery or reduced housing delivery on sites.
77. The Local Plan Publication Version allocates land for 712 dwellings in Clayton-le-Woods. The area of Safeguarded Land (covered by this application along with the adjoining sites) for 699 dwellings.
78. Policy HS2 of the Publication Version of the DPD sets out a phasing schedule for the housing development on the overall allocated site. 300 dwellings have already been approved on the area of the safeguarded land to the south of the site. It is anticipated that these dwellings will be brought forward first and will contribute to phase 1 and 2. The dwellings proposed as part of this application will fall into phase two. A reserved matters application has not yet been submitted on the land to the south and it is possible that this site will not contribute the full 300 houses within phase 1 and 2.
79. The principle of housing development at this location is accepted through its continued allocation in the emerging Local Plan. The document is at an advanced stage, and therefore should be afforded limited weight.

#### **(E) Masterplanning Approach**

80. The Council has set out its desire to see the development of this site take place as part of a master planned approach with the surrounding sites that make up the overall safeguarded land allocation. An application for 300 dwellings at the southern part of the safeguarded land has already been approved. The current application would provide a further 160 dwellings of the 699 allocation. A concern during the previously refused application was the provision of transport routes through the site, namely a bus route to link to existing bus provision on Wigan Road. Whilst the application would be self-contained in nature the applicant has indicated the willingness to make provision for this bus route via bus-only access point into this part of the overall development. A suitable condition could be used to secure this, and a condition can be imposed to match the Inspectors condition on the south requiring a masterplan to be agreed prior to the commencement of the site.
81. A further point raised was the need to secure footpath and cycle routes in the surrounding area to ensure the overall sustainability of the scheme. Guaranteeing these links relies on the application to the south of the site for 300 properties that has already been approved, being brought forward first to allow linkage from this part of the site. The applicants have agreed to a condition restricting development until these connections have been implemented. The two developments therefore cannot start at the same time and will this development will therefore form a natural second phase. Highways are satisfied with this approach to the development of the site.
82. The final concern was the ability of the site to support the wider strategic elements of the allocation, namely the employment land and a new school. It would fall to the remainder of the site to support the remaining 239 dwellings proposed on the site, 20 hectares of employment land and the new school. There is no reason to consider that this could not be provided on the remaining sector of the site and the main land owner (HCA) of this parcel of the site has not indicated otherwise. This development would also contribute £651,000 towards the provision of school places.

#### **(F) Prejudice**

83. Whilst the Framework is silent on the issue of prematurity, Annex 3 of the Framework lists the revoked guidance documents. The Planning System: General Principles is not listed as a document which is revoked and as such the Council's view is that the guidance contained within this document is extant.
84. Paragraphs 17-19 of The Planning System: General Principles state:

*‘..in some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a DPD is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or*

*phasing of new development which are being addressed in the policy in the DPD. A proposal for development, which has an impact on only a small area, would rarely come into this category. Where there is a phasing policy, it may be necessary to refuse planning permission on grounds of prematurity if the policy is to have effect. Otherwise, refusal of planning permission on grounds of prematurity will not usually be justified. Planning applications should continue to be considered in the light of current policies. However, account can also be taken of policies in emerging DPDs. The weight to be attached to such policies depends upon the stage of preparation or review, increasing as successive stages are reached. For example: Where a DPD is at the consultation stage, with no early prospect of submission for examination, then refusal on prematurity grounds would seldom be justified because of the delay which this would impose in determining the future use of the land in question.’ [Authors own emphasis]*

85. In recent appeal decisions at Clayton-le-Woods and Whittle-le-Woods, the issues of prejudice/prematurity were considered by the Inspector who concluded that the release of these sites at the current time would not prejudice the delivery of the strategic aims and objectives of the Local Plan/Core Strategy. The site to which this application relates is allocated within Phases 1, 2 and 3 for release in the Emerging Local Plan. This document is at an advanced stage and it can be concluded that this site will both be allocated for development and brought forward at some point in the future.

**(G) Assessment of Proposal Against Final Criterion of Framework, Paragraph 159**

87. Relating this back to the Framework the final criterion in paragraph 159 relates to ensuring that housing need within the Borough caters for housing demand and the scale of housing supply necessary to meet this demand.
88. The emerging Local Plan is at an advanced stage. The site of this application has been carried forward as an allocation from the Local Plan. It is therefore considered that at some point the site will come forward as for development. Should outline approval be granted, the developer will have three years in which to submit a full reserved matters approval and then a further 2 years in which to start the overall development. Conditions applied relating to phasing will ensure that the developments come forward on this site in a steady and phased manner.

**(H) Other Material Policy Considerations**

**i) Urgency**

89. It has also been assessed whether there is an urgent need to release this site. The Local Plan allows appropriate development within the Urban Local Service Centres however it does not specify housing targets for settlements within Chorley Borough and housing completion levels overall have been broadly in line with RSS (acknowledging a small undersupply at April 2011) and therefore there was no need for higher completion levels in the ULSCs.
90. In terms of ‘steep increase’ the Clayton-le-Woods appeal Inspector stated (with which the SoS agreed): *‘Therefore, over the plan period 1810 [now 2100 new dwellings] new dwellings will be required in these ULSCs, all but one of which is in Chorley. In order to meet this planned growth, there would need to be a steep increase in housing delivery from now onwards. The area of Safeguarded Land that includes the appeal site is realistically the only land available in Clayton-le-Woods for delivering this growth’.* It should be noted that in fact all six ULSCs are in Chorley Borough, not all but one as stated by the Inspector.
91. In order to meet the predicted proportion of housing development in the ULSCs it is acknowledged that higher levels of house building will be required as a whole in the future in the six ULSCs as a whole than may have taken place in the past.
92. At the time of the Clayton-le-Woods appeal decision (21<sup>st</sup> July 2011) and the original application for this site, the Site Allocations DPD was at an early stage. Consultation had taken place on the Issues and Options but the Council had not reached Preferred Option Stage. The Council has now consulted on its Preferred Option so the DPD and has formally agreed the wording of the Local Plan Publication Version publication Document on which consultation will commence in October 2012 is at a more advanced stage and can be given more weight, although it still has limited weight. As well as identifying sites for allocation then publication document sets out a housing development phasing schedule at policy HS2 which had not been produced at the time of the Clayton-le-Woods appeal. This phasing schedule shows that the required number of dwellings can be achieved over then plan period and that the release for development of this site forms an important part of achieving the required dwelling numbers.
93. This shows that the sites proposed to be allocated have been properly considered and that they can be realistically built out over the plan period to achieve the level of housing required across the Borough to achieve the planned level of growth as required by the Core Strategy. The dwellings proposed and already completed since 2010 in the six ULSC settlements marginally exceed the Core Strategy predicted proportions over the plan period to make allowance for any slippage (non-delivery or reduced delivery of housing) on sites.

94. Therefore, whilst it is considered that there is no urgent need to release this site for development now, the developer has indicated their willingness, if planning permission is granted now, to bring the site forward for development in accordance with the phasing schedule as set out in the emerging Local Plan through the addition of a condition that phases development.

ii) Ministerial Statement – Planning for Growth:

95. The principles of this document have been enshrined within the Framework. Whilst this is supportive of growth and it states that the Government expects the answer to development and growth wherever possible to be 'yes', it had a caveat to it that states '*except where this would compromise the key sustainable development principles set out in national planning policy*'. The Secretary of State will take the principles in this statement into account when determining applications that come before him for decision. In particular it states the Government will attach significant weight to the need to secure economic growth and employment.
96. As has already been explored Chorley has good housing delivery performance which has not been as negatively affected by the economic climate. The general presumption of poor delivery nationally and therefore the need to stimulate the economy through housing delivery is not considered to apply with the same weight in Chorley as it may in other Boroughs. At recent appeals the Inspector has accepted that the Council has a 5year + 5% supply of housing and is a good performer.
97. The viability evidence underpinning the current consultation on a Central Lancashire CIL notes that a number of developers consider that the market for new houses in Chorley is in the short term over-supplied, and they are taking a more cautious approach to delivery linked more closely to sales. However the site is allocated for housing development and it is realistically considered that development will be brought forward on the site during the plan period. Therefore, in assuring that the necessary infrastructure is brought forward to accommodate this and future development, it is not considered that the proposal will compromise the principles of sustainable development.

iii) Localism

98. The Localism Agenda is being introduced through the Localism Act 2011 and post-dates the draft Framework and Planning for Growth. The Government's intention is to shift power from central government back into the hands of individuals, communities and councils. The Government state that they are committed to this because over time central government has become too big, too interfering, too controlling and too bureaucratic. This has undermined local democracy and individual responsibility, and stifled innovation and enterprise within public services. They want to see a radical shift in the balance of power and to decentralise power as far as possible.
99. The proposed allocation has been consulted upon during the production of the emerging Local Plan and the document is now at an advanced stage. The protection of the land for housing development has remained throughout the plan making process.

iv) The Community Infrastructure Levy (CIL)

100. The Localism Act received royal assent on 15 November 2011. Some of its provisions came into force on 16th January including Section 143 which brings in provisions that where local finance considerations are material to a planning application they should be taken into account in the determination of that planning application.
101. Infrastructure is a key component of any assessment of sustainability, and cumulative impacts can arise from the overall development proposed within a development plan. The Community Infrastructure Levy (CIL) is a new charge which local authorities in England and Wales will be able to levy on most types of new development in their areas over a certain size. The proceeds of the levy will provide new local and sub-regional infrastructure to support the development of an area in line with local authorities' development plans and could include new schools, hospitals, roads and transport schemes, as well as libraries, parks and leisure centres. The government's position on CIL is that it provides a basis for a charge in a manner that obligations alone cannot achieve, enabling, for example, the mitigation from the cumulative impacts of a number of developments. The government acknowledges that even small developments can create a need for new services. Until such time as a CIL charge is set, obligations must be addressed under s106 agreements, and the relevant tests.
102. Strategic Objective S02 of the Core Strategy seeks to ensure there is sufficient appropriate infrastructure to meet future needs, funded where necessary by developer contributions. Chapter 6: Infrastructure refers to the tariff approach, noting that further research and consultation is required, and that the key to avoiding adverse impacts of new developments on existing and new communities is the timely provision of the necessary infrastructure and other mitigation measures. Policy 2 refers to the application of a

levy/tariff based on standard charges as appropriate, noting that “This will ensure that all such development makes an appropriate and reasonable contribution to the costs of provision after taking account of economic/viability considerations.” The policy also notes that LPAs “will set the broad priorities on the provision of infrastructure, which will be linked directly to the commencement and phasing of developments. This will ensure that enabling infrastructure is delivered in line with future growth, although some monies will be specifically collected and spent on the provision of more localised infrastructure.”

103. On 31st January 2012, the Central Lancashire authorities began preliminary draft consultation on a Central Lancashire CIL, which ran until March 2012. A further period of consultation commenced on the 19<sup>th</sup> October.
104. Infrastructure delivery schedules have been prepared and these show a range of infrastructure projects including those regarded as “Pan-Central Lancashire” as well as for the three separate borough areas of Chorley, Preston and South Ribble. A tariff of £70 per sq m of residential development is proposed.]
105. The applicant has expressed an intention to provide up to 160 dwellings on the site. If the homes provided had an average size of 90 square metres this would equate to a CIL contribution of £6,300 per dwelling calculated at a rate of £70 per square metre. If 112 market houses were built on this site (allowing for 38 affordable homes) this would equate to a CIL contribution of £705,600.
106. The Local Plan Publication Draft anticipates the release of an area of land somewhere on the wider safeguarded site for the provision of a new school. The provision of this school is set out within the CIL schedule for Central Lancashire. The applicant has agreed in to a contribution of up to £651,000 towards meeting the shortfall in school places that will result from this development should it be approved. This sum can potentially be utilised to bring forward the new school.

#### v) Affordable Housing

107. The Core Strategy, Policy 7 seeks 30% affordable housing on this site and has been adopted since the original application was determined. This would equate to up to 48 houses on this site. Policy 7 seeks that affordable housing should be delivered on site but that financial contributions may be acceptable where the development location is unsuitable for affordable housing. This location is considered suitable for affordable housing and therefore the provision should be delivered on site.
108. Since the original application the developer has provided an updated Planning Statement that proposes 30% affordable housing on the site in accordance with Policy 7.
109. The Councils Affordable Housing Manager provided comments in relation to the split of any affordable housing provided at Paragraph 50 of the original report. No comments have been received on the current application; however these can be reported on the Addendum.
110. Additionally, as this application is outline in nature and proposes up to 160 dwellings an affordable housing contribution will be included within the s106 in the event that the affordable housing percentage does not equate to a whole number.
111. The provision of the affordable housing will be secured through a suitably worded condition or through the s106 agreement.

#### vi) Policy Conclusions

112. On the basis of all of the evidence provided an assessment needs to be made.
113. During consideration of the first application the Core Strategy had yet to be adopted and the emerging Local Plan was only at Preferred Option stage. Furthermore, the Lucas Lane decision had also not been issued.
114. The Core Strategy identifies that Urban Local Service Centre of Clayton-le-Woods is suitable for some growth during the plan period. The extent of that growth is a matter for the emerging Local Plan which is now at an advanced stage and includes a phasing schedule for the development of this site.
115. The site proposed forms part of a larger Safeguarded Land allocation, part of which already has permission for 300 houses. It is therefore clear that it is intended that the site be brought forward for development at some point in the future and it is clear that some safeguarded sites will be required to meet the required growth in the borough.

116. The original application was refused over concerns regarding prematurity and precedent should the application be approved at that time. At the Lucas Lane Inquiry, where the application had an almost identical reason for refusal, the Inspector concluded that that there would be no precedent set by the release of that site.
117. The Developer has indicated their agreement to accept conditions that relate to the phasing of the development, to ensure that it proceeds in accordance with the phasing schedule set out in the emerging DPD therefore the release of the site cannot be considered as being premature.
118. These phasing conditions have alleviated concerns relating to the masterplanning of the site by ensuring that the appropriate infrastructure to ensure the sustainability of the site can be utilised.
119. No reason has been identified why the proposal would jeopardise the remainder of the allocation for the delivery of employment and education uses. A contribution towards school places has been secured.
120. It is therefore considered that whilst the proposal is not in accordance with Policy DC3, there are other material considerations that outweigh this policy.

### **Assessment**

#### Housing Development

121. The development relates to the erection of up to 160 dwellings on the site. The application is outline in nature with all matters reserved save for access. The siting of the properties is not being considered as part of this application although an illustrative master plan has been submitted that demonstrates that the proposed development can be accommodated on the site.

#### Density

122. The site covers 8.48 hectares and therefore the erection of 160 dwellings would equate to a density of 19 dwellings per hectare. Core Strategy Policy 5 relates to housing density and states that the three authorities will secure densities of development which are in keeping with local areas and which have no detrimental on the amenity, character ,appearance, distinctiveness and environmental quality of an area. Consideration will also need to be made to making efficient use of the land.
123. The adjacent site secured development of approximately 22 dwellings per hectare. It is not considered that development at this level will preclude the rest of the proposed allocation coming forward then it is not considered that development at this density would be harmful to the surrounding area taking into account the retention of the natural features of the site which would constrain higher densities.

#### Design

124. The Design of the proposal is not being considered as part of this application. The Councils Design and Policy Team Leader made comments on the original submission but has provided no further comments relating to the current application.

#### Open Space

125. The area of open space that permission is sought through the application remains as originally sought at 1.37 hectares, including a large area of open space at the southern end of the site. The Biological Heritage Site on the land will be unaffected by the proposals. A Section 106 Agreement would still be used to ensure the maintenance in the long term or the agreement of the transfer of the land to the Local Authority with a commuted sum. This application still does not provide specific details of the open space, that this issue can be dealt with at Reserved Matters Stage.

#### Trees and Landscape

126. As per the original application, a tree survey has been carried out and no trees are identified for removal at the current time. Should this position change any tree removal can be dealt with at the Reserved Matters stage.

#### Landscape

127. The Councils Parks and Open Spaces Officer made significant comments on the proposal at paragraph 185 of the original report. He identified that the following would be desirable in considering the landscaping of the site at the Reserved Matters stage:
- ☐ The creation of a useable and meaningful east-west linear green space incorporating the public right of way (along the existing PROW alignment or along a diverted route around the development) which would help to mitigate the damage to landscape character and be of real value to local residents, pedestrians and cyclists

- ☐ A bolder and more robust landscape Framework extending the strong positive landscape character of Cuerden Park across the site
  - ☐ Clear connections from Phase 2 open space and footpaths to the public open space provided on the adjacent site
  - ☐ Improved mitigation of visual effects for local visual receptors in existing residential areas and those of the public right of way
  - ☐ The retention of key hedges within a robust landscape Framework for public open space
  - ☐ An attractive green connection to Cuerden Park and National Cycle Route 55 to encourage walking and cycling.
128. These are matters that a reserved matters application and detailed masterplan as required by condition can cover.

#### Ecology

129. The County Councils Ecologist undertook a detailed review of the original supporting application documentation relating to Ecology which can be viewed at paragraph 199 onwards of the original report. The main findings and recommendations are summarised below:
- ☐ That a planning condition or obligation will be necessary to secure appropriate and long term (in perpetuity) habitat creation, enhancement and management for the maintenance of features of biodiversity value (including the BHS that lies within the site), ponds, hedgerows and habitat or protected and priority species) and for which standard amenity landscape management will not be appropriate.
  - ☐ The site does not support Great Crested Newts and as the trees with potential for bat roosting will remain no conditions relating to these issues are required.
  - ☐ The reports identify that further investigation of some trees will be required. Therefore further surveys will be required if any of these trees are likely to be felled.
  - ☐ A condition will be required to ensure that a landscaping scheme/habitat creation and management plan addresses maintenance and enhancement of bat habitat.
  - ☐ A contribution will be required to mitigate the loss of habitat that can support ground nesting species such as Curlew and Skylark as it is considered unlikely that this could be retained. The impact on ground nesting birds should be confirmed by survey.
  - ☐ A 'Reasonable Avoidance Measures Method Statement' should be conditioned.'
  - ☐ A condition is required that further details of measures that will be implemented for the avoidance of impacts of Species of Principle Importance be submitted at Reserved Matters stage.

#### Flood Risk and Drainage

130. At the time of the original application issues relating to flood risk and drainage were raised by the Highways Agency. Further work was undertaken and all objections were removed subject to the addition of a condition to any approval that further hydraulic assessments be undertaken. This condition has been added.
131. In terms of foul drainage, concerns were raised regarding the capacity of the waste treatment works up until 2013. A condition has been added to the approval to ensure that this is investigated further. However, in reality the development is not likely to proceed until well beyond the 2013 upgrade has taken place.

#### Traffic and Transport

132. Issues relating to traffic and transport have been discussed at significant length during the course of both the original application and the current application. At the time of the first application further work was required to make the vehicular access proposed acceptable and the site sustainable with regard to the wider locality.
133. The applicant has now carried out further work and the following package of measures are now proposed:
- ☐ A priority controlled junction with a ghost island type right turning lane in Wigan Road.
  - ☐ Provision of new bus stops on Wigan Road to Quality Bus Standard, incorporating real time bus information, pending the completion of a bus link through to the Phase 1 development when these would be relocated to the new estate road within the development.
  - ☐ Provision of a footway/cycleway along the site frontage to connect to the Phase 1 footway/cycleway to the south and future provision of pedestrian and cycle facilities to the north



- ☐ A reduction in the speed limit to 30mph from the Lydiate Lane traffic signals to the north, including the provision of new signs, road markings, street lighting and any required TRO.
- ☐ Financial contribution to increase the frequency of bus services with a target of providing a 20 minute service from Chorley and Preston.
- ☐ Financial contribution towards a cycle route provision/improvement from Leyland Way towards Balshaw High School to improve the attractiveness of the route to the school and other destinations to the south of Leyland Way.
- ☐ Financial contribution towards a cycle route provision/improvement from Lydiate Lane towards Cuerden Valley Park. This would tie-in to the existing cycle route that leads from the park entrance towards the employment area at Bamber Bridge.
- ☐ Financial contribution for the provision of cycle parking at Leyland rail station. This would complement the enhancement of the cycle route from the eastern side of Wigan Road, along the Moss Lane cycle route and onwards to the rail station. The provision of the secure parking would further encourage the use of these sustainable modes of travel.

134. LCC Highways have confirmed that subject to the works outlined above taking place and a suite of recommended conditions being added to any permission that secures the bus route through the site and that the proposals not being implemented prior to the cycle, pedestrian and highways works required as part of the development of the land to the south that they have no concerns regarding the development.

#### Contamination and Coal Mines

135. No concerns have been raised regarding contamination at the site subject to a suitable worded condition being applied.

#### Air Quality

136. No concerns were raised regarding Air Quality at the time of the original application. No comments have been received on the current application, Should further comments be received then they will be reported on the Addendum Report.

#### Archaeology

137. Lancashire County Council Archaeology assessed the proposals at the time of the original application. No further comments have been received. At the time of the original application a condition was suggested relating to a scheme of Archaeological works. This has been applied.

#### Public Right of Way

138. At the original application stage the Public Rights of Way officer made a number of comments relating to the incorporation of the Public Right of Way into the scheme and the requirement on the landowner with relation to the public right of way. This issue will be considered at the Reserved Matters stage.

#### Sustainability

139. At the time of the original application the 'Sustainable Resources and Renewable Energy DPD' was in force. This has been superseded by Core Strategy Policy 27. A condition has been applied in accordance with this Policy and the requirements for Code for Sustainable Homes and can be addressed at Reserved Matter stage.

#### Crime and Safety

140. The current application has been reassessed by the Council's Architectural Liaison Officer who has confirmed that a number of the original suggestions have now been dealt with in the Design and Access Statement, A number of further suggestions have also been put forward to prevent opportunities for criminal activity, these are as follows:
- ☐ Openings, eg doorways and windows are the main weakness in any buildings to unauthorised entry, therefore it is recommended that Doorsets and Windows should be certified to Secured by Design standards particularly those at the rear eg – PAS 24 Doorsets and laminated glazing
  - ☐ Lighting should illuminate all external doors, car parking and garage doors
  - ☐ Rear boundaries of properties should be protected with a 1.8m boundary fencing arrangement
  - ☐ Should formal Secured by Design accreditation be required at the site, further detailed security advice and checklists can be obtained from the Police Architectural Liaison Officer.

#### Section 106 agreement

141. Due to the nature of the development a section 106 Agreement will be required to secure the necessary planning obligations resulting from the development in accordance with the tests set out within the Framework as follows. Planning obligations should only be sought where they meet all of the following tests:
- Necessary to make the development acceptable in planning terms;
  - Directly related to the development; and
  - Fairly and reasonably related in scale and kind to the development
142. In respect of this current application this would include:
- Up to 30% affordable housing
  - On site play space
  - Transport contributions including sustainable/public transport improvements
143. Lancashire County Council School Planning have commented in respect of school places education. Latest projections indicate that there will be a deficit of school places and as such a contribution has been requested for £651,596. The developer has agreed in principle to the provision of this contribution as a maximum and this will be secured through the s106.

#### Waste Collection and Storage

144. No issues with regard to waste collection and storage have been raised. Detailed consideration can be given to this at reserved matters stage when the detailed proposals for the properties are brought forward.

#### **Overall Conclusion**

145. The proposal would be in breach of Safeguarded Land Policy DC3, which the Local Planning Authority considers is in accordance with the Framework. This was not however the conclusion that the Inspector drew at the most recent appeals on safeguarded land despite the presence of a five year deliverable supply of housing. As such the Council acknowledges that this policy must be read in the context of other material considerations that may be more up to date.
146. An identical application at this site was refused in early 2012 on the basis that its approval would be premature and would set a precedent in the area the results of which could cumulatively impact upon the delivery of housing across the borough and would prejudice the plan making process.
147. Since the previous refusal the Core Strategy has been adopted and the emerging Local Plan has progressed and can be afforded limited weight. The recent appeal decisions outlined above are also material considerations.
148. At the time of the first refusal there was concern that the proposal would be premature when considered against the proposed phasing schedule within the emerging local plan. It is anticipated that this site would be released for housing in 2016 within the proposed phasing schedule. The applicant has agreed to a number of conditions relating to the phasing of the development to ensure that it meets with the phasing schedule as set out in the emerging Local Plan. It is therefore not considered that the approval of this application at the current time would be considered to be premature
149. Further concerns were raised regarding the sustainability of the site and the requirements for wider highway, cycle pedestrian and bus routes that were required to secure necessary linkages in and out of the site. A number of these works were dependant on the application for 300 dwellings at the south of the site being brought forward first.
150. The developer has agreed to a suite of Highways related conditions that would ensure that these linkages are brought forward prior to the commencement of this development as well as a number of other conditions, contributions and s278 works that would secure adequate bus facilities through the overall safeguarded land site. This requirement would also ensure that the dwellings are brought forward in line with the phasing schedule set out in the Site Allocations DPD.
151. Furthermore, the developer has agreed to the provision of a Section 106 contribution for the development of a new school to address the short fall in school places that may result from the development.

