

# **Appeal by Gladman Developments Ltd**

## **Land at 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**

## **Appellant’s Statement of Case**



**February 2020**

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# 1 INTRODUCTION

## 1.1 Context

1.1.1 This Statement of Case is submitted by Gladman Developments Ltd (the Appellant) regarding the appeal against Chorley Borough Council's (CBC) decision to refuse the outline application (19/00654/OUTMAJ) 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.**

1.1.2 The Appellant considers a public inquiry is the most appropriate forum in which to test the appeal proposal. A justification for this request is provided in accordance with the PINs Procedural Guide 2019 (Annex K) at Appendix 1.

## 1.2 Site and Surroundings

1.2.1 The site comprises 7.34ha of agricultural land which is designated as 'Land safeguarded for future development' 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'.

1.2.2 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.

1.2.3 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.

## 1.3 The Proposal

1.3.1 The appeal is for outline planning 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 as discussed in section 2 of the Statement of Case below, 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, which is considered to make the most efficient use of the land.

- 1.3.2 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.

## **1.4 Planning History**

- 1.4.1 An appeal relating to a previous outline application for up to 165 dwellings was dismissed on 30<sup>th</sup> November 2017 as it was considered that as the site constituted Safeguarded Land, the presumption in favour of sustainable development ('tilted balance') was not engaged and the proposal was contrary to the development plan.
- 1.4.2 Through the instant appeal, the Appellant will adduce evidence to demonstrate that the 2019 National Planning Policy Framework (the Framework) no longer provides that the tilted balance is disengaged for proposals on Safeguarded Land, and that the principle of development on the site is established. The Appellant will demonstrate that the increase in the site's capacity to up to 180 dwellings makes most efficient use of the land in conformity with the Framework.
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## 2 THE BENEFITS

2.1.1 The Appellant will adduce evidence as to the significant and demonstrable benefits of the appeal proposal to the community of Euxton and Chorley Borough. These include, but are not limited to:

### Social

- Up to 126 market homes to meet a pressing local need in the context of a five year housing land supply deficit and a national policy imperative to boost significantly the supply of housing;
- Up to 54 affordable dwellings, in a borough where there is a considerable need for affordable homes and reducing affordability;
- 2.25ha of formal and informal open space (over 30% of the gross site outline application area) including provision of a Local Equipped Area of Play
- Provision of a continuous footway link on School Lane between the site access road and existing footway termination point to the west of the site.
- Provision of a footway link between the new School Lane footway and the PROW that passes through the Rowland Homes site.
- Introduction of a pedestrian improvement scheme on Pear Tree Lane between School Lane and Euxton Lane, including c. 125m of footway.
- Introduction of traffic calming features on Pear Tree Lane and School Lane.
- Introduction of street lighting on School Lane (along the northern site boundary) and Pear Tree Lane.
- Extension of the 20mph speed limit along the full length of School Lane, the site access road and Pear Tree Lane (to the north of School Lane)
- Widening of Pear Tree Lane at the junction with Euxton Lane
- Introduction of a pedestrian island on Euxton Lane to assist pedestrian crossing movements

### Environmental

- On site Sustainable Drainage System to provide a betterment in surface water runoff from the site
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- Biodiversity Net Gain on site in line with government aspirations through, for example, additional tree planting, reinforcement of existing hedgerows and boundary features to improve the connectivity of habitat.

### Economic

- Construction spend of approximately £19.9 million, supporting approximately 169 full time equivalent construction jobs over a 5 year build out, with an additional 184 FTE indirect jobs in associated industries
- An additional £6.1m of direct Gross Value Added over the build period
- Up to 414 new residents, of whom 228 new residents could be expected to be economically active and in employment, and who will generate gross expenditure of £4.9m annually in local businesses
- Financial receipts to the Local Authority through the New Homes Bonus and Council Tax receipts

2.1.2 Even where these benefits are offered to mitigate the impact of the appeal proposals, they will also be of benefit to existing residents of the local area and there is no guarantee they would be provided in the absence of the appeal proposals coming forward. The benefits are unique to this development and this locality.

