

APPLICATION REPORT – 20/01331/OUTMAJ

Validation Date: 9 December 2020

Ward: Eccleston And Mawdesley

Type of Application: Major Outline Planning

Proposal: Outline planning 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)

Location: Land at Tincklers Lane Tincklers Lane Eccleston

Case Officer: Adele Hayes

Applicant: Mr Robin Buckley, Redrow Homes Ltd

Agent: Graham Trehwella, Cass Associates

Consultation expiry: 2 February 2021

Decision due by: 10 March 2021

BACKGROUND

1. This application was submitted and made valid as of 9 December 2020, with the thirteen week target period for determination ending on the 10 March 2021. After this time period, applicants do have the opportunity to appeal for non-determination however it is rare that this happens. It is standard practice to assess and aim to make recommendations on applications within 8 and 13-week periods unless a longer period is agreed in writing with the applicant. In this case the applicant has not provided a formal response to the requests of the local planning authority to extend the time period.
2. No formal decision has yet been made in relation to this application and the applicant has sought to appeal against non-determination of the application.
3. The appeal for non-determination was received on the 1 April 2021 and upon receipt no further work will be carried out in relation to dealing with the planning application. Once the appeal has been formally started by the Planning Inspectorate, all those persons who were notified or consulted about the application, and any other interested persons who made representations regarding the application will be written to and advised that the appeal has been made.
4. The appellant has requested that the appeal be considered under the Inquiry procedure. Having regard to the nature of this application and the level of objections this would be appropriate.
5. In cases of non-determination appeals, it is important to gauge the views of the Planning Committee. This report will partially form the basis of the Council's Statement of Case in regards to the appeal.

RECOMMENDATION

6. That Members confirm that they would have been minded to refuse the application 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 seeks to provide 30% affordable housing; however, the policy requirement is 35%. The proposal is, therefore, contrary to the Central Lancashire adopted Core Strategy 2012 Policy 7 and the Central Lancashire Core Strategy Affordable Housing Supplementary Planning Document.
- 3) The application site is proposed in isolation from the wider site allocation BNE3.7 of the Chorley Local Plan 2012 -2026 and, therefore, leads to a piecemeal approach to the development of the wider site which results in an unsustainable form of development. It fails to consider patterns of movement and connectivity which means that the development does not integrate or function well with the surrounding area. The proposal does not, therefore, promote sustainable transport options for people or secure a high-quality inclusive design. The proposal is contrary to policy 17 of the Central Lancashire Core Strategy 2012, policy ST1 of the Chorley Local Plan 2012 – 2026 and the National Planning Policy Framework.
- 4) The application contains insufficient information to determine the presence or otherwise of great crested newts and, therefore, the impact of the proposed development on this protected species cannot be fully assessed. The application is, therefore, contrary to policy BNE9 of the Chorley Local Plan 2012 -2026.

SITE DESCRIPTION

7. The application site forms part of a wider parcel of land designated as Safeguarded Land under Chorley Local Plan 2012 – 2026 policy BNE3 (BNE3.7 East of Tincklers Lane, Eccleston). The site is located to the west of the settlement boundary of Eccleston which is a Rural Local Service Centre, as defined by policy 1 of the Central Lancashire Core Strategy. The site is comprised of agricultural land and covers an area of approximately 3.03 hectares.

DESCRIPTION OF PROPOSED DEVELOPMENT

8. The application is in outline form and proposes up to 80no. dwellinghouses, including the provision of a new access from Doctors Lane, to the southern edge of the site. All other matters are reserved.
9. The application suggests that there would be a mix of house types and sizes, of which 30% would be affordable units. The submitted indicative masterplan demonstrates one way in which the site could be developed and shows a housing layout arranged around a single spine road with two secondary roads and a number of private driveways.

REPRESENTATIONS

10. 1no. letter of support has been received which comments that there are three developments proposed in Eccleston which have been submitted in a small timeframe and that all three developments are proposed on safeguarded land and have been in the Local Plan for some years. Through the s106 process mitigation is requested for various infrastructure provisions.
11. 32no. representations, including a petition from the Doctors Lane Action Group, have been received citing the following summarised grounds of objection:

