

## APPLICATION REPORT – 20/01200/OUTMAJ

**Validation Date: 9 November 2020**

**Ward: Adlington And Anderton**

**Type of Application: Major Outline Planning**

**Proposal: Outline application (specifying the access point) for the development of up to 25 dwellings and associated infrastructure (including 35% affordable housing)**

**Location: Land At Carrington Road Adlington**

**Case Officer: Adele Hayes**

**Applicant: Hollins Strategic Land**

**Agent: Paul Sedgwick, Sedgwick Associates**

**Consultation expiry: 2 February 2021**

**Decision due by: 31 March 2021**

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### RECOMMENDATION

1. It is recommended that the application is refused for the following reasons:
  - 1) The proposed development would be located within an area of Safeguarded Land as defined by the Chorley Local Plan 2012 - 2026. Chorley has a five year housing land supply as required by the National Planning Policy Framework. The proposal therefore conflicts with policy BNE3 of the Chorley Local Plan 2012 - 2026. It is not considered that there are material considerations put forward in favour of the development are sufficient to outweigh the presumption against it.
  - 2) The application site is proposed in isolation from the wider site allocation BNE3.3 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, therefore, 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.
  - 3) The proposed development would be inappropriate development in the Green Belt and, therefore, harmful by definition. There would also be other harm through encroachment. It is not considered that there are very special circumstances to overcome the definitional harm to the Green Belt and additional harm caused through encroachment. The proposal is therefore contrary to the National Planning Policy Framework.

### SITE DESCRIPTION

2. The application site forms part of a wider parcel of land designated as Safeguarded Land under Chorley Local Plan 2012 – 2026 policy BNE3 (BNE3.3 North of Bond's Lane, Adlington) with the north / north-western section of the site falling within the Green Belt. The

site is relatively flat, is undeveloped and relatively well contained, being bordered by allotment gardens to the north east, residential properties to the south east and south west and there is a sand quarry present off the north western site boundary. A Public Right of Way (FP11) runs along the north western boundary of the site.

## DESCRIPTION OF PROPOSED DEVELOPMENT

3. The application is in outline form, with all matters reserved, except access which would be taken from Carrington Road. The application proposes a residential development of up to 25no. dwellinghouses, of which 35% would be affordable units.
4. The application is accompanied by an illustrative masterplan, which shows one possible way in which the site could be developed. The masterplan is only for indicative purposes, but this identifies the part of the site which falls within the Green Belt as an ecological enhancement area / open space and is shown in the submitted drainage strategy as being a proposed SUDs / attenuation basin to serve the proposed development.
5. The submission states that a choice of dwellings would be provided including mainly detached and semi-detached houses in a range of sizes which are capable of meeting a wide range of housing needs. It also states that the dwellings would be in a range of heights, from 7 metres to 11 metres, with frontage widths which will be in the range 5 metres to 8 metres.

## REPRESENTATIONS

6. 31no. representations have been received citing the following summarised grounds of objection:

### *Principle*

- There are no positives for the local residents in terms of economic or social gains, yet the negatives are plentiful
- Adlington has already had its fair share of development
- Part of the site is Green Belt
- The site is safeguarded land
- Already been subject to two previous applications which have been refused on appeal
- The Chorley Plan has allocated this land as safeguarded - BNE3 and this proposal infringes Green Belt. This proposal attempts to discredit the plan but CBC has demonstrated that due provision for residential development has been made. The planning statement criticises "out- of-date policies of the Central Lancashire Core", yet describes this proposal as "sustainable development"
- The destruction of green belt (safeguarded) land - yes the UK needs more housing but destroying green belt land to do this will impact on our future generations to come
- The land is safeguarded until 2026 and it should remain undeveloped until at least then
- The priority for housing development should surely be existing brownfield sites or to improve derelict buildings or to invest in run down urban areas to attract residents rather than building new houses on greenfield sites on the fringe of greenbelt land
- There has been a lot of new housing provision in Adlington in recent years and the village has grown in size with reducing services and amenities