2.1.3 The appellant will adduce evidence in relation to the weight which should be afforded to such public benefits. In particular, evidence will be called in relation to the need for affordable housing locally and the weight which should be afforded to up to 54 new affordable homes in this location in the context of this need.

2.1.4 In respect of the market and affordable housing, evidence will be adduced in respect of the deliverability of Gladman schemes to demonstrate that the vast majority of the housing will be delivered within the five year period.

### **3 KEY ISSUES**

3.1.1 The Appellant considers that the following to be the most important issues for the determination of this appeal:

1. What the most appropriate housing requirement for the determination of the appeal is, having regard to paragraph 73 of the Framework and the Planning Practice Guidance;
  2. Whether the Council can demonstrate a five year supply of deliverable housing land against its housing requirement;
  3. Whether the presumption in favour of sustainable development, or tilted balance, is triggered in this case;
  4. The weight to be afforded to the benefits of the proposal, in particular the provision of market and affordable housing, the weight to be afforded to any harm resulting from the proposal, and whether any harm significantly and demonstrably outweighs the benefits;
  5. Whether there are any material considerations, such as the application of the tilted balance, which indicate that a decision should be made other than in accordance with the development plan.
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## **4 THE DEVELOPMENT PLAN**

### **4.1 Adopted Development Plan**

4.1.1 S38 (6) of the Planning and Compulsory Purchase Act 2004 provides that determination must be made in accordance with the development plan unless material considerations indicate otherwise.

4.1.2 The Development Plan, for the purpose of s38(6) of the Planning and Compulsory Purchase Act 2004, comprises:

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

4.1.3 Compliance with the Development Plan policies is considered later in this Statement of Case in the context of the Reason for Refusal.

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## 5 OTHER MATERIAL CONSIDERATIONS

### 5.1 The National Planning Policy Framework (NPPF)

5.1.1 The Framework is an important material consideration in the determination of this appeal. The Appellant will adduce evidence to demonstrate that the appeal proposal responds to the national policy ambition to boost significantly the supply of housing and represents sustainable development as defined within the Framework.

#### **Sustainable Development**

##### An economic role

5.1.2 Evidence will be adduced to demonstrate the beneficial economic impacts of the appeal proposal. Delivery of new market and affordable homes now in Euxton will help to promote and sustain a strong, responsive and competitive economy.

##### A social role

5.1.3 It will be demonstrated that the appeal proposals will deliver new homes of the right type and mix, at the right place and at the right time to meet market and affordable housing need and in turn will support Chorley Borough Council's growth aspirations. Without a sufficient supply of new homes, the Borough cannot meet the needs of present or future generations. It will be demonstrated that the site is located in an accessible and sustainable location close to key services and facilities, and the wider area, that will help support the health, social and cultural wellbeing of Euxton and Chorley Borough Council.

##### An environmental Role

5.1.4 It will be demonstrated that the appeal proposals have no unacceptable adverse impacts on environmental considerations. The proposals involve the provision of significant areas of informal and formal public open space, landscaping and ecological mitigation works which together deliver a net gain to biodiversity.

5.1.5 Overall, the scheme will deliver significant material benefits. It represents sustainable development.

#### **Decision Taking**

5.1.6 §11c and §11d set out what the presumption in favour of sustainable development means for decision-taking.

#### **Delivering a sufficient supply of homes**

5.1.7 §59 restates the Government's objective of significantly boosting the supply of homes. §60 reinforces that requirements represent the minimum number of homes needed.

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5.1.8 §73 of the NPPF requires LPAs maintain a supply of deliverable sites sufficient to provide a minimum of five years' worth of housing. §11d (and the associated Footnote 7) makes clear that the tilted presumption in favour of sustainable development will apply where an LPA cannot demonstrate a five year supply of deliverable housing sites.

5.1.9 The issue of five year housing land supply is discussed in greater detail at 5.2 below.

### **Protecting Green Belt land**

5.1.10 Paragraph 139 of the Framework states that *"when defining Green Belt boundaries, plans should...where necessary identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period... [and] make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development"*.

