



# Development Control Committee

Agenda and Reports

For consideration on

## Tuesday, 14th February 2012

In the Council Chamber, Town Hall, Chorley

At 6.30 pm

## **PROCEDURE FOR PUBLIC SPEAKING AT MEETINGS OF THE DEVELOPMENT CONTROL COMMITTEE**

- Persons must give notice of their wish to address the Committee, to the Democratic Services Section by no later than midday, one working days before the day of the meeting (12 Noon on the Monday prior to the meeting).
- One person to be allowed to address the Committee in favour of the officers recommendations on respective planning applications and one person to be allowed to speak against the officer's recommendations.
- In the event of several people wishing to speak either in favour or against the recommendation, the respective group/s will be requested by the Chair of the Committee to select one spokesperson to address the Committee.
- If a person wishes to speak either in favour or against an application without anyone wishing to present an opposing argument that person will be allowed to address the Committee.
- Each person/group addressing the Committee will be allowed a maximum of three minutes to speak.
- The Committees debate and consideration of the planning applications awaiting decision will only commence after all of the public addresses.

**The following procedure is the usual order of speaking but may be varied on the instruction of the Chair**

### **ORDER OF SPEAKING AT THE MEETINGS**

1. The Director Partnership, Planning and Policy or her representative will describe the proposed development and recommend a decision to the Committee. A presentation on the proposal may also be made.
2. An objector/supporter will be asked to speak, normally for a maximum of three minutes. There will be no second chance to address Committee.
3. A local Councillor who is not a member of the Committee may speak on the proposed development for a maximum of five minutes.
4. The applicant or his/her representative will be invited to respond, for a maximum of three minutes. As with the objector/supporter there will be no second chance to address the Committee.
5. The Development Control Committee, sometimes with further advice from Officers, will then discuss and come to a decision on the application.

There will be no questioning of speakers by Councillors or Officers, and no questioning of Councillors or Offices by speakers.

06 February 2012

Dear Councillor

## **DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 14TH FEBRUARY 2012**

You are invited to attend a meeting of the Development Control Committee to be held in the Council Chamber, Town Hall, Chorley on Tuesday, 14th February 2012 at 6.30 pm.

**Members of the Committee are recommended to arrive at the Town Hall by 6.15pm to appraise themselves of any updates received since the agenda was published, detailed in the addendum, which will be available in the Members Room from 5.30pm.**

### **A G E N D A**

1. **Apologies for absence**

2. **Declarations of Any Interests**

Members are reminded of their responsibility to declare any personal interest in respect of matters contained in this agenda. If the interest arises **only** as result of your membership of another public body or one to which you have been appointed by the Council then you only need to declare it if you intend to speak.

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

3. **Minutes**

To confirm as a correct record the minutes of the last meeting of the Development Control Committee held on 7 February 2012 (to follow)

4. **Planning applications to be determined**

The Director of Partnerships, Planning and Policy has submitted three reports for planning applications to be determined (enclosed).

Please note that copies of the location and layout plans are in a separate pack (where applicable) that has come with your agenda. Plans to be considered will be displayed at the meeting or may be viewed in advance by following the links to the current planning applications on our website.

[http://planning.chorley.gov.uk/PublicAccess/TDC/tdc\\_home.aspx](http://planning.chorley.gov.uk/PublicAccess/TDC/tdc_home.aspx)

- (a) 11/00992/OUTMAJ - Land bounded by Town Lane (to the north) and Lucas Lane (To The East) Town Lane, Whittle-le-Woods (Pages 1 - 42)

**Proposal**

Outline planning application for the development of land to the north and west of Lucas Lane for the erection of up to no. 135 dwellings with all matters reserved, save for access.

**Recommendation**

Refuse Outline Planning Permission

- (b) 11/00993/OUTMAJ - 47 Clancutt Lane, Coppull (Pages 43 - 76)

**Proposal**

Outline application for the demolition of 47 Clancutt Lane (and associated outbuildings) and erection of up to 29 residential dwellings (all matters reserved except for access)

**Recommendation**

Refuse Outline Planning Permission

- (c) 11/00941/FULMAJ - Land adjoining Cuerden Residential Park, Nell Lane, Cuerden (Pages 77 - 104)

**Proposal**

Planning Application for 52 bungalow style park homes for older people (over 55s) and associated development including replacement community building, bowling green, allotments, pavilion/equipment store, activity trail, balancing ponds, access arrangements and internal roads, footpaths and landscaping

**Recommendation**

Refuse Full Planning Permission

5. **Any other item(s) that the Chair decides is/are urgent**

Yours sincerely



Gary Hall  
Chief Executive

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Democratic and Member Services Officer  
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### **Distribution**

1. Agenda and reports to all members of the Development Control Committee, (Councillor Harold Heaton (Chair), Councillor Geoffrey Russell (Vice-Chair) and Councillors Henry Counce, David Dickinson, Dennis Edgerley, Christopher France, Marie Gray, Alison Hansford, Hasina Khan, Paul Leadbetter, Roy Lees, June Molyneaux, Mick Muncaster, Dave Rogerson and VACANT) for attendance.
2. Agenda and reports to Lesley-Ann Fenton (Director of Partnerships, Planning and Policy), Jennifer Moore (Head of Planning), Paul Whittingham (Development Control Team Leader), Cathryn Filbin (Democratic and Member Services Officer) and Alex Jackson (Senior Lawyer) for attendance.
3. Agenda and reports to Development Control Committee reserves, (Councillor ) for information.

**This information can be made available to you in larger print  
or on audio tape, or translated into your own language.  
Please telephone 01257 515118 to access this service.**

આ માહિતીનો અનુવાદ આપની પોતાની ભાષામાં કરી શકાય છે. આ સેવા સરળતાથી મેળવવા માટે કૃપા કરી, આ નંબર પર ફોન કરો: 01257 515822

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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<b>Item 4a</b>	<b>11/00992/OUTMAJ</b>
<b>Case Officer</b>	<b>Caron Taylor</b>
<b>Ward</b>	<b>Pennine</b>
<b>Proposal</b>	<b>Outline planning application for the development of land to the north and west of Lucas Lane for the erection of up to no. 135 dwellings with all matters reserved, save for access.</b>
<b>Location</b>	<b>Land Bounded By Town Lane (To The North) And Lucas Lane (To The East) Town Lane Whittle-Le-Woods Lancashire</b>
<b>Applicant</b>	<b>Redrow Homes Ltd (Lancashire Division)</b>
<b>Consultation expiry:</b>	<b>23 December 2011</b>
<b>Application expiry:</b>	<b>14 February 2012</b>

### **Proposal**

1. The application is described as:  
*'Outline planning application for the development of land to the north and west of Lucas Lane for the erection of up to no. 135 dwellings with all matters reserved, save for access'.*
2. The site is 7.04 hectares and is located to the east of Whittle-le-Woods. To the west and south of the site are the existing residential developments of The Ridings, Harvest Drive, Dunham Drive, Wardle Court and Lady Crosse Drive. To the south are Lucas Green and Lucas Green Farm. The east boundary of the site is formed by Lucas Lane. To the north the red edge of the application site is separated by a field that slopes down to Town Lane.
3. The central part of the site is relatively flat but falls away to a ditch to the west and Lucas Lane to the east. To the north there is a greater drop towards Town Lane. Public Right of Way number 44 crosses the site from Lady Crosse Drive in the north west of the site to Lucas Lane in the south. A Biological Heritage Site (BHS) is outside the application site but bounds with the red edge of the application to the north east on the part of the land that slopes down towards Lucas Lane and Town Lane. The BHS is important for its species-rich grassland habitats and flushes. There is a World War II pillbox and gun emplacement close to the centre of the site to the east of the public footpath. The site is currently used for agricultural purposes, and has a number of trees and hedgerows on the boundaries and within the site. There is also a pond close to the boundary with Harvest Drive.
4. 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 135 dwellings including affordable units;
  - It applies for full planning permission for two access points;
  - Maintain the Public Right of Way crossing the site;
  - The provision of open space on site;
  - The retention of the Biological Heritage Site on the land directly to the north of and bounding with the application site;
  - The use of a Sustainable Urban Drainage System (SUDS);
  - Children's play space

5. The applicant advises that the development would consist of predominantly 4 bed family houses together with an element of smaller 2 and 3 bed mews style houses and apartments.

### **Recommendation**

6. It is recommended that for the reasons set out in this report the application is refused.

### **Main Issues**

7. The main issues for consideration in respect of this planning application are:

- Principle of the development
- Affordable housing provision
- Access and highways
- Sustainability
- Ecology
- Trees
- Layout, design and appearance
- Flood risk
- Drainage
- Open space
- Community facilities
- Sustainable resources
- Public footpath
- Other Issues

### **Representations**

8. 370 letters of objection have been received on the following grounds:

9. Planning Policy Points:

- They question the need for this type of housing. They understand that a previous study has shown a need for affordable housing in south Chorley and not north Chorley. There is already have a huge amount of housing still being built down the road at Buckshaw village which is encroaching on the village boundaries of Whittle le Woods;
- Redrow use the Regional Spatial Strategy (RSS) which is flawed as the Localism Bill proposes to abolish these figures. The economic assumption for such developments are based on pre-2008 information, the present economic situation means such developments are not called for and the situation should be reviewed;
- The Residents Action Group wish to produce a Neighbourhood Development Plan under the Localism Bill. The timing of the Redrow application precludes the residents from doing this;
- Brownfield sites or public sector owned sites should be used before releasing greenfield sites;
- The site is in Pennine Rural ward – it should be treated in line with Chorley Rural Housing Needs Study September 2011;
- The phasing schedule in the Preferred Option Document indicates that building would not commence on this site until 2016 at the earliest, with 174 dwellings potentially scheduled for 2016 –2021 and 174 for 2021 – 2026. Sufficient land to meet Chorley housing requirements have already been identified and planned for over the next 5/6years. This application falls outside the plan as the housing needs for the area have already been accounted for;
- Chorley needs regeneration of the town centre and brownfield sites rather than greenfield ones;
- An overriding factor in deciding to allocate this site for housing appears to be the need to meet the housing requirement for Urban Local Service Centres. However



consideration does not appear to be given to bordering developments. There will be circa 1,700 houses on Buckshaw Village. Whilst this is classed as Euxton and therefore outside the quota that it is deemed necessary for Whittle-Le-Woods to take for new houses, Buckshaw Village is using Whittle-Le-Woods infrastructure and resources. Traffic, both commercial and domestic, feeds onto the A6 in from the road opposite The Sea View and from Dawson Lane. For example, children in Buckshaw Village are taking school places in Whittle;

- Any granting of permission to the first development by Redrow will make it difficult to oppose plans for future developments by other developers for the wider site;
- The demands being made on Local Councils by the Government to provide housing is recognised – there is a requirement to provide in the region of 400 new homes per year in this area. This would help develop this new community, which is just experiencing positive developments with new employment opportunities generated by the new Waitrose Distribution centre, currently under construction in Buckshaw Village. Further opportunities also exist to develop residential facilities in the centre of Chorley.
- It is contrary to the safeguarded land policy;
- The Core Strategy that identifies Whittle-le-Woods as an Urban Local Service Centre is not applicable to HS1.44 as the land falls into Pennine Rural Ward. The application is unsound and should be rejected;
- There are empty properties in the Chorley area that could be brought back into use instead of building on greenfield sites;

#### General Points:

- The narrow streets will not be able to cope with the building work and the large vehicles that would inevitably have to go through them;
- The proposal would spoil a pleasant area, the proposal is being built on greenery;
- The land is greenbelt land;
- The current recession and economic forecasts for the future make them question how easily this sort of housing would sell;
- The current village feel would gradually be lost. Given the amount of properties that have been developed in Whittle Le Woods area in the last few years, it feels that the area is turning into a town and this development will absolutely go against this. As this is only the first phase of proposed development of these open spaces the completed schemes will completely change the character of the area in a detrimental way and add to an endless sprawl, especially on the urban fringe where it is important that open corridors be maintained to prevent merging of settlements;
- It will detract from the countryside;
- Open space for casual recreation is being built on, so people have to drive further to find it. It is the last open land in the area;
- The footpath from Lucas Lane is the last part of a natural habitat and should remain undisturbed. It should not be allowed to be upgraded to become another estate route. It would be better to divert it along the perimeter of the site to join the lower end of Lucas Lane and then across Town Lane to join the existing field path;
- They accept housing land must be found but question whether this site is in the interest of long benefit of Chorley;
- Buckshaw Village should be completed first before any more large developments are planned;
- The development will be very visible over the valley, there appears to be no consideration of screening of the area;
- It will reduce television reception;

#### Ecology:

- The proposed plans would further decimate the local countryside and wildlife. Bats have been seen near Crostons Farm. The proposed 'wildlife/public areas are only there because these steep sided boggy areas are too expensive for residential development. How does the developer propose to make these really useable by the public?;

- The boundary edge should be significant and mature or the environmental impact – noise, sound and pollution will be to the detriment of much wildlife and community in the area;
- The area is the most southerly breeding range of the Goldcrest, Britain's smallest bird, and as such is highly dependent on the current habitats being maintained. The fields support flocks of Field fare and Redwings from Scandinavian countries, in winter, also in winter the marshy conditions of the lower ends of the fields remain unfrozen and hence provide feeding for the common snipe. There is no consideration re: migrating birds;
- A recent survey identified that there has been a radical reduction in the numbers of British butterflies over the last ten years, mainly due to loss of habit. This clearly supports the argument that we cannot continue to destroy greenfields, especially when there is an alternative;
- The environmental study quoted by Redrow only looked at the summer and early autumn season and failed to study spring which is the key month for plant life and wildlife, or winter, which tend to be the two wettest seasons;
- The access point will involve having to fell the trees or severely cut them back and remove a length of hedge;
- All mature trees should be protected with Root Protection Zones;
- There is concern that the Biological Heritage Site may be affected by proximity of the housing to it;
- Redrow talk about chopping back trees to prevent the pond silting up, but the trees are subject to tree preservation orders;
- It would contravene Acts in relation to wildlife;

#### Highways:

- A major concern is the proposed use of the existing roundabout on the estate. Most houses have at least 2 cars per household. The increase in traffic would lead to severe congestion at peak times and would make the estate much less safe for children. The road system (A6 off Dunham Drive) is not suited to an increase in traffic. The area has already suffered major road traffic congestion over the past few years since the added population of Buckshaw Village despite the fact the village is not yet complete;
- The roads immediately surrounding the area of the application are minor roads and could strongly hinder emergency services getting through if vehicles are parked on them due to heavy snow falls that we have experienced during the past two winters;
- The access dropping down from the mini roundabout off the A6 is already a poorly designed road at the T junction below the actual roundabout. It is already a minor risk at peak times of day, as no road markings exist and results in some poor examples of decision making when two cars arrive at the T junction together from the three options available;
- It will be impossible for cars from other estates to turn right onto the A6 as they will not be able to get out due to the increase in traffic. It will also cause further congestion at St John's school, Whittle and Manor Rd primary at Clayton-le-Woods when exiting onto the A6 down Fiddlers Lane.
- The proposed access road to the site is Dunham Drive. This road is at present a quiet residential side street and is in no way suitable for use as a main thoroughfare and access road to a new housing as it is too narrow, especially when someone parks on the roadway, and it is currently used as a safe play area for children. On the assumption that each home may have an average of 2 cars, there would be an additional 270 cars using Dunham Drive on a daily basis, most of them at the same times during the morning and evening rush hours;
- Should planning be granted, then all construction traffic and all subsequent access, should be gained from the Town Lane side of this land, with no access at all through to the Dunham Drive estate. There is a field boundary from this land onto Town Lane between Lady Crosse Drive and the bridge. It may well be a more expensive option for Redrow, but it would certainly reduce the number of objections raised to the current proposal from the current residents;

- The road between the access roundabout and the sea View pub is very busy making it hard to cross;
- Parking may be insufficient and overspill onto existing roads;
- Bus route 125 is being altered and this will have a detrimental effect on bus services in the area;
- Although there is no planned vehicle access to Harvest Drive there is concern that any access that will allow more bicycles to use Harvest Drive (because of it's design including sharp "S" bends) will create a situation whereby an accident is inevitable, and the proposed 20m.p.h. speed limit will not prevent this eventuality;
- Moss Lane is increasingly being used as a "rat run" to avoid the A6;

#### Infrastructure:

- There is inadequate supporting infrastructure. Local facilities are already stretched such as medical and dental services, school places and schools transport costs due to no school places within a reasonable distance. Local residents are already having to travel out of the area for services;
- Loss of play facilities – the main proposed site access for the first phase is adjacent to a small play area on Dunham Drive (this cul-de-sac currently used by children as a relatively traffic free play area) – and the danger from traffic will deprive children of play area. There is already insufficient and inadequate outdoor play provision in the vicinity;
- The proposal is contrary to Government policy - Central government targets are to reduce car usage and this proposal will create more car usage to safely ferry children to suitable play facilities and schools that are not within walking distance. Open space/play provision on the existing Redrow development at the head of Orchard Drive is poorly maintained and the open grass area (where goal posts are positioned) is unusable due to inadequate drainage and no maintenance (grass never cut) - clear evidence that Redrow cannot be trusted to fulfil their S106 commitments;
- Insufficient resources within the local Planning Authority to monitor and police developments. Have all past 'contributions' from developers been paid? What has/is being done to enforce proper provision of the open space/play areas in the existing Redrow development?;
- Make no amenity provision for the benefit of residents. There is no facility for a neighbourhood shop, doctor, dentist or primary school. Public or private transport will be necessary for main shopping needs;
- The increase in population will change the character of this part of Whittle-le-Woods but will not make any contribution to the need for social or affordable housing;
- The development will be isolated from the village centre and will make no proper contribution to the social, cultural or economic activities. A high proportion of the residents will commute to other areas of employment;
- Redrow indicate the estate will be well served locally. How? The nearest adequate shopping provision is at Clayton Green or Buckshaw-surely the Spar on the A6 is not what is referred to?;
- A play area should be provided on site if it is intended for families;

#### Landfill Tip:

- They believe that there is an old landfill tip which has been identified on the site in question. There are concerns regarding the pollution which may arise from its disturbance;

#### Economic:

- New housing is not required, there are not the jobs to support the new arrivals – the new residents must be employed outside the area and it would be wiser to house them where they work;
- Building the houses will only create short term jobs;

#### Neighbour Amenity:

- The development would impose above the properties on The Ridings as it would be on a higher level;

- Current cul-de-sacs becoming through roads would change the nature of the property they bought;
- It will impact on the bungalows on Ladycrosse Drive, they will be over looked as the land is approximately 50 feet higher;
- Impact on residential amenity-overlooking and loss of privacy to Harvest Drive. Since the house was built they have enjoyed an unspoilt view across open fields. They have a retaining fence our side of the ditch for safety reasons because of the drop to the ditch but this is open post so as not to spoil the view. If a high fence has to be built, that will severely impact upon light access to the main kitchen window which sits very close to the boundary- we would also lose the enjoyment of the pond. The cost of erecting any fencing would also be costly as we have a very long boundary adjoining the field;
- Redrow propose to make the pond a feature of the estate, making it larger and stretching to their boundary- that would seem to be a sensible idea from an ecological point of view and would preserve the lands best feature, but they would expect to still be able to take enjoyment at viewing the pond, whilst at the same time expecting that our privacy –over the whole of their back garden be preserved. They would however object to a path around the pond at their side, as it would impact on their privacy -any pathway at the pond should only be partway round;

Historic:

- The pillbox on the site is important to both local and national history and should be kept;

Maintenance:

- Who will maintain the open spaces along with the water runoffs and Biological Heritage Sites?;
- Who would be responsible for maintaining the pond once Redrow had departed-would it be Chorley Borough Council? Would there be adequate maintenance provision to insure against future silting up?;

Flooding/Drainage:

- The main drain for the site is via a stream which passes through the gardens of bungalows adjacent to site, it also takes the surface after from the bungalows and any changes could be detrimental;
- Flooding has historically been a problem in the area and any new developments are likely to add to this problem. The proposal to store water on site is flawed as they are still proposing to use existing drainage routes which would need to drain out both new and stored water – their calculations should be independently verified. There will be a lot of additional surface water run off from site. Redrow seem incorrectly to be including within their plans provision for drainage along the existing ditches. The ditch behind their house is owned by them, and the same applies as regards the other adjoining landowners;
- Upgrading of the Main Sewers on Preston Road to take the additional volumes of water is likely to cause major disruption;
- They understand surface water drainage is not intended to drain to the pond, but if it is to be refilled, they would want assurance that there would be no risk of overflow in inclement weather;
- The AMEC report states that there should be no more surface water run off than at present, talking about the use of permeable paving structures on driveways etc. - how can that be policed once the estate is finished as landowners are likely to replace the same to their own taste, possibly with a non permeable replacement;
- The AMEC report suggests using the ditches within their boundary for run off drainage. Are they able to cope with the development? The report refers to consent from the Council for this, is the Council able to give such consent?;
- Pilling of the properties will impact on natural underground water courses.

Affordable Housing:

- Any affordable housing should be pepper potted in the development and should be tenure neutral;

- The planned housing does not provide affordable dwellings for Chorley residents struggling to find an inexpensive home. Any development should primarily be for their benefit and should not be allowed for the construction of expensive housing at a desirable address, attracting commuters, just to inflate the profits of already wealthy building firms;
- The affordable housing should be provided on site;

#### Sustainable Resources:

- The site should be building to Code for Sustainable Homes level 5/6 as a minimum in line with PPS22;

#### Crime:

- The introduction of new pedestrian access points to Harvest Drive and Lady Crosse Drive would increase the opportunity for crime;

One letter has been received saying they do not object to the development but make the following comments:

- Ask for a FRA specific to their property;
- If the development goes ahead they ask that any s106 monies should be ring fenced for use in the Parish of Whittle-le-Woods;
- Chorley needs to provide more housing and Whittle must play its part. This land has long been identified as potential development land;
- Affordable housing must be provided on site and not at Buckshaw Village. If mixed and sustainable communities are to be developed, rented affordable housing needs to be spread within those communities, to suit families as well as smaller households. There is a severe shortage of affordable housing in the immediate area because of the generally high prices relative to the whole of Chorley, and so borough wide statistics of the balance of rented and low cost home ownership do not pertain to localities such as this;
- Affordable should be pepper potted throughout the development and be of the same nature as the rest of the housing to ensure integration. The rest of the housing should be of a more mixed character to suit a wider range of needs. This would lead to better overall sustainability;
- In proposing that any affordable element be off site Redrow claim to be responding to the views expressed at the public consultation, where 25% of attendees seem to have expressed the view that they don't want affordable housing on the site. This is disingenuous. As only 3 respondents supported the proposal at all, this is actually a vote in favour of affordable housing. It seems to indicate that most people don't want any housing, but if there is to be some, people want it developed for affordable housing.
- The sizes of the affordable housing quoted in the draft s106 agreement are unsustainably small. We must start to build reasonably sized properties for anticipated occupancy levels. The s106 agreement should also specify (preferably) that all properties, but especially the affordable ones, should be developed to Code for Sustainable Homes level 4 (or level 3 as minimum if you do not think your backing policies will support the higher level).
- The delivery of a small number of allotments on the site as part of the s106 agreement should be required or negotiated. The Borough as a whole has a huge under-provision of allotments and in particular, Whittle-le-Woods.

One letter of support has been received on the following grounds:

- Much needed housing in the Borough with help the Council meet its 5 year housing supply;
- It is in a sustainable location for services;
- It will help locally in providing affordable housing;
- It will provide additional monies to the Borough through the New Homes Bonus

10. **Whittle-le-Woods Parish Council** feel very strongly that the application should be refused. There are already plans in store for adequate housing throughout Chorley for the next 10 years and this would be an unnecessary development for Whittle-le-Woods. If

development of housing was to take place on this land, it is likely that a footpath and World War II bunker would be lost. The necessary access would increase traffic enormously. Whether taking a left or right turn from this proposed development area, it would make the already difficult junction worse. This is also a rain catchment area and an increase to the number of buildings would potentially cause problems with flooding. The flood water would be directed into the culvert on Town Lane but it would not be big enough to deal with the increased flow. This is an area which is liable to flooding, as in 1987. There is inadequate infrastructure in this area for a housing development of this size. The Parish Council therefore do not accept that this site is appropriate for the proposed use. They reiterate that we should not be building on this type of land at this stage - this land shouldn't be released for development within the next ten years. It is too early, and pre-empt the need. It is a purely green field site, and brown field sites should obviously be prioritised.

11. **Residents Action Group** state that they are surprised the Council have accepted the application as there has been confusion about the consultation period and particularly the position of land boundaries. The land falls in rural Pennine Ward not within Whittle Ward. The pamphlet distributed by Redrow for their consultation refers to Whittle-le-Woods as an Urban Local Service Centre which gives the misleading impression that the development in question is in any thing but rural, which is not the case. The consultation does not seem to have included many people in Pennine Ward which extends to Heapey and beyond and they may have wanted to express a view concerning encroaching development on green field sites within Pennine Ward. They ask that the planning process is terminated.
12. A second letter from the Residents Action Group comments that the application appears to pre-empt their attempts to set up a Neighbourhood Development Plan in conjunction with the Local Parish Council. They state that the Localism Bill makes provision for communities to play a more active role in shaping the built environment and local services and they intend to play their part in making the new Legislation a success. However setting up a Neighbourhood Development Plan and arranging meetings with the Parish Council necessarily takes time. Legislation such as this will inevitably have 'teething problems' and is likely to take longer to implement. So that the local community can play a role in assisting Redrow to create a successful development they request that the planning application be rejected or at least postponed until the local community has had adequate time to create a forum to formulate a Neighbourhood Development Plan in line with the new legislation.

### **Consultations**

13. **Lancashire County Council (Ecology)**  
Originally objected to the application on the grounds that it has not been adequately demonstrated that the biodiversity value of the BHS would be maintained and there they does not seem to be any guarantee that biodiversity and a site of importance at the County level will not be further degraded as a result of the development.
14. Redrow have agreed to a detailed habitat management plan for the Biological Heritage Site to be part of any s106 agreement that will provide for appropriate management measures to maintain and enhance the biodiversity value of the Biological Heritage Site (management of recreational pressure and mechanisms for detailed monitoring of vegetation, reporting and review). The County Ecologist confirms that this addresses any area of concern.
15. The applicant has supplied further information on whether the trees proposed to be removed at the access points may support bats or not, to enable the Council to risk assess the likelihood of the presence/absence of bats. This information will be placed on the addendum.
16. **The Wildlife Trust for Lancashire, Manchester & North Merseyside**  
Object to the application because of uncertainty about the retention of, or mitigation for likely impacts on the BHS. They state measures will be needed to protect the identified biodiversity resource of the BHS and linked by ecological networks (wildlife corridors) to land to the north and east which will remain open and is the subject of a funded management agreement. It will also be vital that the BHS remains part of a viable grazing unit, buffered from surrounding

non pastoral and non-nature conservation land uses. They object to the proposal of translocation and have provided detailed comments on the proposals in terms of wildlife.

17. **Natural England**

In terms of bats further survey effort may be required, if mature trees will be affected, in accordance with Bat Surveys - good practice guidelines and you should request additional information from the applicant if they will be affected. If needed and they are not provided, then the application should be refused. However if the trees will be retained, and be unaffected by the development the authority can accept the findings, consider requesting biodiversity enhancements for bats.

18. In terms of Great Crested Newts they advise the Council to accept the findings of the ecological report and consider requesting biodiversity enhancements for great crested newts (for example creation of new water bodies and suitable terrestrial habitat).

19. If the proposal site is on or adjacent to a local wildlife site, e.g. Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local wildlife site before it determines the application. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.

20. **Chorley's Arboricultural Officer**

State there are a lot of very good trees on the site. Accordingly a Tree Preservation Order has been placed on these trees - TPO 19 (Whittle-Le-Woods) 2011. There is also an existing TPO on the boundary of the previous development and it is here that the potential problems lie.

21. The south end of the site is where the two proposed entrances are and these entrances, if built would necessitate the removal of three of the trees and root damage to two others. The row of trees here are mainly mature Oaks and provide a fine backdrop to the estate behind.

22. The root protection area for these trees obscures the two proposed entrances. When the entrances are made it will be necessary to remove these. Although it will compromise the Root Protection Area of the trees to either side they would recommend keeping them and giving them a chance to recover as there is a good chance of them surviving.

23. **The Environment Agency**

Originally objected to the application, as they did not agree on the greenfield run off rate, however they have now submitted further comments to the application that state they have discussed their concerns with AMEC who prepared the Flood Risk Assessment (FRA) submitted with the application. It has been agreed that further investigations to determine an agreed Greenfield run-off rate should be undertaken, but this could be conditioned as part of any subsequent approval. They understand that the applicant is happy to agree to this. They therefore withdraw their objection to the proposed development but recommend a condition to be placed on any permission.