#### **Planning Policies**

##### National Planning Policies:

National Planning Policy Framework

Regional Strategy for the North West

Adopted Chorley Borough Local Plan Review

Policies: GN1, GN5, GN9, DC1, DC3, EP2, EP4, EP9, EP10, EP17, EP18, EP21A, EP22, EP23, HS1, HS4, HS5, HS6, HS19, HS20, HS22, TR1, TR4, TR18 and TR19

Supplementary Planning Guidance:

- ☑ Statement of Community Involvement
- ☑ Design Guide

Chorley's Local Development Framework

Emerging Site Allocations and Development Management DPD – Local Plan Publication Version

Joint Core Strategy

Policies: 1, 2, 3,5,7,14,17, 22, 27

**Planning History**

**Ref:** 11/00981/SCE      **Decision:** PESCEZ      **Decision Date:** 8 December 2011

**Description:** Request for a screening opinion under the Town and Country Planning (EIA) regulations by Fox Land & Property for Land off Wigan Road, Clayton le Woods

**Ref:** 11/00990/SCE      **Decision:** PESCEZ      **Decision Date:** 7 December 2011

**Description:** Request for a screening opinion under the Town and Country Planning (EIA) regulations by Redrow Homes for Land off Wigan Road, Clayton le Woods

**Ref:** 11/01004/OUTMAJ      **Decision:** PCO      **Decision Date:**

**Description:** Outline application for a mixed use development incorporating upto 700 dwellings, 40,000sqft of B1 office space, public house/ restaurant, convenience store, community building, single form entry primary school, public open space, highway works and associated works. (All matters reserved save for access)

**Ref:** 11/01093/OUTMAJ      **Decision:** REFOPP      **Decision Date:** 13 June 2012

**Description:** Outline planning application for the development of land to the east of Wigan Road for the erection of up to 160 dwellings and associated open space with all matters reserved, save for access.

**Recommendation: Permit subject to legal agreement Conditions**

1. Before the development hereby permitted is first commenced, full details of the reserved matters to be approved (namely the siting, design, landscaping of the site and the external appearance of the dwellings) shall be made to the Council before the expiration of five years from the date of this permission and the development hereby permitted shall be begun three years from the date of this permission. *Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.*

2. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme.

The scheme shall include:

- I. The numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of residential units;
- II. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of market housing;
- III. The arrangements for the transfer of affordable housing to an affordable housing provider [or the management of the affordable housing] (if no RSL involved);
- IV. The arrangements to ensure such provision is affordable in perpetuity; and
- V. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy shall be enforced.

*Reason: To make provision for affordable housing provision in accordance with Policy 7 of the Adopted Central Lancashire Core Strategy.*

3. Each dwelling hereby permitted shall be constructed to achieve the relevant code for Sustainable Homes level required by Policy 27 of the Adopted Central Lancashire Core Strategy or in accordance with national standard postdating the Core Strategy at the time of construction. The current requirements to be completed are as follows: Level 3 for all dwellings commenced from 1<sup>st</sup> January 2010, Level 4 for all dwellings commenced from 1<sup>st</sup> January 2013 and Level 6 for all dwellings commenced from 1<sup>st</sup> January 2016 and achieve 2 credits within Issue Ene7: Low or Zero Carbon Technologies. *Reason: To ensure that the development is in accordance with Policy 27 of the Adopted Central Lancashire Core Strategy.*

4. No development shall take place until a programme of archaeological work and investigation has been submitted to and approved in writing by the Local Planning Authority. The approved programme of works shall thereafter be implemented in accordance with the approved details. *Reason: To secure the appropriate excavation and recording of any archaeological deposits that may survive on the site.*

5. Full detail of the design, capacity and ability of the sewer network to accommodate the proposed programme of development and subsequent load shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of the development hereby permitted, the works shall be implemented in accordance with the approved details and programme. *Reason: To allow for adequate drainage of the site and capacity within the Walton-le-Dale Wastewater Treatment Works area.*

6. There shall not be any site clearance, site preparation or development work carried out until an Ecological Management Plan for the creation and enhancement of biodiversity has been submitted to and approved in writing by the Local Planning Authority.

The plan shall provide full details of measures that will be implemented during works for the avoidance of impacts on wildlife (e.g. bats, nesting birds, amphibians, reptiles, hedgehogs) and for the protection of features of biodiversity value (e.g. Biological Heritage Site, hedgerows, ponds, mature trees). *Reason: To ensure that habitats are suitable protected at all times during any works on site.*

7. During the construction period, all trees to be retained shall be protected by 1.2m high fencing as specified in paragraph 8.2.2 of the British Standard BS5837:2005 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within areas to be fenced. All excavations within the areas so fenced shall be carried out by hand. *Reason: to safeguard the trees to be retained and in accordance with policy Nos. EP9 and HT9 of the Adopted Chorley Local Plan Review.*

8. There shall not be any felling of trees, vegetation clearance works, demolition works or other works that may affect nesting birds between March and July (inclusive) unless the absence of nesting birds has been confirmed by further written surveys or inspections. *Reason: To ensure the protection of nesting birds during the construction period.*

9. There shall not be any site clearance, site preparation or development work carried out until a Construction Method Statement, including details of measures for protection during construction of retained habitats and associated species, has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall be implemented in full. *Reason: To ensure there is no disturbance to habitats by works on site.*

10. No development shall take place until a scheme of landscaping for each phase of the development has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail that may have previously been submitted. The scheme shall indicate all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of the development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail and change of ground level or landform. Thereafter, landscaping shall be carried out in accordance with the approved details. *Reason: In the interests of amenity of the area and in accordance with Policy GN5 of the Chorley Local Plan Review and Policy 17 of the Adopted Core Strategy.*

11. The development hereby permitted shall not commence until full details of the colour, form and texture of all hard ground surfacing materials has been submitted to and approved in writing by the Local Planning Authority, for each phase of the development. The development shall only be carried out in accordance with the approved details. *Reason: To ensure a satisfactory form of development in the interests of visual amenity of the area and in accordance with policies GN5 and HS4 of the Chorley Local Plan Review and Policy 17 of the Adopted Chorley Local Plan Review.*

12. All seeding, planting and turfing comprised in the approved details of landscaping as set out in condition 10 shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. *Reason: In the interests of the appearance of the locality, in accordance with Policy GN5 of the Chorley Borough Local Plan Review and Policy 17 of the Adopted Central Lancashire Core Strategy.*

13. The development shall be limited to no more than 160 properties and shall be carried out in accordance with the following plans and documents:

Title:	Reference:
I. Proposed Residential Master Plan	RED/MP/RMP/03
II. Location Plan	RED/LP/01
III. Design and Access Statement as submitted on the 4 <sup>th</sup> October 2012	

*Reason: To define the permission and in the interests of proper development.*

14. Development shall not begin until a Master plan and a Design Code for the whole of the site have been submitted to and approved in writing by the Local Planning Authority. Both shall subsequently accord with the Design and Access Statement submitted with the planning application. Any amendments to either shall also be submitted and approved in writing by the Local Planning Authority. The Design Code shall address the following:

- Architectural and sustainable construction principles;
- Character areas;
- Street types and street materials;
- Development bloc types and principles;
- Cycling provision;
- Pedestrian and cycle links to adjoining land;
- Public transport routes;

- Boundary treatments;
- Building types;
- Building heights;
- Building materials;
- Sustainable drainage systems;
- Public open spaces;
- Implementation, and
- Mechanisms for periodic review and necessary revision

Applications for the approval of reserved matters shall be in accordance with the Master plan and Design Code as approved. *Reason: To define the permission and in the interests of proper development.*

15. No development shall take place until details of the proposed surface water drainage and attenuation scheme for the site, based on sustainable urban drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. Details of the maintenance and management of the scheme shall be included. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. *Reason: To prevent an increased risk of flooding, to improve habitat and amenity and to ensure future maintenance of the surface water drainage system and to comply with Policy EP18 of the Chorley Local Plan Review and Policy 29 of the Adopted Central Lancashire Core Strategy.*

16. Development shall not begin until a phasing programme for the whole of the development and for the highways works referred to in conditions 17, 18 and 20 has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved phasing programme. *Reason: To define the permission and in the interests of the proper development of the site.*

17. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site highway improvement works referred to below have been submitted to, and approved by the Local Planning Authority in consultation with the Highway Authority.

Prior to first occupation of any part of the development hereby approved, the highway works should be constructed in accordance with the details approved.

The required highway improvement works to include:

- I. Construction of the site access based on Drawing No SCP/11171/SK006 revision E or variation as requested by the LPA in consultation with the HA.
- II. The provision of two bus stops (one in each direction) to Quality Bus Standard incorporating real time bus information, located close to the site access either on Wigan Road, or on the site access road as requested by the LPA in consultation with the HA.
- III. A footway/cycleway link has been provided along the eastern side of Wigan Road from the site entrance to Lancaster Lane.
- IV. The provision of a TOUCAN crossing to Moss Lane.

- V. Associated traffic calming measures (including gateway treatment, lines, signs and street lighting) to provide support for the reduction in speed limit to 30mph on Wigan Road between Lydiate Lane and Lancaster Lane to support the extended 30 mph zone

*Reason: In order to satisfy the Local Planning Authority and the Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site, and in order to improve the accessibility of the site and ensure that residents of the development have satisfactory access to services and facilities.*

18. Prior to the first occupation of any dwelling hereby permitted a scheme for the provision of a bus route(s) through the site shall first be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- I. The route(s) for the movement of buses between the site access, Phase 1 and the wider masterplan area,
- II. The specification of the estate roads carrying the bus route, including details of public transport infrastructure
- III. The vertical and horizontal alignment of a vehicular link between Phase 1 and 2.
- IV. The phasing and timing of provision of the bus route(s), including its adoption as a public highway.

*Reason: To ensure a seamless link for the movement of buses at an early stage.*

19. Reserved Matters submitted pursuant to Condition 1 shall include details to demonstrate how the development will provide vehicular and pedestrian connections through to adjacent land including the opportunity to provide a bus route through the site and footway/cycleway links to the east. *Reason: to ensure a comprehensive development of the area and satisfactory links to improve the accessibility of the site.*

20. No development shall commence until commencement of the improvements to the signal controlled junction of the A49 and B5256 (Hayrick Junction) including the improvements at and on the exit slip roads of Junction 28 of the M6 motorway as detailed below:

- I. Junction geometry improvement scheme incorporating lane realignments and additions;
- II. Upgrade of signal control systems for the Hayrick Junction with bus priority;
- III. Upgrade of signal timings and installation of queue detection on both exit slip roads at Junction 28 of the M6 motorway.

Details of the junction improvements shall be submitted to and approved in writing by the Local Planning Authority prior to any work commencing and all work shall be completed in accordance with the approved details. The works listed under i), ii) and iii) above shall broadly accord with the details shown in SCP drawing numbers SCP/11171/SK101 and SCP/11171/SK102. *Reason: to ensure that the closely related junctions of the motorway slip roads and the A49 can operate in an efficient and safe manner*

21. No part of the development shall be first occupied until the improvements detailed in Condition 20, (relating to Hayrick Junction) have been completed. *Reason: to ensure that the closely related junctions of the motorway slip roads and the A49 can operate in an efficient and safe manner.*

22. No part of the development hereby approved shall be brought into use unless and until a detailed travel plan is submitted to and approved in writing by the local planning authority in consultation with the Highways Agency and the local highway authority. The initiatives contained within the approved travel plan shall be implemented thereafter. *Reason: to ensure that the potential impact of additional vehicle flows generated by the development on the Trunk Road Network, in particular at Junction 28 of the M6 motorway, is minimised.*

23. Due to the size/scale of the development and sensitive end use (residential housing with gardens), no development shall take place until:

- V. A methodology for investigation and assessment of ground contamination has been submitted to and agreed in writing with the Local Planning Authority. The investigations and assessment shall be carried out in accordance with current best practice including British Standard 10175:2011 'Investigation of Potentially Contaminated Sites – Code of Practice.' The objectives of the investigations shall be, but not limited to, identifying the type(s, nature and extent of contamination present to the site, risks to receptors and potential for migration within and beyond the boundary of the site;
- VI. All testing specified in the approved scheme (submitted under a)) and the results of the investigation and risk assessment, together with remediation proposals to render the site capable of development have been submitted to the Local Planning Authority;
- VII. The Local Planning Authority has given written approval to any remediation proposals (submitted under b)), which shall include an implementation timetable and monitoring proposals. Upon completion of remediation works a Validation Report containing and validation sampling results shall be submitted to the Local Planning Authority.

Thereafter the development shall only be carried out in full accordance with the approved plans.

Should during the course of the development, any contaminated material other than that referred to in the Investigation and Risk Assessment Report and identified for treatment in the remediation proposals be discovered, then the development should cease until such time as further remediation proposals have been submitted to and approved in writing by the Local Planning Authority. *Reason: To protect the Environment and prevent harm to human health, by ensuring the site is suitable for the proposed end use in accordance with paragraph 121 of the National Planning Policy framework.*

24. Before the development hereby permitted is first commenced full details of the means of foul water drainage/disposal shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the works for foul water drainage/disposal have been completed in accordance with approved details, for each phase of the development. *Reason: To ensure proper drainage of the development and in accordance with Policy EP17 of the Chorley Local Plan Review and Policy 29 of the Adopted Central Lancashire Core Strategy.*

25. Before the development hereby permitted is first commenced, full details of the layout, phasing or provision and equipping of the public open space and play areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the provision and equipping of these areas is to be carried out in strict accordance with the approved details. *Reason: To ensure adequate provision for public open space and play areas within the development and in accordance with Policy HS21 of the Chorley Borough Local Plan Review.*



26. The development hereby permitted shall not commence until full details of the colour, form and texture of all external facing materials to the proposed buildings have been submitted to and approved in writing by the Local Planning Authority for each phase of the development. The development shall only be carried out using the approved external facing materials. *Reason: To ensure that the materials used are visually appropriate to the locality in accordance with Policies GN5 and HS4 of the Chorley Local Plan Review and Policy 17 of the Adopted Core Strategy.*

27. Before the development, hereby approved, is first commenced, full details of the position, height and appearance of all boundary fences and walls to be erected shall be submitted to and approved in writing by the Local Planning Authority, for each phase of the development. No dwelling shall be occupied until all of the fences and walls shown on the approved details to bound its plot have been erected in conformity with the approved details. *Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents and in accordance with Policy HS4 of the Chorley Local Plan Review.*

28. The development shall be brought forward in a manner that accords with the phasing schedule set out within Local Plan: Site Allocations and Development Management DPD, or any other policy which supersedes the schedule set out within this document, at the time that development commences. *Reason: To ensure the managed delivery of housing in accordance with Policy 4 of the Joint Lancashire Core Strategy and Policy HS2 of the Local Plan: Site Allocations and Development Management DPD.*

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## **APPENDIX A**

**Original Committee Report  
On Application: 11/01093/OUTMAJ  
Development Control Committee 12 June 2012**

*Original Report Application: 11/01093/OUTMAJ*

**Item** 11/01093/OUTMAJ

**Case Officer** Mrs Nicola Hopkins

**Ward** Clayton-le-Woods West And Cuerden

**Proposal** Outline planning application for the development of land to the east of Wigan Road for the erection of up to 160 dwellings and associated open space with all matters reserved, save for access.

**Location** Land North Of Lancaster Lane And Bounded By Wigan Road And Shady Lane Lancaster Lane Clayton-Le-Woods Lancashire

**Applicant** Redrow Homes Ltd (Lancashire Division)

**Consultation expiry:** 30 April 2012

**Application expiry:** 15 March 2012

### Proposal

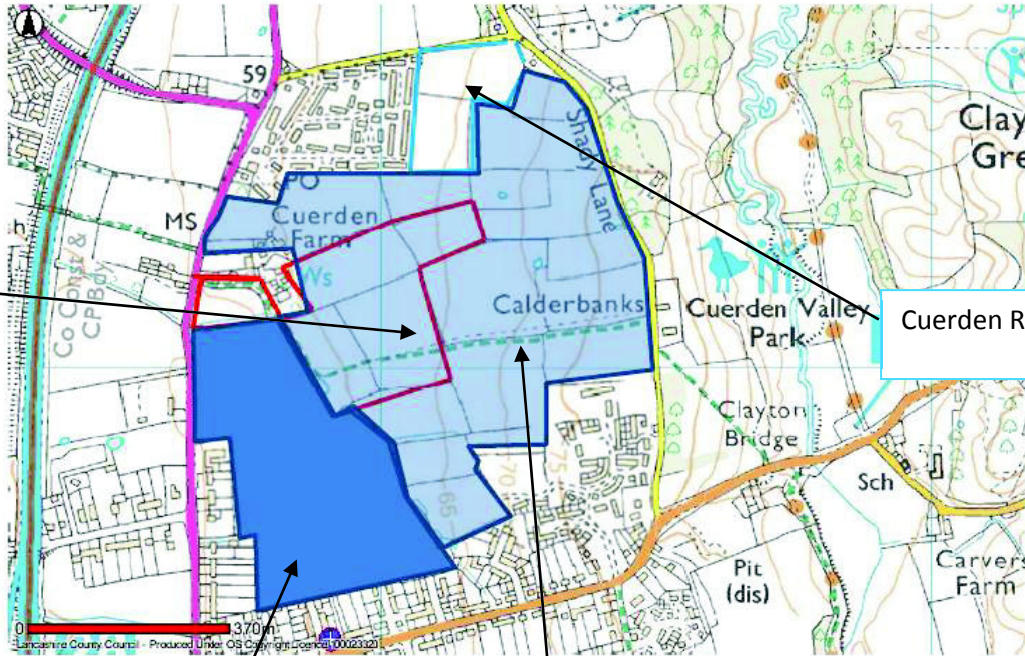
1. The application is described as:  
*Outline planning application for the development of land to the east of Wigan Road for the erection of up to 160 dwellings and associated open space with all matters reserved, save for access.*
2. The site is 8.48 hectares and is located to the north of Clayton-le-Woods outside of the defined settlement boundary. The site is characterised by trees and hedgerows within and around the perimeter of the site which delineate the existing field boundaries. On the southern boundary there is a pond and Woodcocks Farm is located to the north. Directly to the south of the application site is the site which was granted permission on appeal in July 2011. The land along the western and southern boundary is allocated as a Biological Heritage Site within the Local Plan.
3. There is a public right of way which runs from Wigan Road, along the western boundary of the site and through the application site. This is proposed to be retained as part of the development.
4. The site is relatively flat with a rise in land levels from west to east towards Shady Lane.
5. Within Circular 01/2006 Guidance on Changes to the Development Control System Section 2: Outline Planning Permission and Reserved Matters, it states that a minimum amount of information is required to be submitted with outline planning applications. This proposal is accompanied by an illustrative Masterplan and Design and Access Statement showing how the development might be accommodated on the site. The proposal includes for the following:
  - Up to 160 dwellings including affordable units;
  - It applies for full planning permission for one access point off Wigan Road;
  - Retention of the public right of way which runs through the site.
  - Retention of the existing pond (which will be incorporated into the open space)
6. The applicant advises that the development would consist of a mix of housing from 1 bed to 4 bed homes which will reflect the market demand for larger market homes.
7. This site is included within the Site Allocations and Development Management Policies DPD as a proposed allocation. The land that is the subject of this application forms part of the wider HS1.35 Land to east of Wigan Road (A49) residential allocation and the wider EP1.19 Land east of Wigan Road employment allocation. The DPD allocates this area of Safeguarded Land as a preferred mixed use housing and employment allocation for 600 dwellings (300 of which already have outline planning permission) and 20ha of employment land. The land that is the subject of this application falls within this mixed use allocation.

### Recommendation

8. It is recommended that this application is refused.

**Other Applications at this Site**

9. Members should note that there is another application at this site which has been submitted by Fox Land and Property (11/01004/OUTMAJ). To put the site into context the following plan details the various planning applications at this site:



Application

Cuerden Residential Park

Appeal Site for 300 houses

Fox, Land & Property Application (11/01004/OUTMAJ)

**Assessment**

10. The assessment of these proposals is split up as follows

**1) Policy Assessment**

- (a) Principle of the Development (paras 57-75)
- (b) Adopted Chorley Borough Local Plan Review (paras 76-77)
- (c) Core Strategy (paras 78-81)
- (d) Site Allocations and Development Plan Policies DP (Preferred Option Paper) (paras 82-90)
- (e) Masterplanning Approach (paras 91-98)
- (f) Prejudice (paras 99-108)
- (g) Assessment of Proposal Against Final Criterion of NPPF Paragraph 159 (paras 109-111)

**2) Other Material Policy Considerations**

- (a) Urgency (paras 112-135)
- (b) Ministerial Statement- Planning for Growth (paras 136-139)
- (c) Localism (paras 140-141)
- (d) The Community Infrastructure Levy (paras 142-149)

**3) Affordable Housing (paras 150-162)**

**4) Policy Conclusion (paras 163-171)**

**5) Other Issues**

- (a) Housing Development (para 172)
- (b) Density (paras 173-174)
- (c) Design (paras 175-176)

- (d) Open space (paras 177-186)
- (e) Trees (paras 187-189)
- (f) Landscape (paras 190-203)
- (g) Ecology (paras 204-219)
- (h) Flood risk and Drainage (paras 220-225)
- (i) Traffic and Transport (paras 226-251)
- (j) Public Right of Way (paras 252-254)
- (k) Contamination (para 255)
- (l) Air Quality (paras 256-257)
- (m) Section 106 Agreement (paras 258-264)
- (n) Crime and Safety (paras 265-267)
- (o) Archaeology (paras 268-269)
- (p) Sustainability (para 270)

## 6) Overall Conclusion (paras 271-294)

### Representations

11. 136 letters of objection have been received raising the following points:

#### Highways and Traffic objection

- ☒ The extra traffic from the proposed developments would have a severe detrimental effect on the quality of life on people living along the existing narrow estate roads in terms of safety, noise, air pollution and sheer weight of traffic. It would also impact on the already very busy Lancaster Lane and Wigan Road, especially taking into account the many other existing permissions yet to be implemented in Clayton-le- Woods and surrounding area. No doubt solutions can be found from a highway engineering point of view, but that is no consolation to existing residents and the effect on their lives.
- ☒ This project will increase traffic through Shady Lane- what plans are in place to control the volume and management of Shady Lane?
- ☒ Local residents using Shady Lane & Nell Lane, bypassing the traffic lights at the hayrick junction. This junction needs complete re-design to cater for traffic turning left from Wigan road into Lancaster Lane and Lancaster Lane left into Wigan Road.
- ☒ Pathways need to be incorporated for both existing and this new development to make access to Cuerden Valley safer and get pedestrians off Shady Lane.
- ☒ The roads will link through the estates so there will be access to the A49 and also Lancaster Lane. There is no doubt that these roads will be used as 'cut throughs' therefore increasing the traffic on the roads and risk to residents and in particular their children.
- ☒ Will Shady Lane be one of the access roads to the proposed developments and if not why not? What traffic calming measures are to be put in place for Shady Lane which will definitely be used as a short cut and it would be naive to argue this will not be the case or that there will be no increase in traffic as a result of any development

#### Planning Policy objection

- ☒ The proposals are contrary to the Safeguarded Land "saved" policy in the statutory Chorley Local Plan Review.
- ☒ If you no longer use the statutory plan to gauge proposals of this scale, due to the Inspector's decision on the Fox application 10/00414/OUTMAJ, then you should refuse the applications on grounds of prematurity. You are currently preparing the Central Lancashire Core Strategy and the Chorley Site Allocations and Development Management Policies documents to replace the Local Plan Review. We have recently been consulted on the new housing figures in the former and the draft site allocations for Clayton-le-Woods in the latter. The consultation responses will have to be taken into account at the Inquiries into these documents in February 2012 and October 2012 respectively. If permission is granted for these applications at this time, the public consultations exercises, if not the Inquiries themselves, will be rendered meaningless and a complete waste of time and Council tax payers' money.
- ☒ Due to recent implementation of the Localism Act, the Government's intention is to give more power to local people. Any further development in Clayton Le Woods is necessary and possible not lawful considering the public consultation that is still yet to be considered and decided in the Local Development Framework.
- ☒ There is presently no need for these large developments. Fox Developments already has permission for 300 dwellings in the area; there are permissions for over 2000 more dwellings a mile away at Buckshaw Village; many smaller sites, such as the backland housing along Lancaster Lane and elsewhere, have recently received permission or are being built; and there are other small sites in the pipeline, as, for example, at Burrows Grass Machinery and Cuerden

Residential Park. The wider picture, taking into account our neighbours in South Ribble, is a far greater number of proposed new housing than already mentioned.

- ☐ The CLPCS state that Clayton Le Woods, as a ULSC, is an area where “some growth and investment will be encouraged to help meet housing and employment” I would suggest that the 300 already approved is “some” and that another 700 homes is “more than some”. The point should be given serious consideration along with my other listed reasons for objection:
- ☐ In terms of employment uses, there is substantial land available at Buckshaw and in the Cuerden strategic employment area without having to mix offices amongst the housing at Clayton-le-Woods.
- ☐ Whilst the Government clearly wishes to boost house building and employment development throughout the country, it also requires this to be “sustainable.” It is not sustainable to take a very large area of greenfield agricultural land out of production when brownfield sites, like Buckshaw, are still available.