### *Highway safety*

- Crash map out of date
- Park Road virtually single track due to vehicles parked on both sides
- Access via 200 year old canal bridge
- Construction traffic accessing the site would be via Carrington Road
- The access via Bonds Lane and Stoner Road is not suitable for earth moving machinery, large delivery vehicle, earth removing vehicles and large construction equipment due to the very tight width of the roads and the residential parking. We have a pupil access onto Bonds Lane and having vehicles entering Bonds Lane causes us great concern due to their size and potential frequency throughout the day

- Any vehicles accessing the site, if this route is to be considered, should make journeys outside of school start and finishing times to not only allow our children to arrive at school safely but also to allow parents to drop their children off safely
- Contractor parking we are assuming would be on the development site only - The neighbouring roads are already busy and the potential use of Bonds Lane / Stoner Road
- We feel the transport assessment submitted does not take into account peak vehicle movements especially during the school term
- It does not address the additional impact that construction traffic would have on the road network and it also shows a lack of understanding of the local vehicle issues in the area that we are in constant discussion with the Council
- We would like assurances that the developments emergency access route adjacent to the school via Bonds Lane / Stoner Road is limited to this activity only
- What assurances does the developer provide that bollard restrictions proposed would not be removed by residents and this route used as a short cut to Park Road?
- Proposed site of 25 houses would generate a potential 50 additional vehicle movements from the houses alone on the highways around the school
- Poor access to this specific piece of land exacerbated by new heavy construction traffic for the development
- The 'giant cul de sac' nature of Park Rd – leads to traffic jams
- It will result in an increase in traffic which is unacceptable
- The access is via Park Road - which is heavily used and passes a school will result in more traffic with no alternative route out of this part of Adlington
- This could endanger life in terms of access for the emergency services or school children crossing a busy road
- A few months ago a serious crash on Park Road blocked the whole estate in for several hours
- One road as an exit cannot take anymore traffic
- If they want access, make them build a bridge over the canal so that access is direct onto the A6 and not down a narrow very unsuitable road
- Cars parked both sides of Park Road would be a massive problem for construction traffic
- The canal bridge may not be able to cope with the extra volume and weight of traffic or construction vehicles
- Would the emergency exit to Stonor Road be for occasional emergency vehicles or for the residents to use as a rat run off the estate?
- Previous applications 83/00112 and 81/01046 were rejected on access grounds and the situation is considerably worse nearly 40 years later - this proposal contains no new solutions
- In the transport statement, it states that existing footways are 2m in width - have measured Carrington Rd as 1.8m and some pavements on Stonor Rd and Bonds Lane are less -this is also illustrated in the illustrative masterplan as the pavements have been drawn across existing residents' gardens to make the road look wider than it actually is
- The data obtained by using TRICS methodology is only a prediction, it does not and cannot make any claim to certainty
- There is room for a margin of error or it could simply be wrong
- Therefore, the sentence in the *Transport Statement* that '...this demonstrates that the proposal will not have an impact on the operation and safety of the local highway network' (4.2.5) is incorrect
- It does not demonstrate anything – it is nothing more than a prediction and like any prediction should be treated with appropriate caution
- From the sparse data supplied in the *Transport Statement* there does not appear to be a full 'Servicing Vehicle Count' that '...records all vehicles that arrive and depart from a site that perform a certain function' (from *TRICS Good Practice Guide 2021* page 42, 20.23)
- The *TRICS Good Practice Guide* states that '...it is the responsibility of all TRICS users to ensure that full details of how data was obtained, along with clear explanations of what the data represent, are provided to data recipients' (page 4. 1.6)