24. In terms of biodiversity the Environment Agency reflect the comments of other ecology consultees that the development proposals will need to include a plan to maintain and enhance the adjacent Biological Heritage Site. This site's delicate hydrological balance of flushes will require protecting and evidence for this should be clear in future proposals, including no net loss of water quality or quantity. Translocation of species or habitat should not be the first consideration for this proposal and this should be discussed with the county ecologist.

25. They support the enhancement of and creation of wildlife corridors for the existing pond habitat. However, on the Lucas Lane Masterplan (no. Red/LL/MP/01), there are some areas of swales/drainage which appear to have covered sections, including the area between points 4 and 5. At the detailed design stage, these areas should be proposed as continuous open water habitats to avoid fragmentation of the riparian corridor.

26. **The Highways Agency**

Does not raise any objection to the application.

27. **Lancashire County Council School Planning**

State there is projected to be sufficient school places in five years in the area to accommodate the development. They therefore do not require an education contribution on this occasion.

28. **Primary Care Trust**

State that once the new Health Centre [which includes a dental practice] opens on Buckshaw Village (expected December 2012) which will serve 10,000 patients there will be sufficient health care provision in the area to provide for the new development.

29. **Strategic Housing**

The application submission makes reference to the Strategic Market Housing Assessment (SHMA). Redrow must have a bound copy because after the bound copies were distributed it was noticed there was an error in the Executive Summary of the SHMA at page 19, paragraph 38 – the tenure split for Chorley is shown as social rent/intermediate being 26:74 when it should be 74:26. The references to this split in the rest of the document are correct and the copy of the SHMA on the website is correct. This error is quoted in application.

30. Under current policy we would be looking for 20% affordable homes – all of which should be provided on site. Options of either all affordable homes, or additional, i.e. over 20% at Buckshaw in relation to this application is unacceptable as it would not create a mixed community on the application site. Also, there are concerns about demand for further affordable homes, over those already planned, at Buckshaw. In terms of demand they have looked at this in terms of bids made for properties via the Select Move choice based lettings system at Buckshaw and Whittle-le-Woods. There are respectively 46 and 62 bids per property. This is quite a crude indicator as a number of people are 'skipped' by the system because they do not have a local connection which is a requirement for Whittle-le-Woods. Consequently this indicator underestimates demand for Whittle-le-Woods.

31. 20% represents 27 homes, the tenure split the Council require is 70%/30% social rent/intermediate (shared ownership, shared equity or rent to buy). They detail the specific types of properties required. At 30% this would be 40.5 affordable units (again they specify the types required). The remaining 0.5 would be calculated as a commuted sum payment.

32. They state they would expect the affordable homes should be transferred to a Registered Provider who has a management presence in Chorley and who is a member of the Select Move choice based lettings scheme.

33. **United Utilities**

United Utilities have no objection to the proposal in principle but state they are currently upgrading Walton-Le-Dale Wastewater Treatment Works [where the site would ultimately discharge] to increase treatment capacity. These improvements are expected to be in service by the end of 2014. They would not object to the recent planning consultation on condition that there is no significant occupation of the sites before spring of 2015. Following further information on timescales being provided by the applicant they advise that 50-60 units would be expected to be complete by spring 2015. United Utilities advise that this would be acceptable and therefore request a condition that no more than 60 units shall be occupied before spring 2015 to allow for the treatment works upgrade to be completed and that the applicant must agree a built rate/programme of works with them prior to commencing construction.

34. **Lancashire County Council (Highways)**

In terms of general highway geometry they are satisfied the two turning heads are of suitable design to provide for access points. The development site will result in effectively 225no. houses being served by a single point of access just north of Stamford Drive (from existing



75no. houses). Prior to the introduction of Manual for Streets (MfS) the previous guidance gave a recommendation of no more than 200no. houses to be served by a single point of access or be served by a cul-de-sac of no greater than 300m. Following the introduction of MfS, the current guidance adopted is that the Local Fire Authority will need to be consulted to determine if a second point of access is required or if special requirements such as sprinkler systems for the properties are required. In effect, the Fire Service considers each application based on a risk assessment for the site, and response time requirements.

35. LCC Highways understand the Fire Service has been consulted by the Planning Authority and has raised no objection in principle to this outline planning application. They have however, indicated that when detailed plans are submitted, provision should be made to ensure that the emergency services can gain access to the whole development from more than one entry point. From this, they would envisage that a revised highway layout in the form of a looped access road linking both of the each western and eastern entry points at Dunham Drive may well need to be provided to satisfy the requirement.
36. As part of the development it is proposed to upgrade the designated public right of way (FP44) which currently runs across the centre of the site from Lucas Lane to Lady Crosse Drive to cycleway standard. This will have the benefit of improving connectivity with the adjacent neighbourhood. As the cycleway will form part of the proposed walking route it should be illuminated.
37. The site has a medium accessibility score. To deliver sustainable development the developer should be requested to investigate means and measure of further improvements to aid and promote non-car transport modes to make the development more sustainable. This may extend to provision of additional bus stops/put on additional bus routes/provide subsidise bus travel/make the site more accessible by bus/provide additional footway links/cycleway links etc. A transport assessment and travel plan have been submitted as part of the application.
38. The applicant has provided an estimation of the potential traffic trip generation of the proposed development based on a survey of the existing traffic movements generated by the residential area. This methodology is accepted. Based on the survey it is anticipated the new development will generated up to 125 vehicle trips during the peak am and pm periods. They would however note that the pm peak period may well extend over a couple of hours. On the basis of the information provided they are satisfied the development is unlikely to have material impact on the operation of the public highway network.
39. There is no reference to any proposed highway improvements in the Transport Assessment. From their observations of traffic movements through the road junction, it is very much apparent that owing to the general layout of the highway at the location, there is tendency for vehicles turning right from Dunham Drive into Royton Drive to cut up vehicles that are waiting at the junction to turn right and continue along Royton Drive. Given the potential large number of additional vehicle movements through this junction over the course of the day, LCC consider the most practical solution would be to provide a mini-roundabout at the location. There is sufficient carriageway space to accommodate the mini-roundabout.
40. LCC Highways make a request for transport contributions that is discussed later in this report.
41. **Lancashire Fire and Rescue Service**  
Lancashire Fire and Rescue Service have no objection in principle to the outline planning application. However at any detailed plans stage, provisions should be made to ensure that the emergency services can gain access to the whole development from more that one entry point and details of water supplies for fire fighting purposes should be forwarded to the Fire Authority for examination. Vehicle access for fire appliances should be in accordance with the Building Regulations Approved Document B, Part B5.
42. **Lancashire County Council Travel Plans**

They suggest that the development of a Full Travel Plan in line with the Interim document is made a condition of planning approval, and provide advice on what this should include. They also request a contribution to enable them to administer this which is discussed later in this report.

43. **Lancashire County Council Public Rights of Way**

The application area incorporates Public Footpath No. 44 Whittle-le-Woods. The Design and Access Statement states that enhanced access for pedestrians and cyclist would be created along the line of the existing footpath. If this is the case it would be preferable for the new route to be diverted/dedicated as a public bridleway to secure rights for horse riders and cyclists. It appears that a minor diversion will be needed to divert the Definitive Public Footpath on to the path through proposed site. The development must not commence until the necessary procedures are in place.

44. **The Ramblers Association**

Public Footpath number 44 runs through the centre of the site and the development will significantly alter the surrounding environment given the number of houses that are proposed. The area will change from a rural to an urban location, leaving only a strip of green field between the proposed houses and the M61 motorway. The Ramblers Association is opposed to the loss of the green fields that surround this public right of way. The Ramblers Association has noted that the public footpath will continue to run through the site in an open green corridor of land should the application be successful. This is preferable to tarmac estate roads.

45. **Director of People & Places (Chorley Council Contaminated Land)**

Is aware of a former landfill, the extent of which doesn't appear to correspond to the proposed development site, rather it is adjacent to the northern boundary of the development site (edged blue on location plan). Although they do not hold any detailed information on it any potential impacts on the development site will be picked up by an environmental desk study and site investigation that can be required by an appropriate condition being attached.

46. **Director People and Places**

Environmental Services have no objection to the proposal in terms of noise issues and no comment to make.

47. **Chorley Planning Policy and Urban Design Team**

Comments on the principle of the development are included within the main body of this report. Although the application is only made in outline (apart from the access) an initial response on design matters was also made and is discussed in the relevant section below.

48. **Chorley's Conservation Officer**

The application site is located to the north and North West of two heritage assets (and contains within it a third heritage asset). These are Lucas Green and Lucas House (which are both identified in the Chorley Council List of Locally Important Buildings) and a World War II anti aircraft gun mounting and Pillbox/ammunition store, recorded on the Lancashire County Council Historic Environment Record (HER). The impact on these is discussed later in the report.

49. **Lancashire County Council (Archaeology)**

Centrally located within the application site are a WWII type FW3/24 pillbox and a separate gun mounting, with metal gun mountings still in place (Lancashire Historic Environment Record PRN 36036). The pillbox is therefore recognised to be a non-designated heritage asset, with local significance.

50. Although not explicitly stated in the application, they assume that the proposals do not envisage the retention of this structure. Lancashire County Archaeology Service would therefore recommend that the pillbox and gun mounting be recorded prior to their removal, and that such recording be secured by a condition which should be attached to any planning permission which may be granted.

51. **Parks and Open Spaces Manager**

Makes comments regarding the various public open space issues on the proposed site. In relation to equipped space they would like to see any provided centrally, alongside main footpaths and ideally, lit. Surrounding properties should have a clear view of the play area and afford users the feeling of natural surveillance. It is possible to locate the play area alongside vehicle routes so long as robust barriers are in place to prevent children running in to the road or vehicles entering the play area as a result of speeding/icy surfaces.

52. In relation to informal play space/public open space they are in favour of the additional public open space being proposed. They believe that it will encourage young people to come out and play.

53. There is no apparent need for a formal playing pitch to be provided, as there is reasonable provision within the vicinity. With the amount of informal public open space being provided there seems sufficient space for informal 'kickabouts' for local children without attracting people from other estates and encouraging parking issues. However the nearest pitches at Westway would benefit from qualitative improvements.

54. In terms of adoption/maintenance, given the hydrological network, mature trees, hedgerow and BHS within the site they feel that the nature of the maintenance required may be excessive to the Council and therefore suggest that the site is not put forward for adoption.

55. **The Coal Authority**

The site is not in a Coal Mining Development Referral Areas, therefore a Coal Mining Risk Assessment is not required. Coal Authority Standing Advice needs to be added as an informative note if permission is granted.

56. **Police Architectural Liaison Officer**

The area has low crime figures over the last 12 months. It is recommended that the 135 new properties are developed to Secured By Design Standard. This is particularly relevant as there is limited natural surveillance around the site and the majority of the proposed new build properties are large executive 4 bedroom dwellings. The principles of Secured By Design should be incorporated into site, particularly in respect of parking arrangements for vehicles. Robust perimeter security is crucial and sheds should be located where surveillance is maximised and ideally have no windows.

57. The application details the retention of existing hedgerows and trees, in places this limits the opportunity for natural surveillance. Foliage and shrubbery should be maintained so as not to reduce the opportunity for natural surveillance and avoid providing areas of concealment for potential offenders. The public footpath running from Lady Crosse Drive is to be retained for pedestrians and cyclists. This should be well illuminated e.g. with low level bollard light. Plans indicate 2 vehicular access points. Vehicular and pedestrian access routes should be restricted, one vehicular access/exit point is recommended.

**Applicant's Case**

58. The applicant has submitted an extensive case in favour of the application in policy terms which can be summarised as:

'While there is a conflict with the specific allocation of the site as Safeguarded Land in the Local Plan such allocation is out-of-date which considered against the strategic policies of RSS and the emerging development plan; particularly the Core Strategy which is at an advanced stage of preparation.

59. 'Overall, the application fully accords with the existing and emerging strategic policies and priorities for development. In particular, it is the only site that is deliverable and capable of making any significant contribution towards the development plan strategy of prioritising some housing growth in Whittle-le-Woods. The proposed development would meet all of the relevant criteria of PPS3 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.

60. 'Therefore, 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'.

### Policy Background

61. National Planning Policy:

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

- PPS1 Delivering Sustainable Development
- The Planning System General Principles and its supplement Planning and Climate Change
- PPG2 Green Belts

62. In order to ensure protection of Green Belts, PPG2 sets out that local authorities can safeguard land between urban areas and the Green Belt, which may be required to meet longer term development needs. Annex B sets out guidance on identifying Safeguarded Land and appropriate development control policies.

63. Chorley Local Plan Policy DC3 reflects advice in PPG2 and sets out the Council's approach to Safeguarded Land. It is clear within PPG2 (annex B, paragraph 6) 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 plan."* However, reflecting the Clayton-le-Woods appeal decision, policy DC3 must be read in the context of other material considerations.

- PPS3 Housing
- PPS4 Planning for Sustainable Economic Growth
- PPS4 is an up to date expression of national guidance (as amended) and seeks to protect the countryside for its own sake. Paragraph 16 states "When preparing policies for LDDs and determining planning applications for development in the countryside, local planning authorities should: (iii) take account of the need to protect natural resources. Therefore unless there is a need for development on this site the Local Planning Authority should seek to protect the countryside as a natural resource. This is in accordance with Policy DC3 and PPS1.
- PPS5 Planning for the Historic Environment
- PPS7 Sustainable Development in Rural Areas
- PPS9 Biodiversity and Geological Conservation
- PPS12 Local Spatial Planning
- PPG13 Transport
- PPS22 Renewable Energy
- PPS25 Development and Flood Risk

64. The Development Plan

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).

65. 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.

66. Regional Spatial Strategy (RSS)

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.

67. 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 has indicated that it intends to revoke RSS by April 2012.

68. 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

69. Adopted Chorley Borough Local Plan Review

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

70. Sustainable Resources DPD:

- Policy SR1 – Incorporating Sustainable Resources into New Development

**Emerging Policy Considerations**

71. Central Lancashire Local Development Framework Joint Core Strategy

*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 13<sup>th</sup> December 2011. The examination is scheduled to re-open on 6<sup>th</sup> March 2012.

72. As a whole the Core Strategy as a document is at an advanced stage, in respect of Policy 4 the examination process it yet to be completed.

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

- **Policy 1 Locating Growth** identifies locations that are appropriate for growth and investment.
- 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.

- **Policy 2** in the emerging Core Strategy relates to infrastructure. The Policy states if a funding shortfall is identified, schemes require, through developer contributions that the new development meets the on and off-site infrastructure requirements necessary to support the development and mitigate any impact of that development on existing community interests as determined by the local planning authority.
- **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. The proposed changes maintain a commitment to an early review and work to produce new housing requirements has already commenced. The early review has been planned to take account of more up-to-date evidence that that used to inform RSS in terms of the Central Lancashire economic context and housing need/demand. This will enable the Central Lancashire authorities to determine their own housing requirements based upon up-to-date local evidence. To date 43 representations have been received to the Proposed Housing Related Changes document, some in support and some against the proposed changes. There is overall support for RSS figures, but the Inspector's agenda for the re-opened Inquiry in March is to deal with specific issues including further explanation of figures contained in Table 1. This demonstrates that matter remains uncertain/unsettled of the role of ULSCs and the distributions within Table 1.
- **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 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 27** relates to incorporating sustainable resources into new developments. Objections related to its implementation and its relationship with other guidance and regulations.

74. Site Allocations & Development Management Policies DPD (Preferred Option Paper)

*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.

75. The land that is the subject of this application forms part of the wider HS1.44 Land Off Moss Lane residential allocation where approximately 348 dwellings are proposed over the period 2011-2016. A proposed phasing policy identifies this allocation for development in the middle and later phases of the plan period (2016-2021 and 2021-2016). 2508 comments have currently been received in relation to the Preferred Option Paper. The HS1.44 housing allocation has been subject to 220 objections, 4 supporting comments and 2 comments where no preference is stated. 7 objections have been received in relation to the housing phasing policy, 3 representations in support and 1 representation where no preference is stated.

76. Other Material Considerations

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.

77. 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.
78. 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.
79. Draft National Planning Policy Framework (NPPF): On the 20 December 2010 The Minister of State for Decentralisation and Cities, Greg Clark MP, announced a review of planning policy, designed to consolidate all current policy statements, circulars and guidance documents into a single, simpler National Planning Policy Framework. The new Framework is intended to be user-friendly and accessible with clear policies for making local and neighbourhood plans and development management decisions. The Draft National Planning Policy Framework was published on 25<sup>th</sup> July 2011. The draft contains a number of references to the presumption in favour of sustainable development and the need to support economic growth through the planning system. The draft also includes removal of the brownfield target for housing development and requires local council's to identify an additional 20% of deliverable sites against their five year housing requirement. The draft NPPF maintains the previous approach to Safeguarded Land and its release for development. It states that where necessary local planning authorities should identify areas of Safeguarded Land between the urban area and the Green Belt, in order to meet longer term development needs stretching well beyond the plan period. It also clearly states that Safeguarded Land is not allocated for development at the present time, and maintains that planning permission should only be granted following a local plan review.
80. The eighth report of the Communities and Local Government Committee of the House of Commons on 21<sup>st</sup> December 2012 notes that the NPPF has to get the balance right and notes the Prime Minister has said that: *'I believe that sustainable development has environmental and social dimension as well as an economic dimension, and we fully recognise the need for a balance between the three. Indeed, the purpose of the planning system as a whole and of our proposals for it, is to achieve such a balance'*.
81. The report also notes that the NPPF emphasises a 'default yes' to development, that applications should be approved unless the adverse effects 'significantly and demonstrably'



outweigh the benefits. This carries the risk of the planning system being used to implement poorly planned, unsustainable development. It goes on to say that the 'default yes' to development and the phrase 'significantly and demonstrably' should be removed from the text. In addition it states the presumption policy should be redefined as '*a presumption in favour of sustainable development consistent with the Local Plan*'. This anchors sustainable development to local circumstances and provides a spur to local authorities to prepare their Local plans. It also states that the NPPF must leave no room for doubt that the purpose of the planning system is to address social, environmental and economic demands on land supply on an equal basis. The responsible ministers have indicated that they wish to consider carefully the recommendations made by the committee, and that the three elements of sustainability carry equal weight.

82. As the NPPF is only in draft at the present time and it is likely that changes are to be made to it before the final version is released, it is considered it can be afforded limited weight in decision making and the current set of national guidance remains in force. The Government expects to issue a final NPPF by April 2012.

## Assessment

### 83. Principle of Development

Chorley Local Plan Policy DC3 allocates the land as Safeguarded Land as part of a larger site which is allocated under Policy DC3.18 in the Local Plan. 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.

84. 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 PPG2. 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.

85. 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.

86. 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:

87. '*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.*'

88. The Local Plan reflects advice in PPG2 (annex B, paragraph 6) and sets out the Council's approach to Safeguarded Land. It is clear within PPG2 (annex B, paragraph 6) 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 plan.” This approach is maintained in the draft NPPF.

89. 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.
90. Chorley Council has a five year housing supply and therefore there is no requirement to consider the application favourably in accordance with Paragraph 71 of PPS3.
91. Paragraph 69 of PPS3 states that in general, in deciding planning applications, Local Planning Authorities should have regard to five matters:
  - Achieving high quality housing;
  - Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people;
  - The suitability of a site for housing, including its environmental sustainability;
  - Using land effectively and efficiently;
  - Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues.
92. In respect of the first two criteria relating to achieving high quality housing and achieving a good mix of housing, the scheme is in outline with all matters reserved, apart from access, and therefore details are not provided about housing design or layout however it is considered this criterion could be met at reserved matters stage and/or by condition.
93. In terms of the suitability of the site for housing, the site is on Safeguarded Land that the Local Plan identifies for future development needs. Therefore, the Safeguarded Land has already been assessed as being suitable for development as part of the Local Plan process, in line with guidance in Annex B of PPG2. The site has also been assessed as part of the Sustainability Appraisal of the Site Allocations and Development Management Policies DPD Preferred Option and scores reasonably well, so it is considered this criterion would be met.
94. In terms of the fourth criterion the site is not a previously developed site, but there is a limited supply of suitable and available previously developed land in Whittle-le-Woods, so some allocations within the emerging Site Allocations DPD will be on Greenfield land, therefore the proposal would not undermine the effective and efficient use of land (see below for discussion on the allocation position).
95. Therefore, it is considered that the proposal meets the first four criteria of paragraph 69 of PPS3.
96. The final criterion in paragraph 69 relates to ensuring whether the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives.
97. To establish if the proposal meets the final criterion the current and emerging policy situation needs to be assessed.
98. Adopted Chorley Borough Local Plan Review  
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'.*

99. Core Strategy

In terms of the emerging LDF Policy 1 of the Publication Version Core Strategy identifies Whittle-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.

100. 9% equates to approximately 2000 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).

101. The Core Strategy highlights that this is a predicted distribution based on the potential for housing development in each place and the 9% is not a proportion that is required to be met. Neither does the policy 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.

102. Therefore the fact that Whittle-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 includes discussion on Core Strategy Policy 1 and the inspector has asked for further explanation of the figures contained in Table 1.

103. Site Allocations & Development Management Policies DPD (Preferred Option Paper)

The Preferred Option Site Allocations and Development Management Policies DPD proposes housing allocations in Whittle-le-Woods for a capacity of 396 dwellings on four sites:

- HS1.44 Land off Moss Lane – 348 dwellings
- HS1.45 Hill Top Lane – 27 dwellings
- HS1.46 Land rear of 23 Birchin Lane – 11 dwellings with planning permission
- HS1.47 Rear of 243-281 Preston Road – 10 dwellings with planning permission

104. Table 1 of the Preferred Option document identifies 417 dwellings on proposed allocated sites/commitments in Whittle-le-Woods over the period 2011-2026. This includes a further 21 units on other small/unallocated sites in Whittle-le-Woods that have planning permission for housing.

105. The land that is the subject of this application forms part of the wider HS1.44 Land Off Moss Lane residential allocation where approximately 348 dwellings are proposed over the period 2011-2016. The Housing Development Phasing Schedule in the Preferred Option Paper identifies this allocation for development in the middle and later phases of the plan period (2016-2021 and 2021-2016).

106. While the principle of some housing growth in Whittle-le-Woods has been acknowledged and is in line with Policy 1 of the Core Strategy, the decision has not be made as to which sites to allocated. It is not a decision that just has to be made between the above sites currently proposed to be allocated, but there are other sites that are being promoted in the DPD process. Out of a total of just over 98 hectares of Safeguarded Land in Whittle-le-

Woods the Council is proposing to allocate 21.2 ha in its Preferred Option Paper. Representation have been received representations proposing housing development on approximately 39 ha of additional (not currently proposed to allocate) Safeguarded Land in Whittle-le-Woods and over 2ha of additional land that is located within the settlement itself.

107. Therefore, as well as the amount of development that Whittle-le-Woods should take as one of the ULSCs not being settled, there is a large amount of Safeguarded Land within Whittle-le-Woods and there are other sites being promoted through the DPD process that are not in the Council's Preferred Option.

108. Although the appeal decision that permitted 300 dwellings at Clayton-le-Woods is a material consideration, it is considered that the situation in Whittle-le-Woods is different. Clayton-le-Woods had a very limited choice of potential housing sites for future growth and both the Secretary of State and Planning Inspector agreed that the area of Safeguarded Land that included the appeal site was realistically the only land available in Clayton-le-Woods for delivering the required growth. The situation is not the same in Whittle-le-Woods as there is a range of sites on which development could take place decisions over which ones should be allocated to accommodate some growth is not a settled matter.

109. Prematurity and Prejudice

The Planning System General Principles (CLG 2005Para 17 -19) says '*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.*' [Emphasis is author's own].

110. While the draft NPPF makes no mention of prematurity, the list of documents proposed to be cancelled by the forthcoming NPPF does not include The Planning System General Principles.

111. 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:
11/00941/FULMAJ	Land Adjoining Cuerden Residential Park, Nell Lane, Cuerden	52 bungalow style park homes for older people (over 55s)	9 November 2011
11/00993/OUTMAJ	47 Clancutt Lane, Coppull	Outline for the demolition of 47 Clancutt Lane and erection of up to 29 dwellings	15 November 2011
11/01093/OUTMAJ	Land North Of Lancaster Lane And Bounded By Wigan Road	Outline for up to 160 dwellings	15 December 2011

	And Shady Lane		
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 December 2011
12/00082/OUTMAJ	Land Surrounding Huyton Terrace Previously Baly Place Farm Bolton Road, Adlington	Outline for up to 300 dwellings	Awaiting validation, received 27 January 2012

112. All of these applications propose that the sites should be released for development now, before the Site Allocations process concludes. Members will note some of these applications are also on this committee agenda.
113. This application is for 135 units. Together, the sites above including this application cumulatively represent a total of up to 1376 units which equates to over 3 years housing supply. This would equate to nearly 20% of the Borough's 15 year housing requirement.
114. Whilst this application may not be substantial on an individual basis, any substantial release on the above sites will set a precedent and the prematurity of that release in the Borough as a whole and Whittle-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.
115. 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.
116. 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.
117. Paragraph 72 of PPS3 (Housing) states that LPAs should not refuse applications solely on the grounds of prematurity. This matter is not repeated in the draft NPPF. In the face of 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 it is considered PPS3 paragraph 72 should not be following at this time.
118. Assessment of Proposal Against Fifth Criterion of PPS3 Paragraph 69  
Relating this back to PPS3 the final criterion in paragraph 69 relates to ensuring whether the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives.
119. As has been established, at the broadest level there is support in both the Local Plan and the emerging Local Development Framework for growth in Whittle-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. There is doubt over the amount of growth that will take place in Whittle-le-Woods and which sites will be allocated. 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.

120. It is therefore not considered that the proposal meets the final criterion of paragraph 69 of PPS3 in terms of meeting the spatial vision for the area.

121. **Other Material Policy Considerations**

122. Urgency

It has also been assessed whether there is an urgent need to release this site.

123. At a local level Redrow have put forward a case in favour of the application being permitted now on the grounds that the emerging development plan places emphasis on Whittle-le-Woods as a priority location for new development and growth to meet the future spatial strategy and which would not compromise the key sustainable development principle set out in national planning policies and the Governments emphasis on supporting all forms of economic development, including housing.

124. The Council dispute that Whittle-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.

125. 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. They go on to state that this has been acknowledged in the Core Strategy EiP Inspector's letter (15th 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.

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) 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 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 in 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. In terms of backlog 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.'*
132. 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.
133. 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. 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.
134. Chorley Borough has a deliverable five-year housing supply. It is not part of the applicant's case that the Council does not. The latest information to be published in the Annual Monitoring Report (published January 2012) is that there is a 5.7 year deliverable housing supply. Therefore, there is no requirement to consider this application favourably in line with paragraph 71 of PPS3. 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 draft National Planning Policy Framework (NPPF) and its requirement for a five-year supply plus 20% so there is no urgency for release in this sense.
135. Redrow argue that the short-term housing supply for the next five years in Whittle-le-Woods comprises only 24 units and securing planning permission on the application site would boost the potential supply of deliverable housing in Whittle-le-Woods and would assist in the delivery of the steady 120 dwellings per annum envisaged by the Publication Core Strategy.
136. Council records indicate that 20 units have been completed within Whittle-le-Woods from April 2010-October 2011, which go towards meeting Core Strategy housing requirements. At October 2011 a further 34 units had permission for housing. Therefore housing is actively being constructed in Whittle-le-Woods which is contributing towards meeting the ULSC predicted proportion as set out in the Core Strategy.

137. The Core Strategy does not require 120 dwellings to be built each year in the six ULSCs it merely predicts that 9% of Central Lancashire's Housing growth will be in the ULSCs. The Core Strategy has no annual requirement for the ULSCs.
138. Even if it was accepted that there was an urgent need for housing in Whittle-le-Woods, then the timescale for delivery of the application site is relevant. In response to the initial consultation comments by United Utilities, Redrow were asked for a likely timescale and build out rates. They have advised that the earliest the site would start is the beginning of 2013, given the need to secure reserved matters approval and acquire the land. They state it is unlikely the site will achieve full production in the first year, due to road / sewer construction and site set-up etc. and it is estimated that there might be 50-60 completions by Spring 2015. Therefore it is not considered that this application would be able to address any urgent need for housing in Whittle-le-Woods even if it existed.
139. 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 which is considered a reasonable timeframe to resolve allocation issues.
140. Draft NPPF and Ministerial Statement  
In terms of the draft NPPF, Chorley has identified a five-year supply of housing with an additional allowance of 20% to ensure choice and competition in the market for land. The draft NPPF maintains the approach to Safeguarded Land and its release. One of the main points of the NPPF that its aims will be achieved through changes to the planning system. It sets out the Government's economic, environmental and social planning policies for England, which taken together set out the Government's vision of sustainable development. It specifically states that '*should be interpreted and applied locally to meet local aspirations*'. It is a balanced approach to economic, environment and social planning advocated by the draft NPPF that the Council is following through the LDF process. It is considered that the draft NPPF has limited weight but significant weight can be given to the approach to Safeguarded Land which is maintained from PPG2, therefore this document does not weigh in favour of releasing the application site outside the LDF process.
141. Ministerial Statement – Planning for Growth:  
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.
142. 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.
143. 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.
144. Allowing housing outside the proper LDF process in Chorley would compromise the key sustainable principles set out in national policy, notably PPS3 and Planning for Growth is not therefore considered to such weight can be applied to it that would justify allowing the application.
145. Localism



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.