#### Open Space objection

- ☐ The site should be returned to green belt. It is adjacent to a Biological Heritage Site and provides a valuable amenity for local residents to enjoy the natural environment. This area is greatly valued by local people as open space.
- ☐ In August 2010 Bill Oddie, Lindsay Hoyle MP and hundreds of local people carried out a Bioblitz survey in Cuerden Park. They counted over 850 separate species. This data is recorded and should be considered by the Committee, as it is there to protect Biologically Sensitive Areas such as this. Cuerden Park is only one roads width away from the proposed site – the impact on wildlife is unfathomable
- ☐ Loss of recreational open space
- ☐ The loss of productive agricultural land would not create a ‘sustainable’ development

#### Other objections

- ☐ There would be an intolerable burden on the local infrastructure. Based on a family of 2.2 children, we could possibly have 1500 additional people accessing services, which will be detrimental to the quality of life for existing and new residents.
- ☐ Not all neighbours have been consulted.
- ☐ Not enough time given to comment
- ☐ Impact on local house prices
- ☐ Adverse impact on wildlife
- ☐ Out of character with the area
- ☐ Noise and disturbance
- ☐ There are other sustainable brownfield sites available
- ☐ Loss of protected trees
- ☐ Will lead to lots of extra cars and congestion, more litter, more groups of kids, pollution, crime. disruption etc.
- ☐ There will be a high percentage of low cost/shared ownership housing where problem families may be located. Unsold houses will be rented out to DSS? and empty businesses plots at risk from vandals.
- ☐ Loss of public footpaths
- ☐ Chorley Council itself says on its website “we are committed to promoting and preserving the environment” If this is the case, please do not allow this area to be built on and lost forever.

#### **12. Fox Strategic Land and Property** have raised the following objections:

- ☐ The proposal has been designed in isolation and fails to demonstrate a comprehensive solution to the delivery of a sustainable and cohesive community in line with preferred options identified as HS1.35, EP1.19 and EP10 in the ‘Sites for Chorley Preferred Option Paper’.
- ☐ The proposal is a piecemeal development which, by reason of the amount of dwellings proposed, will undermine the policy requirement of further provision of support services required to create “vibrant local communities” under policy 1 (d) iii ‘Clayton-le-Woods (Lancaster Lane)’.
- ☐ The ‘Sites for Chorley Preferred Option Paper’ requires at Policy HS1 (page 24) and EP1 (page 38) that sites HS1.35 and EP1.19 (respectively) be developed according to a “master plan or development brief”.
- ☐ The illustrative ‘Wider Composite Masterplan’ at section five of the D&A does not address the need to comprehensively masterplan these sites by reason of the lack of:
  - o Primary school provision as required by CS Policy 14 (b) ‘Education’ and CS Policy 2 ‘Infrastructure’, and identified in ‘Preferred Option’ Policy EP10;
  - o Demonstrable delivery of, or genuine connection with, a bus route to achieve transport connections necessary to create a sustainable community at the Clayton-le-Woods ULSC in accordance Policy 1 and related Policy 3 (d) iii;

- o Delivery of essential community facilities such as health facilities (CS Policy 23 (c) and CS Policy 25 (d)), local shops and community buildings required to support the sustainable growth of the ULSC, as per CS Policies 1 and 25 (d).
- ☒ The Sketch Masterplan which accompanies the proposal demonstrates the deficiency of the scheme in accessibility terms. It indicates an access to Phase 1 to the west/southwest (planning permission granted for 300 dwellings). The location of such a link is still in outline but by the terms of the Applicant's Transport Assessment is required to link to the bus route. When this link is delivered unsatisfactory consequences will arise:
  - o Such a link open to all traffic would exceed the planned safe capacity of the proposed new Redrow Homes junction at its exit on the A49 Wigan Road. Conversely if the link is restricted to bus use only it would give rise to environmentally unsustainable and unnecessary vehicular journeys from the application site via the A49 to essential community facilities on the wider SL (school, health facilities, community centre, shops). This would be particularly evident for less able bodied people or in inclement weather.
  - o The link into Phase 1 would make the T-junction with A49 Wigan Road at the western edge of the application site a much less desirable route in comparison to the Phase 1 link road roundabout access/egress. There is one consented and one planned junction south and north (respectively) of this proposed third access. Thus the T-junction connection is superfluous, will unnecessarily hinder traffic flows on the A49 and is inefficient in land use terms.
- ☒ It is noted that the proposed T-Junction onto the A49 Wigan Road is illustrated by means of 'Promap' as opposed to the more accurate map base of Topographical survey. The revised access layout in this plan form does not appear to have been accurately designed and independently audited.
- ☒ Fox Strategic Land and Property and Homes and Communities Agency are committed to delivery of a comprehensive access strategy to ensure access by bus, car and foot to all of the future developments on the SL. In contrast the Redrow Homes scheme is fatally compromised by its inability to provide a safe and desirable access on the A49 Wigan Road that is capable of accommodating approximately half of the development traffic flows from the total SL.
- ☒ The application as submitted will either be unsafe or isolated.
- ☒ The proposal is contrary to the following paragraphs of the Government's National Planning Policy Framework
- ☒ Para.52: *'The supply of new homes can sometimes be best achieved through planning for larger scale development, such as new settlements or extensions to existing villages and towns that follow the principles of Garden Cities'*. National policy endorses larger scale development such as new settlements or extensions to existing villages or towns as an appropriate mechanism for the delivery of new homes. This proposal does not accord with this approach advocated by National Policy as it represents small scale and piecemeal development where a larger scale comprehensive masterplan approach is required to meet the goals of local and national policy.
- ☒ Para.57: *'It is important to plan 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'*. This proposal is contrary to National Policy in that it will produce an isolated development that fails to be inclusive in its design as it does not address the wider area development scheme set out in the objectives of local policy.
- ☒ Para.58: *Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics. Planning policies and decisions should aim to ensure that developments:*
  - o *optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks*;
- ☒ The development of the application site in a piecemeal fashion will fail to optimise the potential to deliver and support local facilities and transport networks across the wider site contrary to local policy.
- ☒ Para.64: *'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'*. National Policy requires that permission should be refused where poor design fails to take opportunities available to improve the way an area functions. In this case the proposal is dysfunctional in the context of the lost opportunity to comprehensively masterplan a sustainable urban extension at Clayton-le-Woods (Lancaster Lane), as mandated by local policy.
- ☒ Para.70 *'To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*



- o *plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
- o *...; and*
- o *ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.* The failure of the proposal to meet the requirements of the National Policy at this paragraph is manifest. The proposal, even at the *Wider Composite Masterplan*, fails to engage with the requirement to plan positively as part of an integrated approach to the provision of shared community facilities as identified above and as mandated in CS Policy 1.
- ☐ Para.72: *'The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*
  - o *give great weight to the need to create, expand or alter schools; and.* This proposal once again fails to engage with this requirement of policy (both national and local) to proactively plan for the future needs of residents of this site and the wider community.
- ☐ The land on which the application relates is part of a wider area of land designated within the 2003 Chorley Local Plan as Safeguarded Land (SL) (Policy DC3). This designation is to accommodate development pressures in the Borough in the period up to 2016 if necessary. The use of Safeguarded Land as proposed in this application is wasteful in several ways as identified above. As a consequence of the piecemeal development approach the sustainable development of the wider SL is jeopardised.
- ☐ The proposal fails to accord with Regional Spatial Strategy in the following ways:
- ☐ DP 2 – Promote Sustainable Communities: The proposal fails to accord with Policy DP2 in so far as it fails to foster a sustainable relationship between the proposed homes, work places and other concentrations of regularly used services and facilities. This failure arises from a number of factors;
  - i. The proposals fail to make adequate provision of public transport infrastructure necessary to serve this site (this is also contrary to DP5 Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility).
  - ii. The planning permission granted on land immediately adjacent to the application site for 300 dwellings provides for such necessary public transport infrastructure and thus provides for a financial contribution to be made toward the upgrade of bus services in the area via S106. The level of contribution is commensurate with the level of need arising from the 300 dwellings.
  - iii. This application does not propose any financial contribution toward the further necessary upgrade of the public transport infrastructure (this is also contrary to DP5 Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility).
  - iv. The scheme with the benefit of planning permission for 300 dwellings facilities vehicular access to the wider area of SL. That scheme was carefully designed to ensure that access would be facilitated to the wider area of SL in order to ensure the most efficient and effective use of the resource and importantly avoid 'piecemeal' development.
  - v. In contrast the approach taken by Redrow Homes Limited in its planning application demonstrates that, as 'piecemeal' development, the site lacks the physical capacity in access terms to deliver the necessary grade of junction to deliver adequate public transport provision to the wider SL (also contrary to DP4 Make the Best Use of Existing Resources and Infrastructure).
  - vi. For these reasons it fails to foster a sustainable relationship between the proposed homes, work places and other concentrations of regularly used services and facilities.
  - vii. Evidently the proposals fail this key policy test as they do not facilitate genuine integration between the two sites and the wider SL.
- ☐ The Council had advanced a single putative reason for refusal a component of which was cited as follows:  
*The proposal has been designed in isolation and is piecemeal development therefore not contributing to sustainable development. As such the proposal is contrary to saved Policy DC3 of the Chorley Local Plan Review, The Planning System: General Principles (paras. 17-19), Planning Policy Guidance Note 2 and Planning Policy Statement 3."*
- ☐ The planning appeal by Fox Strategic Land and Property related to a scheme for 300 dwellings on part of the Safeguarded Land (SL) designation DC3.8. The scheme had been designed to ensure that the development of the whole of the DC.8 site would, in the first instance, not prejudice the comprehensive development of the wider area DC3.8 SL. Further, the proposals as presented demonstrated that they had been designed having regard to facilitating the future

comprehensive development of the remaining DC3.8 land by reference to an illustrative masterplan.

- ☐ The Inspector accepted this notion noting that the proposal legitimately represented the first phase of the wider master plan thus facilitating delivery of the Council's long term aspirations for the site and the building of Clayton le- Woods as a sustainable community.
- ☐ By contrast this proposal constitutes piecemeal development which does not facilitate the wider development of SL and will prejudice the effective and efficient development of the DC3.8 SL by disproportionately burdening future development with community contributions.

13. **Cuerden Valley Park Trust** have made the following comments:

- ☐ It is considered that it would be preferable to have a new path leading from Shady Lane down into the Valley and across the River Lostock to enable residents of the development to access Cuerden Valley Park
- ☐ The further maintenance costs associated with the increased number of visitors to the park generated by the development, e.g. emptying litter bins etc., cannot be covered by the Trust. Therefore a S106 contribution is requested to deal with future maintenance and improvement costs.

14. **Clayton le Woods Parish Council** would like to reiterate their original objections to development east of Wigan Road- object on grounds of increased traffic from Buckshaw Village and the prospect of yet another housing estate in a rural area and the effect of same to nearby residents. If this application is approved the Parish Council request that the primary school is substituted by a high school as there are no higher education facilities but 5 primary schools.

**Consultations**

15. **Lancashire County Council (Ecology)** have commented on the proposals which are addressed below.
16. **Lancashire County Council (Archaeology)** have commented on the application which is addressed within the body of the report
17. **The Environment Agency** initially objected to the application. Following the receipt of the Flood Risk Assessment (FRA) they maintained their objection however further consideration the EA have withdrawn their objection subject to various conditions.
18. **The Architectural Design and Crime Reduction Advisor** has commented on the application which is addressed within the body of the report
19. **Chorley's Housing Manager (Strategy)** has commented on the affordable housing elements of the scheme
20. **Lancashire County Council (Highways)** have commented on the application which is addressed below
21. **Chorley's Waste & Contaminated Land Officer** has no objection subject to conditions in respect of contamination.
22. **Lancashire County Council (Education)** have made the following comments:
- ☐ Latest projections for the local primary schools indicate that there will be 158 places available in 5 years' time. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document, which has already had planning permission.
  - ☐ However, approval has been given to the following developments: Wheelton Lane, 54 Lancaster Lane, Farington Lodge, Phase 3 Clayton Business Centre, Swallow Court, Marland Bros, South View Terrace, Burrows Grass Machinery, Goldcrest Drive/Kingfisher Way, Northolme Nursing Home, Claytongate Drive, Former St Joseph's School, Hornbeam Close
  - ☐ The combined yield of these developments is 54 primary pupils. Therefore, the number of remaining places would be 158 less 53 = 105 places. Therefore, we would not be seeking a contribution from the developer in respect of the full pupil yield of this development, i.e. 56 places.
  - ☐ Other developments pending approval or appeal decision which will impact upon these secondary schools. There are also a number of additional housing developments which will impact upon this group of schools which are pending a decision or are pending appeal as follows: Station Road &

Club Street, Town Lane/Lucas Lane, Wateringpool Lane, Former Textile Services, Vernon Carus, Long Moss Lane, Grasmere Avenue, Wigan Road (700 Dwellings FLP)

- ☐ The proportion of the expected yield from these developments which is expected to impact upon this group of primary schools is 325 pupils. Therefore, should a decision be made on any of these developments (including the outcome of any appeal) before agreement is sealed on this contribution, our position will need to be reassessed, taking into account the likely impact of such decisions.
  - ☐ Latest projections for the local secondary schools indicate that there will be 1436 places available in 5 years' time. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document, which has already had planning permission.
  - ☐ Therefore, we would not be seeking a contribution from the developer in respect of pupil yield of this development, i.e. 40 places.
  - ☐ Based upon the latest assessment, LCC would not be seeking a contribution for primary school or secondary school places.
  - ☐ If any of the pending applications listed above are approved prior to a decision being made on this development the claim for primary school places could increase to a maximum of 56 places (the full pupil yield of this development). Calculated at 2011 rates, this would result in a maximum primary claim of Primary places: 56 @ (£12,257 x 0.9) x 1.055 = £651,729. The total of the claim would therefore increase to a maximum of: £651,729
23. **Highways Agency** have issued an Article 25 direction which ensured that this application shall not be determined in favour of the applicant until such time as the Secretary of State for Transport is satisfied that the impact of this development on the motorway network has been adequately assessed and that any appropriate mitigation will be provided.
24. **The CTC** have made representations in respect of cycling however these appear to relate wholly to the larger scheme submitted by Fox Land and Property on the site.
25. **Planning Policy** have made the following conclusions:
- ☐ The land is allocated as Safeguarded Land in the Local Plan and development of the site is not in accordance with Policy DC3. However, at a recent appeal for 300 houses on another part of the Safeguarded Land, the Inspector concluded that there were material considerations that outweighed the breach of Policy DC3.
  - ☐ The site is allocated as a preferred mixed use (housing and employment) allocation in the Site Allocations and Development Management Policies DPD Preferred Option paper. However, the DPD is at an early stage of preparation and this allocation received a large number of objections. Growth in the Borough should be properly planned through the DPD process. Granting planning permission would prevent decisions being made through the LDF and without full public consultation on all options
  - ☐ The amount of land allocated for housing in Clayton-le-Woods is by no means certain. The Core Strategy does not specify how the predicted housing requirement for the Urban Local Service Centres should be distributed. This is a decision to be made as part of the preparation of the Site Allocations DPD.
  - ☐ Chorley Borough has in line with the NPPF a deliverable five-year housing supply plus additional 5% ; the January 2012 Annual Monitoring Report indicates approximately 5.7 years of deliverable housing supply. This application is one of a number of applications on Safeguarded Land that if approved, would set a precedent, and the cumulative effect would be so significant that granting permission would individually and cumulatively undermine the spatial vision, aims, and objectives of existing and proposed plans.
  - ☐ Chorley's 5.7 year deliverable housing supply, provides sufficient choice and competition in the market. In addition to the identified deliverable housing supply there are further housing units with permission, which may well come forward over the five-year period, providing further choice and competition in the market for land.
  - ☐ There is also active housebuilding currently taking place in Clayton-le-Woods with 22 dwellings completed in Clayton-le-Woods between April 2010 and October 2011. A further 17 dwellings have full planning permission and 300 dwellings have outline planning permission.
  - ☐ The latest published evidence indicates that housing construction and completions levels remain high in the Borough. Housing completion levels have exceeded RSS requirements for the past two years. National housebuilding data identifies Chorley Borough as a district that saw high rates of house building in terms of both starts per 1000 dwellings and completions per dwellings in the 12 months to September 2011. There is not an urgent need to increase growth and there are a

significant number of sites that could deliver the level of growth that will be determined by the Site Allocations process.

- ☐ This is one of a number of current planning applications on Safeguarded Land in the Borough and if approved would set a precedent leading to cumulative effects that would undermine the spatial vision of the Local Plan and emerging LDF policies.
- ☐ Delivery of sustainable development includes not only site specific criteria, but also wider benefits to support the required infrastructure to support the spatial vision, aims and objectives of the plan and to achieve sustainable development. The Central Lancashire authorities are currently consulting on a Community Infrastructure Levy which sets out a proposed CIL charge £70 per square metre for new residential development and £0-£10 for other uses. The infrastructure delivery schedules for Chorley and Central Lancashire detail infrastructure projects required to meet the overall spatial vision, aims and objectives of the Core Strategy and so achieve sustainable development.
- ☐ At the recent appeal decision the main material consideration was that the growth provisions in the Core Strategy for Urban Local Service Centres indicate a current need for additional housing in Clayton-le-Woods and waiting for adoption of the Core Strategy would risk not meeting its growth targets. This site is also considered to be the only possible location for achieving the proposed growth in Clayton-le-Woods. It can now be argued that the granting of outline planning permission at appeal for 300 houses on this area of Safeguarded Land will help achieve the growth targets within the Core Strategy, therefore this is no longer a material consideration that outweighs the breach of Policy DC3.

26. **The Council's Policy and Design Team Leader** has commented on the proposals which are addressed below.

27. **Lancashire Wildlife Trust** have made the following comments:

- ☐ The Wildlife Trust for Lancashire, Manchester & North Merseyside conditionally objects. The main points of concern are as follows:
  - The Ecological Appraisal and the Planning Statement, combined with the overall Masterplan, provide a good starting point that gives some confidence that a high quality development with valuable green infrastructure (open spaces / habitats / linkages) might be achieved. However, planning conditions and Section 106 Agreement(s) need to ensure that the details, when submitted, meet clearly stated objectives in accordance with the submitted Masterplan.
  - A part of the Cuerden Farm Ponds Local Wildlife Site (Biological Heritage Site) equivalent to about 0.5ha lies within the proposed development site. The biodiversity resources for which this is identified will need to be safeguarded.
  - There would need to be provision of increased and improved pedestrian and cycling access routes and facilities (and associated maintenance) to and from the proposed developments into the western edge of Cuerden Valley Park.
  - Chorley Council should adopt the open space shown on the masterplan or to subcontract part or all of that adoption.
  - We welcome the intent of mitigation proposals in the ecological assessments relating to specially protected species populations, Cuerden Farm Biological Heritage Site, hedgerows and water bodies on site.
  - The tree survey doesn't indicate that any trees are proposed for removal, although there is a notation for this.
  - The applicant is proposing that details of the open space and its management be submitted before development starts but that no houses be occupied before the proposals have been approved. We would prefer to see no development start until the proposals have been approved.
  - We would prefer to see a specific block of land set aside and appropriately landscaped for amphibian conservation and related habitat creation (including excavation of new ponds) rather than the proposed attempt to integrate the existing network of breeding ponds and terrestrial feeding and hibernation habitat into and through a suburban residential development.
  - The existing ponds on site should be protected from the negative impacts of development.
  - No development approved by this permission should be commenced until a scheme for the retention and protection of all the ponds (both wet and dry) on site has been submitted to and approved by Chorley Council.
  - We recommend that none of the ponds be stocked with fishes as this would further reduce the viability of the site for amphibians through the impact of predation on their larvae

28. **The Homes and Community Agency** have made the following comments:

- ☐ The HCA support the principle of development in this location and are keen to continue working with the Council to assist in achieving their development aspirations for the emerging allocation.
- ☐ Historically the HCA worked with neighbouring land owners to provide a comprehensive masterplan- this position has been superseded and complicated by the granting of outline planning consent for 300 houses on part of the emerging allocation site.
- ☐ The HCA support the development of the site in principle but consider that a holistic approach would be the preferred solution, allowing for an appropriate balance and mix of uses as well as an equitable approach to apportioning developer contributions.
- ☐ The FLP consent has restricted the ability to achieve a holistic approach and avoid piecemeal development. However, in terms of providing a context to future development the HCA considers that, whilst not currently adopted policy, the emerging policy framework provides a guide to what the Council would like to achieve and the HCA supports the Council in wishing to see the masterplan evolve through the LDF process.
- ☐ The Council may wish to consider the following issues:
  - o Developer Contributions- the Council needs to satisfy itself that all technical issues can be both quantified and addressed across the complete project in a manner so as not to prejudice comprehensive development over the whole emerging allocation
  - o Phasing- the HCA agree with the concept of a phased approach to the development of the allocation, and the need to understand impacts of both the early and the later phases of development. The ability to condition and control development in the normal way does not appear to be achievable based on this planning application as the wider composite masterplan within the supporting information extends beyond the planning application boundary.
  - o The Council will need to assess whether the application boundary represents a clear, well defined and appropriate potential phase of development for the wider allocation, as well as taking a view on the masterplanning rationale which underpins the boundaries.
  - o Viability- full consideration needs to be given to the deliverability of the wider composite masterplan proposals, specifically the impact of the proposed application on the viability of all the emerging allocation. If consent is granted for the above application, in the context of the emerging site allocation for mixed use, this could give rise to the possibility of residential development being delivered on the western part of the site in advance of potential employment development to the east.
  - o Wider composite masterplan- the applicant has included a wider masterplan for the area beyond their red line application boundary which includes HCA owned land- it is not clear what status this could have?
  - o The masterplan appears to identify employment on HCA land. We consider that the most appropriate way to ensure the even distribution of uses across the site is through the emerging DPD. The eastern part of the allocation is an attractive and elevated area, immediately adjoin and overlooking Cuerden Valley.
  - o Access- the Council should consider the wider aspirations of the emerging allocation, including securing permeability to the wider allocation.

29. **Lancashire County Council (Public Rights of Way)** have commented on the application which is addressed below.

30. **The Council's Parks and Open Spaces Officer** has commented on the application

31. **The Council's Environment and Neighbourhoods Manager** has commented in respect of air quality

#### **Applicants Case**

32. The applicant has forwarded the following points in support of the application:

- ☐ The application proposals are in accordance with the policies and objectives of the development plan when considered as a whole.
- ☐ While there is conflict with the specific allocation of the site as Safeguarded Land in the Local Plan, the allocation is out-of-date when considered against the strategic policies of RSS and the emerging development plan; particularly the Core Strategy which is at an advanced stage of preparation.
- ☐ Overall, the application fully accords with the existing and emerging strategic policies and priorities for development. In particular, the site forms part of the only area capable of making any significant and deliverable contribution towards the development plan strategy of prioritising some housing growth in Clayton-le- Woods.
- ☐ The proposed development would meet all of the relevant PPS3 criteria for new housing and accord with emerging national planning priorities which recognise the importance of new housing development for economic growth and provide strong support for sustainable development. Indeed,

housing delivery on the application site is likely to stimulate the delivery of employment development on the remainder of the wider masterplan area.

- ☐ Development of the site wholly accords with the principles of development established at the recent appeal. Even with the potential delivery of 90 houses within the first five years of the plan period, there is still a clear need to bring forward sites to meet need strategic needs of the forthcoming Core Strategy and thus it is not considered that there has been a material change in planning circumstances that would preclude the application from being approved.
- ☐ In the circumstances, and on balance, there are material considerations that support the principle of residential development on the site and a grant of planning permission contrary to the site specific allocation in the adopted local plan.

33. Following the publication of the National Planning Policy Framework (NPPF) the following points have been submitted in support of the application:

- ☐ The National Planning Policy Framework (NPPF) supersedes all national planning policy guidance in former Planning Policy Guidance notes (PPG) and Planning Policy Statements (PPS).
- ☐ The NPPF is clearly a material consideration in the determination of this planning application.
- ☐ The NPPF sets out broad policy in terms of the design of development, technical considerations and making adequate provision for housing. Those policies are generally consistent with the themes of previous national planning policy guidance as set out in the submitted Planning Statement.
- ☐ Chapter 7 of the statement demonstrates that the application accords with national planning policy for residential development; given that the NPPF contains very similar broad policy themes the analysis contained in the planning statement remains valid in that sense.
- ☐ In terms of the development plan, it is notable that the NPPF confirms while RSS remains part of the development plan until formally revoked, the Chorley Borough Local Plan Review (CBLPR), which was adopted in 2003, is out-of-date and should only be afforded limited weight in the determination of this application. Indeed, weight can only be afforded to the CBLPR where it accords with NPPF.
- ☐ Paragraph 218 of the Annex to the NPPF also confirms Local Authorities can continue to draw on evidence that informed the preparation of regional strategies to support Local Plan policies.
- ☐ Therefore, the Regional policies highlighted in the submitted planning statement, including the strategic housing land requirement, remain relevant to the determination of the application.
- ☐ Paragraph 14 of NPPF sets out the Presumption in Favour of Sustainable Development which is the 'Golden Thread' running throughout the document. This confirms that sustainable developments that are in accordance with the development plan should be approved without delay and where a plan is absent, silent or out-of-date, planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The presumption is supported by various references in the document advising LPA's to take a positive and pro-active approach to development that is solution and not problem driven.
- ☐ In this case the scheme would comprise sustainable development and there are no adverse impacts that would outweigh the economic, social and environmental benefits delivered by the scheme. In the circumstances, it should be approved without delay in accordance with the overriding presumption set out in NPPF.