5.1.11 The Appellant will adduce evidence explaining that the above paragraph should be read in its proper context, which is predominantly to inform plan-making. In respect of the granting of planning permission for the development of safeguarded land prior to an update to a plan which proposes the development, the Appellant will demonstrate that limited weight can be afforded to this policy in the context of a housing land supply shortfall, where the need to ensure a five year supply of housing and the Framework imperative to significantly boost the supply of housing outweigh this provision. Indeed, it will be explained that it is more appropriate to release land to meet the housing shortfall on land safeguarded for future development over greenfield sites which have not been earmarked for future development. Relevant appeal decisions will be referred to in support of this contention.

## **5.2 Five Year Housing Land Supply**

5.2.1 CBC's most recent five year land supply statement, dated July 2019, claims that the Council is able to demonstrate a five year housing land supply of 9.0 years against the adopted Core Strategy requirement of 417 dwellings per annum.

5.2.2 The Framework, at paragraph 73, is clear that in circumstances where strategic policies are more than five years old, five year housing land supply should be calculated against Local Housing Need calculated using the Government standard methodology, unless those strategic policies have been reviewed and found not to need updating.

5.2.3 The Council entered into a Memorandum of Understanding with the other Central Lancashire authorities in 2017 (the 2017 MoU). On the basis of a Strategic Housing Market Assessment undertaken by GL Hearn, this MoU found that the 2012 Core Strategy figures were broadly up-to-date and did not require updating.

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- 5.2.4 However, the Government standard methodology figure for Chorley, published in 2018, generates a requirement of 579 dwellings per annum, which is clearly significantly higher than the adopted Core Strategy requirement.
- 5.2.5 A recent appeal at Chain House Lane, Whitestake<sup>1</sup>, in the neighbouring Central Lancashire authority of South Ribble, considered in some detail the issue of the correct housing requirement figure for the basis of the five year housing land supply calculation. In that appeal, South Ribble Borough Council's position was that Local Housing Need should be the basis for the land supply calculation (contrary to CBC's position). The Inspector agreed with South Ribble Council in her decision, stating that the housing requirement contained within Central Lancashire Core Strategy Policy 4 is out of date on several counts:
- 1) The policy is over five years old
  - 2) The 2017 MoU and associated SHMA did **not** constitute a review of the policy
  - 3) The significant change resulting from the introduction of the standard method in the 2018 Framework
- 5.2.6 The Inspector acknowledged in her letter at paragraphs 33 and 34, that her conclusions on this matter may have implications for the neighbouring authorities. Following the publication of this appeal decision, Preston City Council have joined South Ribble Borough Council in adopting Local Housing Need as the basis of their respective five year land supply calculations. Only CBC continue to calculate the land supply against the Core Strategy figure. This was confirmed by the Council in correspondence dated 8<sup>th</sup> January 2020 (see CD4, p. 25-26).
- 5.2.7 The Appellant will adduce evidence to demonstrate that when properly calculated against the Local Housing Need figure for the borough, the Council is unable to demonstrate a five year housing land supply.
- 5.2.8 It should further be noted that the Central Lancashire authorities have recently prepared a draft 2020 Memorandum of Understanding (the 2020 MoU) which is informed by a Housing Needs Study undertaken by Icení. This report seeks to redistribute the overall Local Housing Need figure for Central Lancashire and results in a higher requirement for Preston and South Ribble than indicated by the standard method, and a lower requirement of 282 dwellings per annum in Chorley. The MoU underwent a period of public consultation from 9<sup>th</sup> December 2019 to 13<sup>th</sup> January 2020. It is important to note that the publication of the MoU, where Chorley's proposed requirement is lower than the 2012 Core Strategy requirement, is further acknowledgement from CBC that the housing requirement in the Core Strategy is no longer up to date. It is understood that in the near future the three authorities will be adopting the 2020 MoU as the basis for the calculation of their respective

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<sup>1</sup> APP/F2360/W/19/3234070, published 13<sup>th</sup> December 2019

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housing land supply positions. However, the Appellant will adduce evidence to demonstrate that while the 2020 MoU is helpful in understanding the potential future distribution of housing across the housing market area in the emerging Local Plan, there is no provision under the Framework for such an interim position to be used in the calculation of housing land supply. Furthermore, there is no guarantee that the total housing requirement taken forward by the authorities for the purpose of the local plan will be limited to the minimum standard method figure; in particular due to the Preston & South Ribble City Deal which suggests that a higher requirement will be necessary. As such, the housing requirement for Chorley should be the Local Housing Need figure for the borough, generated by the standard method, until such time as an alternative approach has been pursued through the local plan process, examined, found to be a sound approach, and adopted by the Council.