146. It is therefore considered that allowing applications on Safeguarded Land without going through the LDF process would cumulative undermine the Governments Localism Agenda which is an expression of the Government's intentions on how decisions should be made. Granting planning permission for schemes now would undermine the wider policy objectives of PPS3 paragraph 69.

147. The Community Infrastructure Levy (CIL)

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.

148. 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.

149. 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."

150. On 31st January 2012, the Central Lancashire authorities began preliminary draft consultation on a Central Lancashire CIL, which runs until March 2012. 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.

151. In relation to Whittle-le-Woods, a cycling scheme is identified - indeed the applicant has indicated it is willing to provide a s106 contribution in relation to part of that scheme in so far as it directly impacts on the proposed development. 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.

152. 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.
153. 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.
154. Affordable Housing  
Policy HS5 of the Adopted Local Plan Review, supplemented by PPS3: Housing, 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.
155. 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. However, even though the Core Strategy policy has less weight than the Local Plan the Council have a more up-to-date evidence base for a 30% requirement, which in terms of the need carries more weight than the Local Plan Policy.
156. 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.
157. Objectors point out that the site is in Pennine Ward (as the ward boundary runs alongside the west side of the application site), planning policy relates to settlements not wards. For policy purposes the site is on land safeguarded for future development needs of Whittle-le-Woods, which gives scope for the urban settlement to grow without infringing on the Green Belt.
158. In this case the applicants state that they are willing to provide 20-30% affordable housing on this site, which is in accordance, or in excess, of the adopted Local Plan Requirement. However, anything less than 30% is below the Publication 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 allowing the application.
159. 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.

160. The application states in the draft Heads of Terms submitted with the application that the developer '*shall provide up to 30% (precise contribution TBC) of the dwellings to be constructed on the land as Affordable Housing*'. The Planning Statement states that Redrow's preferred approach is to make such provision off-site by providing the affordable housing on land at Buckshaw Village, which they state already has outline planning permission for housing and is ideally suited to affordable housing due to its close proximity to the existing Tesco supermarket and rail station. However, the illustrative Masterplan also includes an element of higher density mews style family houses and apartments, which could also be made available as affordable housing. Redrow state they wish to negotiate about the location, type and tenure of the affordable units.
161. 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. 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. However, it clearly indicates high levels of affordable housing need in the Borough as a whole. Therefore, 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.
162. If the application site were to be developed, the site would provide a significant proportion of the future housing supply for Whittle-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, which is one of the Government's key strategic housing policy objectives, as highlighted in paragraph 9 of PPS3. 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.
163. 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.
164. 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.

### **Policy Conclusion**

165. On basis of all the information preceding a balancing exercise needs to be done.
166. The proposal would be in breach of the Safeguarded Land policy DC3, however the Council acknowledge that this policy must be read in the context of other material considerations that may be more up to date.
167. In terms of whether the site should be released for housing PPS3 is more up to date than the Local Plan. Chorley has a five-year housing supply, however although the Council accepts that the proposal meets the first four criteria of paragraph 69 of PPS3 it is not considered that it meets the final criterion:
- Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and

does not undermine wider policy objectives e.g. addressing housing market renewal issues.

168. This is because although Whittle-le-Woods on a broad strategic level as location for some growth is acknowledged as a material consideration and given significant weight in decision making, 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 which sites within Whittle-le-Woods will be allocated.
169. 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 application site is considered to have different characteristics and the settlement context is different to Clayton-le-Woods in terms of housing delivery. In Whittle-le-Woods the allocation site is not the only realistic site for any growth. In addition there have been changes in terms of the weight of local and national planning policy since the appeal decision.
170. The Council have a number of 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 contrary to Paragraph 69 of PPS3.
171. It is acknowledged that current government guidance (PPS3, para 72) states that LPAs should not solely refuse on prematurity grounds. However, members are asked to note that the Council is required to have regard to national guidance, and not to slavishly apply it, especially in the face of relevant material considerations; and that the weight to be applied is a matter for the decision maker.
172. 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.
173. The draft NPPF has limited weight but it is considered Chorley's policy approach is in line with its aims as it talks about a balance approach to sustainable development (social, environmental and economic) and that it should be interpreted locally to meet local aspirations.
174. Therefore in relation to the principle of the development in terms of policy the application considered unacceptable.

### **Assessment of Details of Development**

#### **175. Access and Highways**

A transport assessment (TA) and travel plan have been submitted with the application. In terms of general highway geometry LCC Highways are satisfied the two turning heads are of a suitable design to provide for the access points which are applied for in full at this stage. Although the comments of the Police Architectural Liaison Officer are noted in terms of restricting the number of access points, since the introduction of Manual for Streets (MfS) the guidance on how many dwellings should be accessed off a single point of access has changed and the current approach is that advice from the Local Fire Authority should be sought on a case-by-case basis. The Council consulted Lancashire Fire and Rescue Service and they advised that they do not object to the application however at any detailed plans stage provision should be made to ensure that the emergency services can gain access to the whole development from more than one entry point. LCC Highways envisage that a looped access road may need to be provided linking the two access points. This may be the case, however there are other design solutions that it may be possible to employ such as a link for emergency vehicles only. As the layout is only indicative at this stage it is considered that an acceptable internal layout can be achieved at any Reserved Matters stage both to ensure access for emergency vehicles and to ensure slow vehicle speeds are self enforcing if this application was permitted.

176. In terms of the impact on the junction with the A6/Preston Road, the Transport Assessment includes estimated potential traffic trip generation for the proposed development. The methodology used is accepted by LCC Highways. This anticipates the proposal will generate up to 125 vehicle trips during the peak am and pm periods and that this level of traffic generation will not impact on Preston Road/Royton Drive junction capacity. LCC Highways are satisfied that the development on the basis of the information provided that the development is unlikely to have material impact on the operation of the public highway network.
177. However, LCC Highways state that they understood that reference was made to the need for minor highway improvements at the Dunham Drive/Royton Drive junction to aid traffic movement, however the Transport Assessment does not include this. LCC have undertaken their own observations at this junction and noted that due to the current layout vehicles turning right from Dunham Drive into Royton Drive cut up vehicles waiting at the junction to turn right and continue along Royton Drive. Given the potential large number of additional vehicle movements through this junction over the course of the day, LCC Highways consider that the best solution to this would be to provide a mini-roundabout at the location as there is sufficient carriageway space to accommodate it. They advise this can be secured through a s278 agreement. The junction at present has no markings as to who has right of way so a mini roundabout would overcome this issue.
178. It is therefore considered that the two proposed access points from Dunham Drive are acceptable to access the proposed development as is the existing road network including the junction with the A6/ Preston Road subject to the above works. The Highways Agency has no objection to the application in terms of the wider trunk road network.
179. PPS1 and PPG13 as well as Local Plan policy TR4 encourage developments to be sustainable. This is in the sense that residents will have access to a range of local facilities and encourage the use of transport other than the private car. LCC Highways state that the accessibility questionnaire for the residential development site has returned a medium accessibility score which reflects the Sustainability Appraisal done as part of the Site Allocations Preferred Option Paper where it scored reasonably well and is given a banding of C (banding from A – E, with A indicating the most sustainable sites). The scoring has been redone in the light of the opening of Buckshaw Station, although it still remains a band C.
180. The Institute of Highways and Transportation gives guidance on walking distances to local services and states 400m is desirable, 800m is acceptable and 1200m is the preferred maximum. It states that suggested walking distance to bus stops is between 300m and 400m and that these should be direct, on desire lines and well lit and also suitable for people with mobility impairment. The Department for Transport Guidance on Inclusive Mobility also recommends that in residential areas bus stop should be located ideally so that nobody in the neighbourhood is required to walk more than 400m from their home.
181. LCC Highways acknowledge that the existing Redrow estate is not entered by a bus and therefore the proposal will be reliant on existing services, stops for which are located on the A6 Preston Road. Residents of the proposed development would need to either walk south on to Dunham Drive to access the Preston Road or northwards to Ladycrosse Drive and onwards to Preston Road. In either direction the walking distance is approximately 650m from the centre of the site, but up to 800m from the furthest part of the site. The site would therefore be acceptable in terms of walking to local services, but is less sustainable for the use of public transport.
182. As part of the development it is proposed to upgrade the designated public right of way (Footpath 44) which currently runs across the centre of the site from Lucas Lane to Lady Crosse Drive to cycleway standard. This is considered favourably as it will improve the connectivity of the site with the adjacent neighbourhood. LCC Highways have stated that the full length of the works can be done through a s38 agreement with the developer.
183. An Interim Framework Travel Plan has been submitted with the planning application and the LCC Travel Plans Officer has commented on it. Initially they had concerns about it, but a

revised one has been submitted which they are happy to accept it subject to the development of a Full Travel Plan in line with this Interim document is made a condition of any planning approval and a contribution to enable Lancashire County Council Travel Planning team to provide a range of services to implement it.

184. To improve sustainability further LCC Highways request contributions from the developer through a s106 agreement for:
  - £16,000 Bus stops (improvements to two existing bus stops on Preston Road/A6)
  - £50,000 Transport Contributions (to promote and encourage enhanced public transport and make the development more sustainable from a point of encouraging walking and bus travel)
  - £6,000 Travel Plan implementation
185. They have also requested cycle ways on the A6 Provide cycle path on the east side of the A6 from Royton Drive to Buckshaw Avenue to link with a future cycle path along the A6 from Buckshaw Avenue to the Hartwood Roundabout and the Buckshaw employment area, which can be secured through a s278 agreement. These are in addition to upgrading the footpath across the site discussed above. The developer has agreed to these contributions.
186. Overall, the access points to the development and impact on the existing road network are considered acceptable subject to a mini-roundabout being secured at the junction of Royton Drive and Dunham Drive. It is considered an acceptable road layout could be achieved at any Reserved Matters stage. The site has a medium accessibility and sustainability score with the main issue being the walking distance to public transport facilities. LCC Highways have requested contributions to improve the sites sustainability through a range of measures, which the developer has agreed to and can be secured through a s106 agreement. Other aspects can be secured through a s38 of s278 agreement. The application is therefore considered acceptable in terms of access and highways
187. Ecology  
LCC Ecology advise that the application site itself appears to be of relatively low biodiversity value and the illustrative Masterplan indicates that existing features such as hedgerows, trees, ponds etc. are to be retained as part of the development proposals, and therefore the development is unlikely to result in any direct significant impacts on biodiversity.
188. The BHS, Lucas Lane Pastures (BHS52SE07), is outside the application site but lies immediately adjacent to the application boundary to the north east on part of the land that slopes down towards Lucas Lane and Town Lane (the BHS is within the blue edge but outside the application site). The BHS is important for its species-rich grassland habitats and flushes.
189. An Ecological Assessment report has been submitted with the application and does propose some recommendations for mitigation to the BHS such as protection from recreational disturbance and dog walking by fencing and the creation of a species-rich hedgerow between the development and the BHS, which LCC Ecology agree is vital to prevent recreational disturbance and are appropriate, providing the they are not within the BHS but form part of a buffer zone at the boundary of the development site. This could be secured by a planning condition requesting details to be submitted with any reserved matters application.
190. LCC Ecology originally considered that it had not been adequately demonstrated that the biodiversity value of the BHS would be maintained and there does not seem to be any guarantee that biodiversity and a site of importance at the County level will not be further degraded as a result of the development. The Wildlife Trust for Lancashire, Manchester & North Merseyside although not a statutory consultee have also objected to the application because of uncertainty about the retention of, or mitigation for likely impacts on the BHS.
191. The impacts on the BHS would be indirect, as the development will take place adjacent to it. The County Ecologist has advised that a commitment would be needed to managing the

site as the applicant's ecologist has indicated that the BHS is currently deteriorating, and that the development proposals are likely to have further impact on the biodiversity value of the site and the development will reduce the area of grazing land such that the BHS may no longer form part of a viable management unit – leading either to its abandonment or overgrazing.

192. Redrow have proposed a condition requiring a detailed habitat management plan for the Biological Heritage Site to be submitted that will provide for appropriate management measures to maintain and enhance the biodiversity value of the Biological Heritage Site (management of recreational pressure and mechanisms for detailed monitoring of vegetation, reporting and review). This has been forwarded to the County Ecologist considers and further information on this will be placed on the addendum. Subject to an acceptable condition being agreed with County Ecologist the application is considered acceptable in relation to the BHS.
193. According to the ecology report, mature trees within the application area are potentially suitable to support roosting bats. The illustrative Masterplan appears to indicate that potential roosting and foraging/commuting habitat (i.e. trees, hedgerows, watercourses and ponds) would be retained as part of the development proposals and the development should not therefore result in any adverse impacts on bats. However, if any mature trees do need to be removed to facilitate development, then Natural England and LCC Ecology advise full surveys for bats should be carried out prior to determination of the application. If any bat roosts would be affected, mitigation proposals should also be submitted for approval prior to determination. The applicants have advised that they wish to keep as many trees as possible to enhance any development on the site, however the Council's Arboricultural Officer advises that three trees may need to come out. The applicant advises that they are doing further investigation of the trees at the access points to see if they contain features that may support bats to see if mitigation measures need to be submitted or not. Further information will be placed on the addendum.
194. According to the ecology report, the site is used by several Species of Principal Importance, including house sparrow, dunnoek, song thrush and starling although it is not clear whether these species are breeding within the application area however, as the surveys were not carried out during the breeding season. However, impacts on nesting birds will clearly need to be avoided during works, in order to avoid offences under the Wildlife and Countryside Act 1981 (as amended), this can be controlled by a planning condition.
195. LCC Ecology advises that in order to comply with the requirements of PPS9, local planning authorities should ensure that Species of Principal Importance and their habitats are protected from the adverse impacts of development. The illustrative Masterplan appears to indicate that sufficient habitat can be retained/enhanced to provide habitat for bird species characteristic of this area. A landscaping scheme for the site should further consider the habitat requirements of protected and priority species. This can also be controlled by a planning condition.
196. The loss of hedgerows and tree lines would result in a loss of priority habitat. The ecology report recommends retention of hedgerows and enhancement through replanting with appropriate native species or the creation of replacement hedgerows to compensate for losses. The County Ecologist considers these proposals are appropriate and can be addressed by any landscaping scheme condition for the site.
197. There is a pond on the site on the west boundary, the ecology report notes that this is a priority pond, and should be enhanced for wildlife as part of the development proposals. The Masterplan indicates retention of the pond, and also that habitat connectivity to the pond would be retained. Retention and enhancement of the pond area is appropriate and can be dealt with as part of the landscaping proposals, but would need to be informed by a thorough pond survey to establish current biodiversity value and appropriate enhancement measures. This could also be dealt with by planning condition.
198. In terms of trees planning policy encourages the retention of ancient and/or veteran trees as part of planning proposals, due to the importance of such trees for biodiversity.

Information submitted by the applicant suggests that at least some of the mature trees associated with this application area support features characteristic of veteran trees (e.g. dead wood in the canopy, rot holes and cavities). LCC Ecologist advise it would therefore be appropriate to ensure that where possible all mature trees (which are obviously the ancient trees of the future, if they are given a chance) are retained or appropriately and adequately replaced. A Tree Preservation Order has been placed on the trees on the site (TPO 19 Whittle-le-Woods 2011). The issue of tree removal is discussed below.

199. With regard to Great Crested Newts Natural England advise that the Council can accept the findings of the ecological report and consider requesting biodiversity enhancements for great crested newts (for example creation of new water bodies and suitable terrestrial habitat). In terms of other species (badgers, barn owls, water voles and white-clawed crayfish) the Council has used Natural England's standing advice which recommends that the Council accepts the ecology report submitted with the application but consider requiring biodiversity enhancements. Biodiversity enhancements can form part of a landscaping condition.
200. The application is therefore considered acceptable in relation o ecology subject to conditions and the outstanding issue in relation to bats being resolved.
201. Trees  
Further information was requested by the Council in relation to the trees close the access points which are covered by TPO 7 (Whittle-le-Woods) 1996. Further information has been submitted that three trees along the southern site boundary between existing housing and the proposed development site are required for removal in order to facilitate site access. These are all within Group 11 of the Tree Survey accompanying the application:
  - T19 (Oak) - close to the existing footway on Wardle Court
  - T20 (Sycamore) – close to the existing footway from Wardle Court
  - T28 (Oak)
202. The loss of three trees to facilitate the access is as advised by the Council's Arboricultural Officer. The applicant is proposing to replace these with semi-mature specimens at a ratio of 2:1. Whilst the loss of three trees is undesirable, where it is unavoidable replacement is supported by Local Plan policy EP9 and is therefore considered acceptable.
203. Layout, Design and Appearance  
The application is an outline application, with the access points only being applied for in full. However, a certain amount of information is required to be submitted with the application as the Council need to be satisfied that the number of dwellings applied for can be accommodated on the site at Reserved Matters stage if any outline permission is granted. An illustrative Masterplan has been provided along with scale parameters and an indication of the type of housing envisaged in the Design and Access Statement.
204. The Council's Policy and Urban Design Team have made initial comments in terms of points that would need to be taken account of when any detailed design and site layout is being considered to provide overlooking from the residential properties to the public amenity spaces and the retained footpath to ensure that these are safe places, both perceived and actual. They question if more footpaths and cycle ways could be introduced to aid permeability and reduce reliance on vehicular transport and whether individual house designs would offer cycle storage facilities. In terms of the indicative Masterplan they state the green linkage corridors are welcomed, but care will need to be taken to ensure that they really are green, as many could become hard surfacing for vehicular access and parking. Plot relationships need to be carefully considered to avoid principal elevations from facing blank side ones. In terms of parking provision care will be needed to avoid producing a sea of vehicles from dominating the streetscene and parking courts must be overlooked and therefore feel like safe places to be. As this is an elevated site that overlooks the surrounding areas in all directions care will be required when deciding on the proposed height of buildings so avoid overlooking and overbearance, particularly for the nearest existing properties but especially so for the nearest heritage asset, Lucas Green.



205. The indicative scheme is designed around the existing landscape features including the Public Right of Way that crosses the site, existing trees and pond. It is advised by the applicant it would follow a similar concept as the existing Redrow estate to the south with mainly large detached properties but some smaller areas of higher density where a more formal street pattern would be employed. The scale of the properties would be predominantly two-storey 8-12m high with sparing use of some two-and-a-half story to add variety and interest up to 13.5m high. Any apartments would be two-storey. The scale parameters are considered acceptable and in keeping with the existing properties on the surrounding land which are mainly two-storey but also have some two-and-a-half story and some three-storey apartments. The applicant advises the development would likely consist of dwelling types from Redrow's New Heritage Collection. These properties are traditional looking homes with design elements influenced by the Arts and Crafts era therefore having the character of an older period style property. This would be in keeping with the existing properties on Dunham Drive and the surrounding estates. The area to the north in the blue edge of the application would be kept as open space.
206. The site has significant level differences across it. The central part of the site is relatively flat but it falls away to a ditch to the west and Lucas Lane to the east. To the north there is a greater drop towards Town Lane, with wide views of the site particularly from the north. It is considered that any reserved matters application would need to carefully consider views of the site from the north and Lucas Lane, to avoid a development that 'turns its back on' and therefore does not integrate with, its surroundings. The relationship with the existing properties particularly to the west of the site where the land drops away to a ditch is also considered important if an acceptable relationship is going to be achieved in terms of neighbour amenity. Cross-sections of the site using the illustrative Masterplan and further information were requested by the Council and provided by the applicant as part of the application process. In light of this information it is considered an acceptable relationship can be achieved with the existing properties but that this may not be in the form of a simple back to back relationship along the western boundary without any mitigation in between. Although the existing and proposed properties would have similar floor levels the land drops away to the ditch in-between any plots along this boundary would need to be designed to avoid open views into each others gardens.
207. The density of the site is relatively low at approximately 19 dwellings per hectare, which is considered appropriate in terms of being in keeping with the surrounding development but would also allow for more flexibility at any detailed design stage in terms of the layout of the dwellings.
208. In light of the above it is considered that an acceptable layout, design and appearance could be achieved satisfactorily at any reserved matters stage for up to 135 dwellings.

#### Flood Risk

209. A Flood Risk Assessment (FRA) has been submitted with the application as required for sites over 1hectare. The site is in Flood Zone 1 (zone 1 being the lowest of three) where the risk of flooding from rivers and seas is believed to be low.
210. PPS25 Development and Flood Risk is the national planning policy on this subject. It applies two tests: the Sequential Test and the Exception Test. The Sequential Test states that preference should be given to locating new development in Flood Zone 1 (which this site is). The Exception Test is only applied when development cannot be located in the lower zones of flooding, and therefore does not need to be applied here.
211. The Environment Agency originally objected to the application as they didn't agree with the calculated greenfield runoff rate for the site. They have since however discussed their concerns with AMEC who prepared the Flood Risk Assessment submitted with the application and agreed that further investigations to determine an agreed greenfield run-off rate should be undertaken, but this could be conditioned as part of any subsequent approval. They have therefore withdrawn their objection but suggest a condition to be imposed on any permission requiring a surface water drainage scheme for the site, based on sustainable

drainage principles and an assessment of the hydrological and hydrogeological context of the development, to be submitted to and approved in writing by the Local Planning Authority before any development is commenced.

212. They require that the condition shall include a review of the Greenfield run-off rate identified in the Flood Risk Assessment & Detailed Drainage Strategy by AMEC Environment & Infrastructure UK Ltd (dated October 2011; Report ref: 11437i1) and details of how the drainage scheme shall be maintained and managed after completion and that the scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
213. Flooding on Town Lane is an issue raised by a large number of local residents. The Environment Agency require that surface water run-off from the development is restricted to existing Greenfield rates and that this can be achieved from the use of Sustainable Drainage Systems and this can be controlled through a condition to prevent an increased risk of flooding. Subject to conditions the proposal is therefore considered acceptable in relation to PPS25.

#### Drainage

214. Surface water runoff will be restricted to the existing Greenfield run-off rates and will be managed by a Sustainable Urban Drainage System on site by a network of swales and infiltration strips and permeable paving within the site. Any residual surface water would drain off via existing watercourses to the public sewer network as long as flows are restricted to the existing Greenfield run-off rate so as not to increase flooding downstream. Full details of surface water runoff system can be controlled by condition as sufficient information has been provided to show this can be achieved.
215. The anticipated foul flow from the development is 6.5 l/s. There is a combined public sewer running adjacent to Town Lane. The applicant expect that there is sufficient capacity in this to take the development, there are also several other possible points of connection available.
216. United Utilities have been consulted on the application and initially had no objection to the proposal in principle but stated they are currently upgrading Walton-le-Dale Wastewater Treatment Works [where the site would ultimately discharge] to increase treatment capacity. These improvements are expected to be in service by the end of 2014. They would not object to the application on condition that there is no significant occupation of the site before spring of 2015.
217. Following these comments the applicant was asked to provide a timescale and likely build out rate of the site if the application were to be permitted. They advised that the earliest the site will start is the beginning of 2013, given the need to secure Reserved Matters approval and acquire the land. They advised is unlikely the site would achieve full production in the first year, due to road/sewer construction and site set-up etc. and it is estimated that there might be 50-60 completions by spring 2015.
218. United Utilities were provided with this information and the Council asked them to clarify their original comments in relation to what they considered to be 'significant' occupation of the site. They have made further comments and have agreed to accept the foul flow only for 60 domestic units prior to the planned upgrade works at Walton-le-Dale Waste Water Transfer Station in spring 2015. They therefore request a condition that no more than 60 units shall be occupied before spring 2015 when the planned upgrade to Walton-le-Dale wastewater treatment works has been completed and that the applicant must agree a build rate/programme of works prior to commencing construction.
219. This can be controlled by condition and therefore the application is considered acceptable in this respect.

#### Open Space

220. The Council has Interim Planning Guidelines for New Equipped Plan Areas Associated with Housing Developments, this states on sites of over 100 dwellings provision will normally be on site.
221. Although the application is in outline, it is proposed that on-site play space would be provided with details determined at any reserved matters stage. The Council's standards require this to be 0.08ha based on the size of the development. Overall, the applicant is proposing 1.44ha of open space would be created on site which includes a large area of open space at the northern tip of the site and the corridor of green space down the north-south axis.
222. The Parks and Open Spaces Manager states that they would like to see any equipped space provided centrally, alongside main footpaths and, ideally, lit. Surrounding properties should have a clear view of the play area and afford users the feeling of natural surveillance. It is possible to locate the play area alongside vehicle routes so long as robust barriers are in place to prevent children running in to the road or vehicles entering the play area as a result of speeding/icy surfaces. Such details can be considered at any Reserved Matters stage. They are in favour of the informal Play Space/Public Open Space as they believe that it will encourage young people to come out and play.
223. In terms of playing pitch provision the Interim Planning Guidelines require a contribution of £868 per dwelling for sports pitch provision, which would equate to £117,180 on this site. The Parks and Open Spaces Manager states there is no apparent need for a formal playing pitch to be provided, as there is reasonable provision within the vicinity. With the amount of informal public open space being provided there seems sufficient space for informal "kickabouts" for local children – without attracting people from other estates and encouraging parking issues. However it would be beneficial to secure a contribution towards the upkeep and improvement of pitches off-site as qualitative improvements need to be made to the nearest pitches at Westway through an engineered drainage network to service the pitches including soil treatments to further enhance water run-off/absorption. This has been priced at between £115-120,000. If members were minded to approve this application this could be secured through a Section 106 agreement.
224. In terms of adoption/maintenance, given the hydrological network, mature trees, hedgerow and BHS within the site they feel that the nature of the maintenance required may be excessive to the Council and therefore suggest that the site is not put forward to the Council for adoption. Provision for the long-term maintenance can be provided by a s106 Agreement rather than transferred to the Council.
225. Community Facilities  
The School Planning Team at Lancashire County Council state there is projected to be sufficient school places in five years in the area to accommodate the development. They do not therefore require an education contribution on this occasion and the proposal is therefore considered acceptable in this respect.
226. In terms of health care there is a shortage of GP places at the present time however the new Buckshaw Village Surgery is due to open in December 2012 which will cater for up to 10,000 patients. Given the likely timescale of the development and that the proposal new surgery will be open before the proposed houses are occupied the PCT advise they are satisfied that once this is constructed that there will be sufficient capacity within in the area to serve the growth in population.
227. Sustainable Resources  
The Council has an adopted DPD, Policy SR1 of which cover Incorporating Sustainable Resources into New Development, which requires all new dwellings to meet Level 3 of the Code for Sustainable Homes by 2010, Level 4 by 2013 and Level 6 by 2016, as well as meeting sustainability criteria. The applicants have provided information to demonstrate how they intend to comply with this policy. Any permission can therefore be conditioned to ensure it meets the requirement of this policy.

228. Public Footpath

The comments of The Ramblers Association are noted in terms of the loss of the green fields that surround this public right of way. That the public right of way which crosses the site is proposed to be retained and upgraded to a bridleway (which would allow cyclists to use it) as part of the proposals is looked upon favourably along with that it will form a focal point for the design of the layout rather than the development turning its back on it. The Ramblers Association do note this and consider it preferable to tarmac estate roads if the application is approved.

229. Pillbox and nearby locally important buildings

The application site is located to the north and North West of two heritage assets (and contains within it a third heritage asset). These are Lucas Green and Lucas House (which are both identified in the Chorley Council List of Locally Important Buildings) and World War II anti aircraft gun mounting and Pillbox/ammunition store, recorded on the Lancashire County Council Historic Environment Record (HER).

230. This application is therefore judged on the basis of policies HE6, 7 & 8 of PPS5. In short this equates to an assessment of the potential impact of the proposed development upon the significance of those heritage assets.

231. Lucas Green is a modernist styled 1960s flat roofed bungalow set in a large plot. The success of this relationship will depends upon the proposed height of buildings in this part of the application site, which will be determined when the reserved matters application is submitted.

232. Lucas House is an 18th Century stone cottage located on the southern side of Lucas Lane, to the south east of the application site and south east of Lucas Green. Given the separation distance between Lucas House and the application site, plus the position of other buildings in between, it is their opinion that the significance of this heritage asset will be sustained if proposed development were to be constructed.

233. The Conservation Officer states they have read the Heritage Statement produced by Turley Associates [in relation to the anti aircraft gun mounting and Pillbox/ammunition store] and can confirm that they are in agreement with its contents. The report meets the requirements of PPS5, but they wish to be clear the proposed building recording (PPS5, Policy HE12) must include the whole of the heritage asset as defined in the Lancashire County Council Historic Environment Record, the extract of which is included in Appendix 1 of the report, which includes the gun mounting as well as the 'pillbox'.