### **Policy Background**

#### **National Planning Policy:**

34. The relevant national planning policy guidance/statements are as follows:

#### ☐ **National Planning Policy Framework (NPPF)**

The NPPF states:

*'Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions. Planning policies and decisions must reflect and where appropriate promote relevant EU and statutory requirements.'*

35. The NPPF confirms that for 12 months from the day of publication (27th March 2012), decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the Framework.

36. In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

37. From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- ☐ the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- ☐ the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- ☐ the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

38. At the heart of NPPF is the presumption in favour of sustainable development which is established as the 'golden thread' running through the plan and decision making processes. For decision making this means:

- ☐ Approving development proposals that accord with the development plan without delay; and
- ☐ Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
- Specific policies in the NPPF indicate development should be restricted.

39. The NPPF states that local authorities should:

- ☐ identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;
- ☐ To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.

40. Paragraph 48 of the NPPF states:

*Local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.*

41. Paragraph 49 of the NPPF states:

*Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.*

☐ **The Planning System General Principles and its supplement Planning and Climate Change**

Annex 3 of the NPPF lists the revoked guidance documents. The Planning System: General Principles is not listed as a document which is revoked and as such the Council's view is that the guidance contained within this document is extant.

**The Development Plan**

42. The development plan comprises the saved policies of the Adopted Chorley Borough Local Plan Review 2003, the Sustainable Resources Development Plan Document 2008 and the North West of England Regional Spatial Strategy 2008 (RSS).

43. The starting point for assessment of the application is Section 38 of the Planning and Compulsory Purchase Act 2004 that states if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

**Regional Spatial Strategy (RSS)**

44. At the current time the Regional Spatial Strategy (RSS) for the North West is still in force. The Secretary of State's intention to revoke RSS, and how that intention should be considered has been a matter for

the courts, with the outcome that RSS remains part of the development plan, and that the intention to revoke can be regarded as a material consideration in the determination of planning applications.

45. Section 109 of the Localism Act has already come into force which gives the Secretary of State the power to revoke the whole or part of any Regional Spatial Strategy. Consultation on Strategic Environmental Assessment (SEA) which considers the environmental impacts of revocation expired on 20 January 2012. The Government indicated that it intended to revoke RSS by April 2012 however at the time of writing this report this had not happened.
46. The relevant policies of the RSS are as follows:
- ☐ DP1: Spatial Principles
  - ☐ DP2: Promote Sustainable Communities
  - ☐ DP4: Make the Best Use of Existing Resources and Infrastructure
  - ☐ Policy DP5: Manage Travel Demand; Reduce the Need to Travel and Increase Accessibility
  - ☐ DP7: Promote Environmental Quality.
  - ☐ DP9: Reduce Emissions and Reduce Climate Change.
  - ☐ RDF1: Spatial Priorities
  - ☐ RDF2: Rural Areas
  - ☐ L4: Regional Housing Provision
  - ☐ L5: Affordable Housing
  - ☐ RT2: Managing Travel Demand
  - ☐ RT9: Walking and Cycling
  - ☐ EM1: Integrated Enhancement and Protection of the Region's Environmental Assets
  - ☐ EM5: Integrated Water Management
  - ☐ EM15: A Framework for Sustainable Energy in the North West
  - ☐ EM16: Energy Conservation and Efficiency
  - ☐ EM17: Renewable Energy
  - ☐ CLCR1: Central Lancashire City Region Priorities
  - ☐ L4: Regional Housing Provision

#### Adopted Chorley Borough Local Plan Review

47. The NPPF confirms that for 12 months from the day of publication of the NPPF (27th March 2012), decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the Framework. The Local Plan Policies were adopted in 2003 and saved by the Secretary of State in 2007 which was in accordance with the Planning and Compulsory Purchase Act 2004. The NPPF also confirms that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans. The emerging plan is later in this report.

48. The relevant policies of the Local Plan are as follows:
- ☐ GN1- Settlement Policy – Main Settlements
  - ☐ GN5 - Building Design and Retaining Existing Landscape Features and Natural Habitats
  - ☐ GN9 – Transport Accessibility and Mixed Uses
  - ☐ DC1- Green Belt
  - ☐ DC3 – Safeguarded Land
  - ☐ EP2 – County Heritage Sites and Local Nature Reserves
  - ☐ EP4 - Species Protection
  - ☐ EP9 - Trees and Woodlands
  - ☐ EP10 - Landscape Assessment
  - ☐ EP12 – Environmental Improvements
  - ☐ EP17- Water Resources and Quality
  - ☐ EP18 – Surface Water Run Off
  - ☐ EP21A - Light Pollution
  - ☐ EP22 - Energy Conservation
  - ☐ EP23 - Energy from Renewable Resources
  - ☐ HS1- Housing Land Requirements in Chorley
  - ☐ HS4 – Design and Layout of Residential Development
  - ☐ HS5 – Affordable Housing
  - ☐ HS6 – Housing Windfall Sites
  - ☐ HS19 – Public Open Space in Housing Developments
  - ☐ HS20 – Ornamental Open Space
  - ☐ HS21 – Playing Space Requirements
  - ☐ TR1 – Major Development – Tests for Accessibility & Sustainability
  - ☐ TR4 – Highway Development Control Criteria



- ☐ TR18 – Provision for Pedestrians and Cyclists In New Development
- ☐ TR19 – Improvement or Provision of Footpaths, Cycle ways and Bridleways in Existing Networks and New Developments
- ☐ LT10 – Public Rights of Way

Sustainable Resources DPD:

- ☐ Policy SR1 – Incorporating Sustainable Resources into New Development

**Emerging Policy Considerations**

**Central Lancashire Local Development Framework Joint Core Strategy**

49. Central Lancashire Core Strategy – Publication Version December 2010: Chorley Council is preparing a Core Strategy jointly with Preston City and South Ribble Councils which was submitted for examination in March 2011 and an Examination in Public took place in June 2011. In July 2011, the examining Inspector expressed doubts whether the document in its December 2010 published form could be found sound in providing for sufficient new housing (Policy 4). The examination was suspended and in November 2011 the three Councils produced a Proposed Housing Related Changes document. This was subject to public consultation during November and December 2011. The consultation period ended on 13th December 2011. The examination re-opened and closed on 6th March 2012.
50. As a whole the Core Strategy as a document is at an advanced stage.
51. The following Core Strategy Policies are of relevance to this application:
- ☐ **Policy 1** Locating Growth identifies locations that are appropriate for growth and investment. Clayton-le-Woods is identified as an Urban Local Service Centre and states that some growth and investment will be encouraged there to help meet housing and employment needs. Therefore, it is a settlement where some housing and employment growth is considered appropriate.
  - ☐ In relation to the Proposed Housing Related Changes Document there has been both support and objection to the general approach to growth proposed in Policy 1 and to Table 1 which sets out the predicted distribution of growth. Therefore, whilst there is some support for the ULSC designations and the overall approach to growth, there also remain outstanding objections, and no certainty that the policy will be adopted as currently drafted.
  - ☐ This policy position is not changed in the November 2011 Proposed Housing Related Changes document. This document predicts that 9% of Central Lancashire's housing development will take place in Urban Local Service Centres, including Clayton-le-Woods, over the period 2010 – 2026. Approximately 2100 dwellings are predicted in total in the 6 Urban Local Service Centres based upon:
    - o existing housing commitments (sites that already have planning permission for housing)
    - o proposed allocations in the Sites for Chorley Preferred Option Paper
    - o dwellings already completed in the 6 Urban Local Service Centres during the first year of the Core Strategy housing requirement period (2010 – 2011).
  - ☐ However, the document highlights that this is a predicted distribution based on the potential for housing development in each place and *not* proportions that are required to be met.
  - ☐ **Policy 2** in the emerging Core Strategy relates to infrastructure. The Policy refers to the application of a levy/tariff based on standard charges as appropriate, noting that *"This will ensure that all such development makes an appropriate and reasonable contribution to the costs of provision after taking account of economic/viability considerations."* The policy also notes that LPAs "will set the broad priorities on the provision of infrastructure, which will be linked directly to the commencement and phasing of developments. This will ensure that enabling infrastructure is delivered in line with future growth, although some monies will be specifically collected and spent on the provision of more localised infrastructure."
  - ☐ **Policy 3** encompasses increasing accessibility and promoting sustainable travel as a key theme within chapter 7 Catering for Sustainable Travel. Travel includes measures to reduce the need to travel by improving public transport
  - ☐ **Policy 4** Housing Delivery sets out housing requirements of 334 dwellings per annum for the two-year period 2010-2012. However following the Inspector's comments, the proposed changes to the Core Strategy now propose an annual net requirement of 1341 dwellings across Central Lancashire with 417 for Chorley. To date 43 representations have been received to the Proposed Housing Related This demonstrates that matter remains uncertain/unsettled of the role of ULSCs and the distributions within Table 1.
  - ☐ **Policy 5** relates to housing density which is an important consideration in any proposed housing scheme. The key objective is to achieve high quality design that responds to the character of the area in terms of existing density, siting, layout, massing, scale, design and landscaping etc.

- ❑ **Policy 7** relates to affordable housing and states that 30% affordable housing will be sought from market housing schemes. A number of representations have been received. Objections mainly relate to the proportion of affordable proposed and the viability of providing affordable and the lack of recognition of difference in viability across Central Lancashire.
- ❑ **Policy 9** identifies that 501 hectares of land for employment development will be allocated in Central Lancashire between 2009 and 2026. Table 5 identifies the proposed provision of employment land in Central Lancashire with a total supply of 129ha in Chorley Borough. As stated in Policy 1 some of this employment development will take place in the Urban Local Service Centres although the amount is not specified.
- ❑ **Policy 14** Education provides for educational requirements by enabling new schools to be built in locations where they are accessible by the communities they serve using sustainable modes of transport.
- ❑ **Policy 17** relates to the design of new buildings which will be expected to take account of the character and appearance of the local area. The policy was not the subject of major objections.
- ❑ **Policy 22** looks to conserve, protect and seek opportunities to enhance and manage the biodiversity and geodiversity assets of the area through a number of measures. Measures a) and b) promote the conservation and enhancement of biological diversity and seek opportunities to enhance and expand ecological networks.
- ❑ **Policy 27** relates to incorporating sustainable resources into new developments. Objections related to its implementation and its relationship with other guidance and regulations.

#### **Site Allocations & Development Management Policies DPD (Preferred Option Paper)**

52. Local Development Framework: Site Allocations and Development Management Policies Development Plan Document. The Council has recently completed consultation on the Preferred Option Paper for the Chorley Site Allocations and Development Management Policies Development Plan Document (DPD). This document will accord with the broad content of the Central Lancashire Core Strategy but will provide more site-specific and policy details. The purpose of this document is to help deliver the aims of the Central Lancashire Core Strategy by setting out development management policies and allocating or protecting land for specific uses. This DPD is at a relatively early stage of preparation, and can be afforded limited weight. Following the recent consultation period over 2000 representations were received in respect of the proposed allocations.

#### **Other Material Considerations**

53. In July 2011 an appeal decision relating to a proposal for 300 dwellings on a Safeguarded Land site in Clayton-le-Woods (appeal ref: APP/D2320/A/10/2140873) was allowed even though the Inspector concluded that the development of Safeguarded Land for housing was contrary to Local Plan Policy DC3, and that there was a proven 5.4 years supply of land for housing. The Secretary of State stated that:

- ❑ Clayton-le-Woods is a main place for growth as it is identified as an Urban Local Service Centre where 'some growth and investment will be encouraged';
- ❑ there would need to be a steep increase in housing delivery from now onwards, and that the area of strategic land that includes the appeal site is realistically the only land available in Clayton-le-Woods for delivering this growth;
- ❑ that given the extensive consultation which has occurred on this proposed designation since November 2006, the area's consistent identification for growth, and the relatively advanced stage of the Core Strategy, this part of the Core Strategy should be afforded significant weight.

54. The Planning Inspector and the Secretary of State both agreed that there was a five-year supply of housing in the Borough they also took the view that the determination of need involves a consideration of more than the five-year housing supply and that it should take account of wider issues, particularly the planned growth within the emerging Core Strategy and this was a material consideration in determining the appeal.

#### **55. Ministerial Statement – Planning for Growth**

On the 23rd March 2011 The Minister of State for Decentralisation and Cities, Greg Clark MP, issued a written parliamentary statement in which he said that ministers will work quickly to reform the planning system to ensure that the sustainable development needed to support economic growth is able to proceed as easily as possible. It states that the Government expects the answer to development and growth wherever possible to be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy. In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably

(consistent with policy in PPS4), and that they can give clear reasons for their decisions. The Secretary of State will take the principles in this statement into account when determining applications that come before him for decision. In particular it states the Government will attach significant weight to the need to secure economic growth and employment.

**56. Economic Regeneration Strategy for Chorley (2006 – 2021) adopted 2006.**

This site is fundamental to the delivery of the Economic Regeneration Strategy for Chorley (2006 – 2021). This site is one of Chorley's best employment sites over the long term to attract big named employers, support a strong local business base and provide residents with greater opportunity to gain well paid employment locally. The site is in a sustainable location, well positioned in relation to walking, cycling and public transport, with access to bus services, and within a walking distance of Leyland rail station. The site is also well positioned for access to the M6, M65 and M61.

The Economic Regeneration Strategy includes the following priorities:

- ☐ Priority 1 is about promoting knowledge-based inward investment.
- ☐ Priority 3 is about supporting a strong indigenous business base.
- ☐ Priority 4 is about ensuring residents and communities reach their full economic potential.

The proposed allocation has the potential for achieving these priorities.

**Policy Assessment**

**1a) Principle of the development**

57. Chorley Local Plan Policy DC3 allocates the land as Safeguarded Land as part of a larger site which is allocated under Policy DC3.8 in the Local Plan. Safeguarded Land comprises areas and sites which may be required to serve development needs in the longer term, i.e. well beyond the plan period, in line with the NPPF (para 85). The supporting text to policy DC3 states that this land was to be treated as if it were Green Belt until such time as a need for it was identified in a future review of the plan. It also states that Safeguarded Land in the Plan will remain protected until 2006.
58. Policy DC3 states that development other than that permissible in the countryside under policies DC1 (Development in the Green Belt) and DC2 (Development in the Area of Other Open Countryside) will not be permitted. The proposal is not for development permissible under either Policy DC1 or DC2 and it is therefore contrary to policy DC3.
59. The Adopted Local Plan at 1.4 states 'A key feature of the 1997 adopted Plan is that for the first time, it established precise Green Belt boundaries. It was the intention that the overall extent of the Green Belt in Chorley Borough will not be changed until at least the year 2016. To help achieve this Areas of Safeguarded Land were identified in the 1997 Plan, and are with one exception retained in this Plan, to accommodate development pressure in the period up to 2016 if necessary'. It was therefore intended the extent of the Green Belt to remain until at least 2016, however it was expected that there would be a review before the end of the plan period, which extended to 2006.
60. The current Local Plan Review was adopted in 2003. However The Planning and Compulsory Purchase Act 2004 introduced the Local Development Framework process which replaced the local plan-making process. Safeguarded Land was protected until 2006, but following the establishment of the Local Development Framework process Chorley Borough Council applied for and obtained a Direction from the Government Office for the North West to save a number of policies including DC3, for on-going use after 27 September 2007. As part of that letter from the Government Office it provides the following guidance:
- 'Following 27 September 2007 the extended policies should be read in context. Where policies were adopted sometime ago, it is likely that material considerations, in particular the emergence of new national and regional policy and also new evidence, will be afforded considerable weight in decisions. In particular, we would draw your attention to the importance of reflecting policy in Planning Policy Statement 3 Housing and Strategic Housing Land Availability Assessment in relevant decisions.'*
61. The NPPF confirms that there is an ongoing requirement that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. NPPF is a material consideration which may justify determining an application against the provisions of the development plan and due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework. For the first 12 months following the publication of NPPF, this

applies only to those development plan policies adopted before 2004 (as is the case with the Chorley Local Plan). The implication of this provision is that reduced weight may be given to a development plan where it is inconsistent with NPPF. Conversely where a development plan is consistent with NPPF (even where adopted before 2004), it follows that applications should continue to be determined in accordance with the development plan.

62. It is considered that Policy DC3 is in accordance with the NPPF which confirms that *safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development (para 85)*. It is considered that significant weight should continue to be attached to the development plan policies and that, in this instance, the publication of NPPF does not reduce the weight to be attached on the basis that they are in general conformity with NPPF.
63. The Council accept that although the proposal would be in breach of saved Policy DC3, this policy must be read in the context of other material considerations that may be more up to date. The issue is therefore whether there are other material considerations that outweigh policy DC3 to justify releasing the application site now.
64. Paragraph 47 of the NPPF states that local planning authorities should *identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;*
65. In accordance with paragraph 47 of the NPPF the Council have identified in excess of 5 years supply of housing. It is not the applicant's case that the Council does not have a 5 year supply. The last published figure within the Annual Monitoring Report 2009-10 was a 5.8 year supply. The proven figure identified at the Clayton le Woods appeal was 5.4 years supply and the information in the 2010-2011 Annual Monitoring Report indicates that there is a 5.7 year supply for the period 1st October 2011 – 30th September 2016.
66. The NPPF goes on the state (para 49) that *Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.*
67. As the Council have identified in excess of 5.25 years supply of deliverable housing sites (the NPPF requires five years worth of housing with an additional buffer of 5%) there is no requirement to consider this application favourably in line with paragraph 49 of the NPPF.
68. In addition to the sites identified in the deliverable five year housing supply a large number of further dwellings have planning permission. At October 2011 housing land monitoring indicated that 3,498 units had planning permission. Therefore, there is more than sufficient overall supply to ensure choice and competition in the market for land. Housing construction is actively taking place on a range of sites throughout Chorley and housing completion levels have exceeded Regional Spatial Strategy (RSS) requirements for the past two years. 392 completions were recorded for the period 1st April 2011 – 30th September 2011. Completions are again likely to exceed RSS requirements for 2011 – 2012. The Communities and Local Government House Building: September Quarter 2011 England Data identifies Chorley Borough as one of a number of districts seeing the highest rate of house building in terms of both starts per 1000 dwellings and completions per dwellings in the 12 months to September 2011. There is not an urgent requirement to significantly increase the supply of housing in Chorley in numerical terms at this time.
69. Retaining this land for future development needs at this time is consistent with the purposes of allocating the site as safeguarded within the Local Plan, in accordance with the NPPF.
70. Paragraph 159 of the NPPF states Local planning authorities should have a clear understanding of housing needs in their area. Local planning authorities should:
  - ☐ prepare a Strategic Housing Market Assessment to assess their full housing needs, working with neighbouring authorities where housing market areas cross administrative boundaries. The Strategic Housing Market Assessment should identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period which:

-meets household and population projections, taking account of migration and demographic change;  
 -addresses the need for all types of housing, including affordable housing and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);and  
 -caters for housing demand and the scale of housing supply necessary to meet this demand;

- ☐ prepare a Strategic Housing Land Availability Assessment to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period.

71. The site is on Safeguarded Land that the Local Plan identifies for future development needs. Therefore, it has already been assessed as being genuinely capable of development as part of the Local Plan process.
72. The sustainability of the whole DC3.8 site was assessed as part of the Sustainability Appraisal of the Site Allocations and Development Management Policies DPD Preferred Option paper. Overall, the site scores a Band B (Band A being the most sustainable and Band E the least sustainable). The site scores well in relation to its accessibility by bus and its links to the road and motorway network. It does not however have good access to a number of facilities and services such as a secondary schools and doctors. Its sustainability score is further reduced by the fact that the site is greenfield. However it should be noted that the sustainability of the site subject to this application has not been assessed in isolation of the entire site. The sustainability of the site is discussed later within the traffic and transport section.
73. An objective of the NPPF is to make effective use of land by re-using land that has been previously developed. This is not a previously developed site, but there is a limited supply of suitable and available previously developed land in Clayton-le-Woods, so the expectation is that some of the planned growth for the settlement will take place on Greenfield land. However it should be noted that outline planning permission has been granted on Clayton le Woods for 300 houses on greenfield land (the adjacent site) which could be argued accounts for the planned growth within this settlement.
74. The final criterion in paragraph 159 relates to ensuring that housing need within the Borough caters for housing demand and the scale of housing supply necessary to meet this demand.
75. To establish if the proposal meets this criterion the current and emerging policy situation needs to be assessed.

#### 1b) Adopted Chorley Borough Local Plan Review

76. The starting point for this assessment must be the current adopted Local Plan, paragraph 1.20 of which states: *'The main effect of the strategy will be to concentrate development in the central urbanised parts of the Borough. Here the main urban areas of Chorley town, Clayton and Whittle-le-Woods plus the Royal Ordnance site lie within the strategic transport corridor defined by M61/A6/A49/M6 and the railways of the West Coast Main Line/Manchester-Blackpool Line. It will therefore be within this area that future housing development is to be concentrated'*.
77. Policy GN1- Settlement Policy – Main Settlements states that within the areas of Adlington, Chorley Town, Clayton Brook/Green, Clayton-le-Woods, Coppull, Euxton and Whittle-le-Woods, as well as land adjoining Feniscowles and Horwich, excluded from the Green Belt there is a presumption in favour of appropriate development, subject to normal considerations and the other Policies and Proposals of this Plan. The pre-amble to this Policy states that the main urban areas where most new development is to take place are Chorley town, Clayton Brook/Green and Whittle-le-Woods. Clayton-le-Woods (the settlement built around Lancaster Lane) is categorised as being appropriate for consolidation and expansion. Subject to other Policies and Proposals of the Local Plan appropriate development is acceptable inside the defined boundaries of these settlements.

#### 1c) Core Strategy

78. In terms of the emerging LDF Policy 1 of the Publication Version Core Strategy identifies Clayton-le-Woods in strategic land terms as one of six Urban Local Service Centres (ULSCs) where some [author's emphasis] growth and investment will be encouraged to help meet housing and employment needs in Central Lancashire. This position is not changed in the Proposed Housing Related Changes document which predicts that 9% (in Table 1) of Central Lancashire's housing development will take place in the six ULSCs over the period 2010-2026.
79. 9% equates to approximately 2100 dwellings in total that are predicted to be provided across the six ULSCs. This prediction is based on existing commitments (sites that already have planning permission),

proposed allocations in the Sites for Chorley Preferred Option Paper and dwellings already completed in the six ULSCs during the first year of the Core Strategy housing requirement period (2010-2011).

80. The policy does not specify how much development should go in each ULSC. It has no housing requirement for individual settlements and there is no requirement for the split between settlements to be equal. It is considered the growth and investment cannot equate to an equal split between the ULSCs settlements as they have differing amounts of available and suitable developable land for housing.
81. Therefore the fact that Clayton-le-Woods is a location for some growth in broad spatial terms is acknowledged as a material consideration, but the Core Strategy will not determine how growth is to be distributed between the six ULSCs, this is for the Site Allocations DPD. The Core Strategy Table 1 Predicted Proportions are not a settled matter, as there are a number of outstanding objections. The Resumed Examination Hearing Agenda included discussion on Core Strategy Policy 1 and the inspector requested further explanation of the figures contained in Table 1.

