

# **Appeal by Gladman Developments Ltd**

## **Land off Pear Tree Lane, Euxton**

**Against the Refusal of Planning Permission by  
Chorley Borough Council on the Outline Application for:**

*“The erection of up to 180 dwellings including 30% affordable housing, with public open space, structural planting and landscaping, surface water flood mitigation and attenuation and vehicular access points from School Lane. All matters reserved except for means of vehicular access”*

**LPA Reference:  
19/00654/OUTMAJ**

**Statement of Common Ground between  
Gladman Developments Ltd and  
Chorley Borough Council**

**Chorley  
Council**

 **GLADMAN**

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# 1 INTRODUCTION

## 1.1 Background

1.1.1 This Statement of Common Ground (SoCG) addresses the areas of common ground identified in the statements of case and also identifies matters which are the subject of specific disagreement. It follows guidance contained within Annexe T of The Planning Inspectorate Procedure Guide January 2020.

## 1.2 Parties

1.2.1 The SoCG is jointly agreed by:



Signed

Date 26/5/20

Name Christien Lee

On behalf of Gladman Developments Ltd



Signed

Date 26/05/20

Name Zoe Whiteside

On behalf of Chorley Borough Council

## **2 RELEVANT MATTERS**

### **2.1 Background to the Appeal**

- 2.1.1 The application was validated by Chorley Borough Council on 8<sup>th</sup> July 2019.
- 2.1.2 The application was refused by the Council on 13th November 2019. The reason for refusal can be found within the decision notice at CD5.2.

### **2.2 The Appeal Site and Surroundings**

- 2.2.1 The site comprises 7.34ha of agricultural land which is designated as ‘Safeguarded Land’ in the development plan. It is bordered by existing housing to the west beyond School Lane, along with the new Rowland Homes residential development to the north. To the east of the site is open countryside within the Green Belt beyond Pear Tree Lane, and to the south is open countryside under the control of Homes England which is also designated as ‘Safeguarded Land’.
- 2.2.2 The site lies immediately adjacent to the settlement boundary of Euxton, an Urban Local Service Centre in the current Core Strategy. The site lies approximately 3.4km north west of Chorley and 3.3km south east of Leyland.
- 2.2.3 The site’s location enables future residents to access a good range of facilities utilising a variety of sustainable transport modes. Services and amenities within walking distance of the site include a primary school, nursery, church, community centre, health centre and dentist. Bus stops within walking distance provide a half hourly Monday-Saturday daytime service to Chorley and Preston. The railway stations at Buckshaw Parkway and Euxton Balshaw Lane are within cycling distance and provide services to Manchester, Liverpool and Preston among other destinations.

### **2.3 The Appeal Proposal**

- 2.3.1 The Appellant sought outline permission for up to 180 dwellings, including 30% of the total as affordable housing, along with public open space, structural planting, landscaping and surface water flood mitigation and attenuation. All matters are reserved except for the main vehicular access points, which will be facilitated by a realignment of School Lane through the application site, and the creation of two priority controlled accesses with the site access forming the major road. A further pedestrian access/egress point will be provided to link into the existing Public Right of Way which runs through the Rowland Homes residential development to Euxton Lane to the north. Further pedestrian access improvements will also

be provided and will ensure integration between the site and the wider Euxton area. The site will offer a mix of housing types, ranging from 2 to 4 bedrooms, with the precise mix to be determined at the Reserved Matters stage. The density of the housing will be approximately 35 dwellings per hectare.

2.3.2 Open space will be situated broadly along the northern boundary of the site and in the south western corner of the site. The open space provision will exceed policy requirements and will incorporate a local equipped area of play for new and existing residents of the locality. Surface water attenuation will be located in the south western corner of the site.

## **2.4 Plans for Approval**

2.4.1 The drawings for which the Appellant seeks planning permission are as follows:

<b>2.4.2 Drawing ref</b>	<b>Drawing Name</b>
5219-L-04	Location Plan (CD 1.2)
1318/09/F	Access Plan (CD 1.8)

## **3 PLANNING POLICY**

### **3.1 Development Plan**

3.1.1 The relevant parts of the development plan for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 comprises:

- Central Lancashire Core Strategy 2012 (2010-26)
- Chorley Borough Local Plan 2015 (2012-26)
- Joint Lancashire Minerals and Waste Local Plan (not pertinent to the appeal proposals)

### **3.2 Central Lancashire Core Strategy 2012**

3.2.1 The parties agree that the following Core Strategy policies are relevant to this appeal: MP, Policy 1, Policy 2, Policy 3, Policy 4, Policy 5, Policy 7, Policy 14, Policy 16, Policy 17, Policy 21, Policy 22, Policy 24, Policy 26, Policy 27, Policy 29.