234. The Council's Conservation Officer considers an acceptable relationship can be achieved with Lucas Green at any Reserved Matters State and in terms of Lucas House given the separation distance between it and the application site, plus the position of other buildings in between, the significance of this heritage asset will be sustained if proposed development were to be constructed.

235. In terms of the anti aircraft gun mounting and Pillbox/ammunition store which it is intended to remove, the applicant has provided a Heritage Statement with which the Conservation Officer agrees and he considers meets the requirements of PPS5. The Conservation Officer and LCC Archaeology request a condition to record the feature before its removal. As a result of the Heritage Statement and the low significance of the heritage asset the Conservation Officer recommends that this need only be a basic photographic record together with limited desk top research but must include the whole of the heritage asset as defined in the Lancashire County Council Historic Environment Record, the extract of which is included in Appendix 1 of the report, which includes the gun mounting as well as the 'pillbox'.

236. Due to the low significance of the heritage asset and that it is not listed or locally listed it is not considered that the Council could require its retention or refuse planning permission on these grounds. However, the case officer has discussed the matter with the developer to see if they could incorporate something into any development, either through retention of a small part of it or a board or similar acknowledging it was there. Although the Council cannot insist

on this the request has been put to the developer to see if it could be incorporated in any reserved matters application.

237. Existing Play Area

There is an existing play area in what is currently a cul-de-sac on Dunham Drive, however this is surrounded by a fence so is not open to the road to prevent children running out in front of vehicles if the road became an access point to the proposed development and is considered acceptable.

238. Coal

The Coal Authority has recently re-assessed the public safety risks associated with coal and coal workings. They have defined specific 'Coal Mining Development Referral Areas'. These are areas, based upon Coal Authority records, where the potential land stability and other safety risks associated with former coal mining activities are likely to be greatest. The site is not in a coal mining area that requires a Coal Mining Risk Assessment to be submitted. The Coal Authority only requires their Standing Advice to be applied as an informative note on any permission granted.

239. Masterplan

The site is shown in the proposed Site Applications Preferred Options Paper as a part of a wider proposed allocation known as Land off Moss Lane HS1.44. Policy HS1 also states that the Council will require a Masterplan or development brief. Redrow have objected to this as part of the Site Allocation process. Although the application site forms part of a wider proposed allocation it is a largely distinct parcel, being separated by Lucas Lane and Town Lane. Is not therefore considered that this could be supported as a reason for refusal.

240. Section 106 Agreement

If the application were approved a number of things would need to be secured by a Section 106 Agreement:

- Open space and equipped play space provision and their future maintenance;
- Maintenance of BHS;
- Contribution towards playing pitches;
- Affordable housing provision;
- Contributions towards bus stops, transport contributions and a travel plan

241. Works needed to be done under Section 278 and Section 38 agreements would be entered into directly with Lancashire County Council but the timing of those works would need to be controlled by a planning condition applied to any permission.

242. Response to Neighbour points/RAG

The developer undertook pre-application consultation during the consultation period for the LDF Site Allocations & Development Management DPD. Comments received were recorded against the LDF, and all persons received neighbour notification letters once an application was received.

243. In terms of objection points by the RAG on Neighbourhood Development Plans (NDPs), members should note that regulations pertaining to NDPs have not yet been issued, and it would not be a legitimate reason for refusal of this application.

244. **Overall Conclusion**

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. It is acknowledged that current government guidance (PPS3, para 72) states that LPAs should not solely refuse on prematurity grounds. However, members are asked to note that the Council is required to have regard to national guidance and not to slavishly apply it,

especially in the face of relevant material considerations; and that the weight to be applied is a matter for the decision maker.

245. In terms of the site specific and technical aspects of the proposal the application is considered acceptable subject to appropriate conditions and a Section 106 Agreement.
246. The application is therefore recommended for refusal on the principle of the development being unacceptable.
247. **Other Matters**  
Public Consultation The developer undertook public consultation on the proposal at the same time as Council was consulting on the Site Allocation Preferred Options Stage. Objections were received to this prior to the submission of the application. Comments to the preferred options stage have also therefore been taken into account when considering this application.
248. Planning Policies - Are referred to in the main body of the report.
249. Planning History – A Screening Opinion has been issued by the Council (ref: 11/00795/SCE), confirming that an Environmental Impact Assessment is not required.

### **Recommendation: Refuse Full Planning Permission Reasons**

#### **1. With reference to:**

- **Planning System General Principles;**
- **National Planning Guidance, including PPS1, PPS2, PPS3, PPS4 & PPS12;**
- **The Development plan, including policy DC3 (GN1 – Coppull) 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 as per paragraph 71 of PPS3. 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 and previous growth within Whittle le Woods, 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 C, that when compared to the existing, proposed and potential sites within Whittle 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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<b>Item 4b</b>	<b>11/00993/OUTMAJ</b>
<b>Case Officer</b>	<b>Mrs Nicola Hopkins</b>
<b>Ward</b>	<b>Coppull</b>
<b>Proposal</b>	<b>Outline application for the demolition of 47 Clancutt Lane (and associated outbuildings) and erection of up to 29 residential dwellings (all matters reserved except for access)</b>
<b>Location</b>	<b>47 Clancutt Lane Coppull Chorley PR7 4NR</b>
<b>Applicant</b>	<b>Redrock Limited</b>
<b>Consultation expiry:</b>	<b>4 January 2012</b>
<b>Application expiry:</b>	<b>14 February 2012</b>

**Proposal**

1. The application relates to the erection of 29 dwellings on land at the end of Clancutt Lane, Coppull. The application is outline in nature with only the principle of developing the site and the access arrangements being assessed at this time.
2. The proposals incorporate 30% affordable housing which equates to 8.7 units (based on the current layout). The existing dwelling on the site, 47 Clancutt Lane, will be demolished as part of the proposals and replaced with 29 new build dwellinghouses.

**Recommendation**

3. It is recommended that this application is refused.

**Main Issues**

4. The main issues for consideration in respect of this planning application are:
  - 1) Principle Of The Development
  - 2) Affordable Housing
  - 3) Details Of The Development, including:
    - Housing Development
    - Density
    - Levels
    - Impact on the neighbours
    - Design
    - Open Space
    - Trees and Landscape
    - Ecology
    - Flood Risk
    - Traffic and Transport
    - Public Right of Way
    - Contamination and Coal Mines
    - Drainage and Sewers
    - 47 Clancutt Lane
    - Archaeology
    - Crime and Safety
    - Noise
    - S106 Agreement
  - 4) Overall Conclusion

**Representations**

5. 25 letters of objection have been received raising the following concerns:

Traffic and Highways

- Problems caused by extra traffic
- Disruption by HGVs during construction
- The addition of another potential 60+ car traffic at the small (and already dangerous) roundabout at the end of Clancutt lane and Spendmore lane
- Would cause serious traffic issues and accidents.
- Health and safety implications- extra traffic along Clancutt Lane
- Residents along Clancutt Lane have on street parking which will restrict visibility into the site and create highway safety issues if the development is permitted.
- Tandem parking spaces result in a car being parked on the highway which would result in accessibility issues

New Houses

- Too many houses- area is already overpopulated- sufficient houses in the area including a number for sale
- All of the Local people are against this development and all strongly object to this development
- Local MP's are against this development
- If there must be housing on this site, there should be a significantly lower number of units
- There are a number of more suitable sites for this type of development around the borough which should be given priority as housing sites because they are brownfield.

Impact on neighbours

- Loss of privacy- overlooking directly into existing gardens
- Noise

Ecological/ Open Space Concerns

- Loss of green belt land
- Adverse impact on natural habitat. The Land is home to a number of species of wildlife and this development would lose their habitat.
- This development would reduce separation between the Charnock Richard and Coppull and cause over intensification of the area (paragraph 12 of PPS9 states that development should maintain biodiversity networks).
- Proposals result in loss of trees and hedgerows

Other

- Concerns about the pre-application public consultation notification
- Extra pressure on an already low water pressure
- The sewerage system is already overloaded we have had a number of blockage at the end of Pear Tree Ave and have to unblock ourselves further housing would cause no end of difficulties.
- There is already a major problem with youths in the lane at the end of Clancutt lane and the Derelict House at the bottom has been set alight several times over the last few years this develop. This development would greatly increase this problem.
- Planning permission has already been submitted earlier in the year for this site and was rejected this should be the case again.
- Impact on the character of the area
- Schools in the area are already oversubscribed.
- Loss of a historic building- 47 Clancutt Lane
- No information on the design of the properties
- Access may try to be achieved to the rear of the properties which should be restricted.
- Relates to safeguarded land which should not be considered for applications of this type. The Council should not accept any planning applications for this land until any changes to site allocations in the local development framework are finalised and adopted which is scheduled for December 2012 following central government review.
- Coppull needs to be kept as a village not a town
- There are insufficient facilities in the immediate area for the number of children that a development of 29 units would bring.

6. **Councillor Crow** has confirmed that this application has caused quite a concern locally and as a result would not be able to support this application.
7. **Coppull Parish Council** objects to this application on the following grounds:
  - Highway grounds: The access onto Spendmore lane is already serving a large number of houses.
  - The site would be bordering/encroaching into the green belt.
  - This development would also reduce the 'separation' between villages
  - The site is safeguarded land.

### Consultations

8. **Planning Policy** have commented on the proposals which is incorporated into the report.  
The following conclusions are reached:
  - Whilst the July 2011 Appeal decision relating to the residential development of Safeguarded Land in Clayton-le-Woods is a material consideration, this application should be treated on its own merits; The application site has different characteristics and the settlement context is different. In addition changes have occurred in terms of local and national planning policy since that decision. All of these factors need to be considered in the planning assessment.
  - This application proposes small scale residential development on land that is Safeguarded under Policy DC3 of the Chorley Local Plan. Such residential development is not permissible under either Policy DC1 or DC3 and as such this proposal is contrary to Policy DC3. However, in the July 2011 decision on the proposed residential development of Safeguarded Land in Clayton-le-Woods both the Inspector and Secretary of State took the view that Policy DC3 must be read in the context of other material considerations which could be afforded greater weight. This approach should be followed in the consideration of this application.
  - Chorley Borough has a deliverable five-year housing supply; the January 2012 Annual Monitoring Report indicates approximately 6 years of deliverable housing supply. Therefore, there is no requirement to consider this application favourably in line with paragraph 71 of PPS3.
  - The draft NPPF requires local planning authorities to identify a five-year supply of housing with an additional allowance of at least 20% to ensure choice and competition in the market for land but can only be given limited weight due to its current draft status. Nevertheless Chorley has an identified 5.7 year deliverable housing supply, which provides sufficient choice and competition in the market. In addition to the identified deliverable housing supply there are further housing units with permission, where there is currently little evidence as to their deliverability, but which may well come forward over the five-year period, providing further choice and competition in the market for land.
  - 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 requirement to significantly increase the supply of housing in Chorley in numerical terms at this time.
  - Nevertheless the determination of need should take account of more than the five-year supply and should take account of wider issues. Coppull is identified as an Urban Local Service Centre that is appropriate for some housing growth in Policy 1 of the emerging Core Strategy; significant weight can be given to this policy.
  - 42 dwellings were completed in Coppull from April 2010 – October 2011 which go towards meeting Core Strategy housing requirements. A further 27 units currently have permission and 49 units with permission subject to the signing of a S106 agreement at Coppull Enterprise Centre. Therefore, housing construction is actively taking place in Coppull on small/medium sites.
  - The application site is a preferred proposed housing allocation in the Site Allocations and Development Management Policies DPD Preferred Option Document. 21

objections have been received to this housing allocation, with 2 representations in support. Representations have also been received from landowners/developers that have interests in other areas of the Safeguarded Land in Coppull that are not proposed for housing development in the Preferred Option Paper. These representations support the allocation of alternative sites in Coppull and set out arguments in their favour. It is considered that the housing allocations in the Preferred Option Paper can only carry limited weight at this stage.

- Therefore, whilst the principle of some housing growth in Coppull is accepted and is in line with Policy 1 of the Core Strategy, there are a range of options for the location of that growth. There is choice of potential locations for housing development in Coppull. In Coppull the situation is markedly different from that in Clayton-le-Woods. Growth should be properly planned through the Site Allocations DPD process, rather than via the submission of a planning application. Chorley Council are actively working on their Site Allocations and Development Management Policies DPD and have undertaken consultation on Issues and Options and on a Preferred Option.

9. **Lancashire County Council (Archaeology)** have commented that the 1st Edition Ordnance Survey shows the site to have been occupied by a building, whose function and date of construction is unknown, in the area of proposed plots 3-6. The 1:2500 1st Edition OS surveyed in 1893 shows the site to be occupied by further small buildings. By 1910 they appear to have been subdivided into a small terrace. These buildings were demolished sometime between 1939 and the mid-1960s. The site however is still considered to have the potential to contain structural remains of the mid-late 19th century buildings, as well as evidence for possible earlier use of the site. Lancashire County Archaeology Service would therefore recommend that a condition is attached to the recommendation securing the implementation of a programme of archaeological work
10. **The Environment Agency** have no objection in principle to the proposed development subject to the inclusion of conditions
11. **The Architectural Design and Crime Reduction Advisor** has commented that the development is going to be constructed for accreditation by Secured by Design. The footbridge over the railway line continues to be a focal point for anti-social behaviour which should be taken into consideration in respect of designing out this problem.
12. **Chorley's Conservation Officer** has commented in respect of PPS5
13. **United Utilities** have no objection subject to conditions
14. **Lancashire County Council (Highways)** has no objection to the proposals. The specific comments are addressed below
15. **Chorley's Waste & Contaminated Land Officer** has commented that he has no objection to development, subject to completion of (and our approval upon completion) the further work as identified in section 9 of the BSL's Geo-environmental Assessment report dated June 2010 Ref: DNC/C1701/2133. Validation sampling will be expected in order to demonstrate adequate removal of contaminated made ground. This can be addressed by condition.
16. **Lancashire County Council (Education)** have commented in respect of primary school places which is addressed below.
17. **Lancashire County Council (Planning Obligations)** have requested a contribution to waste management.
18. **Housing Manager (Strategy):** has commented In terms of tenure that the split will be as follows: 6 for Affordable Rent and 2 for Shared Ownership .This proposal meets with our policy of requiring a 70/30 split in terms of affordable rent and sale. It is understood that the developer has had discussions with New Progress Housing Association concerning the above 8 affordable homes. New Progress are a suitable Registered Provider to be involved with this scheme and to purchase and manage these properties.

19. **Environmental Health Officer (Noise)** has commented that the previous application (11/00074/FULMAJ) came with an acoustic consultants report. Their concern is the proximity of the railway line to the proposed development.
20. Following the receipt of the submitted Environmental Noise Impact Assessment Acoustic Consultancy Report the Environmental Health Officer has no objections to the proposals as long as the applicant is fully aware of the previous report and fully implements the noise mitigation measures recommended within it. This can be addressed via condition.
21. **The Council's Policy and Design Team Leader** has commented on the proposals which are addressed below.

### **Applicants Case**

22. The agent for the application has made the following statements in support of the application:
  - It has recently been confirmed by the SoS and Inspectorate that Policy DC3 is out of date and delays in the preparation of the LDF have left the Council with no up to date policy on safeguarded land and no policy for implementing or managing the growth for Coppull advocated by the Core Strategy. The weight that can be attributed to Policy DC3 is therefore limited and the saving of this policy does not represent a review of its appropriateness, which may be outweighed by other considerations.
  - In terms of these considerations it has been demonstrated that the calculation of housing need goes far beyond the 5 year land position, which should, in line with DCLG guidance not be seen as a ceiling, or maximum requirement. PPS3 encourages LPAs to treat applications favourably where they do not have a 5 year supply, but does not state application must be treated favourably where there is one. A view also shared by the Inspector and SoS at the recent Wigan Road inquiry.
  - There is clearly a need for additional new housing in Coppull to facilitate and deliver the sustainable growth of the area and the aspirations of the Core Strategy, which is almost at adoption. This is shown through the emergence of the Site Allocations DPD and simply waiting for this to be adopted is not considered to be reasonable grounds for refusing planning permission when the site is now identified to actually come forward between 2011-16. Granting planning permission within a reduced timescale for implementation would ensure these objectives are expediently and appropriately met.
  - The need for housing, the progression of the CS, which has Coppull as a principal location for housing development, the progression of the Site Allocations DPD which identifies the application site as delivering housing after 2011, the issues of timing which have been addressed in full by the Inspectorate only very recently, and the emergence of the NPPF which places much greater weight on the need to deliver sustainable development, all represent key changes in circumstances with regard to the safeguarded land since the refusal of permission in May 2011. All of these considerations clearly outweigh the outdated Policy DC3 which can only be given limited weight in the planning balance. On this basis, it has been demonstrated that planning permission should be granted in relation to this proposal.
  - My client is willing to accept a condition accepting a reduced timescale for implementation in order to ensure the proposal delivers the objectives of the plan.
  - All of these considerations, in addition to the other benefits of the scheme including much needed new affordable housing and over £38,000 towards the provision of new play equipment at Longfield Avenue clearly outweigh the outdated Policy DC3 which can only be given limited weight in the planning balance.
  - On this basis, it is considered that the application site should be released for development at this time and is therefore acceptable in principle.

### **POLICY BACKGROUND**

#### The Development Plan

23. This application will be determined in accordance with the development plan, unless material considerations indicate otherwise (s.38(6) Planning and Compulsory Purchase Act (2004)).

24. The Development Plan for Chorley currently consists of the Adopted Chorley Borough Local Plan Review, the North West Regional Strategy and the Sustainable Resources DPD. On 6th July 2010 the Secretary of State for the Department of Communities and Local Government revoked Regional Strategies, including the Regional Strategy for North West England. However, on 10th November 2010 the decision to revoke the Regional Strategy was found unlawful at the High Court.
25. 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. In considering this matter, the Court of Appeal suggested that there would be many situations in which only very limited weight could be given to the intention to revoke, and that the number of cases in which the forthcoming abolition might tip the balance would be limited. It was thought that the situation was likely to be confined to large housing developments where housing targets were a principal part of the argument in favour of development.
26. 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 has indicated that it intends to revoke RSS by the end of April 2012.
27. The Chorley Local Plan Review was adopted in August 2003. It was saved in September 2007 and (applying principles contained in PPS12, especially section 9), in deciding to "save" policies, the Secretary of State would have had regard to consistency with extant national policy (including PPG2).

#### North West Regional Strategy

28. The following policies are of relevance to this proposal.
  - **Policy DP1 – Spatial Principles:** This policy outlines broad spatial sustainability principles that should be adhered to.
  - **Policy DP2 – Promote Sustainable Communities:** This policy sets out principles that should be followed to create sustainable communities.
  - **Policy DP4 – Make the Best Use of Existing Resources and Infrastructure:** This policy seeks to make the best use of existing infrastructure.
  - **Policy DP5 – Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility:** This policy seeks to ensure that development is located so as to reduce the need to travel and that there should be safe and sustainable for all. It highlights that all new development should be genuinely accessible by public transport, walking and cycling and that priority should be given to locations where such access is already available.
  - **Policy DP7 – Promote Environmental Quality:** This policy outlines criteria that seek to protect and enhance environmental quality.
  - **Policy DP9 – Reduce Emissions and Adapt to Climate Change:** This policy seeks to ensure that new development reduces emissions and is adaptable to climate change. The Chorley Sustainable Resources Development Plan Document expands upon these principles and is outlined later.
  - **Policy L4 – Regional Housing Provision:** The RSS sets out a housing requirement of 417 units per year for Chorley.

#### Adopted Chorley Borough Local Plan Review 2003 (policies saved by Direction of the Secretary of State in September 2007)

29. The following policies are of relevance to this proposal:
  - **DC3- Areas of Safeguarded Land:** This Policy identifies Areas of Safeguarded Land and outlines the restrictions on development in such areas. The application site is covered by the Safeguarded Land DC3.9 designation. The site was allocated as

safeguarded in the 1997 Local Plan, with its allocation rolled forward into 2003 Local Plan.

- 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 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. Following the establishment of the Local Development Framework process Chorley Council applied for and obtained a direction from the Government Office for the North West to save a number of policies including DC3, DC1 & DC2 for on-going use after 27 September 2007.
- As this application is on Safeguarded Land as identified in the Local Plan and is not development permissible under either Policy DC1 or DC3 it is therefore contrary to policy DC3.
- The current Local Plan Review was reported in 2002. This land was protected as safeguarded land 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 (the safeguarded land policy), for ongoing 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.'*
- **GN1- Settlement Policy – Main Settlements:** This Policy 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-ambles 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. Other areas including Adlington, Coppull and Euxton are considered suitable for development within or by way of rounding off their built up areas.
- **GN5- Building Design and Retaining Existing Landscape Features and Natural Habitats:** This Policy sets out the design criteria for new developments which will be expected to be well related to their surroundings, including public spaces, and with landscaping fully integrated into the overall scheme
- **HS4- Design and Layout of Residential Developments:** This Policy sets out the criteria for new residential development and requires new housing development to be designed and laid-out to a high standard, in order to create an attractive and safe environment in which people will choose to live.
- **HS6- Housing Windfall Sites:** The Policy states that within the boundaries of settlements excluded from the Green Belt, residential development on sites not allocated in Policy HS1 will only be permitted provided that the applicant can demonstrate certain criteria. In determining planning applications for housing development on windfall sites, the Council will assess the suitability of the site for development, in accordance with the guidance contained in PPS3. Priority will be given to the development of previously-developed sites in urban areas, in preference to sites in other locations and greenfield sites. The ability of a site to create a sustainable residential environment will be assessed, in terms of its accessibility to employment, shops and community facilities by non-car modes, and its impact on local communities. Any infrastructure or development constraints will also be considered.
- **HS21- Playing Space Requirements:** This Policy relates to the playing space requirements associated with new developments and requires schemes of 1 hectare and over to incorporate the full provision of playspace on site.
- **TR4- Highway Development Control Criteria:** This Policy sets out the criteria, in relation to highways, required for new developments.

**Sustainable Resources DPD, September 2008**

30. In accordance with Policy SR1 of the DPD the scheme will be required to achieve a 15% reduction in carbon emission through the use of low and zero carbon technologies and the relevant Code for Sustainable Homes Level will be required for each dwelling (Code Level 3 now, Code Level 4 after 2013). There is also a companion SPD to this policy.

National Planning Policy

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

- **PPS1 Delivering Sustainable Development**

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

- **PPG2 Green Belts**

In order to ensure protection of Green Belts, PPG2 sets out that local authorities can safeguard land between urban areas and the Green Belt, which may be required to meet longer term development needs. Annex B sets out guidance on identifying Safeguarded Land and appropriate development control policies.

Chorley Local Plan Policy DC3 reflects advice in PPG2 and sets out the Council's approach to Safeguarded Land. It is clear within PPG2 (annex B, paragraph 6) 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 plan."* However, reflecting the Clayton-le-Woods appeal decision, policy DC3 must be read in the context of other material considerations.

- **PPS3 Housing**

- Paragraph 69 states that in general, in deciding planning applications, Local Planning Authorities should have regard to:
- Achieving high quality housing
- Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.
- The suitability of a site for housing, including its environmental sustainability.
- Using land effectively and efficiently
- Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues.

In respect of the criterion relating to achieving high quality housing the scheme is in outline with all matters reserved, apart from access. The applicant proposes 29 dwellings delivering a range of 2, 3 and 4 bedroom family housing with a mix of detached, semi detached and smaller townhouses. The mix of housing with the provision of affordable housing on this site would provide a better mix of housing within Coppull as a whole.

In terms of the suitability of the site for housing, 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, in line with guidance in Annex B of PPG2. The site has been assessed as part of the Sustainability Appraisal of the Site Allocations and Development Management Policies DPD Preferred Option.

A key PPS3 objective is to make effective use of land by re-using land that has been previously developed. This is not a previously developed site, and there is already a reasonable supply of suitable and available previously developed land in Coppull, although the expectation is that some of Coppull's will take place on Greenfield land.



Using land efficiently is a key PPS3 consideration. This application is in outline only, but the Design and Access Statement highlights some of the constraints and opportunities to the development of this site. These need to be assessed on site taking account of the views of other consultees.

The final criterion in paragraph 69 relates to ensuring whether the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives and is covered later in the report.

30% affordable housing is proposed as part of this application and this is also considered in more detail later in this report.

• **PPS4: Planning for Sustainable Economic Growth**

PPS4 is an up to date expression of national guidance (as amended) and seeks to protect the countryside for its own sake. Paragraph 16 states “When preparing policies for LDDs and determining planning applications for development in the countryside, local planning authorities should: (iii) take account of the need to protect natural resources;

Therefore unless there is a need for development on this site the Local Planning Authority should seek to protect the countryside as a natural resource. This is in accordance with Policy DC3 and PPS1.

- **PPS9 Biodiversity and Geological Conservation.**
- **PPS12 Local Spatial Planning**
- **PPG13 Transport**
- **PPS22 Renewable Energy**
- **PPS 25 Development and Flood Risk**

Emerging Planning Policy

32. **National Planning Policy Framework – Draft 2011.** On the 20 December 2010 The Minister of State for Decentralisation and Cities, Greg Clark MP, announced a review of planning policy, designed to consolidate all current policy statements, circulars and guidance documents into a single, simpler National Planning Policy Framework. The new Framework is intended to be user-friendly and accessible with clear policies for making local and neighbourhood plans and development management decisions. The Draft National Planning Policy Framework (DNPPF) was published on 25th July 2011. The draft contains a number of references to the presumption in favour of sustainable development and the need to support economic growth through the planning system. The draft also includes removal of the brownfield target for housing development and requires local council's to identify an additional 20% of deliverable sites against their five year housing requirement. As this is only in draft at the present time it is considered it can be afforded limited weight, and the current set of national guidance remain in force.
33. The eighth report of the Communities and Local Government Committee of the House of Commons of 21<sup>st</sup> December 2012 notes that the NPPF has to get the balance right and notes the Prime Minister has said that: *‘I believe that sustainable development has environmental and social dimension as well as an economic dimension, and we fully recognise the need for a balance between the three. Indeed, the purpose of the planning system as a whole and of our proposals for it, is to achieve such a balance’.*
34. The report also notes that the NPPF emphasises a ‘default yes’ to development, that applications should be approved unless the adverse effects ‘significantly and demonstrably’ outweigh the benefits. This carries the risk of the planning system being used to implement poorly planned, unsustainable development. It goes on to say that the ‘default yes’ to development and the phrase ‘significantly and demonstrably’ should be removed from the text. In addition it states the presumption policy should be redefined as *‘a presumption in favour of sustainable development consistent with the Local Plan’.* This anchors sustainable development to local circumstances and provides a spur to local authorities to prepare their

Local plans. It also states that the NPPF must leave no room for doubt that the purpose of the planning system is to address social, environmental and economic demands on land supply on an equal basis.

35. The draft NPPF (para 140 4th bullet point) indicates that planning permission for the permanent development of safeguarded land should only be granted following a local plan review. As such the draft NPPF does not propose to alter PPG2 provisions in this regard.
36. As the NPPF is only in draft at the present time and it is likely that changes are to be made to it before the final version is released, it is considered it can be afforded limited weight in decision making and the current set of national guidance remains in force.
37. **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 13<sup>th</sup> December 2011. The examination is scheduled to re-open on 6<sup>th</sup> March 2012
38. As a whole the Core Strategy as a document is at an advanced stage, in respect of Policy 4 the examination process it yet to be completed.
39. The following Core Strategy Policies are of relevance to this scheme:
  - **Policy 1** in the Core Strategy relates to Locating Growth. Coppull is identified in the December 2010 Publication Core Strategy in strategic land terms as an Urban Local Service Centre in Policy 1 where some growth (authors emphasis) and investment will be encouraged to help meet housing and employment needs. Therefore, it is a settlement where some housing and employment growth is considered appropriate.
  - **Policy 2** in the emerging Core Strategy relates to infrastructure. The Policy states if a funding shortfall is identified, schemes require, through developer contributions, that the new development meets the on and off-site infrastructure requirements necessary to support the development and mitigate any impact of that development on existing community interests as determined by the local planning authority.
  - **Policy 3** of the emerging Core Strategy relates to Travel and includes measures to reduce the need to travel by improving public transport by providing new railway stations at Buckshaw Village, Cottam, Midge Hall and Coppull, and improving Preston and Leyland stations.
  - **Policy 4** of the emerging Core Strategy 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. The proposed changes maintain a commitment to an early review and work to produce new housing requirements has already commenced. The early review has been planned to take account of more up-to-date evidence that that used to inform RSS in terms of the Central Lancashire economic context and housing need/demand. This will enable the Central Lancashire authorities to determine their own housing requirements based upon up-to-date local evidence. To date 43 representations have been received to the Proposed Housing Related Changes document, some in support and some against the proposed changes..
  - **Policy 7** relates to affordable housing and states that 30% affordable housing will be sought from market housing schemes.
  - **Policy 17** relates to the design of new buildings which will be expected to take account the character and appearance of the local area.
  - **Policy 27** relates to incorporating sustainable resources into new development and reflects the Council's Local Development Framework set out above.