#### 1d) Site Allocations & Development Management Policies DPD (Preferred Option Paper)

82. The Preferred Option DPD allocates this area of Safeguarded Land as a preferred mixed use housing and employment allocation (HS1.35/EP1.19) for 600 dwellings (300 of which already have outline planning permission) and 20ha of employment land. The land that is the subject of this application falls within this mixed use allocation.
83. Policy HS2 of the Preferred Option DPD sets out a phasing schedule for the housing development on the site. In total 600 houses are proposed on the site with 90 dwellings proposed in the first 5 years (2011-16), 255 dwellings in the period 2016-21 and 255 dwellings in the period 2021-26. Earlier this year planning permission was granted on appeal on part of this Safeguarded Land for 300 dwellings, which is half of the planned housing provision for this site.
84. Policy EP1 allocates 113.55 ha of employment land in the Borough on 22 sites. With employment completions since 2009 and commitments on unallocated sites the employment land supply requirements conform with the Core Strategy Chorley employment requirement of 129ha. The EP1.19 designation is for 20ha on the Clayton-le-Woods site, land east of Wigan Road covering a range of uses B1, B2 and B8 uses. The site at Clayton-le-Woods is not identified as a strategic site, this role in the Borough is taken by Buckshaw Village and the proposed site at Cuerden, in South Ribble. The site is also not allocated as an employment site for sub-regionally significant developments in the DPD, this role in the Borough is taken by the sites at Botany/Great Knowley/M61.
85. The DPD is at a relatively early stage of preparation and the preferred housing allocation at this site (HS1.35) received a large number of objections during the recent preferred option consultation. In total 84 objections were received, 1 of which was a petition signed by 403 people. Only 6 representations in support of this preferred allocation were received.
86. The preferred employment allocation at this site also received a large number of objections during the preferred option consultation. In total 71 objections were received, 1 of which was a petition signed by 403 people. Only 1 representation in support of this preferred allocation was received.
87. The applicant's Transport Assessment at Appendix 4 shows a wider masterplan area with a proposed business park to the north east of but not within the applicant's site accessed by a discrete access from Wigan Road. The application site (8.48ha) does not propose any employment use and although the application site is only part of the preferred mixed use allocation, the employment element needs to be addressed to include land for employment use. The Council have indicated the need to have a masterplan or development brief on the land identified in this location for mixed use, taking on board the most suitable location for employment use on the overall site.
88. The education authority has specified the requirement for a new primary school in Clayton-Le-Woods. In the Chorley Preferred Options Site Allocations and Development Management DPD, this proposal is included in the infrastructure requirements section and at Policy EP10.3 Primary School Allocations, the Council have indicated land is reserved for school purposes at land east of Wigan Road of the Chorley Preferred Options Site Allocations and Development Management DPD. There needs to be consideration on the best location for the school site to serve the local community. It should be in a central location and should not be considered in isolation, but through the plan process. Land for a new primary school would amount to a minimum of 1.1 hectares.

89. Growth in the Borough should be properly planned through the Site Allocations DPD process rather than via the submission of a planning application prior to adoption of the DPD. The Site Allocations and Development Management Policies DPD is currently only at the preferred options stage and is not due to be adopted until December 2012.
90. The Core Strategy does not specify how the predicted housing requirement and employment requirement for the Urban Local Service Centres should be distributed. This is a decision to be made as part of the preparation of the Site Allocations DPD. As part of the preferred option consultation several new site suggestions were received for sites in Urban Local Service Centres which will be considered. It may be decided that some of these sites are more suitable and deliverable for housing and they may therefore be allocated and some existing sites de-allocated or reduced.

1e) Masterplanning Approach

91. As set out earlier the preferred way forward for this area of safeguarded land is via a masterplan or development brief approach for a mixed use development. In this regard Redrow have provided an indicative layout plan for the application site along with an indicative Composite Masterplan for the remainder of the safeguarded land allocation.

92. Redrow's Indicative Composite Masterplan includes the following:

- Residential areas
- Employment areas
- Greenspace areas

However it would not be possible to approve the plan as it involves land outside the applicants control bringing into question the effectiveness of this plan.

93. As set out previously Fox, Land & Property have also submitted an application on this site which includes a Masterplan. Their Masterplan includes the following:

- Proposed employment/ pub restaurant
- Proposed local centre
- Proposed primary school
- Residential areas (split in low, high and medium density)
- Existing retained features
- Proposed cycleways/ footpaths
- Public open space
- Proposed sports pitches
- Proposed planting
- Proposed bus routes

94. The extensive variations between the 2 Masterplans demonstrates that the various interested parties are not working together on this site to develop a composite Masterplan and subsequent design brief for the site as a whole. The two Masterplans will be available for Members to view at Committee.

95. In respect of the Redrow Masterplan all of the employment land is outside of the application site on land owned by the Homes and Community Agency. Redrow's agents have made the following points in support of the suggested Composite Masterplan:

- The majority of this is greenfield and relatively unconstrained agricultural land, so I think it's reasonable to assert that it's economically viable. There would be market demand for the residential units due to the need for larger family houses, as demonstrated by the Council's SHMA. The viability of the site is also evidenced by housebuilders seeking planning permission.*
- In relation to employment uses, the draft Site Allocations document only proposes B2 and B8 uses; however, we have suggested in our representations to the consultation that the Wigan Road site would more suit a high quality business park. In terms of market demand, the Matrix Office Park (at Buckshaw) is now largely built out, so there would appear to be a demand for high quality office space in the area. The proposed locations for the employment uses would be in a strategic position near 3 motorways and would therefore be an equally attractive location to potential business park investors.*

96. The Homes and Community Agency (HCA) have been consulted on the application as an adjacent land owner and their comments are set out above. The HCA have confirmed that they do not object to the principle of development proposed by this planning application however they consider that a holistic approach would be the preferred solution.

97. In respect of the suggested Masterplan submitted by Redrow, which details all of the potential employment allocation on the land owned by the HCA, the HCA have confirmed that they aren't currently in a position to assess the viability of this suggested approach for two main reasons. Firstly there is no certainty about the future land uses which could come forward on our site, the emerging DPD allocation has yet to be adopted, and the Redrow and Fox application both have masterplans which include the HCA land and show different potential end uses. Secondly there is no clarity on either the scale of developer contributions or the potential trigger points at which infrastructure contributions are required. Therefore until the Site Allocation DPD is adopted, and infrastructure requirements are defined, the HCA are not able to assess viability.
98. It is clear that the Masterplanning approach for this site is the preferred way forward however until further confirmation of land uses, distribution of uses etc. is established the viability of Redrow's Masterplan is not clear. This issue further reinforces that view that the best (and only) mechanism to resolve the appropriate scale and spatial distribution of development is through a polycentric consideration of sites through the Core Strategy and Site Allocations process.

1f) Prejudice

99. Annex 3 of the NPPF lists the revoked guidance documents. The Planning System: General Principles is not listed as a document which is revoked and as such the Council's view is that the guidance contained within this document is extant. This notwithstanding prematurity/prejudice is material to this application by virtue of land-use planning and effective comprehensive development which the Council considers should be properly addressed via the Core Strategy/ Site Allocations DPD.
100. Paragraphs 17-19 of The Planning System: General Principles state:
- '..in some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a DPD is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD. A proposal for development, which has an impact on only a small area, would rarely come into this category. Where there is a phasing policy, it may be necessary to refuse planning permission on grounds of prematurity if the policy is to have effect. Otherwise, refusal of planning permission on grounds of prematurity will not usually be justified. Planning applications should continue to be considered in the light of current policies. However, account can also be taken of policies in emerging DPDs. The weight to be attached to such policies depends upon the stage of preparation or review, increasing as successive stages are reached. For example: Where a DPD is at the consultation stage, with no early prospect of submission for examination, then refusal on prematurity grounds would seldom be justified because of the delay which this would impose in determining the future use of the land in question.'* [Authors own emphasis]
101. The Council currently has the following applications under consideration on Safeguarded Land sites in the Local Plan as well as the current application:

App ref:	Location:	Scale of Proposal:	Date Validated:
11/01004/OUTMAJ	Land North Of Lancaster Lane And Bounded By Wigan Road And Shady Lane	Outline for a mixed use development, of up to 700 dwellings, 40,000sqft of B1 office space, public house/restaurant, convenience store, community building, primary school, etc.	16 <sup>th</sup> December 2011
12/00082/OUTMAJ	Land Surrounding Huyton Terrace Previously Baly Place Farm Bolton Road, Adlington	Outline for up to 300 dwellings	25 <sup>th</sup> January 2012
12/00362/OUTMAJ	Land Bounded By Town Lane (To The North) And	Outline planning application for the development of land	2 <sup>nd</sup> April 2012



	Lucas Lane (To The East) Town Lane Whittle-Le-Woods	to the north and west of Lucas Lane for the erection of up to no. 135 dwellings with all matters reserved, save for access (resubmission of previous application 11/00992/OUTMAJ)	
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- 102. All of these applications propose that the sites should be released for development now, before the Site Allocations process concludes. It is acknowledged that Redrow Homes consider that this site would form phase 2 of the development of this site (with phase 1 being the adjacent scheme for 300 houses allowed on appeal) and have suggested phasing conditions as set out below. However Redrow Homes also acknowledge that phase 1 may stall and that their site may be delivered in isolation.
- 103. Members will also recall that residential planning applications on safeguarded land have recently been refused at Lucas Lane (11/00992/OUTMAJ), Cuerden Residential Park (11/00941/FULMAJ) and Clancutt Lane (11/00993/OUTMAJ).
- 104. This application is for 160 units. Together, the sites above including this application (it should be noted that the above application for 700 dwellings (11/01004/OUTMAJ) incorporates this application site) cumulatively represent a total of up to 1000 units which equates to 2.4 years housing supply. This would equate to nearly 16% of the Borough's 15 year housing requirement.
- 105. It is considered that any substantial release on the above sites will set a precedent and the prematurity of that release in the Borough as a whole and Clayton-le-Woods as a settlement it is considered it would cumulatively cause prejudice to the Site Allocations DPD in respect of scale, location and phasing of new development.
- 106. The Council already has a deliverable five-year supply and if these applications are permitted a significant proportion of future housing growth is likely to be delivered in the early years of the plan period. There is also no mechanism in place to decide which, if any of these should come forward first and why.
- 107. Given the scale of the current applications it is considered the potential cumulative effect is significant enough to prejudice decisions that should be properly be taken in the Site Allocations DPD and potentially undermine the growth ambitions and therefore objectives of the Core Strategy.
- 108. The NPPF is silent in matters of prematurity but the NPPF does not replace Planning System General Principles, ensuring that this guidance is still extant. It is considered that the scale of development if the precedent were to be set, together with a 5.7 year housing supply and the current plan making position a positive recommendation could potentially undermine the growth ambitions and therefore objectives of the Core Strategy.

1g) Assessment of Proposal Against Final Criterion of NPPF Paragraph 159

- 109. Relating this back to the NPPF the final criterion in paragraph 159 relates to ensuring that housing need within the Borough caters for housing demand and the scale of housing supply necessary to meet this demand.
- 110. As has been established, at the broadest level there is support in both the Local Plan and the emerging Local Development Framework for some growth in Clayton-le-Woods, but at both Borough and settlement level there are still choices to be made over the amount, timing and specific location of that development. At the heart of good planning is ensuring that we get the right development, in the right place, at the right time. This can only be ascertained in this case via the Site Allocations Process.
- 111. Although alone it is not considered that the site is of a scale so substantial that allowing it could prejudice the LDF process, it is considered that cumulatively the applications that the Council is currently considering are substantial enough to prejudice the LDF by predetermining decisions about the scale, location and phasing of new development.

**1) Other Material Policy Considerations**

2 a) Urgency

112. It has also been assessed whether there is an urgent need to release this site.
113. Within the supporting statement submitted with the application Redrow Homes envisage that the adjacent housing development, which was granted planning permission at appeal, will be phase 1 of the development of this area of safeguarded land whilst this development will constitute phase 2.
114. Redrow anticipate that this phase 2 will commence once the construction of phase 1 is underway and will start delivering housing completions in 2015. To ensure that the development of phase 1 precedes phase 2 and the necessary pedestrian infrastructure is in place Redrow have suggested the following conditions:
- (1) *No dwellings shall be constructed on the development hereby permitted until construction of the site access has been completed in accordance with drawing SCP/11171/SK106 and a footpath link has been provided along the eastern side of Wigan Road from the site entrance to Lancaster Lane*

*Reason: In order to improve the accessibility of the site and ensure that residents of the development have satisfactory access to services and facilities.*

- (2) *Development shall not begin until a phasing programme for the whole of the development and for the highways works referred to in conditions X and Y below has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved phasing programme.*

*Reason: To define the permission and in the interests of the proper development of the site.*

115. However it is not clear why there is an urgent need to release the land now. Due to the estimated delivery of housing on this site suggested by the applicant it is considered that this site can be properly assessed as part of the Site Allocations DPD.
116. The development of the land allowed at appeal is restricted in terms of housing occupations to require the improvements to the Hayrick junction prior to the occupation of the 51<sup>st</sup> dwelling on site. Redrow Homes have confirmed that should phase 1 stall for any reason they are willing to accept a similar condition as follows:
- No more than 51 of the residential units hereby approved shall be first occupied until commencement of the improvements to the signal controlled junction of the A49 and B5256 Hayrick junction (see Singleton Clamp drawing no. SCP/11171/SK101 dated 27 March 2012) and as it interacts with the offslip sections of junction 28 of the M6, as detailed below:*
- i) junction geometry improvement scheme with incorporating lane realignments and additions*  
*ii) upgrade of signal control systems for the Hayrick junction with bus priority*  
*iii) upgrade of signal timings and related queue detection as necessary on both of the offslips to junction 28.*
- Reason: In order to ensure that these two closely situated junctions can operate in an efficient and safe manner and in order to reasonably minimise the potential impact of additional vehicle flows generated by the proposed development upon the strategic highway network and in particular Junction 28 of the M6 motorway.*
117. The improvements to the Hayrick junction are addressed within the Traffic and Transport Section however in respect of the proposed condition it has been noted that the wording of the condition as suggested could result in both phases commencing and both developers constructing 50 units (cumulatively totalling 100 units) without any works to the Hayrick junction being triggered. The cumulative highway impacts would justify the commencement of the highway works, but the planning trigger would not be met. As such in this case the wording of any condition would be different to that attached to the adjacent site to address this issue.
118. This acknowledgement by Redrow Homes that phase 1 could stall further adds to the concerns about their suggested phasing.
119. Redrow have stated that *It is clear that the emerging development plan strategy is one of supporting economic growth and development; including significant new house building, in accordance with national objectives. Despite its currently constrained status with limited development opportunities within the*

*existing settlement boundary, Clayton-le- Woods is specifically identified as a priority location to assist in meeting that strategic objective.*

120. The Council dispute that Clayton-le-Woods is a priority location for new development. The Core Strategy sets out the approach to growth and investment (including) housing within the whole of Central Lancashire. It concentrates growth and investment in 1) the Preston/South Ribble Urban Area; 2) Key Service Centres (including Chorley Town); 3) Strategic Sites (including Buckshaw Village in Chorley). It then goes on to say that some [author's emphasis] growth and investment will be encouraged in ULSCs to help meet housing and employment needs. Therefore, it is not considered that the policy prioritises development in the ULSCs it just encourages some growth and investment.
121. Redrow also argue that housing completions in the combined ULSCs have been low and that in order to meet planned growth and the spatial strategy of the LDF there would need to be a steep increase in housing delivery from now onwards. However it is noted that the Core Strategy only sets out some growth within the ULSCs with significant growth aimed at the Key Service Centres. Redrow go on to state that this has been acknowledged in the Core Strategy EiP Inspector's letter (15<sup>th</sup> July 2011), which highlights the backlog of housing completions across the area as a whole and indicates that such shortfall should be made good as soon as possible. However it should be noted that as Chorley is doing a joint Core Strategy with Preston and South Ribble Boroughs the backlog referred to by the Inspector relates to the whole of Central Lancashire, not just Chorley. The situation differs between the three Authorities.
122. The Core Strategy EiP Inspector in his letter (15<sup>th</sup> July 2011) said that *several participants refer to a backlog of housing completions. Ideally, this should be made good as soon as possible. Owing to the present state of the economy, however, I doubt that this can be rectified during the early stage of the plan period. I think that it would be more realistic to expect this to take place fairly steadily throughout the plan period.*
123. As such the Inspector considered that the shortfall should *ideally* be made good as soon as possible. The Housing Land Monitoring Report (April 1<sup>st</sup> 2010 – March 31<sup>st</sup> 2011) indicates that at April 2011 Chorley had a small deficit of 52 dwellings in relation to RSS requirements over the period 2003 – 2011. The Council is confident that no deficit will exist at all in Chorley at April 2012 due to the high level of housing construction activity currently taken place on a range of sites throughout Chorley. The completions figure for this period exceeds 500 dwellings and the Housing Land Monitoring Report for the last year will be published imminently. Housing completion levels have exceeded RSS requirements for the past two years. The Communities and Local Government House Building: September Quarter 2011 England Data identifies Chorley Borough as the district within the North West with the highest rate of house building in terms of both starts and completions per 1000 dwellings in the 12 months to September 2011. Therefore, the situation in Chorley is very different to other Boroughs where house building has been more negatively affected by the current economic climate. There is not therefore an urgent requirement to significantly increase the supply of housing in Chorley to address the small backlog or to meet future needs.
124. Redrow do acknowledge that the predominant source of housing supply in the area is the 300 dwellings approved on the adjacent site however consider that that site will only deliver 90 units within the first 5 years of the Core Strategy. Redrow consider that even with an estimated 30 delivered from this application site this will only result in rate of delivery in the settlement equivalent to 24 dwellings per annum, well below that required to address the backlog referred to by the EiP Inspector. Notwithstanding Redrow's assertions in respect of this site it is expected that the housing figures which will be published imminently will show that there is no longer a backlog in Chorley and the figures suggested by Redrow could be defined as some growth within this ULSC.
125. Redrow consider that planning approval on this site would boost the potential supply of deliverable housing in Clayton le Woods which would assist in the delivery of the steady 120 dwellings per annum envisaged by the Publication Core Strategy.
126. The Local Plan allows appropriate development within these locations however it does not specify housing targets for settlements within Chorley Borough and housing completion levels overall have been broadly in line with RSS (acknowledging a small undersupply at April 2011 which is expected to have been addressed within the 2012 figures) and therefore there was no need for higher completion levels in the ULSCs.
127. In terms of 'steep increase' the Clayton-le-Woods appeal Inspector stated (with which the SoS agreed):

*'Therefore, over the plan period 1810 [now 2100 new dwellings] new dwellings will be required in these ULSCs, all but one of which is in Chorley. In order to meet this planned growth, there would need to be a steep increase in housing delivery from now onwards. The area of Safeguarded Land that includes the appeal site is realistically the only land available in Clayton-le-Woods for delivering this growth'. It should be noted that in fact all six ULSCs are in Chorley Borough, not all but one as stated by the Inspector.*

128. In order to meet the predicted proportion of housing development in the ULSCs it is acknowledged that higher levels of house building will be required as a whole in the future across the six ULSCs as a whole than may have taken place in the past.
129. At the time of the Clayton-le-Woods appeal decision (21<sup>st</sup> July 2011) the Site Allocations DPD was at an early stage. Consultation had taken place on the Issues and Options but the Council had not reached Preferred Option Stage. The Council has now consulted on its Preferred Option so the DPD is at a more advanced stage and can be given more weight, although it still has limited weight. As well as identifying preferred sites the Preferred Option Paper sets out a housing development phasing schedule at policy HS2 which had not been produced at the time of the Clayton-le-Woods appeal. This shows that the sites proposed to be allocated have been properly considered and that they can be realistically built out over the plan period to achieve the level of housing required across the Borough to achieve the planned level of growth as required by the Core Strategy. The dwellings proposed and already completed since 2010 in the six ULSC settlements marginally exceed the Core Strategy predicted proportions over the plan period to make allowance for any slippage (non-delivery or reduced delivery of housing) on sites. Therefore, there is no urgency to release this site now to meet an increase in housing requirements as there is no evidence to show that the required growth will not be achieved through the LDF process.
130. There have been representations to policy HS2 (phasing), however these do not relate to the achievability of the sites being brought forward in the plan period.
131. Chorley Borough has a deliverable five-year housing supply. In addition to the sites identified in the deliverable five-year housing supply a large number of further dwellings have planning permission in the Borough. Therefore, there is more than sufficient overall supply to ensure choice and competition in the market for land in accordance with the National Planning Policy Framework (NPPF) and its requirement for a five-year supply plus 5% so there is no urgency for release in this sense.
132. From April 2010 (the start date of the housing period) to April, 11 dwellings were completed within the Clayton-le-Woods settlement and a further 16 dwellings with planning permission were yet to be completed. In the following 6 month period from April to October 2011 a further 11 of the remaining 16 dwellings were completed, leaving 5 with planning permission not constructed.
133. In the 6 month period from April to October 2011, 300 dwellings were granted outline permission on appeal on part of the DC3.8 area of Safeguarded Land and 12 dwellings were granted planning permission at Burrows Limited on Wigan Road (the application was for 13 dwellings but included the demolition of an existing bungalow resulting in a gain of 12 dwellings).
134. There remain 317 dwellings with planning permission to be constructed at October 2011 which demonstrates that there is significant development planned for this area.
135. The Council are actively working on their Site Allocations and Development Management Policies DPD and have undertaken consultation on Issues and Options and on Preferred Option. The published Central Lancashire Local Development Scheme (LDS) schedules adoption of the DPD for December 2012 however this is expected to slip to Spring for adoption.

#### 2 b) Ministerial Statement – Planning for Growth:

136. Whilst this is supportive of growth and it states that the Government expects the answer to development and growth wherever possible to be 'yes', it had a caveat to it that states *'except where this would compromise the key sustainable development principles set out in national planning policy'*. The Secretary of State will take the principles in this statement into account when determining applications that come before him for decision. In particular it states the Government will attach significant weight to the need to secure economic growth and employment.
137. As has already been explored Chorley has good housing delivery performance which has not been as negatively affected by the economic climate. The general presumption of poor delivery nationally and therefore the need to stimulate the economy through housing delivery is not considered to apply with the same weight in Chorley as it may in other Boroughs.

138. The viability evidence underpinning the current consultation on a Central Lancashire CIL notes that a number of developers consider that the market for new houses in Chorley is in the short term over-supplied, and they are taking a more cautious approach to delivery linked more closely to sales.
139. Allowing housing outside the proper LDF process in Chorley would compromise the key sustainable principles set out in national guidance and Planning for Growth it is not therefore considered that sufficient weight can be applied to it that would justify allowing the application.

#### 2 c) Localism

140. The Localism Agenda is being introduced through the Localism Act 2011 and post-dates the draft NPPF and Planning for Growth. The Government's intention is to shift power from central government back into the hands of individuals, communities and councils. The Government state that they are committed to this because over time central government has become too big, too interfering, too controlling and too bureaucratic. This has undermined local democracy and individual responsibility, and stifled innovation and enterprise within public services. They want to see a radical shift in the balance of power and to decentralise power as far as possible.
141. It is therefore considered that allowing applications on Safeguarded Land without going through the LDF process would undermine the Government's Localism Agenda which is an expression of the Government's intentions on how decisions should be made.

#### 2 d) The Community Infrastructure Levy (CIL)

142. The Localism Act received royal assent on 15 November 2011. Some of its provisions came into force on 16th January including Section 143 which brings in provisions that where local finance considerations are material to a planning application they should be taken into account in the determination of that planning application.
143. Infrastructure is a key component of any assessment of sustainability, and cumulative impacts can arise from the overall development proposed within a development plan. The Community Infrastructure Levy (CIL) is a new charge which local authorities in England and Wales will be able to levy on most types of new development in their areas over a certain size. The proceeds of the levy will provide new local and sub-regional infrastructure to support the development of an area in line with local authorities' development plans and could include new schools, hospitals, roads and transport schemes, as well as libraries, parks and leisure centres. The government's position on CIL is that it provides a basis for a charge in a manner that obligations alone cannot achieve, enabling, for example, the mitigation from the cumulative impacts of a number of developments. The government acknowledges that even small developments can create a need for new services. Until such time as a CIL charge is set, obligations must be addressed under s106 agreements, and the relevant tests.
144. Strategic Objective S02 of the Core Strategy seeks to ensure there is sufficient appropriate infrastructure to meet future needs, funded where necessary by developer contributions. Chapter 6: Infrastructure refers to the tariff approach, noting that further research and consultation is required, and that the key to avoiding adverse impacts of new developments on existing and new communities is the timely provision of the necessary infrastructure and other mitigation measures. Policy 2 refers to the application of a levy/tariff based on standard charges as appropriate, noting that "This will ensure that all such development makes an appropriate and reasonable contribution to the costs of provision after taking account of economic/viability considerations." The policy also notes that LPAs "will set the broad priorities on the provision of infrastructure, which will be linked directly to the commencement and phasing of developments. This will ensure that enabling infrastructure is delivered in line with future growth, although some monies will be specifically collected and spent on the provision of more localised infrastructure."
145. On 31st January 2012, the Central Lancashire authorities began preliminary draft consultation on a Central Lancashire CIL, which ran until March 2012. The programme in respect of the CIL includes submission in September 2012 with an anticipated adoption of December 2012.
146. Infrastructure delivery schedules have been prepared and these show a range of infrastructure projects including those regarded as "Pan-Central Lancashire" as well as for the three separate borough areas of Chorley, Preston and South Ribble. A tariff of £70 per sq m of residential development is proposed.
147. In relation to Clayton-le-Woods, the infrastructure delivery schedule identifies cycling improvements on Lancaster Lane/ Moss Lane/Lydiate Lane and Town Brow to cycle links to Cuerden Valley Park,

including toucan crossings on A49 by Moss Lane, Lancaster Lane and also on Bryning Brook Bridge. Also identified is a 1 form entry primary school at Clayton-le-Woods. In addition, there are significant strategic projects including new stations, and transport related projects for example that are considered necessary at this time to meet planned development over the plan period within Chorley & within Central Lancashire. Also in relation to waste water treatment there are constraints relating to United Utilities treatment works at Walton-le-Dale and Leyland (these serve parts of Chorley Borough as well as South Ribble).