Principle

- The application site is for Safeguarded Land and does not address local needs
- There are no social, economic and environmental benefits to this proposed site
- The land is supposed to be protected
- Chorley has a 5 year housing land supply
- Future economic headwinds will impact on new household formation rates
- 1.3m foreign citizens have recently left the UK
- Affordable availability will return and excess housing supply such as this will represent malinvestment obliterating scarce green space
- Housing needs can be satisfied on brownfield sites such as East Lancashire and Park Hall
- How can there be a need for more houses when there are hundreds being built on the outskirts of Leyland
- There are two other development also in the application process in the village which must be considered at the same time
- Taken together the impacts are unacceptable
- There are more suitable brownfield sites such as Camelot without the need to develop on safeguarded greenfield land
- This part of Eccleston is a habitat for wildlife and the increased noise and light pollution would significantly affect this
- Approval for them all would (other schemes) represent a failure of the planning system and a failure by the Council to protect the interests of local people by making more appropriate sites available
- There have been many developments that slowly but surely have spoilt the look and feel of what is supposed to be a village
- Anchorfields, the old Pontins site, the Carrington centre, and most recently the collection of very expensive houses at the top of Tinklers Lane to name just a few
- Recently received a flyer from Chorley Council stating that the Government has reviewed figures for the annual supply of housing, the new target for the whole of South Ribble is 191 houses
- This site including the other two currently being proposed in Eccleston would account for 129 in this village alone
- In addition on this flyer the council states that it has received housing applications in Eccleston and that this "is land that has been previously agreed is not suitable for development now"
- Contrary to policy BNE3

Highway safety

- Doctors Lane at the point of this land is a narrow rural road, with no footway after the entrance to the cricket club, in a westerly direction and no street lighting from Banner Close in a westerly direction
- This proposed development is on the opposite side of the lane with no footway or street lighting
- The speed limit past the proposed development is 60mph, until just before the entrance to Banner Close where it reduces to 30mph
- Doctors Lane is used by wide heavy farm machinery, cars, vans, trucks and bicycles
- The cricket club is opposite this proposed development and on match days cars use Doctors Lane to park their vehicles and these stretch beyond both the proposed pedestrian and vehicular entrance/exit, causing potential hazards for vehicles entering and exiting the proposed development
- There is also the junction at Tinklers Lane and Banner Close within a short distance of this planned vehicular entrance/exit and the cricket club
- Access to the school and doctors surgery will be severely impacted by overspill parking from the development onto Doctors Lane
- The potential pedestrian/cycle entrance/exit to Tinklers Lane is between 2 blind bends and next to an entrance/exit to an existing property, with traffic travelling on this narrow lane at speeds of up to 60mph

- There is no footway or street lighting at this point of Tincklers Lane and to add to the danger there is also a proposed vehicle entrance/exit within a short distance, in relation to another planning application ref 20/01085/OUTMAJ land at Tincklers Lane
- To gain access to the PROW on the opposite side of the lane, would mean crossing the lane, between 2 blind bends, which offer restricted views in both directions and would mean pedestrians walking a short distance in the road
- Public transport is very limited, and it does not pass through Doctors Lane/Tincklers Lane
- There would be a requirement to walk to the nearest bus stop and since there is only a limited footway and no street lighting, this would mean crossing the road in the dark to link up to the existing footway on Doctors Lane
- A long needed traffic calming extension on Doctors Lane would further reallocate trips from the proposed development onto the unsuitable Tincklers Lane corridor
- It is unsuitable to place the entrance to a housing development on this stretch of road before the junction with Tincklers Lane
- There is no footway after the entrance to the Cricket Club, and no street lighting
- At this juncture Doctors Lane is a narrow country lane
- Vehicles do travel at significant speed on this stretch of road in both directions and would pose a risk to vehicles emerging from the entrance to the development, and the entrance / exit to Tincklers Lane
- Both Doctors Lane and Tincklers Lane are frequently used throughout the year by heavy farming machinery, often vehicles that are wider than half the width of the carriageway
- Carrington Centre car park too small for all people using it
- Congestion at peak times leaving and coming into village
- Insufficient public transport
- Increasing the traffic, including during development, would significantly increase the air pollution and congestion as well as the risk level of that stretch of road
- Horrendous parking at school pick up/drop off – Lancashire CC have said single/double yellow not feasible – additional cars would add to problem

Infrastructure

- There are other applications under consideration in the village and if all were granted planning permission there would be an addition 129 homes in the village of Eccleston, which the infrastructure, roads, utilities, schools, doctors and very small shopping complex could not cope with
- The schools are oversubscribed
- There are long waits for a doctor's appointment
- There has been a decrease in amenities over the last 10 years
- Eccleston services and amenities are not index linked to population
- Capacity limitations exist for education, medical and retail facilities
- The village has been failed by the local development plan, designated as a larger village with scaled-back smaller village facilities
- A large developer levy would be needed to improve the village facilities up to small town standards to reflect the increased settlement size
- It will put a further strain on water, gas and electric supplies and bin collections

