

APPLICATION REPORT – 20/01193/OUTMAJ

Validation Date: 6 November 2020

Ward: Eccleston And Mawdesley

Type of Application: Major Outline Planning

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

Location: Land South of Parr Lane Eccleston

Case Officer: Adele Hayes

Applicant: Metacre Ltd, C/o Agent

Agent: De Pol Associates Ltd

Consultation expiry: 2 February 2021

Decision due by: 31 March 2021

RECOMMENDATION

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

SITE DESCRIPTION

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

DESCRIPTION OF PROPOSED DEVELOPMENT

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

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

REPRESENTATIONS

5. 2no. letters of support has been received which makes the following comments:

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

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

Principle

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

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

Highway safety

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

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

Ecology and landscape

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

Drainage and flooding

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

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

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

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

Amenity

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

Other

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

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

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

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

CONSULTATIONS

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

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

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

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

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

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

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

PLANNING CONSIDERATIONS

Principle of development

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

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

33. Policy BNE3 is in accordance with paragraph 139 of the National Planning Policy Framework (The Framework) (February 2019) which states that local planning authorities should c) “where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer term development needs stretching well beyond the plan period” and d) “make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development”.

Other material considerations

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

needs stretching well beyond the plan period. It further states that Local Authorities “should make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development”.

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

Housing land supply

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

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

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

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

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

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

The Memorandum of Understanding

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

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

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

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

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

Preston Withdrawal from the MOU

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

Chain House Lane, Whitestake, Preston Judgement 21 August 2020

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

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

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

81. The Inspector concluded the following:

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

Para 24 “...Paragraph 73 of the Framework requires that local planning authorities (LPA) should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need (LHN) where the strategic policies are more than five years old. Footnote 37 of the Framework indicates that where strategic policies have been reviewed and found not to require updating they should still be used as a basis for the housing requirement even if they are more than five years old”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Summary - the tilted balance

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

Emerging Central Lancashire Local Plan

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

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

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

Central Lancashire Local Plan: Site Assessment work

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

Impact on ecological interests

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

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

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

Highway safety

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

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

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

Impact on the character and appearance of the area

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

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

Amenity

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

Drainage and flood risk

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

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

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

Affordable housing

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

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

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

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

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

139. However, the Framework requires that affordable housing should only be sought for residential developments that are major developments (10 or more dwellings). The affordable housing threshold in rural areas of 5 dwellings in Core Strategy Policy 7 has, therefore, now been replaced by the Framework threshold of 10 dwellings.

140. In accordance with Core Strategy Policy 7, 35% of the dwellings are required to be affordable. This equates to 12 dwellings. 70% (8) of these should be social rented and 30% (4) should be shared ownership.

141. The applicant is proposing 30% affordable housing which is not in accordance with Core Strategy Policy 7 which requires 35% affordable housing provision in rural areas.

142. The house types to be provided will be determined at the reserved matters stage.

143. Affordable housing would need to be secured through a Section 106 legal agreement if the application was approved.

Public open space

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

Amenity Greenspace:

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

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

Provision for children/young people:

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

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

Parks and Gardens:

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

Natural and Semi-Natural Greenspace:

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

Allotments:

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

Playing Pitches:

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

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

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

Sustainability

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

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

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

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

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

Education

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

Employment skills provision

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

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

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

Benefits of the scheme

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

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

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

Social

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

Environmental

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

Economic

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

Community Infrastructure Levy (CIL)

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

CONCLUSION

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

RELEVANT HISTORY OF THE SITE

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

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