- 5.2.9 Further strength to this submission is provided by the 2019 Housing Delivery Test results, which for 2018-19 are measured against the local housing need figure in Chorley. Had the Council's argument that the Core Strategy requirement had been reviewed and found not to require updating been accepted, it would have been the Core Strategy requirement figure that would have been the basis for the Housing Delivery Test.
- 5.2.10 The Appellant reserves the right to adduce further evidence on the matter of five year housing land supply if the position evolves prior to the inquiry.

### **5.3 The Emerging Local Plan**

- 5.3.1 The three Central Lancashire authorities are currently in the process of preparing a new Local Plan which will cover the whole housing market area. To date, three call for sites exercises have been undertaken, and consultation took place on an Issues & Options version of the plan until 14<sup>th</sup> February 2020. As part of this consultation, CBC published a schedule of site suggestions, which included the appeal site, **which is proposed to be allocated for housing**.
- 5.3.2 The most recent version of the Councils' Local Development Scheme, as reported to the Central Lancashire Joint Advisory Committee on 28<sup>th</sup> January 2020, outlined that timescales for the production of the emerging local plan have slipped. Preferred Options consultation will now not be undertaken until mid-2021, with submission to the Planning Inspectorate anticipated in early 2023 and adoption in late 2023. Based on the level of progress of the plan the Appellant will adduce evidence as to the amount of weight which it can be afforded.
- 5.3.3 The Appellant has submitted the site to the local plan call for sites exercise. The Appellant has also liaised with Homes England, as landowner of the adjacent safeguarded land, in respect of how the appeal proposal can be brought forward without prejudicing delivery of the wider land parcel. Further representations to this effect are to be submitted through the local plan process and may be referred to by the Appellant in evidence to this inquiry.
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## **5.4 Other Documents**

5.4.1 The Appellant may also refer to additional relevant documents at appeal, including relevant local plan evidence base documents.

## **5.5 Planning Decisions/Appeals**

5.5.1 The Appellant may refer to other planning decisions and appeal decisions, where relevant to the appeal proposal. These will be agreed with the local planning authority and provided as Core Documents.

## **5.6 Rule 6/Third Parties**

5.6.1 The Appellant reserves the right to adduce further evidence to address any matters raised by third parties to the inquiry, or if any Rule 6 party puts forward evidence on matters beyond the RfR.

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## **6 RESPONSE TO THE COUNCIL'S REASON FOR REFUSAL**

### **Scope of RfR**

6.1.1 The RfR states that the proposal is located within an area of Safeguarded Land as defined by the Chorley Local Plan (CLP) and the Council has a five year housing land supply. The proposal therefore conflicts with policy BNE3 of the CLP. It is not considered that material considerations put forward in favour of the development are sufficient to outweigh the presumption against it.

### **Appellant's Case**

6.1.2 Policy BNE3 of the CLP states that development other than that permissible in the countryside will not be permitted on Safeguarded Land. The Appellant will accept in evidence that major residential development is not a form of development which is normally considered permissible in the countryside in the CLP, and that the appeal proposals are therefore in conflict with Policy BNE3.

6.1.3 Nevertheless, as stated above, evidence will be adduced to demonstrate that the Council is unable to demonstrate a five year housing land supply when properly considered against its Local Housing Need requirement.