Ecology and landscape

- The land is a habitat for protected species: bats and barn owls roost in the trees, hedgehogs live and forage here and birds roost and nest in the hedgerows
- There are numerous birds which nest in the trees and hedges and various raptors including buzzards and sparrowhawks, also occasional visits from woodpeckers
- Great crested newts have been observed in the vicinity of the existing site pond - they legal require protection and their welfare is paramount
- At night bats, owls and foxes can be heard
- Behind no 109 The Hawthorns there is a pond not shown on the plan which unfortunately has been used as a dumping ground for field maintenance in past years

- In the 70s and 80s this pond, bordered by bulrushes, was full of wildlife - crested newts, moor hens, frogs and water rats besides the numerous water insects
- In wet weather the pond reappears - it has been there for a month so far this winter, and the whole field has reeds growing because the water table is so high
- Copse viewed from Doctors Lane has a pond habitat used by water birds and mammals
- Bank vole living in ditches
- Ecology report makes no attempt to show what impact construction would have on the site

Drainage and flooding

- The site already has a pond which is liable to flooding during heavy rainfall
- In relation to surface water drainage from the site, this would need to be considered in relation to the existing application at Tincklers Lane, where it appears that they propose to discharge surface water into a ditch south of their site - this said ditch is in a poor state with little or no maintenance for most of its length, until it reaches Sydbrook
- The drainage strategy has not been thought through as the soil composition is mainly clay so the proposal to sue a soakaway is not feasible
- Upstream the ditch is adjacent to the boundary of Banner Close - this ditch takes most of the surface water drainage, from a large part of Eccleston
- During heavy downpours the mini roundabout on Doctors Lane, adjacent to Cricketers Green heavily floods.
- On occasions flooding has occurred in Banner Close and on Doctors Lane
- Any discharge from this proposed site at those times will cause water to back up, resulting in extensive flooding in and around the Doctors Lane area
- Ultimately, this and any further developments will also add to the serious flooding issues in Croston
- Trees and hedges need to be retained and protected – they are invaluable in soaking up floodwater
- Several times in the year flooding occurs on Doctors Lane when the surface water drain is overloaded and the gullies and manholes overflow on Doctors Lane
- The flood water then runs into Banner Close and on occasions has flooded Banner Close to the extent that it overflows over the footway onto the field that is the subject of the application.
- This field acts as a flood plain for the Doctors Lane and Banner Close area and any future development would have serious consequences for existing residents
- Is the ditch to remain, if it is where will the liability for the upkeep lie after development.
- Have detailed plans been submitted as to what will be on the developers side of the ditch
- Will the gardens of the houses be up to the ditch or will there be a waste ground area
- The free running of the ditch is important to stop flooding of the gardens of our houses should the ditch overflow

Amenity

- The proposal will have a detrimental impact on the properties on The Hawthorns, Banner Close and Doctors Lane by blocking sun and overlooking them
- The density of the site is not in keeping with the peripheral village location with isolated dwellings along Tinckler Lane
- Fact that the development will have to be raised by a minimum of 0.70 metres to make the drainage scheme work
- Will have a profound effect on the residents of The Hawthorns and a devastating impact on properties in terms of privacy and natural light
- Raising the development will have a negative effect on residents of Banner Close and The Hawthorns that border the development - both my house and that of another neighbour on Banner Close will be affected in terms of our privacy and access to natural light as the proposed houses will tower over our properties, thereby affecting our quality of life due to the reduced light and privacy, not to mention the devaluation of our properties

Other

- The noise will be horrendous albeit not permanent will spoil anybody wanting to sit out in the garden
- The cricket club is sometimes used for entertainment and social functions and the noise coming from its patrons is very loud and carries on until late in the evening
- There is also a lot of noise/shouting from said patrons when leaving the establishment to walk home
- It is prime agricultural land needed for food production
- Ecclestone is already losing its identity and feel of a village community
- Our property borders the field in question and is somewhat higher than the field
- Land slip towards the field has caused damage to properties in the past with regard to outbuildings and pathways
- Any excavations nearby will only exacerbate this problem unless steps are taken to prevent it
- Together with the adjacent application it would represent more than a 10% increase in the number of dwelling in Ecclestone
- There is no evidence for a local need for development on this large scale
- A recent development of affordable flats has struggled to sell
- The boundary marked on The Hawthorns side is not a straight line as indicated
- The rural feel and appearance of this historic entrance to the village would be completely ruined
- The planning system should not just be a vehicle to line the pockets of developers who already make massive profits from Government schemes (such as Help To Buy) and walk away from their responsibilities from the cladding scandal
- Many residents purchased the properties of The Hawthorns and Banner Close at a premium price simply because of the open aspects
- Building on these fields will take this all away.
- It will have a huge impact on the quality of people's lives
- Privacy will be lost
- Sunlight will be blocked
- The peace and tranquility that is cherished will be gone
- Not to mention the decrease in value to their property
- Additional people would be disastrous for village when no investment has been made in facilities