148. While it is not argued here that the absence of a CIL contribution should be a reason for refusal per se, the CIL infrastructure delivery schedules demonstrate the wider infrastructure needs that arise from the planned growth for Central Lancashire. In approving applications on safeguarded land, prior to decisions on scale, location and phasing of development - as the Core Strategy and Site Allocations DPD seek to do - it is considered that the overall aims and objectives of the existing development plan and the emerging plan are under minded, and in turn the achievement of sustainable development.
149. Furthermore, it is considered that to do so would set a precedent, and were other application sites on safeguarded land approved, this would cumulatively impact upon the ability to deliver sustainable development, and would therefore be premature.

## 2) Affordable Housing

150. Policy HS5 of the Adopted Local Plan Review requires 20% of affordable housing on suitable sites over 15 dwellings. The reasoned justification to the policy highlights that the policy aims to achieve direct on-site provision of affordable housing, unless this proves to be impractical following detailed negotiations. This would equate to 32 affordable houses on this site.
151. The Local Plan affordable housing requirement of 20% is less than that proposed in Core Strategy Policy 7, which proposes 30% affordable housing on market schemes in non-rural areas of Chorley. It is considered that the Core Strategy Policy has significant weight and the evidence base which supports this Policy confirms that 30% affordable housing is viable and achievable.
152. The Core Strategy Policy 7 states that affordable housing should be delivered on site, but financial contributions instead of on site affordable housing are acceptable where the development location is unsuitable for affordable housing. It is considered that this location is suitable for affordable housing and that it should be provided on site. No evidence has been put forward by the applicant that the site is unsuitable for affordable housing.
153. The application states, in the draft Heads of Terms submitted with the application, that the developer will provide up to 30% (precise contribution TBA) of the dwellings to be constructed on the land as Affordable Housing (subject to further discussions a proportion of the affordable units may be provided off-site).
154. Following consultation with the Housing Manager it is considered that any affordable housing on this site should be split as follows:
- 70% Social rent
  - 30% Intermediate
- Types :
- |               |  |
|---------------|--|
| Social rent:  | 10% 1bed 2 person flats/ 70% 2bed 4 person houses/ 20% 3bed 5person houses |
| Intermediate: | 25% 2bed 4 person houses/ 75% 3bed 5 person houses                         |
155. Additionally as this application is outline in nature and proposes upto 160 dwellings an affordable housing contribution will be include within the Section 106 Agreement in the event that the affordable housing percentage does not equate to a whole number (the residual proportion will be calculated as a commuted sum to be spent on off site affordable housing)
156. However, anything less than 30% (which would equate to up to 48 affordable houses on the site) is below the Core Strategy requirement. Therefore, by submitting this application now, if less than 30% affordable housing is proposed, the applicants are proposing to provide less affordable housing than would be required if this site were allocated via the Local Development Framework process, under Core Strategy Policy 7 (if adopted), which is considered unacceptable. They are also not proposing the level of affordable housing that was considered beneficial at the Clayton-le-Woods appeal, if they propose less than 30% and the Council therefore do not give this weight in favour of approving the application.

157. The applicants did not make objection to Core Strategy Policy 7 during the Core Strategy preparation process, in terms of viability of providing 30% affordable housing or on any other aspect of the proposed policy. However, a number of other planning consultants/house builders did raise concerns about the policy and the proportion of affordable housing required. A number of objectors wanted greater recognition of the impact on site specific viability issues in the policy and others considered that the 30% target did not reflect the results of the Central Lancashire Housing Viability Study (part of the evidence base) and the differences between the different centres in terms of scheme viability. The applicant's case does not take into account the evidence on housing viability, and has not provided evidence as to whether 30% is unviable for this particular site.
158. Notwithstanding the applicants statement within the draft Heads of Terms regarding the location of the affordable housing the Council consider that 30% affordable housing should be provided on site. The applicants have not provided any robust evidence to suggest that this level of affordable housing is unviable on this site. In fact by the agents own admissions, where evidenced or not, *I think it's reasonable to assert that it's economically viable and The viability of the site is also evidenced by housebuilders seeking planning permission.*
159. The 2009 Strategic Housing Market Assessment (SHMA) estimated that there is an annual shortfall of 723 affordable properties a year Borough wide in Chorley, but it does not set out the levels of need in different settlements. It should also be noted that in excess of 100 affordable units were provided in Chorley last year. It is considered important to seek 30% affordable housing on appropriate sites, which also accords with emerging Core Strategy Strategic Objective SO8 which aims to significantly increase the supply of affordable and special needs housing particularly in places of greatest need such as more rural areas.
160. If the application site were to be developed, the site would provide a significant proportion of the future housing supply for Clayton-le-Woods over the Core strategy period. As such, it is considered affordable housing should be provided on site in order to help deliver a sustainable mixed community. The site provides a realistic opportunity for the provision of affordable housing, unlike on some smaller sites, which are below the current and proposed affordable housing delivery size threshold.
161. At the Clayton-le-Woods appeal the appellants offered 30% affordable housing on site, which was in line with the emerging Core Strategy requirement. The Inspector considered that there was a considerable undersupply and pressing need for affordable housing and the Secretary of State stated that the provision of 30% affordable housing was beneficial in the face of this need. Therefore, the provision of 30% affordable housing was a material consideration in favour of allowing the Clayton-le-Woods appeal.
162. Without 30% affordable housing being provided on site, then notwithstanding other policy issues, the site would fail to provide the affordable housing for which there is a need and undersupply at present. If the site was ultimately allocated through the LDF process it is possible that a greater percentage of affordable housing would be achieved from the site for which there is a known need.
- 3) Policy Conclusion**
163. On basis of all the information preceding a balancing exercise needs to be done.
164. The proposal would be in breach of the Safeguarded Land policy DC3, this Policy is consistent with the NPPF, however the Council acknowledge that this policy must be read in the context of other material considerations that may be more up to date.
165. Clayton-le-Woods, on a broad strategic level, is identified as a location for some growth which is acknowledged as a material consideration and given significant weight in decision making. However there are other issues that are undecided that relate to broader planning objectives. These are how growth is to be distributed between the six ULSCs and how much of the safeguarded land within Clayton-le-Woods will be allocated.
166. Although the appeal at Clayton-le-Woods in July 2011 relating to the development of Safeguarded Land for 300 houses is a material consideration this application the main consideration was that the growth provisions in the Core Strategy for Urban Local Service Centres indicated a need for additional housing in Clayton-le-Woods and waiting for adoption of the Core Strategy would risk not meeting its growth targets. This site was also considered to be the only possible location for achieving the proposed growth in Clayton-le-Woods.

167. It can now be argued that the granting of outline planning permission at appeal for 300 houses on this area of Safeguarded Land will help achieve the growth targets within the Core Strategy, therefore this is no longer a material consideration that outweighs the breach of Policy DC3. In addition there have been changes in terms of the weight of local and national planning policy since the appeal decision.
168. The Council has other applications on Safeguarded Land sites under consideration and the release of this site would create a precedent in favour of releasing the other sites. The scale of housing that would cumulatively result from those sites is considered so significant that it would prejudice the LDF process and harm the plan objectives and spatial vision for the area.
169. In terms of Localism the Government's clear direction of travel is that decisions should be made at local level so supports the Council's LDF process so it is considered it carries significant weight in favour of refusing the application.
170. Chorley's policy approach is in line with the aims of the NPPF which includes the need for a balanced approach to sustainable development (social, environmental and economic) and that it should be interpreted locally to meet local aspirations.
171. It has been accepted that this site will have to follow on from the 300 houses approved on the adjacent site and there is therefore no urgent need. Therefore in relation to the principle of the development in terms of policy the application considered unacceptable.

#### 4) **Other Issues**

##### 5a) Housing Development

172. The development relates to the erection of upto 160 dwellings on the site. The application is outline in nature with all matters reserved save for access. The siting of the properties is not being considered as part of this application although an illustrative plan has been submitted with the application.

##### 5b) Density

173. The site covers an area of 8.48 hectares. The erection of upto 160 dwellings equates to 19 dwellings per hectare. Core Strategy Policy 5 relates to housing density and states that the three authorities will secure densities of development which are in keeping with local areas and which will have no detrimental impact on the amenity, character, appearance, distinctiveness and environmental quality of an area, consideration will also be given to making efficient use of land.
174. The adjacent site secured a density of approximately 22 dwellings per hectare however it must be note that this scheme incorporated other on site facilities which reduced the developable area. It is not considered that 19 dwellings per hectare results in the most efficient use of land and if this site was considered holistically as part of a Masterplan appropriate densities and siting of the dwellingshouses, infrastructure etc. could be assessed comprehensively.

##### 5c) Design

175. The design of the proposed properties is not being assessed as part of this application and would be addressed as part of any future reserved matters application. This notwithstanding the Council's Policy and Design Team Leader has made the following comments:
- ☐ The Design and Access statement that has been submitted adequately covers all the key design principles such as retaining and protecting landscape features, enhancing pedestrian links, and creating public transport links etc. Ideally it should also tell the story of the layout and architectural design and demonstrate how these have evolved and include previous layouts/designs and how they were considered and refined or discounted to arrive at this proposal. In order to properly assess this proposal and demonstrate that the proposed scale and massing is appropriate, it should include sections, 3-d representations by way of axonometrics, photographs, streetscenes and perspectives. It should demonstrate how the final design can sit comfortably on this site and contribute to the local distinctiveness/character.
  - ☐ The schematic layout submitted fails to deliver the design principles on a number of levels:
    - o It appears to be highway dominated. That said the principle of perimeter block style development is commendable. It does, however, break down on the parcel to the north and still further on the north east parcel where a cul-de-sac is created. Another issue with these layouts relates to the land to the north. In the absence of a masterplan, and given that dwellings are pushed tight to the boundary, it is questionable whether the land to the north can be delivered in the future. It is reliant on a further access road along a relatively narrow strip of land to serve a relatively small parcel of land to the east.
    - o The open space proposed is largely 'space left over' adjacent to the highways. It is difficult to envisage how it will function as usable open space. That identified to the south is not well



over-looked as there are hedgerows and roads separating it from the dwellings. This restricts the potential typology that can be realised and could therefore undermine identified open space needs in the area.

- o I would like the applicant to explain the character of the local area and demonstrate how the architectural style and layout of the 'standard' dwellings highlighted in the design and access statement can be changed to create a distinctive character and a 'sense of place'.

176. These concerns support the principle of the masterplanning approach for this area of land set out within the Site Allocations DPD. By masterplanning the whole of the suggested allocation these issues could be addressed and a comprehensive approach would be secured.

#### 5d) Open Space

177. In accordance with Policy HS21 of the Adopted Local Plan proposals for new housing development will be required to include provision for outdoor play space. In appropriate developments of less than 1 hectare a commuted sum from the development may be secured for use in the provision or improvement of open space facilities in the locality.

178. The applicant has stated that a total of 1.37 ha of open space would be created on-site as a visual amenity and for casual recreation. This includes a large area of open space at the southern end of the site. The Biological Heritage Site on land to the south of the site will not be affected by the proposals. A S.106 Agreement will ensure the provision of on-site open space either its long term maintenance or transfer to the Local Authority, along with an agreed commuted sum.

179. This amount of open space, in terms of area, would meet the requirements of Local Plan Policy HS21 and its associated Interim Planning Guidelines for Equipped Play Areas Associated with Housing Developments. However, this would need to include provision for casual open space, an equipped play area, and playing fields in line with the standards set out in the Interim Guidelines. It is clear from the submitted information that the intention is to incorporate casual open space only and the submitted indicative layout does not incorporate either equipped play space or playing fields.

180. In accordance with the Interim guidelines a scheme of the size proposed would be required to provide:

- ☐ Casual/informal space = 0.18 hectares
- ☐ Equipped play area = 0.1 hectares
- ☐ Playing field = 0.68 hectares
- ☐ **TOTAL = 0.96 hectares**

181. The application includes 0.56 hectares of casual/informal open space (which is more than is required) and 0.81 hectares of formal open space. To accord with Policy HS21 this should be split into the required amounts of equipped play area and playing pitches.

182. The agent for the application has raised the following point, *the formal open space is located adjacent to planned formal open space within the FLP outline pp scheme and proposed open space to serve the wider masterplan area, so there is some scope/flexibility to create different sized pitches.*

183. It is noted that a NEAP, Multi-use games area and casual open space was indicatively included on the adjacent site which was allowed at appeal and secured via the S106 Agreement. However this provision was based on the size of scheme proposed and was calculated as follows:

- ☐ The playing pitch provision was calculated using the NPFA calculation (300 dwellings equates to 750 residents for which the proportionate hectare requirement is 1.2 – 1.35ha) and as such provides a 5 a side playing pitch (465sqm (0.0465ha)) and 'informal kickabout and training areas' (1.2395ha (12,395sqm)).
- ☐ The equipped play space provision was calculated using the NPFA calculation (300 dwellings equates to 750 residents for which the proportionate hectare requirement is 0.15 – 0.225ha) and as such provides a 1000sqm (0.1ha) NEAP and 4,860sqm (0.486ha) of children's casual or informal play.
- ☐ The casual open space was calculated using the NPFA calculation (300 dwellings equates to 750 residents for which the proportionate hectare requirement is 0.3 – 0.375ha) and the scheme incorporates 4,860sqm (0.486ha) of casual informal open space is provided on site.

184. As set out above Redrow Homes consider that the development of this site is linked to the adjacent site by virtue of this site being phase 2 and the adjacent site being phase 1. It is acknowledged that the indicative location of the proposed play space on the adjacent site is near to the boundary with this

application site however as set out above the play space provision was based on 300 houses and for additional houses, as proposed as part of this application, additional play space provision is required. It should be noted however that the open space provision on the adjacent site was only shown indicatively and will be set by the submission of reserved matters. The reserved matters application may result in the POS being sited in an alternative part of the site away from the common boundary with the application site.

185. It should be noted that within the Site Allocations DPD (Preferred Options) it is proposed to allocate the whole of this safeguarded land allocation for housing/ employment uses including this application site. The Council's preferred way forward for this suggested allocation is for the production of a masterplan or development brief for this site. By masterplanning the whole site this would ensure a comprehensive development and secure the necessary level of play space is provided within an appropriate location to serve the whole development. The submission of a number of schemes for this proposed allocation appears to be creating the situation which the Inspector and Secretary of State were keen to avoid in respect of the appeal on the adjacent site, i.e. piecemeal development. This underpins the view that further piece meal development of this area of land and a positive recommendation of this application would further undermine this masterplanning approach to the detriment of any potential comprehensive redevelopment of the site.
186. In respect of POS provision across the remainder of this area of safeguarded land, in the event that it is allocated for development within the adopted Site Allocations DPD, it is considered that a comprehensive masterplanning approach would secure the necessary infrastructure to support the development in a suitable location for the benefit of the future residents and Clayton le Woods as a whole. It is also noted that the Council will imminently be publishing its Open Space and Playing Pitch Strategy which will form the evidence base for open space provision within the Borough. This will enable deficits within provision to be identified and will ensure that the necessary infrastructure is provided in the most appropriate locations. The suggested piecemeal approach to developing this site has the potential to result in isolated pockets of POS which are not connected or provide the most appropriate solution for the site.

#### 5e) Trees

187. The application is supported by a Tree Survey Report which identifies 43 individual trees, 8 groups of trees and 8 hedgerows. Of the trees surveyed 11 are identified as having high amenity value, 22 are identified as having moderate amenity value and 10 are identified as having low amenity value. Of the groups of trees surveyed 2 groups are identified as having moderate amenity value and 6 groups are identified as having low amenity value. Of the hedgerows surveyed 2 are identified as having moderate amenity value and 6 are identified as having low amenity value.
188. On the Tree Survey and Root Protection Plan accompanying the Tree Report no trees are identified for removal. The Ecologist has commented that *the application area supports a number of ecologically significant trees however it is not clear from the masterplan that these trees would be retained as part of the development proposals*. As none of the trees are identified for removal this is not considered to be an issue and any tree removal that may be identified as part of future reserved matters applications can be addressed by condition.
189. A Tree Preservation Order has been placed on the trees with high/ moderate amenity value.

#### 5f) Landscape

190. The site itself is currently characterised by open agricultural fields defined by mature hedges and hedgerow trees. This agricultural character will inevitably be completely changed through the introduction of the development and would result in an adverse impact on the local landscape character. The NPPF sets out 12 core land use planning principles which includes *recognising the intrinsic character and beauty of the countryside*. The preference for development is brownfield sites with greenfield sites only coming forward where there is a demonstrable need.
191. The impact on the landscape character and visual amenity of the area was considered by the Inspector at the Clayton le Woods appeal who considered that *This is the inevitable consequence of residential development on a greenfield countryside site. Whilst the Council could accept such impacts if there was an identified need for residential development, this is not the case here. Accordingly, there is no planning policy imperative which justifies the harmful impact on the natural environment now*.
192. The impact of the current proposals is material to the consideration of this application. In this regard the Council's Open Space Team have assessed both Redrow's proposals for the application site and Redrow's submitted Composite Masterplan for the remaining area of Safeguarded Land.

193. Within the Lancashire County Council Landscape Character Assessment (SPG) the site falls within Character Area 5K Undulating Lowland Farmland, described as follows:

*'The rural character of this landscape is largely obscured by built development which has taken place since the late 1970s. Motorways and motorway junctions dominate the northern sector. The principal landscape feature is Cuerden Valley Park, based upon the woodland and valley of the river Lostock. The park is managed for nature conservation and recreational use and is an important local resource. Pockets of farmland and vernacular buildings survive as a reminder of earlier land use and settlement pattern.'*

194. The Parks and Open Spaces Officer considers that the concept of retaining all the historic layout of hedgerows described in the Design and Access Statement has merit however this in itself would not be effective in creating a high quality landscape setting and character to the development. The phase 2 illustrative masterplan shows that the hedgerows through the site will be disrupted and fragmented by the development and road layout. The arrangement of informal open space associated with the retention of these hedges would be of limited value to landscape character enhancement, recreational use or landscape and visual amenity in the context of an extensive new residential development.
195. It is acknowledged that the layouts provided are illustrative however the Parks and Open Spaces Officer does not consider that a robust landscape mitigation strategy can be achieved with the number of dwellings, density of development and the arrangement illustrated on the indicative masterplan. The Officer considers that in respect of the current greenfield status of the site the Phase 2 scheme should be delivering more in terms of a coherent and meaningful landscape and open space strategy to achieve improved recreational value, protected visual amenity for local people and the development of a strong and distinctive landscape character.
196. The LCC Landscape Strategy for the undulating lowland farmland area puts great emphasis on increasing the mixed woodland cover in order to achieve a continuous linked network of trees, hedgerows and woods as an integral part of new development. This supports the concept of a stronger landscape framework including new woodland plantations linking to existing hedgerows and to the wider context of Cuerden Valley Park.
197. In terms of landscape and visual assessment, users of roads (particularly fast moving traffic on A Roads and Motorways) are considered to be less sensitive than local residents and users of public rights of way. Therefore, it follows that the receptors whose visual amenity is likely to be damaged most are the existing residents at Clayton Le Woods and users of the public right of way which crosses the site in an east west direction.
198. The Phase 2 illustrative masterplan accommodates the public right of way into its road and footpath layout however the Parks and Open Spaces Officer does not consider that this layout protects the experience or visual amenity of those using the right of way. The footpath runs alongside a comprehensively developed estate road for its entire length which will damage the visual amenity of users and will not encourage use by cyclists or pedestrians seeking to use an attractive green route.
199. Local residents to the south and north of the phase 2 site are afforded some protection of views by the existing hedges around the boundaries of the site. However, the indicative development layout does not illustrate that any significant enhancement of the boundary hedgerows or incorporation within meaningful open spaces is achievable with the arrangement and number of dwellings proposed.
200. In order to mitigate the effects described above, a high quality landscape and open space enhancements scheme across the site would be required. In terms of surrounding character, the strongest positive influence in the locality is Cuerden Valley Park. To create a strong landscape character, the landscape strategy for the scheme needs to demonstrate that the character of Cuerden Valley Park is being drawn upon to create a stronger landscape framework across the site and help to integrate the development more sensitively into the landscape.
201. The Parks and Open Spaces Officer considers that, from a landscape perspective, it would be preferable for a phase 2 landscape strategy to be developed which achieves the following:
- ☐ The creation of a useable and meaningful east west linear green space incorporating the public right of way (along the existing PROW alignment or along a diverted route around the development) which would help to mitigate the damage to landscape character and be of real value to local residents, pedestrians, and cyclists.

- ☒ A bolder and more robust landscape framework extending the strong positive landscape character of Cuerden Park across the site.
- ☒ Clear connections from Phase 2 open spaces and footpaths to the POS provided as part of Phase 1.
- ☒ Improved mitigation of visual effects for local visual receptors in existing residential areas and those using the public right of way.
- ☒ The retention of key hedges within a robust landscape framework of POS.
- ☒ An attractive green connection to Cuerden Park and National Cycle Route 55 to encourage walking and cycling.

202. In respect of the submitted composite masterplan the Parks and Open Spaces Officer has raised concerns over the proximity of the proposed employment land to existing residential areas and the impact this will have on the outlook from the residential properties. Concerns have been raised that the views of users of the footpath across the site will be changed and consideration needs to be given to the effects on views from within Cuerden Park itself. Protection of the views and character of Cuerden Park may mean that a broad landscape buffer is required along the boundary of the site with Shady Lane. The Parks and Open Spaces Officer considers that a strong landscape strategy incorporating the public right of way would help to mitigate the issues described above and extend the high quality of landscape character from Cuerden Park across the site. Sensitive and robust landscape treatment of boundaries to the south of the employment land and along Shady Lane would also be necessary.

203. The issues raised by the Parks and Open Spaces Officer reinforces the fact that a piecemeal approach to the development of this proposed allocation will adversely impact on a Masterplanning approach for the site, as advocated within the Core Strategy, which is the only way of ensuring that a strong landscape strategy for the entire site is achieved. Whilst an illustrative Masterplan has been submitted with the application it is not considered that this adequately demonstrates that a suitable landscape strategy could be achieved on the entire site to mitigate the landscape impacts of the redevelopment of this greenfield site.

#### 5g) Ecology

204. The application is accompanied by an Ecological Appraisal which has been forwarded to the Ecologist at Lancashire County Council for comment. The Ecologist has reviewed this document.

205. Part of Cuerden Farm Ponds BHS lies within the application area. It will be important to ensure that the BHS is adequately protected from the adverse impacts of development and that appropriate management can be secured in the long-term to ensure no loss of biodiversity value as a result of this development. Particular concerns associated with increasing urbanisation, and which will need to be addressed, include increased recreational disturbance (people, dogs), the introduction/encouragement of inappropriate species (ducks, fish, non-native species, etc.), and pollution.

206. A further planning condition or obligation will also be necessary to secure appropriate and long-term (i.e. in perpetuity) habitat creation, enhancement and management for the maintenance of features of biodiversity value (including the BHS (part), ponds, hedgerows, and habitat of protected and priority species) and for which standard amenity landscape management will not be appropriate.

207. Following a high court decision (R (on the application of Simon Woolley) v Cheshire East Borough Council, June 2009) the Local Planning Authority have a legal duty to determine whether the three 'derogation tests' of the Habitats Directive implemented by the Conservation (Natural Habitats &c.) Regulations 1994 have been met when determining whether to grant planning permission for a development which could harm a European Protected Species. The three tests include:

- (a) the activity must be for imperative reasons of overriding public interest or for public health and safety;
- (b) there must be no satisfactory alternative and
- (c) favourable conservation status of the species must be maintained.

208. This requirement does not negate the need for a Licence from Natural England in respect of Protected Species and the Local Planning Authority are required to engage with the Directive.

209. The Ecologist has assessed the proposals in respect of protected species. The pond on site is considered suitable to support great crested newts. This pond has been surveyed in connection with other development proposals in this area (11/01004/OUTMAJ) and great crested newts have not been recorded. As such the Ecologist is satisfied that great crested newts are not a constraint to the development of this site.

210. The originally submitted Ecological Appraisal did not include detailed information in respect of bat roosts as appendix E was not attached to the ecology report. However following the receipt of further

information the Ecologist has confirmed that as trees with bat roost potential will be retained within the scheme the proposed development should not result in any direct impacts upon bats or bat roosts. There is thus no need for mitigation for bats to be secured by planning condition.