6.1.4 In this context, the presumption in favour of sustainable development at paragraph 11 d) of the Framework is engaged. In respect of subsection (i) of this paragraph, the Appellant will demonstrate that there are no policies in the Framework which protect areas or assets of particular importance which provide a clear reason for refusing the development proposed. In distinction to the original appeal decision on the appeal site, the Appellant will draw attention to footnote 6 of the 2019 Framework which contains a closed list of policies which are capable of being applied through the paragraph 11 d) (1) test. Policies in relation to Safeguarded Land are not referred to in this closed list, thus the Appellant will contend that the tilted balance is no longer disengaged by the application of paragraph 139 of the Framework in respect of Safeguarded Land, which is clearly a plan-making policy.

6.1.5 The Appellant will adduce evidence to demonstrate that in this case, material considerations are sufficient to displace the statutory determination in accordance with the development plan.

## **7 PLANNING CONDITIONS AND S106 OBLIGATIONS**

### **7.1 Planning Conditions**

7.1.1 The parties will seek to reach agreement on other planning conditions in advance of the Inquiry.

### **7.2 Section 106 Obligations**

7.2.1 A draft of this will be discussed with the Council in advance of the Inquiry. Heads of Terms are at Appendix 2 of this statement of case.

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## **8 THE PLANNING BALANCE AND CONCLUSIONS**

### **8.1 The Planning Balance**

- 8.1.1 The decision notice cites only a single RfR which is limited to the harm associated with permitting development on safeguarded land contrary to local plan policy, within the context of a demonstrable five year housing land supply. Statutory consultation responses confirm that technical matters such as highways, ecology, surface water drainage, foul drainage, noise, odour, heritage and archaeology are all considered to be acceptable, or capable of being controlled by an appropriately worded planning conditions and/or planning obligation. There is no unacceptable landscape or visual harm associated with the proposed development.
- 8.1.2 The matter between the parties is therefore whether there are material considerations which justify a decision other than in accordance with the development plan in this case. The appellant will argue that the Council is unable to demonstrate a five year housing land supply and in that context land which has been taken out of the Green Belt and safeguarded for the provision of housing the future, and which is proposed as an emerging housing allocation, is eminently an appropriate location for development to make up the shortfall in land supply; indeed it is more appropriate than an ordinary greenfield site which has not been earmarked in this way.
- 8.1.3 The appellant will explain that the lack of a five year land supply automatically triggers the 'tilted balance' at paragraph 11d of the Framework, as a result of the operation of footnote 7. However, in the event that the Inspector considers, contrary to the Appellant's evidence, that a five year housing land supply can be demonstrated, evidence will be adduced to explain that notwithstanding this the most important policies for the determination of the application are out-of-date and the tilted balance therefore applies regardless.
- 8.1.4 The appellant will argue that the benefits from the proposal, in all three spheres of sustainable development, are plentiful, as outlined in section 2 of this Statement of Case. The appellant will explain that in the tilted planning balance, the level of harm which would be required to displace the presumption in favour of sustainable development is very substantial. The appellant accepts that the appeal proposals do not conform with the development plan. However, harm from lack of conformity with the development plan strategy cannot be 'double counted' in the tilted balance, which should be limited to demonstrable harm with regard to the policies of the Framework read as a whole. The appellant will contend that any harm associated with the release of safeguarded land now can only be afforded very limited weight, and does not come close to significantly and demonstrably outweighing the benefits of the proposal, which attract very substantial weight in the context of a five year housing land supply deficit.
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## **8.2 Conclusion**

8.2.1 The appeal scheme has significant benefits and very limited adverse impacts. The scheme lies adjacent to the existing residential areas of a major development location and represents a modest extension to a very sustainable settlement. The site has been specifically removed from the green belt for the purpose of future housing provision, and is proposed as a housing allocation in the emerging local plan. There are no technical constraints to development of the site. The only harm is related to conflict with a single local plan policy. The appeal proposals represent sustainable development for which there is a presumption in favour of approval, therefore material considerations indicate that permission should be granted.

8.2.2 Accordingly, the Appellant will invite that the Appeal is allowed and permission granted.

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## **APPENDIX 1**

### Justification for an Inquiry

With reference to Annexe K of The Planning Inspectorate's Procedural Guide for Planning Appeals – England (27<sup>th</sup> January 2020) the Appellant requests a Public Inquiry for the following reasons.