CONSULTATIONS

12. Ecclestone Parish Council have commented as follows:

"This application, together with application 20/01085/OUTMAJ - Outline application for the construction of up to 15 dwellings on Land off Tincklers Lane and 20/01193/OUTMAJ - Outline application (with all matters reserved) for the development of land off Parr Lane, Ecclestone for up to 34 dwellings and associated infrastructure (including 30% affordable housing) on Land South of Parr Lane will, if approved, represent a total of 129 new properties in the village, the majority of which will be family homes. This represents an increase of over 6% in the number of village properties.

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 traffic generated by the 80 properties accessing the development from Doctors Lane will have an adverse impact on air quality in the immediate vicinity of Ecclestone Primary School.

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 air quality in the vicinity of a primary school. The Parish Council would also request the cumulative impact of the 3 applications is taken into account during the deliberations".

13. Lancashire Constabulary Architectural Liaison: Make a number of recommendations in relation to designing out crime.
14. Environment Agency: No comments have been received.
15. Greater Manchester Ecology Unit: Advise that there is insufficient survey effort in relation to great crested newts.
16. Waste & Contaminated Land: No comments have been received.
17. Regulatory Services - Environmental Health: Have no and recommend a 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.
18. United Utilities: Have no objection. Recommend a condition to secure details of a sustainable surface water drainage scheme and a foul water drainage. United Utilities also advise that a public sewer crosses this site and that they may not permit building over it, it should be established if a sewer diversion is feasible.
19. Lancashire Fire and Rescue Service: No comments have been received.
20. Lancashire County Council Highway Services: No objection, conditions advised and mitigation required.
21. Lancashire County Council Education: Request a financial contribution for secondary school places.
22. Lead Local Flood Authority: raise no objections but recommend a number of drainage conditions. An informative is recommended in relation to the requirement for a Land Drainage Consent
23. NHS: No comments have been received.
24. 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

25. 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.
26. The Development Plan comprises the adopted Central Lancashire Core Strategy (2012) and the adopted Chorley Local Plan 2012- 2026.
27. 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).
28. 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.
29. 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
30. 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.
 31. 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.
 32. 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.
 33. The application seeks outline planning permission for up to 80no. dwellings on approximately 3 hectares of land. The site is adjacent to the settlement area of Eccleston 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 BNE3.7 East of Tincklers Lane, Eccleston.
 34. 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 DC3.14
 35. 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).
 36. 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.
 37. 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

38. 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

39. 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).
40. 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:
 - a. 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
 - b. 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.
41. 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.
42. Paragraph 59 of the Framework confirms the Government's objective of significantly boosting the supply of homes.
43. Paragraph 60 of the Framework reinforces that requirements represent the minimum number of homes needed.
44. 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.
45. 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".
46. 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.

47. 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 3 hectares whilst the overall safeguarded site BNE3.7 is 5.66 hectares. 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

48. 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.
49. 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.
50. The piecemeal development of this area of safeguarded land prevents the whole allocation being masterplanned and does not allow for infrastructure and services to keep up.
51. 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)

52. 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.
53. 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”.
54. The main issues in the appeal were:
- 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;
 - 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.

55. In respect of the Five Year Housing Supply, the Inspector concluded:
56. 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".
57. 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".
58. In respect of the most important development plan policies the Inspector concluded:
59. 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".
60. 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".
61. In respect of Policy 1 the Inspector at para 47 states:
62. "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".
63. In respect of Policy BNE3 the Inspector concluded:
64. 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".
65. 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".
66. 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".

67. 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

68. 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.
69. 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'.
70. 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.
71. 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.
72. 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 |
73. The Inspector for the Pear Tree Lane Inquiry considered the MOU and stated:
74. 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".

75. 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”.
76. 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”.
77. 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.”
78. In conclusion the Inspector stated:
79. 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’ “.
80. 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”.
81. 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”.
82. 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

83. 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

84. 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)

85. The appeal was allowed and planning permission granted. The Inspector identified four main issues of which two had implications for Chorley. These are:

1. 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,
2. 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.

86. 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.

87. 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

88. 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.
89. 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.
90. Taking account of the Cardwell decision para 42 relating to Preston's housing supply the calculation for Chorley is:
91. 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.
92. The tilted balance is not, therefore, engaged.

Emerging Central Lancashire Local Plan

93. 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.
94. 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.
95. The wider safeguarded area BNE3.7 was included in the Issues and Options consultation for the CLLP under site reference 19C262x. There were 3 nominations to the Call for Sites on this area of safeguarded land which together make up 19C262x. Public consultation on this document was carried out between November 2019 to February 2020.