- The *Transport Statement* fails to do this primarily because there are no explanations provided which are accessible to a layman
- This is a very specialised area but the *Transport Statement* makes no concessions to someone approaching the topic for the first time
- Just to take one example there is no data provided for weekends; this appears to be standard practice for the TRICS methodology but there is no explanation as to why this is the case
- The biggest problem with the way the TRICS data is used is that it only gives a partial account of the traffic flow situation in the area
- The *Transport Statement* makes the point that the traffic flow predictions obtained from TRICS ‘...represents an imperceptible impact on the surrounding network.’ (4.2.5)
- However, the full impact can only be worked out if there are traffic flow studies on Carrington Road, Park Road and the surrounding area and crucially on the area round the school and the bridge
- The way the TRICS data is used is therefore misleading: the full picture can only be constructed if the estimated traffic flow from the proposed development is added to the already existing traffic flows in the area
- Only this figure can give something like an accurate assessment of the overall impact of the extra traffic flow from the proposed development
- This work has not been done, or if it has been done it is not being disclosed, the *Transport Statement* therefore lacks connections and context and exists only *in vacuo*
- To take a set of *predictive* data without taking into account the *existing* physical infrastructural environment, already existing traffic flows, vehicle ownership patterns, traffic density, parking problems (particularly acute on Park Road) etc. demonstrates shoddy thinking and is quite simply wrong
- The *Transport Statement* predicts a total of 13 arrivals and departures in the peak AM period and 12 arrivals and departures in the peak PM period
- If traffic flows are so slight could Sedgwick Associates or Hollins Strategic Land explain why the proposed development has parking space for 25 vehicles?

#### *Public right of way*

- There is an existing Public Right of Way in the form of a footpath that runs along the north western boundary of the proposal site
- There is a further well established connection between the PRow route and Carrington Road
- The existence of the PRow route and potential opportunity for enhancement of access that this presents have been woefully overlooked in the Transport Statement submitted with the application
- As such, the proposal fails to comply with NPPF paragraph 108 which requires appropriate opportunities to promote sustainable transport modes to be taken up
- The PRow offers a direct connection between the site and the canal towpath, a popular leisure and utility route, as well as the wider PRow network
- This has the potential to offer significant benefit to residential development in this location
- The route is well used by local residents to access the PRow network
- The current layout will remove this connection, which will have impacts on resident amenity levels
- Whilst acknowledging that the additional link to Carrington Road is not part of the recorded PRow network, this is a well established pedestrian route, the principles of which could readily be incorporated within the proposed development layout
- The illustrative site layout includes open space provision/ecological enhancement on the northern part of the site
- They request that the authority ensure that access to the PRow is included as part of the access proposals and also ensure that the quality of the route to the towpath is suitable for future residents, for example by securing surfacing improvements, if planning permission is granted for the development

### *Infrastructure*

- There are no secondary schools that are within walking distance which will in turn cause increased traffic on already busy roads
- Poor and rapidly decreasing infrastructure in Lower Adlington
- Nothing is ever done to improve the infrastructure
- Local services such as doctors and dentists are already struggling so more residents in the area would cripple them
- Local residents have difficulty getting their child into Adlington Primary School
- LCC recently highlighted a projected shortfall of primary school places without taking into account the Huyton Fields/Terrace development
- To add more competition for places is not fair to existing residents
- The bus service is extremely limited and no use to working people so they will use their cars to commute to work / meagre public transport provision in this part of Adlington
- The train service is not as frequent as the supporting information states
- There is no bank in lower Adlington unlike the supporting statement suggests and no cashpoint.
- Although there is an excellent fruit and vegetable shop it does not provide all the essential
- The nearest comprehensive stores are at the top of Railway Road (Tesco and Co-Op) and too far to walk with heavy shopping, so use of a car is needed
- Local facilities are limited and not as comprehensive as made out in the supporting statement
- Grossly overstate the provision of train and (particularly) bus services
- The local schools are projected to have a shortfall of places very soon and Park Rd is always fully subscribed
- Four of the 'green lights' in section 2.3 of the planning statements are incorrect
- The RBS bank closed some time ago and the description of the small triangle of land at the end of Crook St as a playground/leisure facility/park/amenity area is nonsense
- Although there is a train service it is a pathetic shadow of what a proper, viable train service ought to be with one train per hour to Manchester and services, particularly on Fridays, regularly cancelled at short notice
- The wording of this section (page 12 6.8) gives the appearance that there are three trains every hour to the 'destinations' mentioned, of course this not the case
- Contrary to what Sedgwick Associates might think it is not possible to take a train from Adlington to Buxton direct, you need to change at Stockport, likewise for Huddersfield (you must change at Victoria)
- You might as well say you can get a train from Adlington to Paris (after all you only need to change at Manchester Piccadilly and St. Pancras)
- The 'cycle/footpath link' mentioned on page 5 4.4. is not much more than a gap between two bollards and comes to an abrupt end as soon it engages with Stonor Road
- There is no ongoing cycle path to take you anywhere else