211. This notwithstanding the report does identify that some trees need further investigation to establish bat roosting potential. If any mature trees with features suitable to support bat roosts would be felled to facilitate development, further inspections/surveys are required prior to determination of this application.
212. The submitted masterplan indicates that sufficient land would remain undeveloped such that effective mitigation and compensation for impacts on bat foraging and commuting habitat could be delivered as part of these proposals. It will therefore be important that development is in accordance with the submitted masterplan and that the landscaping scheme/habitat creation and management plan addresses maintenance and enhancement of bat habitat. This can be addressed via condition.
213. The ecology report noted a number of species on site, some of which are priority species, e.g. curlew, skylark, house sparrow and tree sparrow. The Ecologist considers that the avoidance of impacts on nesting birds during construction can be addressed by planning condition. However, in order to ensure that the proposals do not lead to declines in populations of priority species the Ecologist requires further information to clarify potential impacts on priority species. The Ecologist considers that it is unlikely that habitat suitable to support ground nesting species such as curlew and skylark could be retained and as such a commuted sum to deliver ground nesting bird habitat (offsite compensation) will be required.
214. The Ecologist considers that even if the development would affect only one pair of ground nesting species, such that the development in isolation would not result in a significant impact on the population, the loss of any breeding pair (of a species in decline) is a concern (and taken together with other developments could cumulatively contribute to further declines of these species). Surveys for birds were not carried out and the numbers of such species potentially affected are therefore unknown.
215. The Ecologist has confirmed that if the proposals would displace priority species this should be compensated for off-site. If priority ground-nesting birds are not present within the application area (which could be established by survey), then it would not be reasonable to require compensation.
216. In this regard if an obligation is necessary the sum would need to be calculated based on the number of species displaced and the area of land/breeding requirements of those species. The sum would ideally be used to contribute towards the conservation of the particular species concerned (in this case, apparently curlew and skylark) at suitable sites elsewhere in Lancashire.
217. The Ecologist requires a 'Reasonable Avoidance Measures Method Statement' for reptiles should be produced detailing measures for the avoidance of impacts on the species and their habitat would be required. This could be addressed by condition.
218. The Ecologist considers that at reserved matters stage further details of measures that will be implemented for the avoidance of impacts on Species of Principal Importance and their habitat will be required. This could be addressed by condition.
219. From an ecological perspective the majority of the impacts and required mitigation can be addressed by suitable worded conditions however the outstanding issue relates to the potential impact on ground nesting birds and any necessary planning obligation resulting from the displacement of this priority species. Further information has been submitted to the Ecologist at LCC in respect of ground nesting birds which concludes that the Site and its surroundings are of negligible value for ground nesting birds. The Ecologists comments in this regard will be reported on the addendum.

#### 5h) Flood Risk and Drainage

220. The application is accompanied by a Flood Risk Assessment and Drainage Strategy which has been assessed by the Environment Agency.
221. As set out above the Environment Agency originally objected to the proposals on the grounds that the FRA includes an incorrect value for the Greenfield runoff rate and hydraulic modelling is required. As such it was considered that insufficient information had been submitted in support of the application.
222. Following further consideration the EA removed their objection subject to a condition relating to surface water drainage and a condition requiring the Flood Risk Assessment & Detailed Drainage Strategy to be updated to include a hydraulic assessment to identify any flood risks from the watercourse

through the site and further downstream of it. As such in respect of flooding this can be addressed via condition.

223. In respect of foul drainage the application forms confirm that the development will be connected to the existing foul sewer. During the consideration of the adjacent site concerns were raised in respect of capacity problems that had been identified on the foul sewer network. As part of that application United Utilities confirmed that they had no objection provided that any subsequent approval included a Grampian condition restricting occupation of the site until after Autumn 2013 to accommodate proposals to increase treatment capacity at Walton Le Dale Wastewater Treatment Works.

224. This application was refused and allowed at appeal. To deal with the concern raised by United Utilities the following condition was attached by the Inspector:

Full details of the design, capacity and ability of the sewer network to accommodate the proposed programme of development and subsequent load shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of the development hereby permitted, the works shall be implemented in accordance with the approved details and programme.

*Reason: To allow for adequate drainage of the site and capacity within the Walton-le-Dale Wastewater Treatment Works area.*

225. Although United Utilities have been consulted on the application no formal response has been received. Their formal comments will be reported on the addendum.

#### 5i) Traffic and Transport

226. The application is accompanied by a Transport Assessment which has been assessed by the Highway Engineer at Lancashire County Council and the Highways Agency. It should be noted the Highways Agency have confirmed that due to the quantity of information submitted there is a need to ensure that adequate time is available to resolve any issues that may arise and as such have issued an Article 25 direction. The issuing of this direction ensures that the application cannot be determined in favour of the applicant until such time as the Secretary of State for Transport is satisfied that the impact of this development on the motorway network has been adequately assessed and that any appropriate mitigation will be provided.

227. The application on the adjacent site, allowed on appeal, incorporated a 'Future Vehicle Link' to the parcel of land subject to this planning application. The illustrative masterplan submitted with this application details a continuation of this vehicular link. However it should be noted that this vehicular link was only shown indicatively and it is possible that at reserved matters stage this link does not serve the land subject to this application.

228. There have been several meetings held with the applicants, their highway consultants, LCC Highways and the Highways Agency. The outcome of these meetings resulted in the submission of a Highways Technical Note which detailed the off site works required. This document has been reviewed by both the Highway Engineer at LCC and the Highways Agency.

229. The Highway Engineer at Lancashire County Council considers that the development proposal as submitted does not provide for an acceptable vehicular access and a sustainable transportation solution to the development needs further development.

230. The Engineer has made the following specific comments:

#### Hayrick Junction

231. The proposed improvement works to the Hayrick junction, with the installation of MOVA, with bus priority at the Hayrick junction and signal upgrades on the M6 slip roads accords with the conditioned works of the phase 1 development. This should be conditioned as part of the current application.

#### Bus Improvements

232. The original TA implied that bus stops are available close to the proposed site access junction, and the Highway Engineer requested that bus stops be included on the junction drawing in order to assess accessibility. The submitted plans detail proposed bus stop locations which bring most of the site within the max 400m walk distance however the Engineer has raised concerns that the bus stop locations raise safety concerns and are not acceptable.

233. The northern bus stop is the middle of the junction and presents a difficult situation for drivers on Wigan Road and those drivers turning north from the junction. While the junction appears to be able to cope with the bus manoeuvres in/out the proposed site access road the north bound bus is not able to turn out the site and halt at the proposed north bound stop without great difficulty. It would also appear that the Wigan Road western footway is too narrow to provide for a full Quality bus stop with shelter. The Highway Engineer has suggested that this potential stop is relocated north of the junction however this is then likely to impact on the Redrows suggested Phase 3 (commercial access) of the development of this land and would also be in close proximity to the existing stop south of Lydiate Lane. This demonstrates that consideration of separate proposals on the larger site without a comprehensive scheme will result in conflict and less sustainable solutions.
234. A bus stopped at the southbound bus stop will prevent forward visibility of the island and could encourage vehicles to try and overtake with poor visibility. Again the only location that would provide for a safe stop clear of the junction area would be north of the proposed junction location.
235. It is considered that the principal of providing good access by public transport is of paramount importance to any major development such as this site, the TA states that there are existing bus services which operate with around a 30 minute Monday to Saturday daytime service, however, the level of bus service (with development) has not been quantified and there are operational questions regarding delivery of a suitable service through the site that will be commercially sustainable. The Highway Engineer recommends that the provision of a minimum frequency of 20minutes weekday daytime and half-hourly evenings and weekends to Preston, Leyland and Chorley would be generated from these proposals.
236. The approval on the adjacent site provided funding to improve public transport, to enhance the existing bus network and providing additional journeys linking Chorley to Preston. The Highway Engineer considers that the proposed development should also provide funding should it a) go forward in advance of Phase 1, and b) to further improve bus services/frequency and provide additional capacity to serve the Phase 2 development.

#### Cycle Improvements

237. The Highway Engineer considers that the Masterplan access strategy proposals are limited to within the development site and do not form continuous external routes. The development requires off-site connections to form part of the wider network to provide serious commuter access links that promote modal switch from motorised transport and improve site sustainability. As submitted the proposed development is remote from nearby destinations, such as high schools, employment sites and shops, and likely to lead to an increase in car funding.

#### Sustainable Transport - Conclusion

238. There is no guaranteed developer commitment (nor mechanism) to delivering fully sustainable transport improvements to maximise the potential for transfer to transport modes that directly and indirectly (by reducing background flows) reduce the negative impact from development.
239. The Highway Engineer concludes that for the proposed development to be acceptable, measures must be secured satisfying the needs of all sustainable modes including cycling and pedestrians using direct desire lines to existing/proposed facilities that deliver modal switch. This is not an issue that can simply be addressed by travel planning post approval.

#### Proposed Site Access

240. In respect of the proposed site access (priority junction) the Highway Engineer has raised a number of concerns. In conclusion the Engineer considers that the proposed access does not provide for a safe or adequate means of access for the possible phase 2 development of the site.

#### Parking

241. As the plans are only indicative at this stage parking provision is not set out in detail in respect of the proposals. It is noted that reference is made to 1.5 spaces per property however this provision does not accord with the Council's current requirements of 2 spaces for 2/3 bedroom dwellings and 3 spaces for larger dwellings. This would need to be addressed as part of any reserved matters submission.

#### Central Lancashire Local Development Framework Inquiry

242. The Highway Engineer has confirmed that LCC have always had a concern with capacity on the wider strategic network and this has been formalised in their Participant Statement to the Inspector with regard to the Central Lancashire Local Development Framework Inquiry.

243. As part of the emerging Core Strategy process, the three Central Lancashire authorities have worked together with LCC and in consultation with the Highways Agency (HA) to establish a consistent position regarding the potential impact of development on the strategic highway network. The LCC position was presented at the recent Evidence in Public (EIP) inquiry and highlights the recognition of the existing capacity problems that exist in the Central Lancashire area.

#### Local Transport Plan

244. The LTP Implementation Plan for 2011/12 to 2013/14, approved in October 2011, commits to the delivery of a Highways and Transport Master Plan for Central Lancashire by March 2013. This will now be completed by September 2012. The Master Plan will set out a future highways and transport strategy linked to economic development and spatial planning priorities, including those set out in the Central Lancashire Core Strategy.

#### Central Lancashire Core Strategy Hearing (February 2012)

245. It was highlighted at the Core Strategy hearing that it would seem sensible for the Core Strategy to acknowledge the Highways and Transport Master Plan as a prerequisite to informing the production of detailed proposals for additional supporting infrastructure to come forward at these strategic locations, to be set out in the Site Allocations Development Plan Document. LCC consider that the transport network has reached the point where, without support from all parties for a strategic master planning approach, no further development can be accommodated at this time, on the existing transport network, in this location.
246. Consequently, there comes a point where support for further development, without the required infrastructure that needs to be identified through the master planning process, cannot be supported. Rather than promoting economic recovery, such an approach will lead to unacceptable levels of congestion that would have a negative impact on current transport users, local businesses and the local economy.
247. LCC and Chorley BC (as part of the Central Lancashire Core) have sought to set out a way forward in delivering long term economic development in the area. The approach aims to match potential future aspirations for development that meets the housing allocation needs of Chorley BC. As part of this process, there has been agreement on the need for a strategic master planning approach.
248. If further development is allowed to come forward in a piecemeal approach with developers coming forward in small packages, this cannot be supported by the LHA. Each and every small package of development could argue that in percentage terms of overall traffic their impact is small or that there will only be a small increase in the existing congestion in the peak periods. Such an approach, without any acceptance of a threshold on the existing transport network is totally unsustainable and would lead to significant transport congestion.
249. This approach by developers would prejudice the overall master planning approach and the delivery of the Central Lancashire Core Strategy, to be set out in the Site Allocations Development Plan Document.
250. The Highway Engineer has confirmed that Lancashire County Council takes its responsibility seriously with respect to the current and future use of the highway network whilst also giving a high priority to supporting growth in the key economic centres such as Chorley; including supporting private sector led economic growth, the creation of jobs and access to employment, education and training. A fundamental element to deliver this priority is the provision and implementation of the masterplan as identified above (and within the LTP) and support from all parties including developers, Chorley BC and the HA in its delivery. The approach being progressed does and must consider the potential influence of development proposals being progressed in advance of the masterplan, and it must be strongly noted that the existing network limitations and constraints will restrict support of these developments until suitable infrastructure changes are delivered. In this regard the Highway Engineers recommendation to Chorley BC is that the site allocation is only taken forward with reference to and in accordance with the formation and delivery of the strategic master plan.
251. Following receipt of these comments there have been further meetings and e-mail correspondence between the Highway Engineer and Singleton Clamp, who act on behalf of the applicants, and it is understood that the issues raised in respect of the highway implications have been addressed subject to conditions/ planning obligations however at the time of writing this report the final comments from the Highway Engineer had not been received. These therefore will be reported on the addendum.

#### 5j) Public Right of Way



252. Public Right of Way 14 runs through the site. The illustrative masterplan details that this right of way will be retained as part of the development although it will be intersected by proposed roads. This is addressed above within the landscape section.
253. The Right of Way Officer at Lancashire County Council has made the following comments:
- ☐ The application area incorporates Public Footpath No. 14 Cuerden- it is not clear whether the application will affect the Public Footpath which outlines the development area. No diversion/extinguishment has been highlighted on the application form.
  - ☐ Public Rights of Way must not be obstructed during the proposed development. It is the responsibility of the landowner to ensure that the necessary procedures are followed for the legal diversion of the Public Right of Way if this should be necessary.
  - ☐ The development must not commence until the necessary procedures are in place, either allowing the development to take place without affecting the right of way as recorded on the Definitive Map of Public Rights of Way and subsequent diversion orders and side roads orders, or if it is necessary to divert the above listed Public Rights of Way
254. The applicant will be made aware of these requirements.

#### 5k) Contamination

255. In respect of contamination the Council's Waste & Contaminated Land Officer considers that there is a potential for ground contamination at this site however this can be addressed by a suitably worded condition.

#### 5l) Air Quality

256. The impact of the development on Air Quality is a consideration in respect of this application in regards to the cumulative impact of this additional proposed development as there are some air quality concerns in the area.
257. The Council's Environment and Neighbourhoods Manager has reviewed the air quality results for the last couple of years and confirmed that they are static. Calculations have been done and there is no strong evidence that there will be an exceedance of the air quality standards. As such the Environment and Neighbourhoods Manager has no objections in principle to the extended development.

#### 5m) Section 106 Agreement

258. Due to the nature of the development a Section 106 Agreement will be required to secure the necessary planning obligations resulting from this development in accordance with the tests set out within the NPPF as follows. Planning obligations should only be sought where they meet all of the following tests:

- ☐ necessary to make the development acceptable in planning terms;
- ☐ directly related to the development; and
- ☐ fairly and reasonably related in scale and kind to the development.

259. In respect of the current application this would include:

- ☐ Upto 30% affordable housing. On a 70/30 split in terms of social rent and sale
- ☐ On site play space
- ☐ Mitigation in respect of ecological impacts (still to be identified)
- ☐ Transport contributions including sustainable/ public transport improvements

260. Lancashire County Council School Planning have commented in respect of school places education. Latest projections for the local primary schools indicate that there will be 158 places available in 5 years' time. However, approval has been given to numerous developments within the area, the combined yield of these developments is 54 primary pupils. The number of remaining places is 105 places. Therefore, they are not seeking a contribution from the developer in respect of the full pupil yield of this development, i.e. 56 places.

261. However the School Planning Team have commented that if other pending planning applications in the Borough are approved prior to the determination of this application a claim for a maximum primary claim of Primary places:  $56 @ (£12,257 \times 0.9) \times 1.055 = £651,729$  will be sought.

262. It is considered that as there are 105 spare places in the local primary schools for the next 5 years and this scheme, assessed in isolation of the wider area of safeguarded land, will yield 56 places this scheme can be adequately accommodated within the area. It is not considered that any request could be

justified in respect of the above tests as taking into account other approvals ensures that the request is not directly related to the development.

263. It should be noted, however, that as part of the work being undertaken for the LDF process the education authority has specified the requirement for a new primary school in Clayton–Le–Woods and as such is included in the infrastructure requirements section of the Chorley Preferred Options Site Allocations and Development Management DPD. Policy EP10.3 (Primary School Allocations) indicates that land is reserved for school purposes at land east of Wigan Road. In order to achieve this suggestion consideration on the best location for the school site to serve the local community is required. It should be in a central location and should not be considered in isolation, but through the plan process. This further supports the preference for the masterplanning approach to this site which would ensure that the necessary infrastructure for the wider site is considered holistically.
264. Latest projections for the local secondary schools indicate that there will be 1436 places available in 5 years' time. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document, which has already had planning permission. Lancashire County Council Education are not seeking a contribution from the developer in respect of pupil yield of this development, i.e. 40 places.

#### 5n) Crime and Safety

265. The proposals have been assessed by the Council's Architectural Liaison Officer who confirmed that although this is a relatively low crime area there have been recorded crimes committed within the immediate vicinity of this location.
266. As a result of this crime and given that this is a large new build development it is recommended that Secured By Design principles are adhered to in order to reduce the opportunity for crime and the fear of crime as outlined below:
- ☑ The 1.5 parking spaces per dwelling should be located where the opportunity for natural surveillance is maximised e.g. from active rooms within the property.
  - ☑ Footpaths/cycle paths indicated on the development should be incorporated into the scheme lighting plan.
  - ☑ Design out alleyways at the rear and side of properties.
  - ☑ Foliage and shrubbery should be low level e.g. maintained to 1m high so as to enhance natural surveillance.
  - ☑ Properties should be secured with 1.8m high fencing at the side and rear (e.g. close boarded) and 1m gating/bow top railing arrangements at the front to provide defensible space.
  - ☑ As this is a large development threshold markings should be incorporated into the estate e.g. change in road surface, pillars etc. to provide differentiation between public and private spaces. This contributes towards modifying potential offenders' behaviour.
  - ☑ Openings e.g. Doorways and windows are the main weakness in any building to unauthorised entry therefore it is recommended that Doorsets and Windows should be certificated to Secured By Design standards particularly those at the rear.

267. This can be addressed at reserved matters stage via condition.

#### 5o) Archaeology

268. Lancashire County Council Archaeology Service have assessed to proposals and made the following comments. An area immediately to the south-west of the application site was the subject of a desk-based assessed which identified the Roman road from Preston to Wigan which is projected to cross the proposal site either to the west or east of Woodcocks Farm however it is not considered that the identified heritage asset is of sufficient significance to require any further pre-determination site investigation.
269. Any surviving remains would be of local significance only and could be dealt with by means of an appropriate scheme of archaeological mitigation. As such the applicants would be required to undertake a phased programme of archaeological work which can be secured via condition.

#### 5p) Sustainability

270. In September 2008 the first policy document, Sustainable Resources DPD, within Chorley's new Local Development Framework (LDF), was adopted. The applicant has submitted a 'Sustainable Resources and Renewable Energy Statement' which sets out information identifying how they intend to

meet the requirements of Policy SR1. The information they have submitted is sufficient at this stage as the application is in outline form with all matters reserved except access.

### 5) Overall Conclusion

271. The proposal would be in breach of the Safeguarded Land policy DC3, which as set out previously is consistent with the NPPF, however the Council acknowledge that this policy must be read in the context of other material considerations that may be more up to date.
272. The Green Belt in Chorley was first established in the Local Plan in 1997, when the appeal site was designated as safeguarded land under policy C3. In the Chorley Local Plan Review (2003) the appeal site is designated as Safeguarded Land (under policy DC3.9). This Policy was saved by the Secretary of State in 2007.
273. PPG2 was published in 1995 and was extant national guidance at the time of the promulgation of the Local Plan Review. PPG2 advised, amongst other advise, that:
- ☐ In order to ensure protection of Green Belts within this longer timescale, this will in some cases mean safeguarding land between the urban area and the Green Belt which may be required to meet longer term development needs
  - ☐ Local Plans should make clear that land is not allocated for development at the present time
  - ☐ Local plan policies should keep safeguarded land free to fulfil its purpose of meeting possible longer-term development needs
  - ☐ Local plan policies should provide that planning permission for the permanent development of safeguarded land should only be granted following a local plan or UDP review which proposes the development of particular areas of safeguarded land. Making safeguarded land available for permanent development in other circumstances would thus be a departure from the local plan
274. The Local Plan Review was adopted in August 2003. It replaced the Local Plan and had a timescale to 2006. It was intended that the overall extent of the Green Belt would not change until at least 2016. To help achieve this, areas of Safeguarded Lane were identified to accommodate development pressures in the period up to 2016 if necessary.
275. The North West RSS post dates the Local Plan and, where conflict, greater weight should attach to the RSS. However the RSS does not propose any changes to the GB boundaries in Chorley and the RSS does not seek to change policy regarding safeguarding of land, whether in Chorley or elsewhere. As such policy DC3 is not, in anyway, inconsistent with the RSS. It is right that the RSS imposed materially different housing land supply targets for Chorley and post dated them to 2003. However, the RSS housing land supply targets form the basis of the 5 year land supply target, which has fully informed the LPAs conclusion that there is not a need to release the appeal site for residential development now.
276. The publication of the NPPF on 27th March resulted in the cancellation of PPG2 however the NPPF takes forward the principle of safeguarded land established within PPG2. The NPPF does not list the Planning System General Principles as a cancelled document as such the current position is that advice contained within this document still applies.
277. The message from the DCLG has been that now the NPPF has been published it is up to councils to define its meaning. Greg Clark said that the NPPF is a *“framework for local decision-taking”* and it is for councils to make judgments on its interpretation. Additionally chief planner Steve Quartermain described the framework as a *“control shift”* to local authorities. It is understood that the government helpline set up to advise local authorities on the NPPF is not intended to help them interpret the meaning of the policies contained in the document. Steve Quartermain said: *“The advice is not geared at telling you: ‘This is what the policy means’.”* Putting the onus on Local Authorities at a local level to interpret and implement the guidance contained within the NPPF at a local level.
278. In terms of Localism the Government's clear direction of travel is that decisions should be made at local level so supports the Council's LDF process so it is considered it carries significant weight in favour of refusing the application.
279. Whilst the application proposals may not be substantial on an individual basis, any substantial release on the safeguarded sites within the Borough will prejudice the production of the Site Allocations DPD in respect of scale, location and phasing of new development, will undermine the growth ambitions and objectives of the Core Strategy, will prejudice the development of the identified Key Service Centres, such as Chorley Town, and will undermine the Council's objectives in respect of developed previously developed sites.

280. The Council already has a deliverable five-year supply and if these areas of safeguarded land were released now a significant proportion of future housing growth is likely to be delivered in the early years of the plan period. There is also no mechanism in place to decide which, if any of these should come forward first and why.
281. It is considered that the material considerations in respect of the application proposals are:
- ☐ The presence of a five year supply,
  - ☐ The fact that this site is a greenfield site
  - ☐ The position in relation to the LDF including:
    - ☐ The growth ambitions and objectives of the Core Strategy
    - ☐ The undetermined position in respect of the Site Allocations in respect of distribution of housing within the ULSCs and across the Borough as a whole, the phasing of development within the ULSCs and the density of development on sites
  - ☐ The impact on infrastructure provision if this site is released now
  - ☐ The cumulative harm that will arise if a precedent is set
  - ☐ The lack of a comprehensive Masterplanning approach for the whole site
282. The Local Plan Review has a number of housing objectives. Of most relevance to this application is the objective relating to meeting the housing requirements of the whole community in both rural and urban areas including those in need of affordable and special needs housing and the to promote attractive, high quality housing developments where people can move safely on foot or bicycle, and which have safe access to sufficient areas of play space and amenity.
283. The emerging Core Strategy sets out the Strategic Objectives for Central Lancashire. Of particular relevance to this application are Objectives SO2, SO5 and SO8 which are:
- ☐ Objective SO2: "To ensure there is sufficient and appropriate infrastructure to meet future needs, funded where necessary by developer contributions."
  - ☐ Objective SO5: "To make available and maintain within Central Lancashire a ready supply of residential development land over the plan period, so as to help deliver sufficient new housing of appropriate types to meet future requirements. This should also be based on infrastructure provision, as well as ensuring that delivery does not compromise existing communities".
  - ☐ Objective SO8: "To significantly increase the supply of affordable and special needs housing particularly in places of greatest need such as more rural areas".
284. Clayton le Woods is identified as a location for some growth within the Core Strategy, which is at an advanced stage, to assist in meeting the above objectives. It is acknowledged that there is support in the emerging Local Development Framework for some growth in Clayton le Woods, however at both Borough and settlement level there are still choices to be made over amount, timing and specific location of that development.
285. Additionally Objective SO2 seeks to ensure there is sufficient appropriate infrastructure to meet future needs, funded where necessary by developer contributions. Policy 2 refers to the application of a levy/tariff based on standard charges as appropriate, noting that "This will ensure that all such development makes an appropriate and reasonable contribution to the costs of provision after taking account of economic/viability considerations." The policy also notes that LPAs "will set the broad priorities on the provision of infrastructure, which will be linked directly to the commencement and phasing of developments. This will ensure that enabling infrastructure is delivered in line with future growth, although some monies will be specifically collected and spent on the provision of more localised infrastructure." Given the fact that even small developments create a need for new services, then it is considered that to release this site now would undermine the spatial vision and objectives for the core strategy, particularly in this case in relation to infrastructure and tackling climate change. If the site were to be approved now, it would further set a precedent for other safeguarded sites, which in turn would not contribute to CIL, and so cumulatively, further harm to the overall spatial vision and objectives of the core strategy could occur.
286. There has been no determination yet in respect of which sites will be allocated for housing, when this housing would be brought forward or whether there will be an even distribution of housing delivery across the 6 identified Urban Service Centres. Prior to this determination any release of suggested sites has the potential to prejudice the plan-making process.
287. It is considered that there is no justification to release this site for housing now particularly taking into account the other potential housing land options in the Borough.