40. This document includes table 1 which represents a prediction that 9% of Central Lancashire's housing development will take place in Urban Local Service Centres, including Coppull, over the period 2010 – 2026. Approximately 2100 dwellings are predicted in total in the 6 Urban Local Service Centres based upon:
  - existing housing commitments (sites that already have planning permission for housing)
  - proposed allocations in the Sites for Chorley Preferred Option Paper
  - dwellings already completed in the 6 Urban Local Service Centres during the first year of the Core Strategy housing requirement period (2010 – 2011).
41. 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.
42. ***Chorley Site Allocations & Development Management Policies – Preferred Option, September 2011:*** Chorley Council is preparing this DPD, and it is at Preferred Option stage, and as such can be afforded limited weight. Consultation ended 18 November 2011, and over 2,200 comments were received. Adoption remains scheduled for the end of 2012. The Core Strategy sets out a predicted distribution of housing based on the potential in each place and are not proportions that are required to be met and as such the Site Allocations document does not set out that Coppull needs to plan for 322 houses up to 2026. This DPD does identify a predicted Core Strategy Housing Target for 2010-2026 with upto 197 dwellings identified as part of the suggested allocations and existing commitments. The DPD also envisages that this site will be delivered between 2011 to 2016.
43. 9% of the central Lancashire housing requirement equates to the development of approximately 2000 dwellings to be developed in the 6 Urban Local Service Centres in Chorley over the period 2010 – 2026. Table 1 of the Site Allocations DPD shows Coppull's target if there was an equal split of 322 dwellings between each ULSC. However in practice when identifying sites this cannot equate to an equal split between settlements as they have differing amounts of available and suitable developable land for housing. 78 dwellings were developed in these settlements during 2010 – 2011.
44. Table 1 actually identifies 2069 dwellings comprising existing housing commitments and proposed housing sites on land in the 6 Urban Local Service Centre settlements, which together with the 78 dwellings already completed marginally exceeds the Core Strategy predicted proportions over the plan period, to take allowance for any slippage (non-delivery or reduced delivery of housing) on sites.
45. In Coppull sites are proposed to be allocated for 178 dwellings set out within the Preferred Option Site Allocations and Development Management Policies DPD on five sites:
  - HS1.40 Clancutt Lane – 30 dwellings
  - HS1.36 Discover Leisure, Chapel Lane – 59 dwellings
  - HS1.37 Regent Street – 15 dwellings
  - HS1.38 Land at Northenden Road – 25 dwellings (planning permission has recently been granted for 25 dwellings (ref: 11/00865/FULMAJ) at this site.)
  - HS1.39 Coppull Enterprise Centre, Mill Lane- 49 dwellings (planning permission has recently (10/00735/OUTMAJ) been granted by Members, subject to the S106 Agreement, at Development Control Committee for upto 51 dwellings at this site.
46. In addition Table 1 of the Preferred Option document identifies a further 19 units on other sites in Coppull that have planning permission for housing, equating to 197 dwellings in total over the plan period 2011-2026.
47. The land that is the subject of this application forms HS1.40 Clancutt Lane residential allocation where approximately 30 dwellings are proposed over the period 2011 – 2026. The proposal is therefore in conformity with the Council's Preferred Options document. The Housing Development Phasing Schedule in the Preferred Option Paper identifies this land for development in the first phase of the plan period (2011 - 2016). Therefore, this land is proposed for housing as part of the Site Allocations Process.

48. However, this DPD is at a relatively early stage of preparation and 19 representations objecting to this housing allocation have been received. In addition we have received 2 representations of support. Representations have also been received from landowners/developers that have interests in other areas of the Safeguarded Land in Coppull that are not proposed for housing development in the Preferred Option Paper. These representations support the allocation of alternative sites in Coppull and set out arguments in their favour. For example, representations have been received stating that land at Blainscough Hall and Hewlit Avenue, which are not allocated in the Preferred Option, but remains as Safeguarded Land (BN32.8) and (BNE2.7) respectively are available and suitable for housing development. Further representations have also been received for the other 6 ULSCs and elsewhere in the Borough. It is considered that the housing allocations in the Preferred Option Paper can only carry limited weight at this stage and as representations have been received both in support and objecting to the proposals this issue is still contentious.
49. Therefore, whilst the principle of some growth in the 6 ULSCs including Coppull is accepted and is in line with Policy 1 of the Core Strategy, there are a range of options for the location of that growth. There are 11.47 hectares of Safeguarded Land in Coppull and there are a choice of potential locations for housing development.

#### Other Material Considerations

50. **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 he will attach significant weight to the need to secure economic growth and employment.
51. **Central Lancashire Strategic Housing Land Availability Assessment 2010 (SHLAA)** identifies this site for potential future housing development. This site will be reviewed, in accordance with PPG2, as part of the Site Allocations and Development Management Policies Development Planning Documents (DPD).
52. This site is identified within the Central Lancashire Strategic Housing Land Availability Assessment 2010 (SHLAA) for potential future housing development. The SHLAA provides an evidence base on the potential housing land supply across Central Lancashire, and forms part of the evidence base for plan making – it does not allocate sites for development. The SHLAA states that this land is safeguarded for future development needs. The site has been and will continue to be kept under review as part of the plan-making process, in accordance with PPG2, as part of the Site Allocations and Development Management Policies Development Planning Documents (DPD). It is therefore considered that this site, along with other safeguarded sites within the Borough, should remain protected until the Site Allocations and Development Management Policies DPD process duly determines sites for allocation.
53. **Localism Act 2011-** The act makes provision for (inter alia) the revocation of regional strategies in whole or part, subject to an order by Secretary of State; public consultation by developers on certain applications; neighbourhood planning; the consideration of financial matters (grants & CIL) as material planning considerations etc. Some provisions are already implemented, others are to commence in 2012, and others at the discretion of the Secretary of State.

54. 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.
55. It is therefore considered that allowing applications on Safeguarded Land without going through the LDF process would cumulative undermine the Governments Localism Agenda which is an expression of the Government's intentions on how decisions should be made. Granting planning permission for schemes now would undermine the wider policy objectives of PPS3 paragraph 69.
56. **The Community Infrastructure Levy (CIL)**- On 31st January 2012, the Central Lancashire authorities began preliminary draft consultation on a Central Lancashire CIL, which runs until March 2012. 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.
57. 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.
58. In relation to Coppull, a new station is identified, and a cycling scheme. 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 & Central Lancashire.
59. **Land to the East of Wigan Road, Clayton le Woods, Chorley, Lancashire- Appeal by Fox Land and Property (Ref: APP/D2320/A/10/2140873)**- This appeal decision in Clayton le Woods is a material consideration in respect of this site as this related to safeguarded land. The Secretary of State considered:

*With regard to the emerging CLPCS, the Secretary of State notes that Clayton-le-Woods is identified as a "main place" within central Lancashire (IR14.10). The Secretary of State considers that any subsequent justification for calling it a "main place for growth" (IR14.17 and IR7.32) should be based, to a large extent, on the fact that it is listed in "Policy 1: Locating Growth" of the CLPCS (IR14.11), where it is identified as an Urban Local Service Centre (ULSC) and where "some growth and investment will be encouraged". The Secretary of State agrees with the Inspector that to meet planned growth 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 (IR14.17). He further agrees 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 CLPCS, this part of the CLPCS should be afforded significant weight (IR14.18).*

*The Secretary of State agrees with the Inspector's assessment of the emerging allocations DPD, and the issue of prematurity as set out in IR14.19-14.23. On the former he agrees that this should be afforded limited weight (IR14.19), but that it indicates that this land appears acceptable for residential housing (IR14.20). On the latter he agrees that the risk of not satisfying the CLPCS growth requirements outweighs the possibility of obtaining a more comprehensive and co-ordinated wider development (IR14.23).*

**BACKGROUND INFORMATION**

60. Planning permission was refused at this site in May 2011 for the erection of 10 two bedroom dwellings and 20 three bedroom dwellings. This was a full planning application which included details of access, car parking and landscaping and included the refurbishment and reconfiguration of garden and fencing of 47 Clancutt Lane. It was intended that this scheme would be 100% affordable housing.
61. This application was refused at Development Control Committee on 24th May for the following reason:  
*The application site is within safeguarded land (site DC3.9), where development other than that permissible in the countryside under saved Policy DC1 of the Chorley Local Plan Review and PPG2 will not be permitted. A five year land supply is available and it has not been demonstrated that this development is needed at this time. The provision of 100% affordable housing does not constitute sufficient justification to release the land at this time. As such the proposal is contrary to 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.*
62. It should also be noted that within Coppull planning permission was granted in November 2009 (ref: 09/00696/FULMAJ) for 40 dwellings at the Waggon and Horses site. This site was safeguarded land however the residential redevelopment of this site was considered appropriate as The Waggon and Horses had large curtilage which could have been developed in isolation by way of a change of use to residential purposes. It was considered that this would represent piecemeal development and sterilise a corner of the site. As such it was considered appropriate to apply a comprehensive approach to the development of the whole of the land rather than wait for the Local Development Framework (LDF) to be adopted. The application site is different to the Waggon and Horses site by virtue of the fact that the existing dwelling has a limited curtilage and that notwithstanding the changes to PPS3 no longer result in the curtilage of the dwellinghouse falling within the definition of previously developed land. As such piecemeal development of the application site is not considered to be an issue.

**1) PRINCIPLE OF THE DEVELOPMENT**

63. In accordance with the Planning and Compulsory Purchase Act the starting off point in assessing this application is the Adopted Chorley Borough Local Plan Review. The Local Plan sets out the spatial strategy for Chorley and states that development will be concentrated in the central urbanised parts of the Borough, which are cited as 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. Paragraph 1.20 of the Local Plan states: *It will therefore be within this area that future housing development is to be concentrated. This is especially the case where transport infrastructure is already available or committed, or the potential for improvement has already been identified e.g. on the Quality Bus routes currently being considered through the Borough*
64. The site is located at the edge of the Coppull settlement boundary and is allocated within the Adopted Local Plan under Policy DC3.9 as safeguarded land. Coppull is one of the settlements of Chorley identified within Policy GN1 although, as set out above it is not identified within the spatial vision for Chorley where future housing development will be concentrated. The pre-ambles to Policy GN1 of the Local Plan identified Coppull as suitable for development within or by way of rounding off the built up area.
65. Planning Policy Guidance Note 2: Green Belts (PPG2) encourages the designation of land as safeguarded which may be required to meet longer term development needs however this allocation does not mean that the land is allocated for development at the present time as its purpose is meeting possible longer-term development needs. It is clear within PPG2 (annex B, paragraph 6) 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 plan.”*

The draft NPPF carries forward PPG2 provisions in regard to safeguarded land, and it is therefore considered that in this particular regard, the NPPF can be afforded significant weight.

66. It is acknowledged that the purpose of safeguarding land under policy DC3 of the Local Plan was to safeguard the land for development needs which might arise beyond the plan period, in this case after 2001, with safeguarded land protected until 2006.
67. In allocating the site as safeguarded land, the site was considered suitable for development. The LPA is not aware of any evidence suggesting that the site is no longer suitable for development.
68. The supporting information submitted with the application considers that Policy DC3 is out of date and as such it can only be afforded limited weight in the overall planning balance. This is on the basis that since the previous refusal of planning permission at this site the Inspector and Secretary of State with the appeal decision at the Wigan Road site (ref:10/00414/OUTMAJ) agreed that the LP and Policy DC3 are out of date.
69. The supporting information also cites the Central Lancashire LDF Joint Advisory Committee (JAC) report dated 1st September 2011 as recognising the need to have an up to date plan put in place as a matter of priority. The supporting information particularly cites paragraph 12 of this report which states: *also give the Councils the confidence to operate plan-led development management with up to date policies and proposals in the Core Strategy. (Members should note that an appeal for 300 units on an existing safeguarded site in Chorley has recently been allowed at appeal, on the basis that the local plan (adopted in 2003) was out of date, and in the light of the ministerial statement "Planning for Growth", and despite a proven five year supply).*
70. The key matter for consideration is whether it is necessary to release this land now which depends on key material considerations, including the emerging policy and key material considerations noted above and in particular the current position on housing supply.
71. Paragraph 71 of PPS3 states *Where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites, for example, where Local Development Documents have not been reviewed to take into account policies in this PPS or there is less than five years supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the policies in this PPS including the considerations in paragraph 69.*
72. In accordance with paragraph 54 of PPS3 the Council have identified in excess of 5 years supply of housing. It is not the applicants 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 1<sup>st</sup> October 2011 – 30<sup>th</sup> September 2016. Therefore, there is no requirement to consider this application favourably in line with paragraph 71 of PPS3. In the Clayton-le-Woods Appeal Decision the Inspector and Secretary of State both agreed that Chorley had a five-year housing supply.
73. 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 in accordance with the Draft National Planning Policy Framework (NPPF). 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.

74. In accordance with PPS3 where Local Planning Authorities have an up-to-date five year supply of deliverable sites further applications will be assessed against whether in granting permission this would undermine achievement of our policy objectives. As the Council have an up to date 5 year housing land supply there is no requirement to consider planning applications for housing favourably. 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 PPG2.
75. The Secretary of State's appeal decision at Clayton le Woods is a material consideration in respect of this site as this related to safeguarded land. The Secretary of State considered to meet planned growth in the area there would need to be a steep increase in housing delivery. It is acknowledged that the Inspector for the Wigan Road appeal took the view that in relation to safeguarded land, the local plan could be regarded as out of date, and that the Council did have a five year supply of housing land. However it should be noted that the inspector also drew attention to certain matters about that particular proposal which justified its release. For example - she regarded the site as the only realistic opportunity for growth at that settlement, that the proposal was in keeping with the emerging core strategy, and she also considered the nature of supply at that settlement.
76. The site lies on the edge of Coppull, and is a greenfield site. The emerging Core Strategy identifies Coppull as an Urban Local Service Centre where some growth and investment will be encouraged to help meet housing and employment needs. The applicant considers that Coppull is a 'principal location' for housing development as set out within the Core Strategy however the Core Strategy confirms that the focus for growth and investment will be brownfield sites, the strategic location of Central Preston, the Key Service Centres of Chorley and Leyland and the other main urban areas in South Ribble. The Core Strategy does identify that some greenfield development will be required on the fringes of the main urban areas and an appropriate scale of growth and investment will be encouraged in identified Local Service Centres.
77. Coppull is identified as a Local Service Centre within the Core Strategy where some growth will be encouraged however it is not considered that this constitutes a principal location for housing development.
78. In this case there has been growth within Coppull over recent years. From April 2003 (when the Regional Spatial Strategy (RSS) housing requirements began) to April 2010, 93 dwellings were completed in the Coppull settlement. From April 2010 (start date of the Core Strategy housing period) to April 2011, 42 dwellings were completed (including the erection of 40 dwellings at the Waggon and Horses site (09/00696/FULMAJ) and there are other sites within Coppull, including brownfield sites, which are available for housing delivery.
79. The site is also proposed for allocation (HS1.40) in the emerging Site Allocations DPD, now at an early stage. However, there are other sites within and adjacent to the settlement of Coppull that were also considered for allocation, HS1.36 (Discover Leisure, Chapel Lane- this site was assessed as "band B" in the Council's sustainability assessments), HS1.37 (Regent Street- This site was assessed as "band B" in the Council's sustainability assessments), HS1.38 (Land at Northenden Road) and HS1.39 (Coppull Enterprise Centre, Mill Lane).
80. Planning permission was permitted in November 2011 (11/00865/FULMAJ) for the erection of 25 dwellings at Northenden Road which included 20% affordable houses and planning permission (10/00735/OUTMAJ) was granted by Members, subject to the S106 Agreement, at Development Control Committee on 29th March 2011 for residential development at Coppull Enterprise Centre for upto 51 dwellings including 20% affordable housing.



81. The site was assessed as part of the Sustainability Appraisal of the Site Allocations and Development Management Policies DPD Preferred Option. Overall it scores reasonably well and it was given a banding of C (Banding from A – E, with A indicating the most sustainable sites), but the site did score poorly in a few areas. The site scores poorly in terms of its distance to a railway station and rail service frequency as there is no rail service in Coppull. Other areas highlighted as weaker within the Sustainability Appraisal include its distance to Chorley Town (which is the Borough's Key Service Centre), distance to a supermarket (over 3km) and the fact that the site is Greenfield and not Brownfield. The Sustainability Appraisal also indicates that the site is between 1.61 and 3.2 km of a secondary school, on Grade 3 agricultural land, and between 1.6 and 3.2 km from further/higher education facilities.
82. All of the site suggestions received in Coppull as part of the Site Allocations process have been given either a banding B or C in the Sustainability Appraisal. Coppull Enterprise Site (planning permission granted subject to the S106 Agreement); 293 Spendmore Lane; land at Northenden Road (planning permission granted), Discover Leisure (site allocation for housing) and Regent Street (site allocation for housing) have a B banding. The application site does not have a higher overall rating than these sites. Other site suggestions with a C banding are Blaincough Works sites (3 site suggestions); Mountain Road; Land at Hewitt Avenue and Orchards Hey Farm.
83. Therefore, the situation in Coppull is different from the situation in Clayton-le-Woods. In Clayton-le-Woods there was a very limited choice of potential housing sites for future growth. In the appeal decision, both the Secretary of State and Planning Inspector agreed that the area of Safeguarded Land that included the appeal site was realistically the only land available in Clayton-le-Woods for delivering the required growth. This is not the situation with regard to this application in Coppull.
84. In addition the Core Strategy does not specify how much development should go in each Urban Local Service Centre. It has no housing requirement for individual settlements and there is no requirement for the split between settlements to be equal. Therefore, as well as choices between sites within each settlement there are also choices to be made regarding the distribution between the 6 Urban Local Service Centres themselves.
85. Additionally as set out earlier there are other more sustainable opportunities for growth on brownfield land within the settlement of Coppull and as such this site is not the only realistic opportunity and there have been recent approvals and dwellings constructed within Coppull. As such this site is considered to be a different situation to the Wigan Road site.
86. The allocations within the DPD can only be afforded limited weight given the status of this document and as such the main consideration is whether there are material considerations which outweigh the Development Plan.
87. The other material considerations put forward by the applicant in respect of this application include:
  - The provision of 30% affordable housing in line with Core Strategy Policy 7 which the applicant has discussed with New Progress in respect of them being the Registered Provider.
  - The fact that the applicant is willing to accept a reduced timescale for implementation.
  - The need for housing.
  - The progression of the Core Strategy, which has Coppull as a principal location for housing development.
  - The progression of the Site Allocations DPD which identifies the application site as delivering housing after 2011
  - £38,000 towards the provision of new play equipment at Longfield Avenue
  - Will generate in the region of £200,000 'New Homes Bonus'

88. **Prematurity**

89. When assessing the need to release this land now the matter of prematurity is an issue. The Planning System: General Principles (paras 17-19) relate to prematurity. Paragraphs 17-19 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.'*

90. Paragraph 72 of PPS3 (Housing) states that LPAs should not refuse applications solely on the grounds of prematurity.
91. In terms of the NPPF, no mention is made of prematurity, but the Planning System General Principles document is **not** listed in the schedule of documents and guidance for cancellation by the NPPF.
92. 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:
11/00992/OUTMAJ	Land Bounded By Town Lane (To The North) And Lucas Lane (To The East) Town Lane Whittle-Le-Woods	Outline planning application for the development of land to the north and west of Lucas Lane for the erection of up to no. 135 dwellings with all matters reserved, save for access.	15 November 2011
11/01093/OUTMAJ	Land North Of Lancaster Lane And Bounded By Wigan Road And	Outline up to 160 dwellings	15 December 2011

	Shady Lane		
11/00993/OUTMAJ	47 Clancutt Lane Coppull	Outline for the demolition of 47 Clancutt Lane and erection of up to 29 dwellings	15 November 2011
11/01004/OUTMAJ	Land North Of Lancaster Lane And Bounded By Wigan Road And Shady Lane	Outline for a mixed use development, up to 700 dwellings, 40,000sqft of B1 office space, public house/restaurant, convenience store, community building, primary school, etc	16 December 2011
12/00082/OUTMAJ	Land Surrounding Huyton Terrace Previously Baly Place Farm Bolton Road, Adlington	Outline for up to 300 dwellings	Awaiting validation, received 27 January 2012

93. All of these applications propose that the sites should be released for development now, before the Site Allocations process concludes. Members will note some of these applications are also on this committee agenda.
94. This application is for 29 units. Together, the sites above including this application cumulatively represent a total of up to 1376 units which equates to over 3 years housing supply. This would equate to nearly 20% of the Borough's 15 year housing requirement.
95. 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.

96. 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."
97. 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.
98. This development only relates to 29 dwellings which could not be considered substantial and as such it is not considered that this scheme, on its own, could be refused solely on grounds of prematurity under current national guidance. However the release of this site would set a precedent for the release of other safeguarded sites within the Borough. The cumulative effect of which, i.e. releasing all safeguarded sites within the Borough, would 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.
99. The cumulative issue has also been raised as a concern by the agent for this application in respect of the Redrow (Lucas Lane) safeguarded land application and this application being considered at the same DC Committee. The agent confirmed that his "*client and I are mindful that both sites, whilst identified in the current Chorley Local Plan as 'safeguarded' for development post 2006, are completely different in size, scale, and setting and have fundamentally different issues relevant to their determination.* The agent has requested *In order to avoid any confusion between the two, or potential suggestions of cumulative impacts, my client would be grateful if you could consider whether the above application may be taken to the earlier 17<sup>th</sup> January committee?*", further confirming that the cumulative impact of releasing the safeguarded sites within the Borough is a consideration in respect of this application.
100. Whilst this application may not be substantial on an individual basis, any substantial release on the above sites will set a precedent and would cumulatively cause prejudice to the Site Allocations DPD in respect of scale, location and phasing of new development and undermine the growth ambitions and objectives of the Core Strategy.
101. 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. In accordance with PPG2, these decisions that should be properly taken in the Site Allocations DPD.
102. It is acknowledged that current government guidance (PPS3, para 72) states that LPAs should not solely refuse on prematurity grounds. However, members are asked to note that the Council is required to have regard to national guidance, and not to slavishly apply it, especially in the face of relevant material considerations; and that the weight to be applied is a matter for the decision maker. It is considered that the material considerations within this report, including the presence of a five year supply, the position in relation to the LDF, and the cumulative harm that will arise if a precedent is set, outweigh paragraph 72 of PPS3.

Conclusion

103. In conclusion 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.
104. As Coppull is not identified, spatially, within the Local Plan as a principal location for housing growth the release of this site undermines the objectives of the Local Plan as set out above.
105. As set out earlier within the report in accordance with PPS 3 (Paragraph 69) in deciding planning applications regard is to ensuring whether the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives.
106. As has been established at the broadest level the Local Plan does not identify Coppull as a principal location for housing development and as such does not accord with the final criterion of paragraph 69 of PPS3 is meet the spatial vision for the area.
107. 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”.

108. Coppull 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 Coppull, however at both Borough and settlement level the there are still choices to be made over amount, timing and specific location of that development. There is doubt over the amount of growth that will take place in Coppull and which sites will be allocated. 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 decision about the scale, location and phasing of new development. It is therefore not considered that the proposal meets the final criterion of paragraph 69 of PPS3 is meet the spatial vision for the area.
109. 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.

110. The supporting documentation submitted with the application considers that there is a need for housing in Coppull and has cited various publications including:
  - An appeal decision in Cornwall (Ref: APP/D0840/A/09/2115945),
  - The draft NPPF (which suggests that LPAs should identify a 5 year housing supply and an additional 20%),
  - The Wigan Road appeal decision and
  - The Council's Site Allocation DPD.

The main thrust is that the 5 year housing land supply is not a threshold and the Site Allocations DPD sets out a requirement of 322 new houses in Coppull up to 2026.
111. It is considered that this site is different to the site at Clayton le Woods (Wigan Road appeal), subject to the recent appeal, on the following grounds:
  - There are other opportunities for growth within the settlement
  - The Core Strategy does not specify how much development should go in each Urban Local Service Centre including Coppull. It has no housing requirement for individual settlements and there is no requirement for the split between settlements to be equal. In addition, there are a range of options for the location of that growth once it has been decided how much development should go in Coppull.
  - There has been recent planning approvals and housing completions within Coppull
112. On 23rd March 2011 the Ministerial Statement on "Planning for Growth" was published and on 31 March 2011 the Chief Planner for the DCLG wrote to Chief Planning Officers in this regard. Chorley Council welcomed the Chief Planning Officer's letter and the Ministerial Statement and in particular the commitment to introduce a strong presumption in favour of sustainable development. The Council remains committed to progressing plan making at Chorley, are actively working of their Site Allocations and Development Management Policies DPD and have undertaken consultation on Issues and Options and on a Preferred Options. It is considered that growth should be properly planned through the Site Allocations DPD process, rather than via the submission of a planning application. The published Central Lancashire Local Development Scheme schedules adoption of the DPD for December 2011 which is considered a reasonable timeframe to resolve allocation issues. It is not considered that "Planning for Growth" outweighs the need to urgently release this site now, particularly in the context of a proven five year supply.
113. The proposals fall to be considered a departure from the local plan in respect of its safeguarded land allocation. Government advice contained in PPG2 and PPS3 states that the release of safeguarded land will only be permissible as part of a local plan review. It is considered that the most appropriate mechanism to determine the location of future housing developments within the Borough is via the plan-making process, in this case the Council's Core Strategy and Site Allocations DPD.
114. The agent for the application has confirmed that his client is willing to accept a condition accepting a reduced timescale for implementation however has also confirmed that the houses would not be delivered until 2014/15.
115. 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.
116. 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. 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 in accordance with Government guidance.

117. 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 this application would provide housing on this particular site in Coppull, granting permission now would prejudice decisions that ought properly be taken as part of the LDF process and undermine these objectives.

## **2) AFFORDABLE HOUSING**

118. Policy HS5 of the Adopted Local Plan Review, supplemented by PPS3: Housing, 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.
119. The Local Plan affordable housing requirement is less than that proposed in Core Strategy Policy 7. This site directly adjoins the settlement of Coppull, which the Core Strategy identifies as an Urban Local Service Centre, Policy 7 requires the provision of 30% affordable housing on market housing schemes. The 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.
120. For policy purposes the site is on land safeguarded for future development needs directly adjoining the existing Coppull settlement, which gives scope for the urban settlement to grow without infringing on the Green Belt.
121. At the Cuerden Appeal in Clayton-le-Woods 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 a 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.
122. In this case the applicant is offering 30% on site affordable housing. It is noted that 30% of 29 equates to 8.7 units this would ensure the delivery of 8 units on site and the 0.7 would be calculated as a commuted sum (set out within the Council's Affordable Housing Framework using a base figure of £115,000 for a 2 bed house) to be used for affordable housing in Coppull. It is also understood that the applicant has been in discussion with New Progress as the potential Registered Provider for this site.
123. 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. However, it clearly indicates high levels of affordable housing need in the Borough as a whole. Therefore, 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.
124. In the Cuerden appeal decision the fact that the proposal would provide 30% affordable housing in line with the Core Strategy requirement was seen as a material consideration in the applications favour as *'the development would bring with it a significant proportion of much needed affordable housing'*.

125. Similar to the Cuerden appeal the provision of 30% affordable housing is considered to be a material consideration in support of this application. The issue relates to whether this provision outweighs other considerations and in particular whether this justifies the release now.
126. It is not considered that the provision of a maximum of 8 units (which equates to approximately 1% of the current shortfall) represents a significant proportion of affordable housing when compared to the Cuerden site which will provide upto 90 affordable units . (which equates to approximately 12.5% of the current shortfall) It is also noted that other recent permissions within Coppull include a percentage of affordable housing, including 6 units on site at Northenden Road and upto 10 units on site at Coppull Enterprise Centre.
127. Additionally the other suitable and available sites within Coppull are located within more sustainable locations (assessed as sustainability band 'b' as opposed to this site which is band 'c') on brownfield land which would be preferable for the location of new affordable housing.
128. As such although it is considered that the provision of on site affordable housing in accordance with the emerging core strategy policy it is not considered that, in this case, this justified the urgent release of the land.

### 3) DETAILS OF THE DEVELOPMENT

#### Housing Development

129. The development relates to the erection of 29 dwellings on the site following the demolition of the existing dwelling on site, 47 Clancutt Lane. 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 a indicative layout plan has been submitted with the application.
130. Part of the surrounding area is residential in character with the properties on Pear Tree Avenue backing onto the application site. Their rear gardens extend upto the boundary with the access road which runs along the eastern boundary of the application site. Views of these properties are partly screened by existing vegetation along the road boundary.
131. 2, 4 and 6 Birchwood Drive are located to the south of the application site. The properties are 9, 13 and 2 metres away from the application site boundary, respectively, at their closest point. Number 24 Holly Crescent is a semi-detached bungalow located adjacent to the boundary. The property has a single storey side element which extends upto the boundary and a first floor window (serving the roof space) in the side elevation facing the application site. This window is located approximately 4.4 metres from the site boundary. Number 43 Holly Crescent is sited adjacent to the site boundary. Number 45 and 60 Clancutt Lane are located next to the access into the site.
132. Members will recall that an application at this site was considered at DC Committee in May 2011 (11/00074/FULMAJ). This application was a full application for 30 dwellings were siting was a consideration. It was established as part of this application that there would be no loss of amenity to the existing or future residents in respect of the siting. The submitted layout plan is indicative at this stage however as it has been established that 30 dwellings can be adequately accommodated on the site it is considered that upto 29 can also be accommodated on the site.