96. This planning application is for a proposed residential development of the southern area of the safeguarded area. The wider safeguarded area will be considered as part of development of the Central Lancashire Local Plan, which will allow for the future of the safeguarded area to be considered as a whole. This will allow for all necessary infrastructure provision to be considered as part of the wider area.

Central Lancashire Local Plan: Site Assessment work

97. 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).
98. 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.
99. 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.
100. 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.
101. 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.
102. 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.
103. 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

104. *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.*
105. The application is accompanied by an Ecological Survey and Assessment which was carried out between September and October 2020. The submitted report presents the results of a desktop study and data search, an extended Phase 1 Habitat Survey, Great Crested Newt environmental DNA (eDNA) presence / absence and netting surveys at Pond 1 and a water vole presence / absence survey carried out between September and October 2020.

106. In respect of bats, the report advises that the habitats at the site are suitable for use by foraging and commuting bats with 6no. oak trees at the site being identified as having low suitability for roosting bats. The report recognises that trees, hedgerows, shrubs, pond 1 and the ditch are all habitats at the site which are likely to contribute to a wider foraging network for bats. Any loss would need to be mitigated.
107. The report identifies that the existing hedgerows are Priority Habitat and that Hedgerow 2 (located to the north of the site) qualifies as 'important' in accordance with The Hedgerows Regulations 1997.
108. It should be noted that the application does not seek to remove any trees, however any reserved matters should be accompanied by an Arboricultural Impact Assessment, including Method Statement and Tree Protection Plan.
109. A number of ponds are located within 500 metres of the site, with pond 1 being located within the application site.
110. On 21st October 2020 eDNA surveys were carried out at pond 1, with larvae netting of the pond carried out on 5th October 2020. No great crested newts or larvae was found during netting and the eDNA sampling returned negative results. The report does, however, recognise that these were conducted outside the recognised survey period for the detection of great crested newts and recognises that, in the absence of other presence/absence survey methods, it is not conclusive evidence of absence.
111. Greater Manchester Ecology Unit (GMEU) have assessed the submitted report and advise that there is lack of survey effort in relation to great crested newts. They advise that the protocol for great crested newt surveys is long standing and that the acceptable survey methodology and season for surveying for this species is well defined, which needs to be followed to demonstrate that sufficient survey effort. This methodology has not been followed, with surveys (eDNA and larvae netting) undertaken in October 2020 (the accepted survey window for eDNA surveys is 15th-April – 30th June).
112. GMEU do not consider that sufficient survey data has been submitted in order for the Local Planning Authority to fully assess the impact of the proposals on great crested newts and advise that survey work on all ponds within 250m of the scheme which have ecological connectivity to the scheme, is required.
113. The application contains insufficient information to determine the presence or otherwise of Great Crested Newts and, therefore, the impact of the proposed development on this protected species cannot be fully assessed as material consideration in the determination of the application. The application is contrary to Chorley Local Plan 2012 -2026 policy BNE9

Highway safety

114. *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.*
115. *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.