**Need for the evidence to be tested through formal questioning by an advocate**

Matters in relation to planning policy, housing requirement and five year housing land supply are contested between the Council and the Appellant. Emerging case law in relation to the interpretation of national policy means detailed legal submissions will be necessary.

**Complexity of Issues**

The Appellant disputes objections made by the Council in relation to planning policy, housing requirement and five year housing land supply which will need to be dealt with through evidence adduced by both parties. As such, it is the view of the Appellant that these matters will require cross examination to establish the extent of the evidence which underpins the Council's claims. The Appellant considers that any consideration of individual disputed sites can be undertaken via a round table session.

The Appellant expects to use expert witnesses to advance its case in respect of planning policy & benefits, affordable housing and housing requirement/five year housing land supply.

**Likely Length of Inquiry**

It is considered that to address all the matters, 5 sitting days will be required. This exceeds the single day usually reserved for a hearing (or even a two day hearing, which are understood to be used only in exceptional circumstances). The Annexe therefore suggests that a public inquiry is necessary.

**Summary**

For the above reasons, the Appellant considers a public inquiry is the only appropriate procedure in this case.

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## **APPENDIX 2**

### **Draft S106 Heads of Terms**

**Note**

Any future Reserved Matters application will be liable for Community Infrastructure Levy (CIL). Chorley Borough Council CIL charging schedule was implemented in September 2013, and the CIL Interim Infrastructure Funding Statement 2019/20 was published in December 2019. The CIL covers a wide variety of projects which includes;

- Major highways infrastructure including improvements along Wigan Lane (A49) and flood mitigation works on Euxton Lane.
- Cycle schemes including Wigan Road and School Lane

**1. PARTIES**

Name and Address of LPA	Chorley Borough Council Civic Offices Union Street CHORLEY PR7 1AL
Applicant	Gladman Developments Ltd Gladman House Alexandria Way CONGLETON CW12 1LB

**Affordable Housing**

In line with the requirements of Policy 7 of the Central Lancashire Core Strategy, 30% of the total affordable housing will be provided on site.

**Education**

In line with Lancashire County Council's consultation response, a CIL compliant contribution towards primary education provision in the local area will be provided.

**Travel Plan Monitoring**

In line with Lancashire County Council's highways consultation response, a fee will be provided for the ongoing monitoring of the Travel Plan for up to 5 years.

**Public Open Space**

In line with the requirements outlined in the Officer's Report, play space and amenity green space, along with details of ongoing management and maintenance, will be secured through the S106. A contribution based on a per dwelling amount of £1599 will be provided towards playing pitches in accordance with the Council's Playing Pitch Strategy.

## **APPENDIX 3**

### **Responses to Third Parties**

This document summarises, responds, and gives due consideration to the relevant interested third-party representations submitted to Chorley Borough Council as part of the planning application process. Responses to the planning application are summarised, together with the appellant's response, in the table below:

Summary of Comments	Response
<b>Highways, Access and Transport</b>	
School Lane is an estate made up of families and elderly residents, building more houses will promote more traffic on an already overused 'short cut road' making this more dangerous for children and residents.	The proposed development realigns School Lane through the site and exits out near to Pear Tree Lane, alleviating traffic on the stretch of School Lane that runs to the west of the site's boundary. The proposed development does not provide short cut roads through the area that could intensify the use of the existing network as a 'rat run'.
The roads in this vicinity are narrow and busy being used by some as a "rat run"	
Further gridlock the roads	
Pressure on the existing infrastructure will be exacerbated.	
When the sand quarry lurches into production the situation will be immovable.	The transport assessment submitted with the proposed development demonstrates that the existing road infrastructure will operate well within capacity should this development come forward.
There is very little public transport in the immediate area of proposed development therefore extra traffic is inevitable.	Euxton Lane provides access to a variety of bus services and is only a five-minute walk from the proposed development.
The proposed access is inappropriate	The two proposed points of access have been informed by both the Transport Assessment and further discussions with the Highways. The proposed road network has been deemed satisfactory by the relevant consultees and implemented to ensure the effects of the access from School Lane are mitigated.
The site entry points are the worst positions they could have chosen and are totally unsafe.	
The access point is also on a blind bend	
The proposal fails to properly address the issue of rights of way.	The development proposal links in to the existing public right of way network by providing a pedestrian access point opposite the footpath currently ending on section of School Lane to the north of the proposed development, linking the site with Euxton Lane through the Rowland Homes development.
The lanes are getting very dangerous for local walkers and cyclists due to the increase in traffic already.	The safety of the local road network for pedestrians and cyclists has been assessed and reviewed by the highway's authority. No issues have been raised that the proposed development would cause a detrimental safety impact.
Any increase in the traffic flow along an un-widened Pear Tree Lane is going to be very dangerous.	The planning case officer agreed with Gladman that there was no further widening of Pear Tree Lane necessary in order to accommodate the traffic generated by the appeal proposals
<b>Services and Facilities</b>	