#### Density

133. The site covers an area of 0.83 hectares. The erection of 29 dwellings equates to 35 dwellings per hectare which is considered to be an appropriate density.

#### Levels

134. The site is relatively flat. The levels at the site entrance are approximately one metre higher than the western parts of the site however this difference is not apparent on site as the land gradually grades down within the site.



Design

135. 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:
- Overall there is too much space given over to front forecourt parking/highways.
  - Plots 15-21 are particularly poor in their relationship to the streetscene. This element of the scheme lends itself to the principles of home zone.
  - I would like to see more variation with the properties i.e. detached interspersed with the mews type houses in order to create a more interesting streetscene. The 21m separation distance seems to be dictating a fairly non-descript suburban style layout which is out of context with the character of the area. The layout previously submitted responded to the site and context more successfully.
  - Property 29 as a focal property/visual stop needs more design consideration. At the very least it should have habitable windows to the side elevation. However, ideally I would prefer to see it rotated to face onto the access road.
  - The applicant should ensure that any side elevations to the main street include habitable windows in order to create interest and also enhance safety and security.
  - Plot 14 could be angled into the street and the garage should be located more conveniently to the property.
  - I can see the trees to the north and eastern boundaries becoming an issue with residents given how close properties 8, 9 and 10 are to them.
136. As the layout plan is indicative at this stage it is considered that these issues should be addressed as part of the detailed design stage. The agent for the application has been advised of these comments.

Open Space

137. 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.
138. This is considered to be appropriate in respect of this application and in accordance with the Council's Interim Planning Guidelines for New Equipped Play Areas Associated with Housing Developments. These guidelines state that where fewer than 100 dwellings are to be built in a housing development it is not normally expected that an equipped play area will be provided on-site.
139. The off site play space contribution is a tariff based approach and equate to £1,379 per dwelling which results in a contribution of £38,612 from this development. The Council's Parks and Open Spaces Manager confirmed, in respect of the previous application, that this contribution could be used towards the provision of new play space provision at Longfield Avenue, Coppull. As this application was determined within the last 12 months the provision of still considered appropriate in respect of this site. There is an existing play space on Longfield Avenue which it is proposed to relocate to the former garage site on Longfield Avenue. This proposed site is within 350 metres of the application site and the contribution will be utilised to part fund this enhanced facility to benefit the residents of Coppull and any future residents of this site.

Trees and Landscape

140. The majority of the site is not previously developed land and is characterised by scrubland. There are several trees within and along the boundary of the site. The application is supported by an Arboricultural Survey and Constraints Report in respect of the trees on/adjacent to the site.
141. 34 trees and 5 hedgerows were identified on the site. The proposed development incorporates the retention of some of these trees however some will be removed. The submitted report concludes that the trees, due to their location have a low/moderate visual amenity. The trees are poor specimens of little intrinsic value. The Constraints Plan identifies

a number of opportunities to develop the site. These can be increased slightly by the removal of C category trees. The removal of these trees would unlikely have any significant detriment on the treed character of the local area.

142. The Council's Arboricultural Officer assessed the site as part of the previous application. The site itself is mainly characterised by scrub growth although there are some young oak trees which are worthy of protection.
143. The Arboricultural Officer considered that some of the trees were worthy a TPO including an oak tree (no. 2599). Although this is off-site a section of canopy overhangs the site. The limes trees (no. 2597) are in poor condition and suppress the young oaks (no. 2596). Removal of these limes would enable the oaks to grow and as such the oak trees should be protected. The ash tree (no. 2595) and oak tree (no. 2590) are good examples of the species and as such are worthy of retention as they contribute to the visual amenities of the area.
144. The Arboricultural Officer did not consider that the other trees on the site are worthy of retention.
145. Concerns have been raised by local residents in respect of the loss of trees and hedgerows. However as set out above the trees worthy of retention have been protected by Tree Preservation Order 5 (Coppull) 2011 and the remainder can be removed as part of the redevelopment of the site without an adverse impact on the character and appearance of the area.

#### Ecology

146. The application is accompanied by an Ecological Assessment, a Great Crested Newt Survey and a Bat Survey all of which have been forwarded to the Ecologist at Lancashire County Council for comment.
147. 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) (c) favourable conservation status of the species must be maintained.
148. 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.
149. Clarification in respect of the impact on protected species is awaited from the Ecologist.

#### Flood Risk

150. The site is located within Flood Zone 1 however as the site is less than 1 hectare in size a Flood Risk Assessment is not required to accompany the application. The Environment Agency has assessed the application and confirmed that they have no objections subject to conditions in respect of the disposal of foul and surface waters and the provision and implementation of a surface water regulation system.

#### Traffic and Transport

151. The application is accompanied by a Transport Statement which has been assessed by the Highway Engineer at Lancashire County Council. He has confirmed that the proposed access arrangements into the site and the basis internal layout of the roads are already generally agreed (this reflects that indicated with the previous highway comments made for Application No 11/00074/FULMAJ). As such the Highway Engineer has no overriding objection to the proposed development in principle although his specific comments are addressed below.

152. As part of the previous application the highway engineer raised concerns in respect of forward visibility at the access and suggested some minor improvements. The Highway Engineer now considers that the proposed visibility of 16m, as detailed on the submitted plan (ref: 0134-03 Rev A), is acceptable. The Engineer has commented that the access will be in the form of a 70° bend which will ensure that vehicular speeds are subjectively low.
153. The Highway Engineer notes that concerns were raised in response to the public consultation exercise regarding additional traffic generation. However, the Engineer considers that the scale of the development is well within the recommended guideline of 80 units before requiring a transport assessment and as such the additional traffic will not have an adverse impact on operation of the adjacent highway network.
154. The Engineer has noted that this application proposes 30% affordable housing as opposed to 100% on the previous scheme and also includes the demolition of 47 Clancutt Lane. The Engineer has commented that an application for 100% affordable housing did not attract any planning obligations however following the proposed change to 30% affordable he is now seeking seek transport contributions as follows.
155. The accessibility questionnaire for residential development site has returned a score of 16. The accessibility of the development site is low end of medium and as such a level of transport obligation contributions is sought to aid transport. The Highway Engineer has used the LCC Planning Contributions Paper to seek a contribution of £38,950 from the scheme (based on the accessibility score and £2,050 per 3 bedroomed unit- 19 dwellings).
156. The Highway Engineer has confirmed that the contribution will be used toward the following cycling facility which is listed in the County's draft core cycling strategy for Chorley: Chorley South to Coppull via Bolton Road, Pilling Lane, Eaves Green Road, Lower Burgh Way and Burgh Hall Lane.
157. In respect of the internal road layout the Engineer has acknowledged that the site layout plan is illustrative only at this stage however he has commented that it is unlikely that the courtyard access and layout arrangement will prove acceptable from a point of operation facility for servicing vehicles and he has confirmed that the highway will be required to be built to adoptable standards.
158. The agent for the application has provided the following comments in respect of the Highway Engineer's response:
  - In terms of the Travel Plan requirement the Chorley Council Validation Checklist clearly states that Travel Plans are not required for residential planning applications under 80 dwellings. This also reflects national guidance in the Department for Transport's 'Guidance on Transport Assessments'. Therefore based on the Council's, and the Government's Guidance it is not considered that a Travel Plan is required, nor is it necessary for the scale and nature of this development. The request therefore fails the tests set out in Circular 11/95 and a condition requiring completion of a Travel Plan is considered to be unreasonable in this regard.
  - From 6 April 2010 it is unlawful for a planning obligation to be taken into account when determining a planning application if the request fails to meet all three 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.
  - The latest national guidance on planning obligations and financial contributions is set out in the draft NPPF, which, as confirmed by the Planning Inspectorate in August 2010 is a material consideration in the planning balance. This clearly states at paragraphs 39-41 that Local Authorities should set out policy on local standards in the Local Plan

and use CIL to incentivise and support new development through an adopted plan process.

- The Highways Officer's request for £38,950 is based on the "County's draft Core Cycling Strategy for Chorley". This is still a draft document which is being progressed, has not been consulted upon, is not available to the public, and will supplement the Core Strategy upon adoption. Given the infancy of this document, and given its status within the Development Plan it is not considered that any weight can be reasonably attributed to the proposed method of calculation as part of the assessment of this application.
- Notwithstanding the position of this document, it is not considered that the request meets any of the three CIL tests which would constitute a lawful request for financial contributions.
- The County Council appear to suggest that 19 3-bedroom properties would be built and have used a calculation of £2,050 per dwelling in such instance. Again, notwithstanding this calculation is not set out in a properly tested and consulted Development Plan Document this application seeks permission for outline planning permission and the access only. Whilst the indicative layout shows new family housing the exact details are yet to be agreed. No provision is made for outline planning applications and simply applying the same methodology is clearly not considered to be fairly and reasonably related to the development.
- The sum requested by the County Council therefore fails all three tests of the CIL regulations and is not considered to be a lawful request which is either necessary to make this development acceptable, directly related to the application, or fairly and reasonably related in scale or kind.

159. Taking into account the Highway Engineers requests and the requirements to satisfy the CIL tests set out above it is not considered that this request is justified in this case and as such will not form part of the legal agreement for this site.

#### Public Right of Way

160. There is a public right of way (Footpath 19) which runs adjacent to the northern boundary of the site over the railway bridge. The footpath also connects in a north west direction along Pear Tree Avenue. The proposed development will not affect the route of this right of way.

#### Contamination and Coal Mines

161. 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.

#### Drainage and Sewers

162. In respect of drainage from the site the application is supported by a Drainage Strategy Report which has been forwarded to United Utilities for comment. To date comments have not been received, the comments will be reported on the addendum.

163. Concerns have been raised in respect of extra pressure on an already low water pressure and the capacity of the sewerage system is already overloaded. This will be addressed by United Utilities.

#### 47 Clancutt Lane

164. Part of the site is occupied by 47 Clancutt Lane which is a detached dwellinghouse and is currently unoccupied. The property will be demolished as part of the development. As this property is not within the defined settlement of Coppull the Council's Interim Policy in respect of garden developments is not applicable. The demolition of the property to be replaced by residential properties as such is not considered to be an issue.

Archaeology

165. Lancashire County Council's Archaeologist has requested a programme of archaeological work in respect of the site. This is due to the fact that the site is considered to have the potential to contain structural remains of the mid-late 19th century buildings, as well as evidence for possible earlier use of the site.
166. The archaeologist considers that this is in accordance with PPS5, Policy HE12.3 (Where the loss of the whole or a material part of a heritage asset's significance is justified, local planning authorities should require the developer to record and advance understanding of the significance of the heritage asset before it is lost, using planning conditions or obligations as appropriate).
167. In response to this request the agent for the application has considered the implications and considers that as the buildings on site have long since been demolished, there is no evidence to suggest that they held any historic or archaeological significance, and are not within an area where it would be reasonable to conclude any archaeological assets remained the condition is not considered relevant, nor necessary in this instance. The proposal therefore fails to meet all the necessary criteria in Circular 11/95 which relates to conditions.
168. Following further consideration of this issue it is considered that the likely significance of any asset, given that it may or may not exist, would go beyond the requirements of PPS5 Policy HE12. To request a programme of archaeological recording where the potential significance of any heritage asset is uncertain and where even the very existence of a heritage asset is also uncertain is considered to be unreasonable.

Crime and Safety

169. The proposals have been assessed by the Council's Architectural Liaison Officer who confirmed that the scheme is intended to be constructed to achieve accreditation to Secured by Design. The footbridge over the railway has and continues to be a place where youths congregate resulting in anti-social behaviour. Potential to design out this issue needs to be considered at full design stage.

Noise

170. The main consideration from a noise perspective is the proximity of the railway line to the proposed development. The east of the site falls within NEC 'B' (ref: Planning Policy Guidance Note 24 '*Planning and Noise*' (PPG24)) and the west of the site falls within NEC 'C'.
171. The Environmental Health Officers have recommended that the developers closely follow the recommendations outlined within the submitted Environmental Noise Impact Assessment to ensure both garden and internal areas of proposed properties, which maybe subject to excessive noise from the railway line, are adequately protected from noise. The measures include standard thermal double glazing and trickle ventilation openings. Gardens on the western and north-western site boundaries should be protected by acoustic screening, for example a 2.4 metre high close boarded timber fence.
172. This can be adequately addressed by condition.

Section 106 Agreement

173. Due to the nature of the development a Section 106 Agreement will be required to secure:
- 30% affordable housing. On a 70/30 split in terms of affordable rent and sale
  - £38,612 for the provision of play space at the former garage site Longfield Avenue, Coppull
174. Lancashire County Council School Planning have commented in respect of school places education. The comments are based on the size of the proposal which could yield 10 primary school places. The School Planning Team have confirmed that there will be 75 projected places available in 5 years however due to other approvals in the Borough this is reduced to

22. As such LCC will not be seeking a contribution from the developer in respect of a proportion of the full pupil yield of this development.

175. 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 primary school provision could be made up to the maximum 10 places (£122,139).

176. However in accordance with the Community Infrastructure Levy Regulations the following tests need to be met in respect of S106 obligations:

- a) necessary to make the development acceptable in planning terms
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

177. It is considered that as there are 75 spare places in the local primary schools for the next 5 years and this scheme will yield 10 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.

178. In respect of secondary school places there is considered to be sufficient to meet the demands of this scheme

#### 4) Overall Conclusion

179. The proposal would be in breach of the Safeguarded Land policy DC3, however the Council acknowledge that this policy must be read in the context of other material considerations that may be more up to date.

180. 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.

181. The draft NPPF has limited weight but it is considered Chorley's policy approach is in line with its aims as it talks about a balanced approach to sustainable development (social, environmental and economic) and that it should be interpreted locally to meet local aspirations.

182. On basis of all the material considerations forwarded in support of this application the determination of this application is a finely balanced decision. The proposal would be in breach of the Safeguarded Land policy DC3, however the Council acknowledge that this policy must be read in the context of other material considerations that may be more up to date.

183. In terms of whether the site should be released for housing PPS3 is more up to date than the Local Plan. Chorley has a five-year housing supply, however although the Council accepts that the proposal meets the first four criteria of paragraph 69 of PPS3 it is not considered that it meets the final criterion:

Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues.

184. 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. It is acknowledged that current government guidance (PPS3, para 72) states that LPAs should not solely refuse on prematurity grounds. However, members are asked to note that the Council is required to have regard to national guidance, and not to slavishly apply it, especially in the face of relevant material considerations; and that the weight to be applied is a matter for the decision maker.

185. In terms of the site specific and technical aspects of the proposal the application is considered acceptable subject to appropriate conditions and a Section 106 Agreement.
186. The application is therefore recommended for refusal on the principle of the development being unacceptable.

### **Other Matters**

#### Public Consultation

187. In accordance with the Council's Statement of Community the applicants, Redrock Ltd, held a pre-application public consultation even on 1st November 2011 at Coppull Village Hall. Approximately 30 residents attended the consultation event and 10 feedback forms were completed. From the 10 forms received, 6 expressed concerns over the potential for additional traffic generation along Clancutt Lane and highway safety/ access, 2 expressed a preference not to see any affordable housing and instead fewer/ larger houses, and 1 objected without any reason given. The final feedback form expressed concerns regarding the boundary of the site with the private drive to 84 Clancutt Lane with preference for a strong boundary treatment. Other issues discussed included the anti-social behaviour in the area.
188. In response to these concerns the submitted Design and Access Statement confirms that it is not considered that the current proposal would lead to any significant additional impact on the operation of Clancutt Lane that would warrant refusal of this planning application
189. The Design and Access Statement states that when properties on Holly Crescent and Birchwood Drive were built in the 1960s it appears that there was an intention to extend these roads onto the application site. To address concerns raised the proposals limit access to the proposed development via a single access to be taken directly off Clancutt Lane where the existing access is located.
190. In respect of affordable housing the need for affordable housing is set out in the Council's Corporate Strategy and is a policy requirement of planning applications under the Local Plan and Core Strategy.
191. The Design and Access Statement confirms that as part of the pre-application process discussions have been held with Progress Housing Group who have been identified as a registered provider. 8 affordable units will be provided, 6 will be offered as 'affordable rent' and 2 as intermediate (e.g. shared ownership).
192. Core Strategy Policy 5 states that all new housing developments must be at a density which reflects the surrounding area. The illustrative layout plan shows a mix of detached and semi-detached housing, reflective of the immediate area (which also contains much higher density terraced properties). The proposal will deliver 28 new houses on a site measuring 0.83ha, or a density of 34 dwellings per hectare. This complies with Core Strategy Policy 5 which supports a density of up to 35 dwellings per hectare which seeks to make the most efficient and effective use of land.
193. Concerns were raised regarding the boundary treatments to Plots 1 to 7. The Design and Access Statement confirms that at this stage the application is proposed in outline with only access for determination. This concern can be addressed at reserved matters stage.

#### Sustainability

194. In September 2008 the first policy document, Sustainable Resources DPD, within Chorley's new Local Development Framework (LDF), was adopted. The submitted Sustainable Resources Statement has been assessed by the Planning Policy Team who have confirmed that the references to sustainability are inadequate and the applicant is required to demonstrate compliance with Chorley's Sustainable Resources DPD.
195. In accordance with Policy SR1 of the DPD the scheme will be required to achieve a 15% reduction in carbon emission through the use of low and zero carbon technologies and the relevant Code for Sustainable Homes Level will be required for each dwelling (Code Level 3

now, Code Level 4 after 2013). However it is considered that this can be addressed by suitably worded conditions.

## Planning History

**11/00074/FULMAJ:** Application for the erection of 10 two bedroom dwellings and 20 three bedroom dwellings (incorporating four 2.5 storey three bedroom dwellings- plots 1, 7, 9 and 21) with associated access, car parking and landscaping. Including refurbishment and reconfiguration of garden and fencing of 47 Clancutt Lane. Refused May 2011 for the following reason:

*The application site is within safeguarded land (site DC3.9), where development other than that permissible in the countryside under saved Policy DC1 of the Chorley Local Plan Review and PPG2 will not be permitted. A five year land supply is available and it has not been demonstrated that this development is needed at this time. The provision of 100% affordable housing does not constitute sufficient justification to release the land at this time. As such the proposal is contrary to 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.*

## Recommendation: Refuse Outline Planning Permission Reasons

### 1. With reference to:

- Planning System General Principles;
- National Planning Guidance, including PPS1, PPS2, PPS3, PPS4 & PPS12;
- The Development plan, including policy DC3 (GN1 – Coppull) 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;

Coppull is not identified within the Chorley Borough Local Plan Review as a location for growth and this proposal in the context of the Development Plan would not support its wider aims, vision and objectives.

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 requirement to consider the application favourably as per paragraph 71 of PPS3. 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 Coppull 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 C, that when compared to the existing, proposed and potential sites within Coppull is not the most sustainable of the options available and so 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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<b>Item 4c</b>	<b>11/00941/FULMAJ</b>
<b>Case Officer</b>	<b>Mrs Nicola Hopkins</b>
<b>Ward</b>	<b>Clayton-le-Woods West And Cuerden</b>
<b>Proposal</b>	<b>Planning Application for 52 bungalow style park homes for older people (over 55s) and associated development including replacement community building, bowling green, allotments, pavilion/equipment store, activity trail, balancing ponds, access arrangements and internal roads, footpaths and landscaping</b>
<b>Location</b>	<b>Land Adjoining Cuerden Residential Park Nell Lane Cuerden Lancashire</b>
<b>Applicant</b>	<b>Campbells Park Homes</b>
<b>Consultation expiry:</b>	<b>7 December 2011</b>
<b>Application expiry:</b>	<b>7 February 2012</b>

#### **Proposal**

1. This application relates to an extension to the existing residential park at Cuerden. The proposals include the erection of 52 bungalow style park homes for older people, a replacement community building, bowling green, allotments, pavilion/equipment store and an activity trail.
2. The proposals also incorporate new access arrangements, internal roads, footpath routes, landscaping and balancing ponds.
3. The existing site is accessed via Nell Lane and accommodates 180 caravan units with an average age of residents of 75. The application site covers 3.3 hectares.

#### **Recommendation**

4. It is recommended that this application is refused.

#### **Main Issues**

5. The main issues for consideration in respect of this planning application are:
  - 1) Principle Of The Development
  - 2) Affordable Housing/ Special Needs Housing
  - 3) Details Of The Development, including:
    - Housing Development
    - Density
    - Levels
    - Impact on the neighbours
    - Proposed Community Building
    - Open Space and Proposed Pavilion
    - Other elements of the Proposal
    - Trees and Landscape
    - Ecology
    - Flood Risk
    - Traffic and Transport
    - Crime and Safety
  - 4) Overall Conclusion

#### **Representations**

6. 2 letters of objection have been received raising the following concerns:
  - The land is currently safeguarded land until the LDF is adopted. Any planning applications should be rejected until after the LDF is reviewed and adopted.
  - The application is premature and should not be granted
  - The roads cannot cope with additional development
  - Result in a significant loss of farmland and wildlife.

7. 117 letters of support have been received
8. **Clayton le Woods Parish Council** have no comments to make
9. **Cuerden Parish Council** have no objection other than the serious top water issue must be resolved during the ground work stage of the development.
10. 1 letter has been received not objecting to the proposals but querying about a grid repair which has been promised to be done since June 2011. This concern has been forwarded to the agent for the application.
11. **1 letter** has been received not objecting to the application but raising the following concerns:
  - We broadly support the application and consider it to be a much better proposal than the other unwelcome proposed development off Wigan Road, Clayton-le-Woods by Fox Land and Property.
  - However there has been an on-going problem with excess surface water over loading the drainage system and causing flooding of the highway at the bottom of Nell Lane immediately outside our property.
  - We note that the application includes balancing ponds that will hold surface water during storm events and this should help alleviate the problem.
  - However the development on this land will reduce the amount of area for the surface water to soak away into and will instead channel it to the balancing ponds. I would ask the planning committee to ensure that adequate surface water drainage is included, within the application plans, so that it does not end up on Nell Lane.
12. **1 letter** has been received raising the following comments:
  - The 10mph speed limit needs to be enforced
  - Parking on the roads causes access issues

#### Consultations

13. **Planning Policy** have commented on the application which is addressed within the body of the reports. The comments make the following conclusions:
  - 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, therefore the principle of development at this location is accepted. 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 Council has a five year housing supply therefore there is no additional presumption to consider this proposal favourably in accordance with Paragraph 71 of PPS3. 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.
  - 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.
14. **The Environment Agency** initially objected to the proposals on flood risk grounds and lack of details of the proposed method of foul drainage. However following the receipt of additional information the Environment Agency have withdrawn their objection subject to various conditions.
15. **The Architectural Design and Crime Reduction Advisor** has commented that this is a low crime area.

16. **United Utilities** initially objected to the application however they have withdrawn this objection subject to various conditions.
17. **Lancashire County Council (Highways)** have no overriding highway objection to the proposed development subject to various conditions.
18. **Chorley's Waste & Contaminated Land Officer** has no objection subject to various conditions although he initially has raised concerns about waste collection. Following the receipt of tracking plans the officer has no objections concerning waste storage and collection.
19. **Lancashire County Council (Planning Contributions)** have requested £ 24,360 towards Waste Management

#### **Applicants Case**

20. The agent for the application has made the following statements in support of the application:
  - The development will provide much needed living accommodation and support for older persons within Chorley in a tranquil community setting which has been designed to best cater for their needs and can assist in improving their quality of life.
  - The proposed development is located adjacent to the existing residential park and is in close proximity to the nearby major settlements of Chorley and Leyland.
  - The park will offer enhanced amenity for the existing park residents including new footways, street lighting and additional landscaping and safe, secure and supported living accommodation for both the existing and proposed residents of the development."
  - As a result of the content of the Preferred Strategy Site Allocations Development Plan Document, as well as other recent appeal decisions and significant material considerations that the development subject of this application has addressed the previous reasons for refusal.
  - The development is consistent with the provisions of PPS1 – Delivering Sustainable Development, PPS3 - Housing, PPS9 - Biodiversity and Geological Conservation, PPG13- Transport and PPS25 - Development and Flood Risk.
  - The proposed development is felt to support and promote the provisions and policies of the draft national planning policy framework through:
    - delivering the homes that the local community need and the type of housing that older people actually want;
    - promoting strong, vibrant and healthy communities;
    - reflecting the needs of older people and supporting health and well being;
    - facilitating social interaction and inclusive communities;
    - providing enhanced and additional community facilities and protecting existing on site services;
    - facilitating access to quality open/recreational space and opportunities for sport and recreation
  - The development subject of this application is deemed to be compliant with the principles of the adopted local plan. Whilst the development is contrary to the provisions of Policy DC3 the application will assist the local authority to meet an identified housing need, which is supported within Policy HS17, in a sustainable location and on a site well suited to this use. The development will secure significant enhancement of the existing park and will improve the local area with substantial landscaping and on site improvements to attract and enhance biodiversity.
  - The proposed development secures the provision of housing for older people which is recognised within the Core Strategy as being a strategic objective. Furthermore, the application will facilitate housing for older people within an area allocated within the evolving policy as being suitable for this use (Site Allocations – Preferred Strategy). Whilst the Core Strategy remains in a period of flux given the comments made by the Inspector at the Hearings in July 2011, the document clearly identifies meeting the needs of an ageing population as being a key issue to be addressed and appropriate weight should be attached to this need and the allocations outlined in the Preferred Strategy Site Allocations Consultation Report when assessing the merits of this application.
  - In evaluating this development we have had regard to the identified housing need for older persons outlined within the Strategic Housing market Assessment.
  - Given that the criterion set out in Policies HS4 and HS17 are met alongside the significant material considerations which weigh in favour of the grant of consent there is a legitimate expectation, based on Section 70(2) of the Town and Country Planning Act 1990, Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 10 of PPS1 that the proposed development will be permitted, even when accepting that the development falls

contrary to the provisions of Policy DC3. The matter of other material considerations are dealt with in Section 10.

- Section 70(2) of the 1990 Act deals with determination of applications: general considerations requires that the authority in dealing with the application shall have regard to the provisions of the development plan, so far as material to the application and to any other material considerations. We have evaluated the following material considerations, namely:
  - Effect on neighbouring properties:
  - Visual amenity:
  - Design:
  - Government (non-planning policy):
  - Appeal decisions;
  - Sustainable Development:
- Whether a consideration is material is a matter for the courts; the weight to be accorded to a material consideration is a matter for the decision-maker. None of the material considerations, taken individually, have dis-benefits which cannot be addressed or mitigated. However, collectively the other material considerations are over-whelming in favour of the development. The so-called "overall-advantage" involves the weighing of often disparate planning considerations; in this instance the advantages significantly outweigh the disadvantages.
- The applicant's supporting statement considers that the development cannot be deemed premature given the recent appeal decision at Wigan Road, the comments of the Inspector at the recent Core Strategy hearings and the proposals laid out with the evolving Site Allocations DPD which support the development of this site for housing.

## POLICY BACKGROUND

### The Development Plan

21. This application will be determined in accordance with the development plan, unless material considerations indicate otherwise (s.38 (6) Planning and Compulsory Purchase Act (2004)).
22. The Development Plan for Chorley currently consists of the Adopted Chorley Borough Local Plan Review, the North West Regional Strategy and the Sustainable Resources DPD. On 6th July 2010 the Secretary of State for the Department of Communities and Local Government revoked Regional Strategies, including the Regional Strategy for North West England. However, on 10th November 2010 the decision to revoke the Regional Strategy was found unlawful at the High Court.
23. 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.
24. 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 has indicated that it intends to revoke RSS by April 2012.
25. The Chorley Local Plan Review was adopted in August 2003. It was saved in September 2007 and (applying principles contained in PPS12, especially section 9), in deciding to "save" policies, the Secretary of State would have had regard to consistency with extant national policy (including PPG2).

### **North West Regional Strategy**

26. The following policies are of relevance to this proposal.
  - **Policy DP1 – Spatial Principles:** This policy outlines broad spatial sustainability principles that should be adhered to.
  - **Policy DP2 – Promote Sustainable Communities:** This policy sets out principles that should be followed to create sustainable communities.
  - **Policy DP4 – Make the Best Use of Existing Resources and Infrastructure:** This policy seeks to make the best use of existing infrastructure.
  - **Policy DP5 – Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility:** This policy seeks to ensure that development is located so as to reduce the need to travel and that there should be safe and sustainable for all. It highlights that all new development should be genuinely accessible by public transport, walking and cycling and that priority should be given to locations where such access is already available.
  - **Policy DP7 – Promote Environmental Quality:** This policy outlines criteria that seek to protect and enhance environmental quality.