116. The application is in outline form but includes access as a detailed matter. The application is accompanied by a Transport Statement which provides a proposed access layout at Appendix D, including swept path analysis. The application proposes a single vehicular access to Doctors Lane to the south, which would serve the site.
117. A footway is proposed to a section of the frontage of Doctors Lane to the south east of the site. This would be 5.5 metres wide with 6 metres corner radii with visibility splays of 2.4 metres x 83.0 metres to the east and 2.4 metres x 81.0 metres to the west. The visibility splays are based on the 85th percentile speeds and LCC Highways (LCC) advise that they are in line with the recommendation of the Manual for Streets (MfS) and as such are acceptable to LCC.
118. The submitted Transport Assessment includes a swept path analysis produced using an 11.2 metre long by 2.53 metre wide refuse vehicle to demonstrate if the proposed site access can safely be negotiated by such large vehicles. LCC Highways advise that the 6.0 metre radii is acceptable as tighter corner radii help to reduce speeds of turning traffic and make crossing movements easier and safer for pedestrians and cyclists; and that with the proposed access width of 5.5 metres, such long/large vehicles should be able to safely negotiate the junction. It is, therefore, considered that a safe access to the site has been demonstrated.
119. It should, however, be noted that the indicative access plan and illustrative masterplan indicate a private driveway access from Doctors Lane to serve a number of proposed dwellings, however, full details of this additional access has not provided as part of this submission, nor has it been demonstrated that it can be safely accommodated. It is important to note that this is not part of the access detail currently being considered.
120. Patterns of movement, connectivity and linkages are a key element in achieving a high quality residential development to promote sustainable transport options for people. In this context, the Framework is clear that applications for development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and also that that proposals should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards. This is reinforced in policy ST1 of the Chorley Local Plan 2012 -2026 which expects proposals to provide facilities for pedestrians to access, on foot, nearby services and amenities.
121. Manual for Streets recommends that footways should normally be provided where pedestrians are likely to be present in significant numbers, to create an environment in which they can walk, or stop and chat, without feeling intimidated by motor traffic and to make it easier for them to move around.
122. The submitted indicative access plan provides pedestrian/cyclist connections from the development at three locations, namely north east of the site to The Hawthorns, north west to the U700 Tincklers Lane and south east to Doctors Lane to ensure local services and amenities on Doctors Lane and The Green can be reached on foot and by cycling. LCC advise that the northwest link would facilitate access to and from Towngate following the delivery of a footway that they have required as part of application 20/01085/OUTMAJ which is situated immediately north of the site (part of the BNE3.7 allocation) and is currently being considered. It should, however, be noted that although LCC Highways have requested a footway to Tincklers Lane as part of 20/01085/OUTMAJ this has not been secured. Accordingly, this cannot be relied upon as a pedestrian route to facilitate access to and from Towngate as part of this current application. The identified pedestrian/cyclist link to the northwest would lead to Tincklers Lane which has no footways in this location and, therefore, cannot be considered as a safe or feasible access to facilities to the north via Towngate. In addition, the illustrative masterplan appears to obstruct this proposed pedestrian/cyclist access due to the layout and proposed rear gardens in this area.

Notwithstanding this, the indicative access plan shows a future road link to the site to the north, however, planning application 20/01085/OUTMAJ makes no provision for this connection as the application has been proposed in isolation.

123. Other proposed routes as shown on the indicative access plan also appear to conflict with the submitted illustrative masterplan, in particular the access to the Hawthorns is obstructed by rear gardens and a link is not shown on this plan. In addition, the potential future link road to the west of the site is not secured as this land to the west forms part of the wider BNE3.7 allocation and has not been considered as a comprehensive masterplan of the site as a whole.
124. It is considered that the application has failed to fully consider patterns of movement and connectivity and has been put forward in isolation without a masterplanned approach to the wider site, which means that the development does not fully promote sustainable transport options for people. This is contrary to policy ST1 of the Chorley Local Plan 2012 – 2026 and the National Planning Policy Framework at chapter 9.
125. In respect of the traffic forecast contained within the Transport Assessment, LCC Highways advise that the traffic flows do not take into account planning application 20/01085/OUTMAJ (15no. dwellings at Tincklers Lane) or planning application 20/01193/OUTMAJ (23no. dwellings at Parr Lane). LCC advises that as the assessment will not be robust without taking into account the committed developments, this aspect of the assessment will need to be revisited. It should, however, be noted that LCC do not raise an objection in relation to this.
126. In respect of trip generation, LCC Highways make the following points:

Vehicle trips

That LCC Highways provided the applicant trip rates (shown in paragraph 6.3.1 of the TA) for use to assess the trip demand of the proposed development. When applied to the proposed 80 dwellings, the assessment shows that the development will generate 47 and 53 two-way trips respectively during AM and PM peak periods. This is considered robust when compared to trips to be generated based on trip rates from TRICS, which shows that the development will generate 38 and 39 two-way trips respectively during AM and PM peak periods.

Multi-modal trips

That the applicant has established the travel characteristics of the proposed development based on a multi-modal assessment that identifies the number of person trips by mode. Using journey to work data from the 2011 Census, it is predicted that the proposed development will generate 57 and 65 total person trips respectively in the AM and PM peak periods. Of the total person trips, 82.6% will travel by car generating 47 and 53 trips respectively in the AM and PM peaks, 5.8% will travel as car passengers generating 3 and 4 trips in the AM and PM peaks, while 5.7% will walk generating 3 and 4 trips in the AM and PM peaks. The other travel modes as listed on Table 6.3 (paragraph 6.4.3) of the Transport Assessment will generate single trips during the peak periods

127. In respect of trip distribution, LCC advise that the routes traffic associated with the proposed development might take are predicted based on journey to work 2011 Census data to allow the impact on key junctions to be assessed. They state that the applicant predicts that during peak periods, 30.6 % of trips generated by the proposed development will head south of The Green towards Wigan. 57.9% will travel in the north direction of the U700 Tincklers Lane towards Preston and Chorley North with the remaining 11.5% travelling south towards on the C192 Tincklers Lane towards Croston, Bretherton and West Lancashire. The calculation of the distribution is on shown in appendix G of the TA. The development trips were then added to the 2025 baseline flows (without development flows) to obtain the 2025 (with development flows) as shown on the flow diagrams in appendix H of the TA which also shows the traffic flows at the proposed site access.