3.2.2 The Council agrees that the appeal proposals do not raise conflict with any policies in the Core Strategy.

3.2.3 The parties disagree concerning whether Policy 1 (Locating Growth) and Policy 4 (Housing Delivery) are out of date.

### **3.3 Chorley Local Plan 2015**

3.3.1 The parties agree that the site is designated as 'Land safeguarded for future development needs' under Policy BNE.3 (BNE3.9) of the CLP.

3.3.2 The parties agree that the following CLP policies are relevant to this appeal: V2, ST1, ST3, ST4, HS1, HS4A, HS4B, BNE1, BNE2, BNE3, BNE8, BNE9, BNE10, BNE11.

### **3.4 Emerging Central Lancashire Local Plan**

3.4.1 The three Central Lancashire authorities are currently in the process of preparing a new Central Lancashire Local Plan which will supercede the adopted Central Lancashire Core Strategy and 3 adopted authority Local Plans. The new Local Plan will cover the whole single housing market area. To date, three call for sites exercises have been undertaken, and consultation on an Issues & Options version of the plan ended on 14<sup>th</sup> February 2020. The

Local Plan will cover the period to 2036 and the Central Lancashire Local Development Framework shows the timetable of remaining stages until adoption.

- 3.4.2 The appeal site is identified as a potential allocation for housing in the Issues & Options draft of the plan (Annex 1 – Site Suggestions Proposed by Chorley, SHELAA reference 19C264x). The appeal site of 7.34 hectares forms part of a larger designated Safeguarded Land site totalling 16.6 hectares (Chorley Local Plan, Policy BNE3.90. An area of 11.57 hectares (including the appeal site) has been proposed for the designation as housing referenced as Annex 1, 19C264x with Plan (Site Suggestions Proposed by Chorley, page 16). Annex 1 sites comprise an initial review of site suggestions using the SHELAA methodology although detailed assessments including infrastructure requirements for the Local Plan have not yet been undertaken.
- 3.4.3 The remainder of the Safeguarded Land designation (Chorley Local Plan, Policy BNE3.9, has not been proposed for a use in Annex 1 (Site Suggestions Proposed by Chorley)) and remains as Safeguarded Land. This remaining area is covered by a Valley Park designation (Chorley Local Plan Policy HW3, Valley Parks, page 59 and Euxton Inset Map 9 known as Chapel Brook). Policy HW3 allows proposals to enhance the recreational value of Valley Parks where it can be demonstrated that they would not detract from the amenity, recreational and wildlife value of the Valley Parks. This area is also protected by Chorley Local Plan Policy HW2 (Protection of Existing Open Space, Sport and Recreational Facilities (page 59 and Euxton Inset Map 9).
- 3.4.4 In Annex 2 (Chorley Council Elected Members comments on Site Suggestions) to the Issues & Options consultation, the Council respond to concerns raised by Cllr T. Gray at a Member Drop in Session regarding the potential allocation; it is recommended that the site “remains a site suggestion for housing”. This referred to is Site Reference Plan Pear Tree Lane (CLCFS00092) which is the plan referenced in Annex 1 (SHELAA reference 19C264x)
- 3.4.5 The Councils have prepared a Memorandum of Understanding on Housing Need 2020, based upon a Housing Needs Report produced by Icenl. This MoU seeks to distribute housing across the housing market area. The Memorandum of Understanding was approved by Chorley Council on 25<sup>th</sup> February 2020, South Ribble Borough Council on 26<sup>th</sup> February 2020 and Preston City Council on Friday 17<sup>th</sup> April 2020..
- 3.4.6 A Statement of Common Ground (May 2020) has been approved by the Central Lancashire authorities in accordance with part 8.1(d) to the Agreement contained within the Memorandum of Understanding and Statement of Cooperation Relating to the

Provision and Distribution of Housing Land (MOU). This shows the aggregate Central Lancashire minimum local housing need figure, and applying the agreed MOU distribution to this aggregate figure at April 2020, the minimum requirement for each Central Lancashire authority.