Demand for school places, dentist, GP in surrounding area will also be negatively affected.	The NHS website suggests that the Euxton Dental Clinic and Euxton Medical Centre are currently accepting new patients. It is noted that the education authority has asked for contributions to ensure sufficient primary school places are available. Gladman is willing to make a CIL compliant contribution.
Schools are already full to capacity.	
There are not enough facilities to accommodate any more houses in this area	
GP surgeries are at breaking point and completely full	
It is all very well promising some funds towards expanding facilities, but the recruitment of resources takes time.	It is the responsibility of the local authority/ NHS to determine the best use for received contributions, as well as applicable timeframes for delivery. Gladman is willing to deliver the requested contributions on a timescale appropriate for the proposed development.
No additional amenities have been added thus far in spite of recent developments	The proposed development is within walking distance of the facilities and services spanning the breadth of Euxton Lane. Euxton has been identified as a rural service centre capable of providing for the developments currently proposed within the area.
<b>Ecology</b>	
This application does nothing to protect and preserve the rich diversity of animals and trees of the area.	The framework design of this development retains the majority of trees and hedgerows to ensure the on-site ecosystem is properly preserved. To this effect, the 13 trees with bat roosting potential have been incorporated into the development. Further additional planting will provide an opportunity for net biodiversity gains on site.
Destruction of rare and protected animal species habitats	The ecological appraisal for the proposed development did not identify any rare or protected species on this site. However best practice guidelines have been considered to ensure that no adverse impact on local ecology occurs.
There are stoats, bats, foxes, hedgehogs and rare birds that need safeguarding in their natural habitat.	
<b>Environmental Impacts</b>	
Damage to the environment by removing more green land in the area.	The proposed development has been carefully designed to minimise environmental harm. Sustainable provisions have been discussed as part of this development and the relevant consultees have determined that this development meets the necessary environmental standards, weighted by the fact that climate concerns must be addressed.
Exacerbating environmental problems while under the threat of climate change	
Air and noise pollution from vehicles have increased significantly in the area and continues to increase as houses are built and sold on the current development between Pear Tree Lane and School Lane. This application will significantly compound the problem.	The officers have confirmed that they are satisfied with the findings of both the air quality and noise assessments for this proposed development.
<b>Flooding and Drainage</b>	