128. LCC Highways advise that the trip distribution on Table 6.4, paragraph 6.5.3 of the TA shows that the proposed development will not result in an unacceptable increase in traffic at Tincklers Lane/Towngate and The Green/Doctors Lane; and although there would be some increased traffic at Tincklers Lane/Doctors Lane during AM and PM peaks, the level of increase is not high and delays and queues do not currently occur at the junction, therefore, traffic impact mitigation measures for Tincklers Lane/Doctors Lane and the junctions of Tincklers Lane and Towngate; and The Green/Doctors Lane will not be required.
129. LCC also advise that the applicant has provided PICADY modelling of the proposed site access to assess its capacity and potential operational issues. The result of the assessment as provided on Table 6.5, paragraph 6.6.9 of the TA shows that in the future year of 2025 with development, the site access will operate well within capacity with maximum RFC value of 0.09 and minimal queues.
130. A number of mitigation measures are set out in the LCC response, some of which are set out in the submitted Transport Assessment. LCC also require a footway to the south side of Doctors Lane due to potential cumulative impacts of the other developments. Any highway improvements would be subject to a s278 agreement with Lancashire County Council and could be secured by way of condition if the application was approved. The provision of the internal footway to Doctors Lane could also be dealt with by way of condition.
131. 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.
132. Detailed internal site layout would need to be in line with principles of Manual for Streets, in addition to other requirements such as footway provision, turning heads to adoptable standards and proven with swept path analysis to demonstrate safe turning of refuse and service vehicles. This would be dealt with at reserved matters stage.

Impact on the character and appearance of the area

133. *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.*
134. *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.*
135. *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.*

136. The application seeks outline planning permission for up to 80no.dwellings, with the illustrative masterplan showing a housing layout arranged around a single spine road with two secondary roads and a number of private driveways. Access is a detailed matter and is proposed from Doctors Lane to the south of the site and any layout would follow from this defined single access point.
137. When considering any development proposal, the Council must be mindful of the National Planning Policy Framework (The Framework) that states that the Government attaches great importance to the design of the built environment and good design is a key aspect of sustainable development. The Framework also states that planning policies and decisions should aim to ensure that developments (amongst other things) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
138. Chorley Council plans positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes and seeks to create well-mixed and integrated developments which avoid segregation and have well-planned public spaces that bring people together and provide opportunities for physical activity and recreation. The provision of connective footpaths and pedestrian permeability through the wider site is an important aspiration for the development of the site when considering the acceptability of the principle of the development.
139. The application is accompanied by a submitted illustrative masterplan which fails to achieve this aspiration as it does not consider the wider site allocation as a whole, but provides a piecemeal and disjointed approach to the proposal and the wider site. The Council would expect a comprehensive masterplan.

Amenity

140. *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.*
141. The application proposes up to 80no. dwellings on land adjacent to existing residential properties, the majority of which back on to the site, although several do front the site. The submitted plan shows an indicative layout, although this is not for approval at this stage. Any reserved matters application would need to ensure that the amenity afforded to all neighbouring residential properties is safeguarded from any adverse impacts such as overlooking, overbearing impacts and loss of light. In addition, any proposal would need to ensure acceptable living conditions for future occupiers.
142. 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.

Drainage and flood risk

143. *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.*
144. The site lies in Flood Zone 1, as defined by the Environment Agency Flood Maps for Planning. Flood Zone 1 has the lowest probability of flooding (from rivers or sea) and residential development is appropriate in flood zone 1 in terms of the flood risk vulnerability classification as set out in the Planning Practice Guidance at Table 3.

145. The application is accompanied by A Flood Risk Assessment and Drainage Strategy which has been assessed by United Utilities and the Lead Local Flood Authority (LLFA).
146. United Utilities advise that a public sewer crosses the site and that they may not permit building over it or alternatively it would be necessary to establish if a sewer diversion is feasible. Ultimately, this would inform the layout of the site, however, this is not for detailed consideration now
147. Both United Utilities and the LLFA raise no objection, but drainage conditions are recommended. Having regard to the advice obtained from these consultees, it is considered that satisfactory drainage of the proposed development could be secured by way of conditions.

Affordable housing

148. Core Strategy policy 7 sets down the approach to the delivery of affordable and special needs housing:
149. *“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.....”*
150. *“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.”*
151. 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.”*
152. 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.
153. In accordance with Core Strategy Policy 7, 35% of the dwellings are required to be affordable. This equates to 28 dwellings. 70% (20) of these should be social rented and 30% (8) should be shared ownership.
154. The applicant is proposing 30% affordable housing which is not in accordance with Core Strategy Policy 7.