### **3.5 Supplementary Planning Documents**

3.5.1 The following SPDs are relevant to the appeal proposals:

- Affordable Housing SPD (2012)
- Central Lancashire Open Space and Playing Pitch SPD (2013) including financial contributions for new provision and improvements
- Biodiversity and Nature Conservation SPD (2015)
- Design Guide SPD (2012)
- Central Lancashire Employment Skills Supplementary Planning Document (2017)

### **3.6 Community Infrastructure Levy**

3.6.1 The parties agree that the appeal proposals would be liable for the payment of CIL and this would be triggered at the Reserved Matters stage.

### **3.7 National Planning Policy Framework**

3.7.1 The parties agree that the NPPF is a material consideration in the determination of this appeal.

### **3.8 Previous appeal decision**

3.8.1 The parties agree that previous appeal decision ref APP/D2320/W/17/3173275 by decision letter dated 30<sup>th</sup> November 2017 is a material consideration in the determination of this appeal.

## **4 MATTERS ON WHICH THE PARTIES AGREE**

### **4.1 Settlement Sustainability, Site Status and Designations**

4.1.1 The two parties agree that:

- The appeal site is situated outside, but adjacent to, the settlement boundary of Euxton
- The site is designated as ‘Safeguarded Land’ under Policy BNE3.9 of the adopted Chorley Local Plan
- The site is not the subject of any environmental, historic environment, open space or landscape designations although there is a Tree Preservation Order along the western boundary of the site;
- Euxton is identified as an “Urban Local Service Centre” as stated within paragraph 2.9 of the Chorley Local Plan
- The site has been assessed as having a Sustainability Appraisal Band Indicator of B (adopted Chorley Local Plan, whilst all new sites for allocation will be subject to a new Sustainability Appraisal) (where A denotes the most sustainable and E, the least sustainable sites)
- The grant of planning permission would not be in accordance with Policy BNE3.9 referred to above

4.1.2 The parties agree that the site is located within 800m of a range of services and community facilities in Euxton, including:

- Euxton St Mary’s Catholic Primary School
- Euxton Parish Church and Community Centre
- Italian Restaurant
- Euxton Medical Centre
- Employment opportunities in Buckshaw Village
- Bus stops on Euxton Lane and Wigan Road

4.1.3 There are additional amenities within 2km walking/cycling distance of the site including:

- Tesco superstore
- Runshaw College
- Euxton Library
- Pharmacy
- Euxton Park
- Sports Clubs
- Euxton Hall Private Hospital
- Euxton Balshaw Lane & Buckshaw Parkway Railway Stations

4.1.4 The closest bus stop to the development site lies approximately 450m to the west of the site on Wigan Road. It is served by the 109 bus service which provides frequent links to Preston and Chorley.

4.1.5 Frequent train services are available from Buckshaw Parkway and Euxton Balshaw Lane to destinations including Preston, Manchester and Liverpool.

## **4.2 Technical Matters**

4.2.1 The parties agree that technical matters such as ecology, surface drainage, foul drainage, archaeology and housing mix are all capable of being controlled either through reserved matters or by planning conditions and/or via a planning obligation.

## **4.3 Layout**

4.3.1 The layout of the site would be assessed at reserved matters stage. The parties agree that 180 dwellings can be accommodated on the site at an acceptable density.

## **4.4 Affordable Housing**

4.4.1 The development will provide 30% affordable housing in compliance with Policy 7 of the Core Strategy. The affordable housing will be secured through the S106 obligation.

## **4.5 Access**

4.5.1 The parties agree that the submitted access plan referred to at section 2.3 is acceptable insofar as it provides safe access to the appeal site.

## **4.6 Arboriculture**

4.6.1 It is agreed that the majority of trees and hedgerows on site can be retained as part of the appeal proposals and that an appropriately worded planning condition can be agreed to ensure that this retention occurs, with additional planting mitigating any required losses.

4.6.2 The Council does not object to the appeal proposal in respect of arboricultural impact.

## **4.7 Design**

4.7.1 The design of the units and the site would be determined at reserved matters stage.

4.7.2 Materials can be controlled by planning condition.

## **4.8 Environmental Health**

4.8.1 It is agreed that the appeal proposals would not be adversely affected by, nor produce, any unacceptable air quality, noise or odour impacts.