- **Policy DP9 – Reduce Emissions and Adapt to Climate Change:** This policy seeks to ensure that new development reduces emissions and is adaptable to climate change. The Chorley Sustainable Resources Development Plan Document expands upon these principles and is outlined later.
- **Policy L4 – Regional Housing Provision:** The RSS sets out a housing requirement of 417 units per year for Chorley.

**Adopted Chorley Borough Local Plan Review 2003 (policies saved by Direction of the Secretary of State in September 2007)**

27. The following policies are of relevance to this proposal:

- **DC3- Areas of Safeguarded Land:** This Policy identifies Areas of Safeguarded Land and outlines the restrictions on development in such areas. The application site is allocated as Safeguarded Land under Policy DC3.8 in the Local Plan.
- 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. 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 PPG2. 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.
- As this application is on Safeguarded Land as identified in the Local Plan and is not development permissible under either Policy DC1 or DC3 it is therefore contrary to policy DC3.
- The current Local Plan Review was reported in 2002. This land was protected as safeguarded land 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 (the safeguarded land policy), for ongoing 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.'*
- **GN1- Settlement Policy – Main Settlements:** This Policy 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-ambles 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.
- **GN5- Building Design and Retaining Existing Landscape Features and Natural Habitats:** This Policy sets out the design criteria for new developments which will be expected to be well related to their surroundings, including public spaces, and with landscaping fully integrated into the overall scheme
- **HS4- Design and Layout of Residential Developments:** This Policy sets out the criteria for new residential development and requires new housing development to be designed and laid-out to a high standard, in order to create an attractive and safe environment in which people will choose to live.
- **HS6- Housing Windfall Sites:** The Policy states that within the boundaries of settlements excluded from the Green Belt, residential development on sites not allocated in Policy HS1 will only be permitted provided that the applicant can demonstrate certain criteria. In determining planning applications for housing development on windfall sites, the Council will assess the suitability of the site for development, in accordance with the guidance contained in PPS3. Priority will be given to the development of previously-developed sites in urban areas, in preference to sites in other locations and greenfield sites. The ability of a site to create a sustainable residential environment will be assessed, in terms of its accessibility to employment, shops and community facilities by non-car modes, and its impact on local communities. Any infrastructure or development constraints will also be considered.
- **HS17- Sheltered Housing, Rest Homes, Nursing Homes And Other Special Needs Housing:** This Policy relates to the provision or extension of elderly persons' sheltered housing,

rest homes and nursing homes and other special needs housing. The Policy states that this type of accommodation will be permitted provided that all of the following criteria are satisfied:

- (a) the design and scale of the development is in keeping with its surroundings;
  - (b) there is no adverse effect on the amenity of the residents of neighbouring properties through overlooking, noise transmission or other disturbance;
  - (c) the development will be easily accessible by a choice of means of transport other than the private car.
- **HS21- Playing Space Requirements:** This Policy relates to the playing space requirements associated with new developments and requires schemes of 1 hectare and over to incorporate the full provision of playspace on site.
  - **TR4- Highway Development Control Criteria:** This Policy sets out the criteria, in relation to highways, required for new developments.

#### **Sustainable Resources DPD, September 2008**

28. Policy SR1 currently requires all new dwellings to meet Code for Sustainable Home Level 3 and to incorporate a 15% reduction in CO2 emissions through the installation of low/zero carbon technologies. There is also a companion SPD to this policy.

#### National Planning Policy

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

- **PPS1 Delivering Sustainable Development**
- **The Planning System General Principles and its supplement Planning and Climate Change**
- **PPG2 Green Belts**

In order to ensure protection of Green Belts, PPG2 sets out that local authorities can safeguard land between urban areas and the Green Belt, which may be required to meet longer term development needs. Annex B sets out guidance on identifying Safeguarded Land and appropriate development control policies.

Chorley Local Plan Policy DC3 reflects advice in PPG2 and sets out the Council's approach to Safeguarded Land. It is clear within PPG2 (annex B, paragraph 6) 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 plan."* However, reflecting the Clayton-le-Woods appeal decision, policy DC3 must be read in the context of other material considerations.

- **PPS3 Housing**

Paragraph 69 states that in general, in deciding planning applications, Local Planning Authorities should have regard to:

- Achieving high quality housing
- Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.
- The suitability of a site for housing, including its environmental sustainability.
- Using land effectively and efficiently
- Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues.

The design and layout of the proposed scheme needs to be assessed in relation to the first two criteria. Whilst the development itself does not provide a good mix of housing, it will provide accommodation for older people and provide a better mix of housing within Clayton-le-Woods as a whole.

In terms of the suitability of the site for housing, 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, in line with guidance in Annex B of PPG2. The site has been assessed as part of the Sustainability Appraisal of the Site Allocations and Development Management Policies DPD Preferred Option.

A key PPS3 objective is to make effective use of land by re-using land that has been previously developed. This is not a previously developed site although it is expected that some of Clayton le Woods growth will take place on greenfield land.



Using land efficiently is a key PPS3 consideration. This proposals subject to this application reflects the layout of the existing park to ensure that the proposals effectively work as an extension to the existing park.

The final criterion in paragraph 69 relates to ensuring whether the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives and is covered later in the report.

- **PPS4: Planning for Sustainable Economic Growth**

PPS4 is an up to date expression of national guidance (as amended) and seeks to protect the countryside for its own sake. Paragraph 16 states "When preparing policies for LDDs and determining planning applications for development in the countryside, local planning authorities should: (iii) take account of the need to protect natural resources;

Therefore unless there is a need for development on this site the Local Planning Authority should seek to protect the countryside as a natural resource. This is in accordance with Policy DC3 and PPS1.

- **PPS9 Biodiversity and Geological Conservation.**
- **PPS12 Local Spatial Planning**
- **PPG13 Transport**
- **PPS22 Renewable Energy**
- **PPS 25 Development and Flood Risk**

#### Emerging Planning Policy

30. **National Planning Policy Framework – Draft 2011.** On the 20 December 2010 The Minister of State for Decentralisation and Cities, Greg Clark MP, announced a review of planning policy, designed to consolidate all current policy statements, circulars and guidance documents into a single, simpler National Planning Policy Framework. The new Framework is intended to be user-friendly and accessible with clear policies for making local and neighbourhood plans and development management decisions. The Draft National Planning Policy Framework (DNPPF) was published on 25th July 2011. The draft contains a number of references to the presumption in favour of sustainable development and the need to support economic growth through the planning system. The draft also includes removal of the brownfield target for housing development and requires local council's to identify an additional 20% of deliverable sites against their five year housing requirement. As this is only in draft at the present time it is considered it can be afforded limited weight, and the current set of national guidance remain in force.
31. The eighth report of the Communities and Local Government Committee of the House of Commons of 21st December 2012 notes that the NPPF has to get the balance right and notes the Prime Minister has said that: *'I believe that sustainable development has environmental and social dimension as well as an economic dimension, and we fully recognise the need for a balance between the three. Indeed, the purpose of the planning system as a whole and of our proposals for it, is to achieve such a balance'*.
32. The report also notes that the NPPF emphasises a 'default yes' to development, that applications should be approved unless the adverse effects 'significantly and demonstrably' outweigh the benefits. This carries the risk of the planning system being used to implement poorly planned, unsustainable development. It goes on to say that the 'default yes' to development and the phrase 'significantly and demonstrably' should be removed from the text. In addition it states the presumption policy should be redefined as *'a presumption in favour of sustainable development consistent with the Local Plan'*. This anchors sustainable development to local circumstances and provides a spur to local authorities to prepare their Local plans. It also states that the NPPF must leave no room for doubt that the purpose of the planning system is to address social, environmental and economic demands on land supply on an equal basis.
33. The draft NPPF (para 140 4th bullet point) indicates that planning permission for the permanent development of safeguarded land should only be granted following a local plan review. As such the draft NPPF does not propose to alter PPG2 provisions in this regard, and can therefore be afforded significant weight.
34. As the NPPF is only in draft at the present time and it is likely that changes are to be made to it before the final version is released, it is considered that overall it can be afforded limited weight in decision making and the current set of national guidance remains in force.

35. **Central Lancashire Core Strategy – Publication Version December 2010:** Chorley Council is preparing a Core Strategy jointly with Preston City and South Ribble Councils. The Core Strategy is currently at the publication stage. The Publication Core Strategy was submitted for examination in March 2011 and the examination was held in July 2011. At the examination the inspector expressed doubts as to whether the document could be found sound in providing for new housing. He made a number of recommendations including changing the housing requirement to the full RSS requirements and providing a clearer indication of broadly where, how much and when new housing will be planned for. The Councils responded by producing a Proposed Housing Related Changes document in November 2011 which was subject to public consultation during November and December 2011. The Examination into the Core Strategy is due to be resumed on 6 March 2012.
36. The following Core Strategy Policies are of relevance to this scheme:
  - **Policy 1** in the Core Strategy relates to Locating Growth. It identifies Clayton le Woods as an Urban Local Service Centre (ULSC) in Policy 1 where some growth (authors emphasis) and investment will be encouraged to help meet housing and employment needs however this will be based on need and identified as part of the Site Allocations DPD.
  - **Policy 2** in the emerging Core Strategy relates to infrastructure. The Policy states if a funding shortfall is identified, schemes require, through developer contributions, that the new development meets the on and off-site infrastructure requirements necessary to support the development and mitigate any impact of that development on existing community interests as determined by the local planning authority.
  - **Policy 3** of the emerging Core Strategy relates to Travel and includes measures to reduce the need to travel by enabling travellers to change their mode of travel on trips through providing a ring of new bus based park and ride sites around Preston at Broughton Roundabout, Tickled Trout, Penwortham, Cuerden and Riversway.
  - **Policy 4** of the emerging Core Strategy 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. The proposed changes maintain a commitment to an early review and work to produce new housing requirements has already commenced. The early review has been planned to take account of more up-to-date evidence that that used to inform RSS in terms of the Central Lancashire economic context and housing need/demand. This will enable the Central Lancashire authorities to determine their own housing requirements based upon up-to-date local evidence. To date 43 representations have been received to the Proposed Housing Related Changes document, some in support and some against the proposed changes.
  - **Policy 5** of the emerging Core Strategy relates to housing density and requires 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.
  - **Policy 7** relates to affordable housing and states that 30% affordable housing will be sought from market housing schemes. This Policy also includes provision for special needs housing including extra care accommodation. The Policy states that this type of accommodation will be required to be well located in communities in terms of reducing the need to travel to care and other service provision and a proportion of these properties will be required to be affordable.
  - **Policy 9** relates to economic growth and states that employment will be provided for in several ways including the identification of 501 hectares of land for employment development between 2009 and 2026.
  - **Policy 17** relates to the design of new buildings which will be expected to take account the character and appearance of the local area.
  - **Policy 27** relates to incorporating sustainable resources into new development and reflects the Council's Local Development Framework set out above.
37. Policy 1 identifies Clayton-le-Woods as an Urban Local Service Centre and states that some growth and investment will be encouraged there to help meet housing and employment needs. The Core Strategy predicts that 9% of the total housing delivery in Central Lancashire between 2010 and 2026, as set out in Policy 4, will be in Urban Local Service Centres, including Clayton-le-Woods. This equates to 2,100 dwellings to be provided in the 6 Urban Local Service Centres identified in Policy 1. All 6 of these Urban Local Service Centres are in Chorley Borough. Paragraph 5.20 of the Proposed Housing Related Changes document does however state 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.
38. Policy 9 identifies that 501 hectares of land for employment development will be allocated in Central Lancashire between 2009 and 2026. 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.

39. ***Chorley Site Allocations & Development Management Policies – Preferred Option, September 2011:*** The Site Allocations and Development Management Policies DPD Preferred Option paper was published in September 2011 and consulted on between 16 September and 18 November 2011. Adoption remains scheduled for the end of 2012. The Site Allocations DPD identifies this site under allocations HS1.35 (Housing Site Allocations- Land to the east of Wigan Road (A49)), EP1.19 (Employment Site Allocations- Land to the east of Wigan Road) and HW1.12 (Playspace Allocations- Nell Lane, Clayton le Woods).
40. In accordance with the Core Strategy, the DPD allocates preferred sites for housing and employment in Urban Local Service Centres. As stated above, the Core Strategy predicts that 2,100 dwellings will be provided in the 6 Urban Local Service Centres in the Borough between 2010 and 2026 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.
41. 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.
42. ***The Community Infrastructure Levy (CIL)-***
43. On 31st January 2012, the Central Lancashire authorities began preliminary draft consultation on a Central Lancashire CIL, which runs until March 2012. 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.
44. 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.
45. In relation to Cuerdon/Clayton-Le-Woods, a cycling scheme is identified, and a single form entry primary school. 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 & Central Lancashire.

#### Other Material Considerations

46. ***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 he will attach significant weight to the need to secure economic growth and employment.
47. ***Central Lancashire Strategic Housing Land Availability Assessment 2010 (SHLAA)*** identifies this site for potential future housing development. This site will be reviewed, in accordance with PPG2, as part of the Site Allocations and Development Management Policies Development Planning Documents (DPD).
48. This site is identified within the Central Lancashire Strategic Housing Land Availability Assessment 2010 (SHLAA) for potential future housing development. The SHLAA provides an evidence base on the potential housing land supply across Central Lancashire, and forms part of the evidence base for plan making – it does not allocate sites for development. The SHLAA states that this land is safeguarded for future development needs. The site has been and will continue to be kept under

review as part of the plan-making process, in accordance with PPG2, as part of the Site Allocations and Development Management Policies Development Planning Documents (DPD). It is therefore considered that this site, along with other safeguarded sites within the Borough, should remain protected until the Site Allocations and Development Management Policies DPD process duly determines sites for allocation.

49. **Localism Act 2011-** The act makes provision for (inter alia) the revocation of regional strategies in whole or part, subject to an order by Secretary of State; public consultation by developers on certain applications; neighbourhood planning; the consideration of financial matters (grants & CIL) as material planning considerations etc. Some provisions are already implemented, others are to commence in 2012, and others at the discretion of the Secretary of State.
50. **Land to the East of Wigan Road, Clayton le Woods, Chorley, Lancashire- Appeal by Fox Land and Property (Ref: APP/D2320/A/10/2140873)-** This appeal decision in Clayton le Woods is a material consideration in respect of this site as this related to safeguarded land. The Secretary of State considered:
51. *With regard to the emerging CLPCS, the Secretary of State notes that Clayton-le-Woods is identified as a "main place" within central Lancashire (IR14.10). The Secretary of State considers that any subsequent justification for calling it a "main place for growth" (IR14.17 and IR7.32) should be based, to a large extent, on the fact that it is listed in "Policy 1: Locating Growth" of the CLPCS (IR14.11), where it is identified as an Urban Local Service Centre (ULSC) and where "some growth and investment will be encouraged". The Secretary of State agrees with the Inspector that to meet planned growth 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 (IR14.17). He further agrees 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 CLPCS, this part of the CLPCS should be afforded significant weight (IR14.18).*
52. *The Secretary of State agrees with the Inspector's assessment of the emerging allocations DPD, and the issue of prematurity as set out in IR14.19-14.23. On the former he agrees that this should be afforded limited weight (IR14.19), but that it indicates that this land appears acceptable for residential housing (IR14.20). On the latter he agrees that the risk of not satisfying the CLPCS growth requirements outweighs the possibility of obtaining a more comprehensive and co-ordinated wider development (IR14.23).*

#### Localism

53. 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.
54. It is therefore considered that allowing applications on Safeguarded Land without going through the LDF process would cumulatively undermine the Governments Localism Agenda which is an expression of the Government's intentions on how decisions should be made. Granting planning permission for schemes now would undermine the wider policy objectives of PPS3 paragraph 69.

#### **BACKGROUND INFORMATION**

55. As set out below there is extensive planning history associated with this site. Planning permission was granted in January 1961 and November 1964 to use the existing site as a caravan site. These 2 approvals permitted 49 caravans on the site. Further permissions were granted in 1968 and 1973 permitting 105 caravans and 36 garages.
56. In 1976 and 1981 applications to extend the caravan park were refused and a subsequent appeal dismissed. In 1983 an application was refused to extend the caravan park by 15 units.
57. In 1987 an application was refused for a further extension to the park. At the time the existing park occupied approximately 4 hectares and provided approximately 186 caravans. This application related to an extension which covered 0.6 hectares. The applicants appealed this decision which was allowed.

58. In 2000 (00/00073/COU) planning permission was refused to change the use of the agricultural land adjacent to the existing caravan park to uses in connection with a mobile home site, including the siting of mobile homes. At this time the existing park occupied 5.6 hectares and 186 units of accommodation. The application site occupied 3.2 hectares and the proposals involved relocating 7 existing caravans and providing 14 additional units along with a bowling green and open space. This application was refused for the following reason:

The proposed development, in so far as it relates to the siting of residential mobile homes, is contrary to policies C3 and H16 of the adopted Chorley Borough Local Plan and Policy DC3 of the Chorley Borough Local Plan Review. The proposed development is not one which would normally be permissible in the countryside. Rather, it is one appropriately sited on sites allocated for housing purposes and other suitable urban sites. The proposed development would be detrimental to the visual amenities of the area, appearing as an additional urban intrusion into the surrounding area of rural character.

59. The applicants appealed this decision which was dismissed
60. In 2001 (01/00291/COU) planning permission was approved to change the use of the agricultural land adjacent to the existing park for uses in connection with the mobile home site, including allotments, footpaths, informal open space and tree planting. This site occupies the land subject to both the current application and the above 2000 planning application however it is apparent on site that this permission was never implemented.

**1) PRINCIPLE OF THE DEVELOPMENT**

61. In accordance with the Planning and Compulsory Purchase Act the starting off point in assessing this application is the Adopted Chorley Borough Local Plan Review. The Local Plan sets out the spatial strategy for Chorley and states that development will be concentrated in the central urbanised parts of the Borough, which are cited as 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. Paragraph 1.20 of the Local Plan states: *It will therefore be within this area that future housing development is to be concentrated. This is especially the case where transport infrastructure is already available or committed, or the potential for improvement has already been identified e.g. on the Quality Bus routes currently being considered through the Borough.*
62. The site is located at the edge of the Clayton le Woods settlement boundary and is allocated within the Adopted Local Plan under Policy DC3.8 as safeguarded land. In accordance with the Local Plan Clayton le Woods is identified, spatially, as one of the main urban areas for growth.
63. Planning Policy Guidance Note 2:Green Belts (PPG2) encourages the designation of land as safeguarded which may be required to meet longer term development needs however this allocation does not mean that the land is allocated for development at the present time as its purpose is meeting possible longer-term development needs.
64. It is clear within PPG2 (annex B, paragraph 6) 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 plan.”* It is acknowledged that the purpose of safeguarding land under policy DC3 of the Local Plan was to safeguard the land for development needs which might arise beyond the plan period, in this case after 2001, with safeguarded land protected until 2006.
65. In allocating the site as safeguarded land, the site was considered suitable for development. The LPA is not aware of any evidence suggesting that the site is no longer suitable for development.
66. In accordance with paragraph 54 of PPS3 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 latest information available to the Council indicates that there is a 5.7 year supply for the period 1<sup>st</sup> October 2011 – 30<sup>th</sup> September 2016. Therefore, there is no requirement to consider this application favourably in line with paragraph 71 of PPS3. In the Clayton-le-Woods Appeal Decision the Inspector and Secretary of State both agreed that Chorley had a five-year housing supply.
67. 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 in accordance with the Draft National Planning Policy Framework (NPPF). 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.

68. Where Local Planning Authorities have an up-to-date five year supply of deliverable sites further applications will be assessed against whether in granting permission this would undermine achievement of our policy objectives. As the Council have an up to date 5 year housing land supply there is no presumption to consider planning applications for housing favourably. 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 PPG2.
69. From April 2010 (the start date of the Core Strategy housing period) to April 2011, 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.
70. An additional 312 dwellings were granted planning permission in Clayton-le-Woods in the 6 month period from April to October 2011. 300 dwellings were granted outline permission on appeal on another part of the DC3.8 area of Safeguarded Land. 12 dwellings were granted planning permission at Burrows Limited on Wigan Road.
71. In total 22 dwellings were completed in Clayton-le-Woods between April 2010 and October 2011 which go towards meeting the Core Strategy housing requirements. A further 17 dwellings have full planning permission, 3 of which were under construction in October 2011 and 14 had not started. In addition 300 dwellings have outline planning permission. There is therefore active housebuilding currently taking place in Clayton-le-Woods with further significant development planned for the area once a reserved matters application has been submitted for the 300 dwellings.
72. The key matter for consideration is whether it is necessary to release this land now which depends on key material considerations, including the emerging policy and key material considerations noted above and in particular the current position on housing supply.
73. The site lies on the edge of Clayton le Woods is a greenfield site and is an identified area for growth within the Local Plan. The emerging Core Strategy identified Clayton le Woods as an Urban Local Service Centre where some growth and investment will be encouraged to help meet housing and employment needs.
74. The site is also proposed for allocation (HS1.35, EP1.19 and HW1.12) in the emerging Site Allocations DPD, now at an early stage. The 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.
75. The sustainability of the 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 schools and doctors. Its sustainability score is further reduced by the fact that the site is greenfield.
76. 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 dwelling 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.
77. Whilst the principle of housing development at this location is accepted through the preferred allocation, 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. The site is also allocated as a preferred site for employment (EP1.19) and although the application site is only a small part of the preferred mixed use allocation, the employment element needs to be addressed. The Council have indicated the need to have a masterplan or development brief on the land so that the required amount of employment land can be properly planned for.

78. Although the supporting statement considers that considerable weight should be given to the evolving DPD The allocations within the DPD can only be afforded limited weight given the status of this document. As such the main consideration is whether there are material considerations which outweigh the Development Plan. The other material considerations put forward in respect of this application include:
  - The development will provide much needed living accommodation and support for older persons within Chorley
  - Recent Inspectors decision
  - Content of evolving LDF.
  - Effect on neighbouring properties:
  - Visual amenity:
  - Design:
  - Government (non-planning policy):
  - Appeal decisions;
  - Sustainable Development
79. The applicant argues that there is an undisputed need in the Borough for an increased provision of accommodation for older persons. They state that granting planning permission for this application will accommodate the future needs of the Borough and secure much needed accommodation. This is based on the submitted Health Care Needs and Operational Statement which draws attention to the key findings of the SHMA. The applicant considers that there is a clear and immediate need for the provision of additional single storey dwellings particularly for older persons in Chorley.
80. The supporting statement includes the following three points in support of the application:
  - 1) *The development will provide much needed living accommodation and support for older persons (over 55's) within Chorley in a tranquil community setting which has been designed to best cater for their needs and can assist in improving their quality of life.*
  - 2) *The proposed development is located adjacent to the existing residential park and is in close proximity to the nearby major settlements of Chorley and Leyland.*
  - 3) *The park will offer enhanced amenity for the existing park residents including new footways, street lighting and additional landscaping and safe, secure and supported living accommodation for both the existing and proposed residents of the development."*
81. This issue of need was put forward as a material consideration in respect of the last appeal at the site. At this time it was evident that although there was a need for affordable accommodation in rural areas demand at Cuerden could not be quantified. The Inspector concluded that *'there is very little evidence before me of the need within the borough for additional accommodation in this category'*.
82. Since that appeal decision the Strategic Housing Market Assessment 2009 has been published which identifies that a range of options in type, tenure and size of accommodation needs to be available for older people to meet their differing choices, expectations and dependency levels. It recommends that future development is sustainable and mindful of the need for appropriate living space for the ageing population.
83. It is therefore accepted that there is a need for accommodation for older persons in the Borough. However, there is no evidence to suggest that this provision should be located in Clayton-le-Woods. The existing residential park has a licence for 186 park homes, therefore it could be argued that there is already significant provision of older person's accommodation in Clayton-le-Woods and new provision would be better located in settlements with little or no provision.
84. As part of the Inspectors consideration into this appeal (ref: APP/D2320/A/00/1043372) the Inspector considered that *'The principal consideration on this issue is the degree of permanence of the development, if allowed and whether later comprehensive development would be prejudiced.'* The Inspector concluded that *'the proposal conflicts with the objectives of the CBLP policy C3 which seek to keep this area free of permanent development to meet longer term development needs'*.

85. As part of the appeal the appellant put forward other material considerations which the Inspector took into account when reaching the decision. The included reduced densities on the existing site, the provision of leisure and recreational facilities and contribution towards the accommodation needs of the over 50s in the area. These reflect the material considerations put forward in support of the current application. Whilst the Inspector did conclude that the proposals contained some material benefits particularly in respect of reduced densities and improved leisure and recreational facilities these were not *'sufficient to outweigh the policy objection in respect of Safeguarded Land and the harmful effect on the character and appearance of the surrounding countryside resulting from the residential aspect of the proposal'*. The appeal was subsequently dismissed.

### Prematurity

86. When assessing the need to release this land now the matter of prematurity is an issue. The Planning System: General Principles (paras 17-19) relate to prematurity. Paragraphs 17-19 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.'*

87. Paragraph 72 of PPS3 (Housing) states that LPAs should not refuse applications solely on the grounds of prematurity.
88. In terms of the NPPF, no mention is made of prematurity, but the Planning System General Principles document is **not** listed in the schedule of documents and guidance for cancellation by the NPPF.
89. 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:
11/00992/OUTMAJ	Land Bounded By Town Lane (To The North) And Lucas Lane (To The East) Town Lane Whittle-Le-Woods	Outline planning application for the development of land to the north and west of Lucas Lane for the erection of up to no. 135 dwellings with all matters reserved, save for access.	15 November 2011
11/01093/OUTMAJ	Land North Of Lancaster Lane And Bounded By Wigan Road And Shady Lane	Outline up to 160 dwellings	15 December 2011
11/00993/OUTMAJ	47 Clancutt Lane Coppull	Outline for the demolition of 47 Clancutt Lane and erection of up to 29 dwellings	15 November 2011



11/01004/OUTMAJ	Land North Of Lancaster Lane And Bounded By Wigan Road And Shady Lane	Outline for a mixed use development, up to 700 dwellings, 40,000sqft of B1 office space, public house/restaurant, convenience store, community building, primary school, etc.	16 December 2011
12/00082/OUTMAJ	Land Surrounding Huyton Terrace Previously Baly Place Farm Bolton Road, Adlington	Outline for up to 300 dwellings	Awaiting validation, received 27 January 2012

90. All of these applications propose that the sites should be released for development now, before the Site Allocations process concludes. Members will note some of these applications are also on this committee agenda.
91. This application is for 52 units. Together, the sites above including this application cumulatively represent a total of up to 1376 units which equates to over 3 years housing supply. This would equate to nearly 20% of the Borough's 15 year housing requirement.
92. 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.
93. 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."
94. 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.
95. This development only relates to 52 dwellings which could not be considered substantial and as such it is not considered that this scheme, on its own, could be refused solely on grounds of prematurity under current national guidance.

96. Whilst this application may not be substantial on an individual basis, any substantial release on the above sites will set a precedent and would cumulatively cause prejudice to the Site Allocations DPD in respect of scale, location and phasing of new development and undermine the growth ambitions and objectives of the Core Strategy.
97. 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. In accordance with PPG2, these decisions that should be properly be taken in the Site Allocations DPD.
98. It is acknowledged that current government guidance (PPS3, para 72) states that LPAs should not solely refuse on prematurity grounds. However, members are asked to note that the Council is required to have regard to national guidance, and not to slavishly apply it, especially in the face of relevant material considerations; and that the weight to be applied is a matter for the decision maker. It is considered that the material considerations within this report, including the presence of a five year supply, the position in relation to the LDF, and the cumulative harm that will arise if a precedent is set, outweigh paragraph 72 of PPS3.

#### Conclusion

99. In conclusions 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.
100. As set out earlier within the report in accordance with PPS 3 (Paragraph 69) in deciding planning applications regard is to ensuring whether the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives.
101. As has been established at the broadest level there is support in both the Local Plan and the emerging Local Development Framework for growth in Clayton-le-Woods, but at both Borough and settlement level the there are still choices to be made over amount, timing and specific location of that development. There is doubt over the amount of housing growth and employment growth that will take place in Clayton-le-Woods and which sites will be allocated. 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 decision about the scale, location and phasing of new development.
102. It is therefore not considered that the proposal meets the final criterion of paragraph 69 of PPS3 is meet the spatial vision for the area in terms of the spatial vision for the area.
103. 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".
104. It is acknowledged that 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 however 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.