288. On site delivery would not be delivered until 2014/2015 and as such this site can be fully assessed as part of the plan-making process.
289. The best way of meeting the Local Plan Review objective of meeting the housing requirements of the whole community and the emerging Core Strategy objective of making available a ready supply of residential land is through the Development Plan process, in this case via the emerging Site Allocations and Development Management Policies DPD. This process gives supporters and objectors to all proposed housing allocations the opportunity to debate and determine future housing sites in the Borough. Whilst these application proposals would provide housing on this particular site in Clayton le Woods, granting permission now would prejudice decisions that ought properly be taken as part of the LDF process and undermine these objectives.
290. The NPPF includes a 12-month grace period that councils have to bring plans into line with national policy. In this case the Development Plan is not absent or silent, the relevant housing policies are not out of date as the Council has a 5 year housing land supply. The thrust of the NPPF and Planning for Growth was to significantly boost the supply of housing not just in the abstract but by using an evidence base to identify key sites. In respect of the NPPF in the presence of a 5 year land supply there is no strong support for release of this site.
291. Given the stage reached in the preparation of the Core Strategy it is considered that there is an obvious disadvantage in planning terms to the release of this site now. The emerging Core Strategy does not identify:
- ☐ The appropriate scale of development at Clayton le Woods;
  - ☐ The appropriate scale of development in the other ULSCs in Chorley;
  - ☐ The appropriate scale of development elsewhere in Chorley Borough;
  - ☐ the appropriate spatial distribution of new development sites across the ULSCs, the Rural Local Service Centres (RLSCs) and thereby the whole borough.
292. Whilst the Core Strategy does give some support to the development of this site greater weight should be afforded to the Development Plan. If outline planning permission was granted now expected on site delivery would be 2014/2015 by which time the Core Strategy and Site Allocations DPD will have been adopted and as such the submission of a full application following adoption of these documents would not result in any unnecessary delay to the applicant.
293. It has been established that the principle of the development is considered unacceptable in relation to current and emerging policy weighed against other material considerations. The site is shown in the proposed Site Applications Preferred Options Paper as a part of a wider proposed allocation known as Land to east of Wigan Road (A49) HS1.35 for both housing and employment uses. Policy HS1 also states that the Council will require a Masterplan or development brief. The release of this section of this wider allocation would undermine a comprehensive approach to this site.
294. It is considered that the best (and only) mechanism to resolve the appropriate scale and spatial distribution of development is through a polycentric consideration of sites through the Core Strategy and Site Allocations process.

### **Other Matters**

#### Public Consultation

295. In accordance with the Council's Statement of Community Involvement the applicants, Redrow Homes, held a consultation event at Lancaster Lane CP School on Thursday 24 November between the hours of 4.30pm and 8.00pm. The notification of this event included leaflets distributed to neighbours, deposited at the local shops and at the Hayrick public house and sent to Clayton-le-Woods Parish Council. Electronic versions of the leaflet were emailed to Ward Councillors and Planning Committee members.
296. A public notice was published in the Chorley & Leyland Guardian on the 16 November and a separate press release appeared in 'The Citizen' (free newspaper) on the 23 November.
297. Approximately 50 people attended the event and 7 comment sheets were completed on the evening. A further 10 forms/letters/emails were received after the event (17 in total).
298. Only one response received supported the scheme the remainder raised the following concerns (including Redrow's response):

299. Illustrative plan may not represent the final scheme: The masterplan is purely illustrative at this stage and all detailed design matters, except access, are reserved for subsequent approval. However, the illustrative plan does give a firm idea as to how the land might be developed and the Design & Access statement accompanying the outline application sets out key development principles which will be taken forward into the detailed scheme.
300. No provision for affordable housing should be made: This is to be the subject of further negotiation, but the Council's adopted Local Plan policy does require a 20% affordable housing provision.
301. Concern about loss of greenfield or Green Belt land: The Central Lancashire Core Strategy identifies Clayton-le-Woods for some housing growth and there are no brownfield sites capable of accommodating that growth. The land is not within the Green Belt.
302. Concern about more traffic using Shady Lane: No vehicular access is proposed onto Shady Lane.
303. Concern about another access onto Wigan Road: The emerging Site Allocations DPD allocates the wider area for mixed use, including an additional 300 homes (600 in total), plus 20 hectares of employment land. Redrow consider that a development of 600 homes does require at least two accesses and the employment land should have a discrete access.
304. Concern about industrial development on adjoining land - the existing Cuerden Strategic Site is more appropriate: This will be determined through the emerging Site Allocations DPD.
305. Development should include affordable housing: The illustrative scheme does include a proportion of smaller family homes which could provide on-site affordable housing.
306. Development here will not bring any jobs and services to local people: Evidence has shown that one new job is created for every dwelling which is constructed, plus up to 4 jobs in the supply chain. For example, a development of 160 homes will generate new expenditure in the area of £2.1m to support town centre shops and services.
307. Part of future employment land is the subject of a current application for an extension to the Cuerden Residential Park
308. Lack of landscape buffers to Cuerden Residential Park: This can be addressed through future planning applications in respect of that land.
309. Concern about increased traffic on Wigan Road and Lancaster Lane: Clearly the development will generate additional traffic movements and this is addressed in greater detail in the submitted Transport Assessment (TA). The TA concludes that a development of 160 dwellings will not result in any significant impact on the adjoining highway network.
310. All landowners/developers should work together to produce a comprehensive scheme: Redrow's proposal is set within the context of a comprehensive masterplan for the wider area and will deliver infrastructure to serve the wider area (i.e. bus route through the site).
311. Too many houses already for sale in the area, including at Buckshaw Village. Existing housing will be devalued: The housing target for Chorley is for 417 additional dwellings per annum (2010-2026) and there is a strong demand for family housing in Clayton-le-Woods. The devaluation of existing housing is highly unlikely and not a legitimate planning consideration.
312. Concern about loss of wildlife habitats: An ecological appraisal of the site accompanies the application. It identifies the existing trees, hedgerows and pond as being the only areas of ecological value- these will be retained and enhanced.
313. Brownfield sites should be developed instead: There are no significant brownfield sites in Clayton-le-Woods capable of accommodating the anticipated level of housing growth.

## Planning History

### Adjacent Site:

**10/00414/OUTMAJ**- Outline application for residential development of up to 300 dwellings (comprising 2, 2.5, & 3 storeys) with details of access and highway works and indicative proposals for open space, landscape and associated works. Allowed on appeal July 2011

**Recommendation: Refuse Outline Planning Permission****Reasons**

1. With reference to:

- ☐ Planning System General Principles;
- ☐ The National Planning Policy Framework
- ☐ The Development plan, including policy DC3 of the Chorley Local Plan Review;
- ☐ Central Lancashire Core Strategy;
- ☐ Chorley Site Allocations & Development Management (SADM) DPD (preferred option)
- ☐ Other material considerations as detailed within the report to the Development Control Committee;

The Central Lancashire Core Strategy identifies some growth across six Urban Local Service Centres, and is currently at examination stage. The Chorley SADM DPD identifies sites that could accommodate a level of growth, together with a phasing policy and is at preferred options stage. The level of growth and the sites to be allocated to support that growth are matters to be determined by the SADM DPD, and there are representations on this site in favour and against, and representations about other sites that may also have the potential to support a level of growth.

The Council has a five year housing supply, and there is no need to favourably consider this application. This application is one of a number of applications on Safeguarded Land that if approved, would set a precedent, and the cumulative effect would be so significant that granting permission would individually and cumulatively undermine the spatial vision, aims, and objectives of existing and proposed plans that are and will form the Development Plan.

Due to the current supply within Clayton-le-Woods and the Borough, there is not an urgent need to increase growth and there are a significant number of sites that could deliver the level of growth that will be determined by the SADM DPD process. This site has been assessed as having a sustainability score of B, that when compared to the existing, proposed and potential sites within Clayton le Woods is not any more sustainable than the other options and there is not a more urgent case to deliver growth over the Central Lancashire Core Strategy area. This site and this location does not represent an urgently needed solution or the most sustainable location to deliver growth, the level of which has not been determined.

Delivery of sustainable development includes not only site specific criteria, but also wider benefits to support the required infrastructure to support the spatial vision, aims and objectives of the plan and to achieve sustainable development. The infrastructure delivery schedules within Chorley and Central Lancashire detail infrastructure projects that arise in order to meet the overall spatial vision, aims and objectives of the Core Strategy and so achieve sustainable development.

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Report of	Meeting	Date
Director of Partnerships, Planning & Policy	Development Control Committee	30 October 2012

## ENFORCEMENT ITEM

**TITLE:** The change in use of a car workshop located at 286 The Green Eccleston Chorley PR7 5TE from a car workshop, a use falling within Class B2 The Town & Country Planning (Use Classes) Order 1987 (as amended) by the Use Classes Amendment Order 2005, to a place of storage and distribution, a use falling within Class B8.

## PURPOSE OF REPORT

1. To consider whether it is expedient to take enforcement action to impose conditions governing the use of the site.

## RECOMMENDATION(S)

2. That it is expedient to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 in respect of the following breach of planning control:

### **Alleged Breach**

- i. Without planning permission the change in use of the site from a car workshop, a use falling within Class B2 The Town & Country Planning (Use Classes) Order 1987 (as amended) by the Use Classes Amendment Order 2005, to a place of storage and distribution, a use falling within Class B8 The Town & Country Planning (Use Classes) Order 1987.

### **ii. Remedy for Breach**

The Use of the site for B8 Storage and Distribution shall be carried out in accordance with the following conditions:

- i. No storage activities shall take place on the site other than inside the building except for the parking of vehicles associated with the use of the site.  
*Reason: In the interests of the amenities of local residents.*
- ii. The use shall be restricted to the hours between 0800 hours to 1800 hours Monday to Friday, between 0800 hours and 1300 hours on Saturday. There shall be no use of the site on Sundays Bank or Public Holidays.  
*Reason: To safeguard the amenities of local residents.*
- iii. The building shall only be used for a purpose falling within Use Class B8 of the Schedule to The Town & Country Planning (Use Classes) Order 1987 (as amended) and for no other purposes.  
*Reason: To clarify the use and to protect the amenities of local residents.*

### **Period of Compliance**

28 days.

**iii. Reason**

The development by virtue of its proximity to neighbouring residential properties if unrestricted will be harmful to the amenity of those properties and without the imposition of relevant conditions will be contrary to Policy EM7, Chorley Borough Local Plan Review Adopted Edition, that allows for small scale B8 development provided the use does not cause detriment to the amenity of the area through noise, nuisance or disturbance.

**EXECUTIVE SUMMARY OF REPORT**

- 3 The site occupies land that is bounded to the North by properties on Sagar Street, to the east by the garden of properties on Bradley Lane and to the west by the Bowling Green and St Mary's Primary School. Access is achieved via a narrow drive directly onto The Green adjacent to the Methodist Church and school playing field.
- 4 The site has historically been in use for vehicle related uses since 1953. An application was submitted in 1994 under application, 94/00342/FUL for a replacement building for use as a replacement workshop to allow the valeting, servicing and repair of vehicles. The application was approved on 8 February 1995 subject to conditions restricting the hours of operation, the permitted use and restricting outside storage.
- 5 Complaint was received that the site and building was being used for storage and repair of caravans and that a mobile office had been placed on the land. Enforcement action was taken against the mobile office which went to appeal. In his decision letter dated 5 December 2011 the Inspector upheld the appeal granting planning permission for the portable building for office use. Subsequent to that decision the building has been removed from the site and the caravan storage use has ceased. However, the building remains in use for the storage of household goods and oak furniture. And the operatives of the storage use are operating from the site in the early hours of the morning, 05:45 hours and 06:45 hours, causing noise and disturbance.
6. The lessees of the site have been requested to regularise the storage use of the site through submission of a planning application but to this date have not done so, and the Council have been informed through return of a Planning Contravention Notice they no longer have an interest in the land albeit the building continues to be used for a storage.
7. The use of the building for a B8, storage and distribution use falls to be considered against Policies GN3 and EM7, Chorley Borough Local Plan Review. These Policies are both saved Policies that have not been wholly replaced by the Core Strategy. Policy GN3 at criterion (a) permits development and re development of land wholly within the settlement area and at criterion (d) the rehabilitation and re use of buildings. Policy EM7 controls development in residential areas, which this site is within, and allows for B8 use provided there is no detriment to the amenity of the area through noise, disturbance or nuisance.
8. The permission that granted the replacement workshop was conditional in that the permission restricted the hour of operation, restricted outside storage and restricted the use to a workshop only. The conditions were imposed to protect the amenity of the local residents.
9. The use of the building for storage purposes is a change in use that meets relevant Policies provided the use is controlled by means of relevant conditions that protect neighbour amenity. Without the submission of a planning application the conditions can be only be imposed though the serving of an Enforcement Notice.

<b>Confidential report</b> Please bold as appropriate		<b>No</b>
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<b>Key Decision?</b> Please bold as appropriate		<b>No</b>
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<b>Reason</b> Please bold as appropriate	1, a change in service provision that impacts upon the service revenue budget by £100,000 or more	2, a contract worth £100,000 or more
	3, a new or unprogrammed capital scheme of £100,000 or more	4, Significant impact in environmental, social or physical terms in two or more wards

**REASONS FOR RECOMMENDATION(S)**

**(If the recommendations are accepted)**

- 10. An unrestricted use of the site for B8 purposes would be contrary to Policy EM7, the imposition of relevant conditions by means of an enforcement notice will protect the amenities of the neighbouring residential properties and the use will thereby accord with current Policies.

**ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

- 11. An unrestricted use of the site for B8 purposes would be contrary to Policy EM7, the imposition of relevant conditions by means of an enforcement notice will protect the amenities of the neighbouring residential properties and the use will thereby accord with current Policies.

**CORPORATE PRIORITIES**

- 12. This report relates to the following Strategic Objectives:

Strong Family Support		Education and Jobs	
Being Healthy		Pride in Quality Homes and Clean Neighbourhoods	<b>X</b>
Safe Respectful Communities		Quality Community Services and Spaces	
Vibrant Local Economy		Thriving Town Centre, Local Attractions and Villages	
A Council that is a consistently Top Performing Organisation and Delivers Excellent Value for Money			

**BACKGROUND**

- 13. The site is within the designated settlement of Ecclestone. Policy GN3 allows for the redevelopment of land and the re use of buildings within the settlement. Policy EM7 Employment in Residential Areas permits small scale development including B8 uses provided there is no detriment to the amenity of the area.
- 14. In this instance the change in use of the building requires planning permission as a restrictive condition attached to the planning permission granted under 94/00342/FUL only allowed for the building to be used as a vehicle workshop, a B2 Use. This condition being imposed as the Use Classes Order does allow a permitted change from a B2 use to a B8

use and the Council wished to prevent over intensive use of the site. The singular use of the building for storage purposes is not considered over intensive provided the use is controlled by means of conditions that protect local amenity.

**IMPLICATIONS OF REPORT**

15. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		Integrated Impact Assessment required?	
No significant implications in this area	x	Policy and Communications	

**COMMENTS OF THE STATUTORY FINANCE OFFICER**

16. None.

**COMMENTS OF THE MONITORING OFFICER**

- 17 The proposed enforcement notice will regularise the planning position in relation to this site. The steps for compliance will protect the amenity of neighbours whilst allowing an appropriate use of this land to take place.

LESLEY-ANNE FENTON  
DIRECTOR OF PARTNERSHIPS, PLANNING & POLICY

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
S Aldous	5414	19/10/12	

# Map



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*286 The Green  
Eccleston.*

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Report of	Meeting	Date
Director of Partnerships, Planning & Policy	Development Control Committee	30 October 2012

## ENFORCEMENT ITEM

**TITLE:** Without planning permission the erection of a detached dwelling house on land at 345 Blackburn Road, Higher Wheelton, Chorley, PR6 8PH

## PURPOSE OF REPORT

1. To seek authority for the serving of an enforcement notice to remedy the harm caused to the character of the area by the unauthorised development. Prior to the service of the notice. If approved, consultation with the Councils Head Governance will be undertaken prior to the service of the notice.

## RECOMMENDATION(S)

2. That it is expedient to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 in respect of the following breach of planning control:

### Alleged Breach

- i. Without planning permission the erection of a detached dwelling house on land at 345 Blackburn Road Higher Wheelton Chorley PR6 8PH.

### ii. Remedy for Breach

- i. Reduce the ridge height of the dwelling house from 9.23 metres to 8.1 metres in accordance with the approved plans attached to planning application 11/00970/FUL.
- ii. The windows on the second floor east and west elevations of the dwelling house are to be removed and fitted with non-opening windows and obscurely glazed shall be with obscure glazing to a minimum obscurity level graded 3 on the Pilkington Level of Obscurity, or an equivalent obscurity level. The windows thereafter to be retained as such.
- iii. Reduce the height of the chimney (including chimney pot) to a height of 8.7 metres.

### Period of Compliance

6 months

### iii. Reason

- i. The planning application 12/00797/FUL was considered at the Planning Committee on 2 October 2012 at which members resolved to refuse planning permission subject to the detailed consideration of the reason for refusal at the Committee meeting on the 30 October 2012. That reason is detailed elsewhere within the agenda. The

reason for refusal forms the reason for the issue of the Enforcement Notice.

**EXECUTIVE SUMMARY OF REPORT**

3. Planning permission was granted under application 11/00970/FUL for the erection of a detached dwelling on the land. Complaint was received that the dwelling house was being built higher than approved and a site visit was undertaken where the height was seen not to be in accordance with the approved plans, it was also noted that there had been a number of further alterations not shown on the approved plans. Those alterations being: chimney design and height, reduction in the height and length of the front two storey projection, additional windows to the side elevations and an increase in the number of loft windows to the rear elevation. A retrospective planning application was submitted to regularise the unauthorised development.
4. The retrospective planning application submitted to the Authority, application 12/00797/FUL, was presented to the Development Control Committee on 2 October 2012 where it was resolved to refuse planning permission due to the increased ridge height of the roof. **The exact wording for the reason for refusal was to be reported back to Committee, the wording for the refusal appears within this agenda. When agreed, the reason for refusal will be re-stated on the enforcement notice this report seeks.**
5. The breach in planning legislation that has taken place is the erection of a dwelling house without planning permission and as such the authority are entitled to seek its removal from the land, or, the authority can seek to under enforce and seek to remedy any harm the unauthorised development has caused. In this instance the reason for refusal is the height of the dwelling house which has resulted in significant harm to the character of the area. The harm can be removed through reduction of the ridge height of the roof from 9.23 metres to 8.1 metres as shown on the approved plans submitted under application 11/00970/FUL, approved on 23 December 2011.

<b>Confidential report</b> Please bold as appropriate		<b>No</b>
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<b>Key Decision?</b> Please bold as appropriate		<b>No</b>
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<b>Reason</b> Please bold as appropriate	1, a change in service provision that impacts upon the service revenue budget by £100,000 or more	2, a contract worth £100,000 or more
	3, a new or unprogrammed capital scheme of £100,000 or more	4, Significant impact in environmental, social or physical terms in two or more wards

**REASONS FOR RECOMMENDATION(S)**

**(If the recommendations are accepted)**

7. To remove the significant harm caused to the character of the area by reduction in the ridge height of the roof from 9.23 metres to 8.1 metres.

**ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

8. Nil.



**CORPORATE PRIORITIES**

9. This report relates to the following Strategic Objectives:

Strong Family Support		Education and Jobs	
Being Healthy		Pride in Quality Homes and Clean Neighbourhoods	X
Safe Respectful Communities		Quality Community Services and Spaces	
Vibrant Local Economy		Thriving Town Centre, Local Attractions and Villages	
A Council that is a consistently Top Performing Organisation and Delivers Excellent Value for Money			

**BACKGROUND**

- 10. An outline application specifying access, appearance, layout and scale was approved by permission 10/00064/OUT in March 2010. The principle of a dwelling on this site therefore has been established by that permission. A subsequent full planning application, 11/00970/FUL amended the layout and design of the dwelling albeit the height was to be as detailed in the outline, 8.1 metres.
- 11. The development was not carried out in accordance with the approved plans as submitted under application 11/00970/FUL and a retrospective application 12/00797/FUL was submitted detailing a number of alterations to the development including the raising of the ridge height to 9.23 metres, this application was refused on 2 October 2012.

**IMPLICATIONS OF REPORT**

12. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		Integrated Impact Assessment required?	
No significant implications in this area	X	Policy and Communications	

**COMMENTS OF THE STATUTORY FINANCE OFFICER**

13. None.

**COMMENTS OF THE MONITORING OFFICER**

14. The actions proposed within the Enforcement Notice will regularise the planning position making the development compliant with the extant permission.

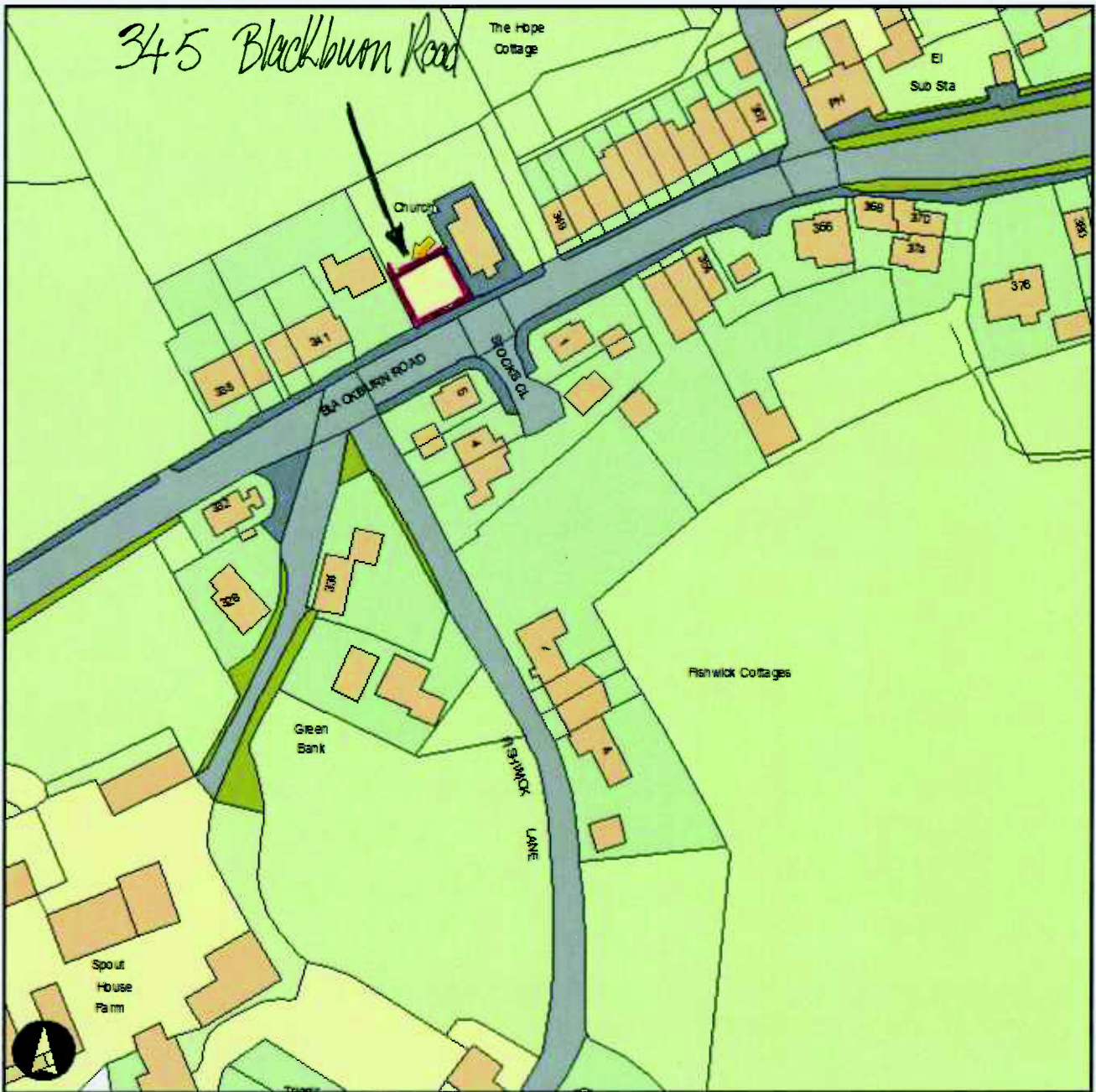
LESLEY ANNE FENTON  
 DIRECTOR OF PARTNERSHIPS, PLANNING & POLICY

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
S Aldous	515414	19/10/12	

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# Map



### 345 Blackburn (1)

Addresses (1)

ADDRESS	SHAPE	MAP_X	MAP_Y	BLPU_PRM_CLASS	LATITUDE	LONGITUDE	OBJECTID
Spitimas 345 Blackburn Road Higher Wheelton Chorley Lancashire PR6 8HP	Point	360789.03	422276.81	Null	N 53° 41' 43.681"	W 2° 35' 43.158"	66039

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