## **4.9 Open Space**

4.9.1 The proposal would create new areas of public open space. A play area, amenity green space, and informal open space on the site will be secured by a S106 agreement. This will provide for ongoing maintenance through a management company.

4.9.2 It is agreed that a contribution towards playing pitches in the area can be provided through the S106 undertaking, in line with the Council's playing pitch strategy.

4.9.3 The Council does not require parks and gardens, natural and semi-natural greenspace, or allotments as part of the appeal proposals.

## **4.10 Highways**

4.10.1 A Transport Assessment prepared by Ashley Helme Associates was submitted with the application.

4.10.2 Lancashire County Council, as Local Highway Authority, were consulted on the planning application. They consider that the proposal is acceptable in principle, subject to the proposed highway improvements identified in the Transport Assessment A (CD1.8).

4.10.3 The parties agree that the proposals will not have a significant impact in terms of highway capacity or safety.

- 4.10.4 The parties agree that the site is accessible using sustainable modes of transport.
- 4.10.5 The parties agree that the introduction of further highway works along Pear Tree Lane, over and above those proposed through the previous application for 165 dwellings on the appeal site, as requested as part of the application by the LHA, cannot be justified on the basis of an additional 15 dwellings given the subsequent loss of verge and landscaping.

#### **4.11 Landscape and Character**

- 4.11.1 The parties agree that the LVA submitted with the planning application provides a robust analysis of the landscape and visual impacts of the appeal proposals.
- 4.11.2 It is agreed that the impact is considered to be minor to moderate adverse. Measures mitigating the impact of development are appropriate to be conditioned and can be dealt with at reserved matters stage to integrate open space within the development and secure implementation of a landscape strategy within the built form of the development.
- 4.11.3 The parties agree that the harm resulting from the impact of development upon the character of the open area is not considered of itself to be so significant as to warrant the refusal of the application on this ground alone.

#### **4.12 Ecology/Biodiversity**

- 4.12.1 The appeal proposals would not have any impact upon statutory designated ecology sites.
- 4.12.2 In respect of protected species, it is agreed that Greater Manchester Ecology Unit were consulted on the planning application and did not object to the proposals. Suitably worded conditions can be secured to ensure that on-site ecological interest is secured at the Reserved Matters stage.

#### **4.13 Flood Risk and Drainage**

- 4.13.1 The site is located in flood zone 1 which is subject to the lowest risk of flooding.
- 4.13.2 The parties agree that the drainage strategy set out in the Flood Risk Assessment (CD1.13) is appropriate for the basis of an outline application,
- 4.13.3 Both LCC as Lead Local Flood Authority and United Utilities were consulted on the appeal proposals and do not object subject to conditions requiring a surface water drainage strategy and sustainable drainage schemes.
- 4.13.4 It is agreed that the development following Reserved Matters can be delivered so as not to

be at risk of flooding from external sources, and so as not to increase flood risk to the surrounding area.

#### **4.14 Land Quality**

4.14.1 The parties agree that there are no issues with contaminated land on the appeal site.

#### **4.15 Energy Efficiency**

4.15.1 It is agreed that in accordance with Policy 27 of the Core Strategy, the relevant dwelling minimum emission rates can be controlled by an appropriately worded planning condition.

#### **4.16 Infrastructure**

4.16.1 It is agreed that subject to the provision of CIL and S106 contributions as outlined in the draft heads of terms accompanying this appeal submission, the appeal proposals would not have an unacceptable adverse impact on infrastructure, services or facilities in the local area.

#### **4.17 Employment and Skills**

4.17.1 It is agreed that the requirement for an Employment and Skills Plan outlined in the Core Strategy and Central Lancashire Employment Skills SPD can be secured through an appropriately worded planning condition.

#### **4.18 Archaeology & Heritage**

4.18.1 A Heritage Statement and Archaeological Desk Based Assessment were submitted alongside the planning application.

4.18.2 The parties agree that the proposed development will result in less than substantial harm to the setting and therefore significance of Houghton House, but that great weight nonetheless attaches to this having regard to paragraph 193 of the Framework.