105. The supporting statement considers that the proposed development secures the provision of housing for older people which is recognised within the Core Strategy as being a Strategic Objective. However it is considered that the best way of meeting the Local Plan Review objective, which has greater weight than the Core Strategy, 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 this application 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.
106. The Appeal decision on part of this safeguarded land site is a material consideration in respect of this application however 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.
107. On 23rd March 2011 the Ministerial Statement on "Planning for Growth" was published and on 31 March 2011 the Chief Planner for the DCLG wrote to Chief Planning Officers in this regard. Chorley Council welcomed the Chief Planning Officer's letter and the Ministerial Statement and in particular the commitment to introduce a strong presumption in favour of sustainable development. The Council remains committed to progressing plan making at Chorley, are actively working of their Site Allocations and Development Management Policies DPD and have undertaken consultation on Issues and Options and on a Preferred Options. It is considered that growth should be properly planned through the Site Allocations DPD process, rather than via the submission of a planning application. The published Central Lancashire Local Development Scheme schedules adoption of the DPD for December 2011 which is considered a reasonable timeframe to resolve allocation issues. It is not considered that "Planning for Growth" outweighs the need to urgently release this site now, particularly in the context of a proven five year supply.
108. 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. 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.
109. 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 principle of development is not an issue as the site has been selected as a preferred housing and employment allocation. The issue is the timing of delivery. The Site Allocations and Development Management Policies DPD is currently only at the preferred options stage and is not due to be adopted until 2012.
110. It is not considered that the material considerations put forward by the applicant, which include a need for this type of accommodation, outweigh other considerations and as such 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.
111. The proposals fall to be considered a departure from the local plan in respect of its safeguarded land allocation. Government advice contained in PPG2 and PPS3 states that the release of safeguarded land will only be permissible as part of a local plan review. It is considered that the most appropriate mechanism to determine the location of future housing developments within the Borough is via the plan-making process, in this case the Council's Core Strategy and Site Allocations DPD.

## **2) AFFORDABLE HOUSING/ SPECIAL NEEDS HOUSING**

112. Non permanent dwellings such as caravans and mobile homes are included in overall housing supply if they are the occupants main residence and council tax is payable on them. As this is the case for the park homes proposed in this application, they will be treated the same as permanent dwellings and be included in the Council's housing supply figures.
113. Policy HS5 of the Adopted Local Plan Review, supplemented by PPS3: Housing, 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.

114. The Local Plan affordable housing requirement is less than that proposed in Core Strategy Policy 7. This site adjoins the settlement of Clayton le Woods, which the Core Strategy identifies as an Urban Local Service Centre, Policy 7 requires the provision of 30% affordable housing on market housing schemes. Policy 7 also states that special needs housing including extra care accommodation will be required to be well located in communities in terms of reducing the need to travel to care and other service provision and a proportion of these properties will be required to be affordable.
115. The pre-ambles to Policy 7 confirms that *a range of special housing and support options are required for older and vulnerable people who require assistance to maintain their independence. An analysis is currently being undertaken of the level of need for supported housing using a North West tool which provides an indication of the net requirement for services for a range of client groups by local authority. Given that it is only the second year that this complex tool has been used, the figures should be treated with some degree of caution. However, the model is a significant step forward in assessing the need for supported housing and provides the structure for collating local data in future which will enable us to maximise the opportunities offered by the tool. Draft figures show significant shortages of provision across a range of client groups. The Supporting People Partnership is currently developing plans for commissioning supported housing services for most client groups. This includes identifying the level of need for extra care housing.*
116. At the Cuerden Appeal in Clayton-le-Woods 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 a 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.
117. In this case the applicant is not offering any affordable housing but has stated that all of the units will provide accommodation for older people and this can be conditioned accordingly. The supporting statement submitted with the application states *It should be noted that this development is an extension to an existing residential park home site. Furthermore, that the development itself will be meeting a specialised housing need within Chorley for housing for older people (as identified within the evolving Core Strategy). The park homes themselves will be available at a competitive cost and in many ways are themselves 'affordable'. However, given that the development is meeting a specified need we do not consider it appropriate for additional affordable units to be provided on site as this may well undermine the viability of the development.* Although it is accepted that there is a need for accommodation for older persons in the Borough there is no evidence to suggest that this provision should be located in Clayton-le-Woods. There is no quantifiable evidence of demand submitted in support of the application, and after visiting the site it is clear several of the existing plots are vacant, nor is there anything within the supporting evidence to suggest that a proportion of these properties will be affordable in accordance with the emerging Policy. Although the supporting statement states that on site affordable housing may undermine the viability of the development there is no evidence submitted in support of this statement.
118. The existing residential park has a licence for 186 park homes, therefore it could be argued that there is already significant provision of older person's accommodation in Clayton-le-Woods and new provision would be better located in settlements with little or no provision.
119. As such it is not considered that sufficient justification has been forwarded which would outweigh the requirement to incorporate a proportion of affordable housing on this site and therefore the proposals are considered to be contrary to current Local Plan Policy HS5 and emerging planning policy.

### 3) DETAILS OF THE DEVELOPMENT

#### Housing Development

120. The proposed development includes the erection of 52 detached park homes. All of the units are two bedroom park homes with individual parking which reflects the layout of the existing park.
121. Although the application is supported by layout plans and elevations of typical park homes the design and size of units proposed has not yet been determined by the Park owners. If planning permission was granted for this development the future park home owners have a choice of which unit they wish to be erected of the individual plots. The designs are all very similar and each unit has a standard width of 6.090m where there are variations are the length of the units (varying from 9.14 metres to 14.63 metres) and the internal room arrangement.
122. The applicant has provided a brochure from Homeseeker Park Homes for the units are sourced from. It is considered that as the designs are very similar and that the number of units will be fixed at 52 the

precise details of the units to be erected on each plot can be addressed via condition and linked back to the 32 possible variations of floor plan set out within the submitted information.

#### Density

123. The site covers 3.3 hectares and the erection of 52 new park homes equates to approximately 16 dwellings per hectare. Although this density is very low the site also incorporates a bowling green, allotments and a pavilion building and the density reflects that of the existing site. As such in this situation the density is considered to be acceptable.

#### Levels

124. Levels generally fall from east to west and also down towards an informal ditch running through the centre of the site. The source of the ditch is from an existing pond just outside the application boundary (shown on the masterplan). There is also a man made balancing pond at the western end of the ditch.

#### Impact on the neighbours

125. The immediate neighbours to the site are Southworths Farm, which is sited close to the existing community centre, Cuerden Cottage and 1/ 2 Nell Lane on the opposite side of Nell Lane.
126. As addressed below the proposals incorporate demolishing the existing community centre and replacing it with a larger community centre. Southworths Farm is a detached dwellinghouse located to the south of the proposed community centre. The rear elevation of the property faces the side elevation and car park of the existing community centre.
127. The proposed replacement buildings is part single, part two storey however the two storey element is not located to the immediate rear of Southworths Farm. Southworths Farm therefore will face the single storey elements of the community centre and the car park as is the current situation. Only 2 windows are proposed in the side elevation of the community centre facing Southworths Farm and these, due to their location, will not allow overlooking to the detriment of the residents. As such it is not considered that the replacement community centre will adversely impact on the neighbours amenities.
128. Cuerden Cottage is sited to the east of the application site and three of the new proposed residential homes are sited close to the boundary. There is vegetation and space retained between the proposed park homes and the boundary and due to the nature of these single storey dwellings it is not considered that the proposals will create loss of amenity to the detriment of the existing residents.
129. 1/ 2 Nell Lane are located on the opposite side of Nell Lane. These properties are separated from the proposed park homes by the existing highway and vegetation. It is considered that the proposed park homes, by virtue of their single storey design and distance retained between the existing and proposed properties, ensures that the development will not adversely impact on the existing or future residents.
130. It is noted that the layout of the proposed and existing park homes is relatively tight and not in accordance with the Council's Spacing Standards however this is a very specific design feature for this type of accommodation and the future residents will be aware of the relatively restricted curtilages when purchasing the properties. In this case it would not be considered appropriate to impose the standard spacing distances as this would not reflect the character of the existing park.

#### Proposed Community Building

131. The existing site accommodates an existing community building. The proposals incorporate demolishing this building and erecting a replacement community building. The existing building accommodates the on-site post office, bar and entertainment area and office accommodation for the site owners and is a single storey construction with some living accommodation within the roof space.
132. The proposed new building will accommodate a bar, entertainment area, office accommodation, post office, hairdresser and health care accommodation for visiting chiropractors etc. The proposed building is a modern construction which is part single storey, part two storey constructed out of timber cladding with a grass/ sedum roof.
133. The current building has a floor area of 477 sqm whereas the proposed building has a floor area of 580 sqm. The main consideration is the fact that this site is located within an area designated as safeguarded land. Within these areas 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. Policy DC1 of the Local Plan (which is derived from national guidance in PPG2) sets out appropriate development and includes:
  - agriculture and forestry;

- essential facilities for outdoor sport and outdoor recreation, for cemeteries or other uses of land which preserve the openness of the Green Belt and do not conflict with its purposes;
- limited extension, alteration or replacement of existing dwellings providing it is in accordance with Policy DC8A;
- the re-use of existing buildings providing it is in accordance with Policy DC7A;
- limited infilling in accordance with Policy DC4;
- to provide affordable housing for local needs in accordance with Policy DC5;
- the re-use, infilling or redevelopment of Major Developed Sites in accordance with policy DC6.

134. As set out above the erection of a community building does not fall within any of the criteria which is considered appropriate development within the Green Belt however the fact that there is an existing building on the site is a material consideration in this case.
135. Notwithstanding the existence of an existing community building on the site no justification is submitted by the applicant in support of the erection of a larger new community building on the site. As the development is not considered to be appropriate development within this rural area this element of the proposals is contrary to Policy DC3 and advice contained in PPG2.

#### Open Space and Proposed Pavilion

136. Part of the site is allocated under Policy LT13.12 of the Adopted Chorley Borough Local Plan Review. This Policy allocates part of the site for the provision of playspace. It is proposed as part of the Site Allocations & Development Management Policies Preferred Option DPD to continue this playspace allocation under Policy HW1.12.
137. It is proposed on the part of the site allocated under this Policy to locate the proposed allotments, bowling green and pavilion building/ equipment store. In respect of the allotments it has been established in case law (Crowborough Parish Council v Secretary of State for the Environment and Wealden District Council [1981]) that the use of land as an allotment (including growing food, flowers, fruit, seeds and for the breeding and keeping of livestock) is an agricultural use. The existing use of the land is agricultural land and as such planning permission is not required to use the land for allotments.
138. In respect of the proposed bowling green the allocation within the Local Plan for Playing Fields/ Casual Playspace ensures that this element of the proposal is appropriate development.
139. This element of the scheme also incorporates a pavilion building/ equipment store. This building is a single storey which will accommodate equipment stores, a clubhouse and open side shelters facing the proposed bowling green. It is understood that this building would be utilised for some of the on-site activities currently undertaken within the community building whilst the community building is rebuilt, as addressed above.
140. As set out earlier this site is located within an area designated as safeguarded land. Essential facilities for outdoor sport and outdoor recreation does fall within the definition of appropriate development which is expanded upon within PPG2. *PPG2 states that possible examples of such facilities include small changing rooms or unobtrusive spectator accommodation for outdoor sport.*
141. The proposed building occupies a floor area of approximately 350 sqm which include open sided shelters facing the bowling green. The building is single storey constructed of timber cladding and areas of glazing. It is considered that certain elements of this building fall within the PPG2 definition of essential facilities, including the stores and spectator shelters however the clubhouse does not fall within the definition of essential facilities and results in a larger building than is justified within this rural area. As the development is not considered to be appropriate development within this rural area this element of the proposals is contrary to Policy DC3 and advice contained in PPG2.

#### Other elements of the Proposal

142. The proposed scheme also includes an activity trail, balancing ponds and footpaths. It is considered that these elements of the proposal are in accordance with the objectives of providing opportunities for outdoor sport and outdoor recreation and retaining and enhancing landscapes in accordance with advice contained in PPG2. As such these elements of the proposal are considered to be acceptable.

#### Trees and Landscape

143. The application site is very rural in character and bordered by mature trees, a hedgerow and vegetation. As such the application is supported by a Tree Survey and Arboricultural Constraints Assessment. In total 40 individual trees, 3 groups of trees and 7 areas of hedgerow have been assessed as part of the application.

144. The assessment identifies 15 trees with high quality value, 8 trees with moderate quality value and 16 trees with low quality value. It is proposed to retain these trees as part of the development proposals. The only trees which are identified for removal are a Leylands Cypress Tree which is classed as having low amenity value to ensure the health of the adjacent Oak Tree which has a high value and Sallow (Willow) tree with a low amenity value.
145. Group 1, which includes Sallow trees, is also identified for removal, as this is in a central location on the site, to accommodate the development. These trees are identified as having low quality value.
146. In respect of the hedgerows on site a section of the hedgerow along Nell Lane are identified for removal to accommodate the proposed access.
147. As it is proposed to incorporate the majority of the trees and hedgerows into the overall development it is considered that the scheme will not adversely impact on the character of the area. To ensure the most valuable trees are protected TPO (Clayton le Woods) 2012 has been placed on the trees. Replacement hedgerows can be addressed by condition.
148. The landscaping plans include tree planting and the creation of two new water bodies within the site area. Areas of the site have been set aside for use as a bowling green and an allotment.

#### Ecology

149. In terms of the Ecological implications of the scheme the application is supported by a Phase 1 Walk-Over Ecology Assessment and a Japanese Knotweed Eradication Method Statement. The assessment concludes that the proposed development will result in the change of an area of improved grassland. The loss of an area of improved grassland in the context of the wider surrounding habitat presents only a minor loss of habitat quality for local species of wildlife. There will be no negative effect on the hedgerows surrounding the development and no trees will be affected.
150. The small overflow pond is unlikely to support protected species of amphibians such as the great crested newt. No statutorily or non-statutorily protected sites will be affected by the development. No further bat survey work is currently considered necessary.
151. Japanese knotweed has been found in the northern section of the site and has been cut / flailed in 2011. A Japanese knotweed method statement has been produced which details the procedures for removal and containment of the knotweed.
152. These documents have been forwarded to the Ecologist at Lancashire County Council however to date no response has been received. The Ecologists comments will be reported on the addendum.
153. 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.
154. 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.
155. Clarification in respect of the impact on protected species is awaited from the Ecologist.

#### Flood Risk

156. Due to the size of the application site the application is supported by a Flood Risk Assessment (FRA) which has been reviewed by both the Environment Agency and United Utilities. Additionally concerns have been raised by the immediate neighbour in respect of excess surface water over loading the drainage system and causing flooding of the highway at the bottom of Nell Lane.
157. The proposals incorporate the following features:
  - All roadways (including driveways) to be porous paved or run-off directed to adjacent landscaped areas.
  - Bowling green / allotment storage shed to be fitted with green roof system

- A large balancing pond, to work in tandem to the existing balancing pond.

158. Therefore, the only surface water run-off that will be positively collected on the site will be clean roof water run-off from the park homes.
159. The Environment Agency originally objected to the application in respect of the contents of the FRA and the lack of foul drainage information however following receipt of this objection the agent for the application confirmed that the site will be on mains drains in respect of foul sewage. The agent also confirmed that the final drainage solution will be subject to detailed design which can be subject to planning conditions.
160. Following receipt of this clarification the Environment Agency withdrew their objection subject to conditions.
161. United Utilities also initially objected to the proposals due to the fact that Leyland Waste water Treatment Works is currently at capacity and cannot accept any additional flows. Additionally United Utilities have noted that the submitted FRA confirms that the existing site illegally discharges land drainage into the public sewer network and have requested that any future proposals make provision for the disposal of surface water in a responsible & sustainable manner by incorporating soakaways/SUDS or by draining surface water directly to nearby watercourses.
162. Following further discussions with the applicant's appointed consultants United Utilities have removed their objection subject to various conditions similar to those requested by the Environment Agency along with a condition requiring the developer to agree discharge rates prior to commencement on site.
163. As such it is considered that the drainage elements of the site can be adequately addressed by condition.

#### Traffic and Transport

164. The existing residential park is accessed via Nell Lane, and as part of the development it will include for a new site access. Nell Lane is a 'C' classified distributor road which is rural in character. It is a single carriageway between 4.0 - 4.5m wide with a soft verge on both sides flanked by trees and hedgerow. The road is subject to the national speed limit of 60mph however speeds are likely to be much lower at around 30-35mph.
165. The Highway Engineer has confirmed that there have been no recorded traffic accidents along Nell Lane in the last 5 years and that in terms of traffic generation the site should generate up to 100 vehicle trips per day including a max of 11 vehicle trips at peak traffic hours. The Engineer considers that this will have a negligible material impact on the existing highway network.
166. The site has a low accessibility score (13) and it is outside walking distance to most destinations which will inevitably lead to an increase in car use. However the site is well located in respect of bus stops, which are available on Wigan Road, and there is a direct pedestrian link to the stops through the community building car park.
167. It is also proposed as part of the travel plan that a twice daily mini-bus service will be provided for use by all residents. This will be provided by the park owners and managed/ operated by the residents. The site is also close to the national cycle network (route 55 through Cuerden Valley).
168. The development will be served by a new access off Nell Lane and will be linked internally with the existing Park. The internal highway will not be to adoptable standards and will remain privately maintained however the general layout of the roads is in keeping with the existing arrangements on site and is considered to be acceptable for these proposals. Additionally the application site also incorporates separate footpath links through the site for walking/dog walking etc. which is something that is not apparent on the main Park site.
169. The new access will be sited approximately 150m west of Shady Lane and it is considered that the provision of this new access closer to Shady Lane may encourage residents on the Park site to walk to Cuerden Valley Park.
170. A new footpath link is proposed on the inside of the hedge along Nell Lane. The Highway Engineer considers that it would be beneficial to continue this footpath to provide a cycle /pedestrian link on to Shady Lane so that residents can safely walk to the park.



171. The new vehicular access to the site will be in the form of a simple priority junction 5.5m wide with 6mR radii (although there are some inconsistencies as the plan detailing the vehicle tracking actually indicates 10mR radii). It is also proposed to widen the carriageway on Nell Lane to 5.5m for a distance of 30m on both sides of the new access. Nell Lane at the locality is approximately 7m wide (1m wide verge on the north side, a 4m wide carriageway and a 2m wide verge on the south side) therefore the Highway Engineer considers that the above proposed highway improvements are feasible.
172. Nell Lane is 60mph speed road however the Highway Engineer considers that speeds are likely to be subjectively much lower and as such a visibility sightline of 65m is required in each direction.
173. When the application was original submitted a detailed layout plan showing the proposed access arrangements was not provided. Following receipt of the Highway Engineer comments set out above a plan detailing the suggested highway improvements and visibility splay requirements was requested.
174. The access arrangement plans detail a 2.4m x 65m visibility splay in accordance with the Highway Engineers comments. The proposals include the planting of a new hedge, to replace the hedge that requires removal to achieve the visibility splay, and railings at the site entrance. A pedestrian access is also provided onto Nell Lane in close proximity to Cuerden Residential Park.
175. On receipt of these plans the Highway Engineer has confirmed that *the proposals for the main entrance and the proposed pedestrian link onto Nell Lane would be acceptable. The visibility sightlines at the entrance have been satisfied , and the proposed pedestrian link north of the site onto Nell Lane along existing field gate, although not quite all the way up to the junction with Shady Lane (approx 25m away), is also acceptable.*
176. Nell Lane is very rural in character and the proposals to achieve the proposed secondary access include removing a section of the existing hedge and widening the carriageway which has the potential to adversely impact on the character of the area. The proposed treatment of the access however is very rural in character and it is proposed to replace the hedge along this boundary as such, from a character perspective, it is not considered that the proposals will adversely impact on the character of Nell Lane.
177. Subsequent to receipt of these comments the Highway Engineer has made the following comments *It has been brought to my attention that as part of the residential development on Wigan Rd site there is likely to be a request for footway provision on Shady Lane. In which case I would prefer to see a direct pedestrian link onto Shady Lane from the Cuerden site to link up with the above footway.*
178. The Wigan Road site referred to by the Highway Engineer is subject to two other planning applications (11/01093/OUTMAJ and 11/01004/OUTMAJ) which are still pending consideration. This application site forms part of the wider safeguarded land allocation which these two other applications are proposed on. It is proposed within the Site Allocations DPD (Preferred Options) to allocate the whole of the 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 which is supported by the Highway Engineers comments above. By masterplanning the whole site this would ensure a comprehensive development and secure necessary linkages as suggested by the Highway Engineer. Any positive recommendation of this application would undermine this approach.

#### Crime and Safety

179. The proposals have been assessed by the Council's Architectural Liaison Officer who confirmed that this is a low crime area. During the period 16/11/2010 to 16/11/2011 there have not been any reported crimes on Nell Lane and Oaktree Avenue however there has been criminal activity in the immediate vicinity.
180. Due to this it is recommended that the perimeter boundary of the site is well secured with 1.8m fencing and lighting levels maximise the ability for natural surveillance. Individual dwellings should have well defined boundaries (e.g. 1m high fencing) at the front and 1.8m to the side and rear. The footpaths identified on the plans should be well lit with low level bollard lighting and landscaping maintained to low levels (e.g. pruned to 1m from ground level to ensure opportunities for surveillance and reducing areas of concealment for potential offenders). All of these elements can be addressed by suitably worded conditions.
181. The Architectural Liaison Officer considers that pedestrian and vehicular access routes should be restricted into the site such as one route in one route out as the addition of a new secondary entrance on Nell Lane reduces security of the perimeter.

182. In respect of the community building and Pavilion building flat roofs and velux windows have been incorporated. The Liaison Officer considers that it is important that the flat roofs are not easily accessible as these provide climbing aids for potential offenders.
183. These comments were forwarded to the agent for the application who confirmed that the pavilion building has a 1.2m overhang from the building wall this making extremely difficult access. In respect of the Community Building the building will be "Smart water" protected and will be fitted with surveillance cameras to detect unauthorised access.
184. Following receipt of this confirmation the Architectural Liaison Officer has confirmed that this satisfactorily addressed the concerns in respect of the community building. In respect of the Pavilion building any supporting posts to the 1.2m overhang should be recessed as if flush essential design in a climbing aid onto the flat roof. The elevations of the proposed pavilion building do not detail any supporting posts and could be addressed via condition. It is crucial that this building is alarmed. This can be addressed by condition.

#### **4) Overall Conclusion**

185. The proposal would be in breach of the Safeguarded Land policy DC3, however the Council acknowledge that this policy must be read in the context of other material considerations that may be more up to date.
186. 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.
187. The draft NPPF has limited weight but it is considered Chorley's policy approach is in line with its aims as it talks about a balanced approach to sustainable development (social, environmental and economic) and that it should be interpreted locally to meet local aspirations.
188. 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. It is acknowledged that current government guidance (PPS3, para 72) states that LPAs should not solely refuse on prematurity grounds. However, members are asked to note that the Council is required to have regard to national guidance, and not to slavishly apply it, especially in the face of relevant material considerations; and that the weight to be applied is a matter for the decision maker.
189. It is also noted that 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.
190. The application is recommended for refusal on the principle of the development being unacceptable, the fact that both the community centre building and pavilion building are not considered to be appropriate development within this rural area, lack of affordable housing and insufficient information in respect of the requirements of adopted Policy SR1.

#### **Other Matters**

##### Public Consultation

191. In accordance with the Council's Statement of Community Involvement the applicants have undertake a public consultation exercise prior to submitting this application. This includes community consultation with the residents of the existing residential park and neighbouring properties.
192. On the 5th October 2011 a public exhibition was held for the existing residents of Cuerden Residential Park at which they were given a formal presentation of the plans and the background to the development. The exhibition was attended by 114 residents of the park (representing 81 homes) and all attendees were given a Comments Form and invited to outline whether they wished to support the proposed development, object or outline support with comments.
193. At the time of submission of the application 85 response forms had been received. 58 homes (76 people) supported the scheme, 30 homes (43 people) advised that they supported the development with comments and only 1 person/home advised that they objected to the development.

194. Additionally the proposed plans of the development and comments forms were made available for viewing from Wednesday 5th October 2011 until 4pm on Monday 10th October 2011.
195. Letters were sent to 8 neighbouring residencies outside of the park to offer them the opportunity to meet with the applicant and discuss any personal queries they had with the development. The applicant has met/spoken with two of the residents, both of which were in support of the development.
196. To address comments made by the residents the following amendments were made to the proposals prior to submission. Residents of Oaktree Avenue requested the installation of a footpath bearing towards the bowling green from the existing site. This has been added to the masterplan. A resident of Beech Tree Close raised concerns that existing visitors to the community centre congregating in the car park and adjacent to her property boundary to smoke which impacts upon her amenity. In order to address the residents' concern without resulting in direct impacts on other properties the smoking shelter has been re-located to the Wigan Road side of the new community building within a designated enclosure which faces due West.
197. The objections received included need for CCTV exists now, the number of 'visitors' and 'cold callers' would greatly increase and maintenance on site at present is very poor. Increased 'attractions' i.e. water features, pathways by present standards would soon fall into disrepair.
198. In response the agent for the application has confirmed that the issue of CCTV is already being looked at on the park. There are already systems in place for addressing the issue of 'cold callers' and the extension to the park is not considered to result in any greater impact in this regard. The issue of on site maintenance is already being addressed with a programme of works having been drawn up by the applicant.
199. It is considered that the applicant has satisfactorily engaged with the residents in respect of the Council's Statement of Community Involvement.

#### Sustainability

200. In September 2008 the first policy document, Sustainable Resources DPD, within Chorley's new Local Development Framework (LDF), was adopted.
201. In accordance with Policy SR1 of the DPD the scheme will be required to achieve a 15% reduction in carbon emission through the use of low and zero carbon technologies and the relevant Code for Sustainable Homes Level will be required for each dwelling (Code Level 3 now, Code Level 4 after 2013).
202. The application is supported by an Energy Efficiency & Resources Conservation Statement. This document has been reviewed however this document does not refer to the requirements of Policy SR1.
203. This adopted Development Plan document requires the criteria of Policy SR1 to be addressed in respect of the proposed new dwellings. In particular criterion (b) requires renewable or low carbon energy sources to be installed to reduce the carbon emissions of the development by at least 15%.
204. The applicant states that the community building will achieve a BREEAM 'very good rating' which is in accordance with the requirements of Policy SR1 however criteria (b) also needs to be addressed for this part of the development.
205. As the submitted information does not address the requirements of Policy SR1 in respect of either the proposed residential dwellings or the proposed community building the proposals are considered to be contrary to the Sustainable Resources DPD.

#### **Planning History**

**5/5/3015-** Caravan Site. Approved January 1961

**5/5/4631-** Stationing of Caravans. Approved May 1964

**5/5/6402-** Extension to caravan site for 55 caravans and 13 garages. Approved April 1968

**5/5/9714-** Extension to caravan site for 50 caravans and 23 garages. Approved May 1973

**9/76/0608-** Extension to residential caravan park. Refused October 1976

**9/80/1077-** Extension to mobile home site. Refused January 1981. Appeal dismissed

**9/83/0694-** Extension to Leyland Mobile Homes Park by 1.8 acres (15 units and bowling green). Refused December 1983

**9/87/0526-** Extension to Existing Mobile Home Park by approximately 1.8 acres. Refused November 1987. Appeal allowed.

**00/00073/COU-** Change of use from redundant agricultural land to uses in connection with a mobile home site, including the siting of mobile homes. Refused September 2000. Appeal dismissed.

**01/00291/COU-** Change of use from agricultural land to uses in connection with a mobile home site, including allotments, footpaths, informal open space and tree planting. Approved August 2001

**Recommendation: Refuse Full Planning Permission  
Reasons**

**1. With reference to:**

- **Planning System General Principles;**
- **National Planning Guidance, including PPS1, PPS2, PPS3, PPS4 & PPS12;**
- **The Development plan, including policy DC3 (GN1 – Clayton le Woods) 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 requirement to consider the application favourably as per paragraph 71 of PPS3. 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 with 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 so 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.

2. The proposed replacement community building and pavilion building would be located within an area of safeguarded land. Within these areas development other than that permissible in the countryside under Policy DC1 (Development in the Green Belt) of the Adopted Chorley Borough Local Plan Review will not be permitted. Policy DC1 of the Local Plan (which is derived from national guidance in PPG2) sets out appropriate development and includes essential facilities for outdoor sport and outdoor recreation, for cemeteries or other uses of land which preserve the openness of the Green Belt and do not conflict with its purposes. It is not considered that the proposals constitute essential facilities for outdoor sport and recreation in accordance with Planning Policy Guidance Note 2 and reiterated by Chorley Borough Local Plan Review Policy DC1.
3. The application is not accompanied by sufficient information to demonstrate that the proposals accord with the requirements of adopted Policy SR1 in respect of either the proposed residential dwellings or the proposed community building. As such the proposal is contrary to Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 and Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.
4. The proposed development does not incorporate a proportion of affordable housing in accordance with Policy HS5 of the Adopted Local Plan Review (supplemented by PPS3: Housing) or the emerging Core Strategy Policy 7. As such the proposals are considered to be contrary to Policy HS5 and Government advice contained in PPS3.

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