Public open space

155. 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:

156. Local Plan Policy HS4A sets a standard of 0.73 hectares per 1,000 population.
157. 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 0.14016 hectares. A maintenance cost of £56,000 is also required for a 10 year period if private maintenance is not proposed.

Provision for children/young people:

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

159. There is currently a surplus of provision in Ecclestone 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:

160. There is no requirement to provide a new park or garden on-site within this development.

161. 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:

162. There is no requirement to provide new natural/semi natural greenspace on-site within this development.

163. 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 1669 Rear of Larkfield, Ecclestone), a contribution towards improving these sites is therefore required. The amount required is £557 per dwelling.

Allotments:

164. There is no requirement to provide allotment provision on site within this development.

165. 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:

166. 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.

167. The total financial contribution required from this development is as follows:

Amenity greenspace	= £56,000 (if private maintenance not proposed)
Equipped play area	= £0
Parks/Gardens	= £0
Natural/semi-natural	= £44,560
Allotments	= £0
Playing Pitches	= £127,920
Total	= £228,480

168. A financial contribution of £228,480 would be required and this would need to be secured through a Section 106 legal agreement if the application was approved.

Sustainability

169. 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.”

170. 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

171. 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.

172. 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.

173. The latest information available at this time is based upon the 2021 School Census and resulting projections. Based upon the latest assessment LCC would require a contribution for 12 secondary school places, however, no primary places are required.

174. Calculated at the current rates, this would result in a claim of:
12no. Secondary places: £276,741.00

175. This assessment represents the current position on 25th March 2021.

176. A financial contribution of £276,471.00 is required and this would need to be secured through a Section 106 legal agreement if the application was approved.

Employment skills provision

177. 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

178. 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

179. 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

180. 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."

181. 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.

Social

182. The provision of up to 56no. market homes could contribute to the Local Planning Authority's stock of affordable housing. The proposal is to deliver up to 24no. affordable dwellings. The separate comments on Affordable Housing say that 28no. dwellings are required to be affordable.

183. However, 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

184. The development proposal refers to the delivery of amenity greenspace and play facilities on the site (or, potentially, a contribution to improve off-site facilities). The developer considers that the approach to development layout will yield benefits such as the provision of a new, accessible amenity space. The provision of green infrastructure, open space and recreation facilities will be of moderate benefit however the provision of green infrastructure and open space is a policy requirement (HS4A) rather than a benefit of the proposal.

Economic

185. The 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. The proposals are likely to result in increased spend in the local area, however, this carries moderate weight.

186. 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 these attract moderate weight.

187. 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 and is, therefore, a neutral factor.

188. 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.

CIL

189. The developer refers to significant economic benefits and the potential for investment in infrastructure (through CIL payments and potentially through contributions secured by a planning obligation also weighs in favour of the proposed development.

190. A CIL payment is, however, non-negotiable for dwellings, which are not exempt. It is, therefore, a requirement as opposed to a benefit of the scheme.

Biodiversity Gain

191. The developer considers there is potential for improvements to biodiversity at the site through the incorporation of key natural features and through the enhancement of habitats such as those around the field pond. They consider that the approach to development layout will yield benefits such as the strengthening of natural assets such as hedgerows, water courses and the pond.

192. At this stage, it is considered that there is insufficient information contained within the application to demonstrate that there would be a net biodiversity gain from this development. For example, the presence or otherwise, of great crested newts has not been established and the development site potentially contains core terrestrial habitat which would be lost.

Connectivity

193. The developer considers that the approach to development layout will yield benefits such as better connections to the centre of Ecclestone.

194. The application has failed to take into account patterns of movement or demonstrate appropriate connectivity for people to access service and amenities in Ecclestone.

Community Infrastructure Levy (CIL)

195. 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

196. 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.

197. Furthermore 30% affordable housing is proposed however in accordance with Core Strategy Policy 7 35% affordable housing provision is required on this development.

198. The application also contains insufficient information to determine the presence or otherwise of great crested newts and, therefore, the impact of the proposed development on this protected species cannot be fully assessed as material consideration in the determination of the application.

199. In addition piecemeal development of this wider area of safeguarded land prevents the whole designation from being properly masterplanned in order to respond to the full impact of its development and achieve a suitable form of development, as this does not allow for infrastructure and services to keep up.

200. 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: 20/01085/OUTMAJ **Decision:** PCO **Decision Date:** Pending
Description: Outline application for the construction of up to 15no. dwellings (with all matters reserved save for access from Tincklers Lane)

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.