4.18.3 The parties agree that there are no issues arising from Archaeology on the appeal site.

#### **4.19 Local Infrastructure**

4.19.1 The parties agree that any adverse impacts of the appeal scheme on local infrastructure are satisfactorily mitigated through the provision of S106 obligations.

4.19.2 It is agreed that the provision of a proportionate contribution towards primary education provision, as requested by the Local Education Authority (CD3), will mitigate the impact of the proposals on primary education in Euxton. Whilst it is apparent that there are

pressures on the availability of school places, it is for the LEA to allocate the funding in accordance with Regulation 122 of the CIL Regulations 2010.

- 4.19.3 LCC Education do not consider that there is a need for a contribution to be made towards secondary education provision as there is anticipated to be a surplus of places within 3 miles of the appeal site when the development comes on stream, which would meet the need generated by the appeal scheme.
- 4.19.4 No contribution towards the provision of healthcare facilities in the area has been requested by NHS England or local Clinical Commissioning Groups. According to the NHS England website, local GP surgeries in Euxton and Buckshaw Village are currently accepting new patients.
- 4.19.5 It is agreed that the appellant could not reasonably be required to make planning obligations in excess of those requested by statutory consultees, in line with Regulation 122 of the CIL Regulations 2010.
- 4.19.6 The parties agree that any impact on wider strategic infrastructure priorities in Chorley (as identified in the interim CIL Infrastructure Funding Statement) will be adequately mitigated by the provision of a CIL payment, which the appeal scheme will be liable to pay.
- 4.19.7 It is agreed that the speed of broadband in the area is a private matter for the telecommunications providers and is therefore not a material planning consideration in the determination of this appeal.

## **4.20 Economic Benefits**

- 4.20.1 It is agreed between the parties that the appeal proposals will generate a number of economic benefits.

## **4.21 Planning Balance**

- 4.21.1 It is agreed between the parties that, having regard to paragraph 11d (i) and footnote 6 of the Framework, there are no specific and relevant policies in the Framework which provide a clear reason for refusing the development proposed.
- 4.21.2 It is agreed that if the Council cannot demonstrate a five year housing land supply, the most important policies for the determination of the application are deemed to be out of date by the provisions of paragraph 11 d) and footnote 6 of the Framework..

## **5 AREAS WHERE THE PARTIES DISAGREE**

### **5.1 Housing Requirement**

5.1.1 The Council's most recent Housing Land Supply Statement (July 2019) identifies that the Council claim a five year housing land supply of 9 years when assessed against the Core Strategy requirement of 417 dwellings per annum.

5.1.2 The Appellant does not agree that this is the correct housing requirement for the purposes of the five year housing land supply calculation. The Appellant considers that as the strategic policies are more than 5 years old, and the policies have been reviewed and found to require updating, the five year land supply should be assessed against Local Housing Need, utilising the Government's standard method without reference to the distribution of Local Housing Need across the Housing Market Area.

### **5.2 Housing Land Supply**

5.2.1 The parties disagree whether the tilted balance applies - whether or not the Local Planning Authority is able to demonstrate a 5 year housing supply.

5.2.2 As a result of the above, the parties disagree as to whether the Council is able to demonstrate a five year housing land supply.

5.2.3 The Appellant reserves the right to undertake a more detailed scrutiny of the Council's claimed supply of housing land over the five year period.

### **5.3 Safeguarded Land**

5.3.1 The parties do not agree whether it is appropriate to release the appeal site to meet housing needs in the absence of an updated Local Plan.

### **5.4 Most Important Policies**

5.4.1 The parties do not agree whether the most important policies for the determination of the appeal are out-of-date for reasons other than a lack of five year housing land supply.

### **5.5 Paragraph 196 Balance**

5.5.1 The parties do not agree as to whether the acknowledged harm to the significance of Houghton House Farmhouse is outweighed by the public benefits of the appeal scheme.

## **5.6 Planning Balance**

5.6.1 The parties disagree as to the weight to be afforded to material considerations in the planning balance.

## **5.6 Benefits**

5.6.2 The parties disagree whether the benefits of the proposal would outweigh the harm agreed and any additional harm identified.

## **6 S.106 OBLIGATION**

- 6.1.1 The parties will liaise regarding the planning obligations and a final draft Unilateral Undertaking will be circulated in advance of the Inquiry. The Council are preparing a CIL Reg compliance schedule to set out the justification for the contributions sought.