Surface water run-off insufficiently considered.	The on-site surface water run-off provision has been set out as part of the Flood Risk Assessment submitted with this application. Both an attenuation basin and an attenuation pipe are being provided as part of this development. The proposed solutions have also been deemed sufficient by the Lead Local Flood Authority.
The sewage connection is totally undersized	The foul drainage connections will be built to the standards set out by United Utilities.
<b>Landscape, Character and Appearance</b>	
The limited landscaping and public open space within this proposed development leads to a loss of green space for both the public and local wildlife.	The proposed development enhances the walkability of previously inaccessible land, via new public rights of way. Provisions have also been made for the inclusion of on-site public open space, woodland enhancement and strategic planting. The proposals are tailored to the character and appearance of the area and allow for the natural expansion of the urban form without harm to the existing settlement.
More houses lead to an increase in crime.	Lancashire Constabulary have commented on the application and have raised no objection to this development. The guidance offered in their response will be considered in order to comply with Building Regulations ahead of construction.
<b>Location</b>	
This land is supposed to be safeguarded land This land between Pear Tree Lane and School Lane is safeguarded and is not scheduled for development during the lifetime of the current Chorley Local Plan, which is approved and in place and covers the period up to 2026.	The land on which the development is proposed is safeguarded to be released for the purpose of residential development. The proposal is in line with the underlying objective of the safeguarded allocation.  With the standard methodology for calculating local housing need, Chorley cannot demonstrate a supply of housing to carry them over the next five-year period. Further provisions must be considered, and the release of safeguarded locations for housing is the logical means of meeting the local housing requirement. Releasing this site for development now will help Chorley meet current housing need.
The application if successful would prejudice the Green Belt. There is no other safeguarded land within Euxton and therefore the Green Belt would be under considerable pressure.	Future housing development must be assessed after current housing requirements have been met. The green belt surrounding Euxton is a protected area. Removal of land from the green belt can only be done by review within the council.

<b>Housing Need</b>	
There has already been a substantial new development on Euxton Lane.	Euxton is a sustainable location for development that is capable of contributing to the supply of housing for Chorley. The provision of additional housing does not undermine the sustainability of the local area, subject to provision of an education contribution.
The idea that there is a shortage of local housing is preposterous given the level of new builds within a 5-mile radius	
Chorley (via development in Euxton and Buckshaw) has met its housing obligations until 2026.	The housing obligations provisioned within the adopted core strategy are expressed as a minimum target to be attained by the Joint Authorities. Chorley are unable to demonstrate a five year housing land supply and therefore local plan housing policies are considered out of date and there is a presumption in favour of sustainable development.
Dispute the 30% affordable homes claim.	The socio-economic statement submitted with this application sets out the position to provide 30% affordable housing. A S106 unilateral undertaking will be made that upholds the affordable housing policy requirements for Chorley.
<b>Socio-economic Impacts</b>	
Affordable housing won't be affordable.	The proposed development will deliver affordable housing in line with the national definition and local specifications of what constitutes affordable homes.
The £5m figure of benefits they have been quoting is nonsense.	<p>The Socio-economic Statement submitted with this application sets out the methodology behind the proposed costs and benefits that this development will provide. The gross value added by the site takes into account regional differences in construction as well as the range of local employment opportunities.</p> <p>Taking into account all relevant factors, this development is capable of providing £6.1m in economic benefits over the build period.</p>
<b>Design</b>	
By building further houses the privacy of the properties in the area are being stripped away.	The site is bounded by trees and existing dwellings on along the majority of the existing road network. The privacy of the properties that overlook the site from School Lane can be maintained through design at the Reserved Matters stage of application.
Insufficient mitigation relating to the effect on a heritage asset.	A large portion of open space has been provided along the northern edge of the site to ensure that the views from Houghton Farm House to the northeast can be maintained. The harm from the site on this heritage has been deemed to be less than substantial and no objection has been raised over the course of this application.

<b>Application Process</b>	
<p>The granting of planning permission would cause a considerable loss of faith in, and the integrity of the planning system.</p>	<p>There is a national presumption in favour of sustainable development which applies where councils are unable to demonstrate their five year housing land supply, as is the case in Chorley. Local plans should be up to date and where a 5 year supply cannot be demonstrated, the plan is considered out-of-date.</p>
<p>This application has already been rejected once.</p>	<p>There has been a change in national policy with regard to safeguarded land since the previous appeal decision. The presumption in favour of sustainable development is no longer disengaged on safeguarded land, in recognition of the fact that land safeguarded for housing is a logical location for development when councils are unable to meet their five year housing need.</p>
<p>There is currently an on-going process to nominate future sites for development allocation for 2026 onwards which this site could apply through.</p>	<p>This site has been allocated under Policy BNE3.9 of the Chorley Local Plan as safeguarded land for development. Gladman have, and will continue to, promote the site for housing allocation through the emerging local plan alongside this appeal.</p>