### *Ecology and landscape*

- It is rather misleading to suggest that an ecological area is going to be created for wildlife in the greenbelt area to the north of the site as this is also the proposed location to create the sustainable drainage system
- It is an area of beauty and wildlife
- Bats have been seen flying in this location in the evenings / high levels of nocturnal bat activity means that it is highly likely that bats are roosting in the mature trees on the site
- Understand that great crested newts are present
- Much grassland and many hedgerows have been lost due to tipping and sand extraction meaning an impact on wildlife
- Environmental concerns over the hedgehogs and birds, the cutting down of trees that may not be important to the developers but are to the birds that use them as shelter
- Concerned they will try to take down the large tree that enhances their cul-de-sac
- Describes the site as under-used and unkempt - we prefer the phrase "natural, green open space"

- The suggestion that the proposal will increase biodiversity whilst destroying a green field is ridiculous
- Describes the site as 'underused and unkempt grassland' however the field enables an elderly pony to continue to enjoy life and provides residents with the opportunity to watch the abundant wildlife that thrives here
- There are many areas across the country where native ponies are being used due to their selective grazing to re wild meadows and create environments for our declining native wildlife.
- There would be considerably more wildlife present during spring or summer months and certainly more than will be seen during a single hour or so on one day alone
- It describes the field as poor semi-improved grassland with scattered shrubs; however, earlier in the year it was meadow like with flowers attracting bees and invertebrates that sustain our native wildlife
- The scattered shrubs include dense areas of hawthorn and this provides food and shelter for many birds and animals
- It is also not possible to survey for newts in October and yet we know that they are present in the area as we find them in our garden and newt protection nets were put in place around the nearby Sandons Quarry
- The survey also dismisses the importance of the site for amphibians, there are frogs, toads and newts which in turn provide food for other animals
- We have seen hedgehogs and foxes at night time and stoats and weasels during the day
- A kestrel is also regularly seen which reinforces the likely presence of small mammals
- The bird species numbers seem low in comparison to what we see on the field from our property - regularly see birds categorised as priority species
- The survey also dismisses the importance of the hedgerows and thickets of vegetation which are home to many animals
- It is very unlikely that this array of habitats could be mimicked within the small greenbelt area that is also to be used as a sustainable drainage system

#### *Drainage and flooding*

- The land around already does not have good drainage and the water table imbalance would make it ten times worse with the amount of water in our gardens
- Flood Risk Assessment is at odds with what we see - area bounding Bonds Lane is frequently flooded
- Carrington Road already has issues with flooding to gardens
- This safeguarded land helps to lessen the impact of the issues and prevent it becoming a major problem as this area is a natural drainage point
- In the desk top study it states that the topography is rising towards the north of the site, this brings the question of how a sustainable drainage system in this area will help reduce surface run off across the site
- During wetter winter months there is already often standing water on the field and local residents have localised flooding in gardens and on land in between the site and the canal

#### *Amenity*

- Stonor Road is very quiet and would be disrupted by pedestrians using it and Bonds Lane as a cut through to Park Road
- Carrington Road is currently a quiet cul-de-sac and it will result in increase traffic along it
- Concerns about the largest house being built right up to their neighbour's fence thus blocking light to their small gardens and it being very intrusive
- Privacy is of concern as the house in question has not got its garden next to ours to set it back like the other houses
- Sedgwicks design and access statement at 3.3 describes the local buildings as being modern 2 storey houses. However at 3.5 they state their build will include properties up to 11 metres high which is their underhanded way of describing three storey houses

- These will not be in keeping and cannot 'relate well to views from public footpaths' as stated in 2.2
- The height of such housing is not in keeping with surrounding properties and will stand out like an eye sore
- Construction noise is of particular concern to the school
- Whilst it is acknowledged that the development is not as large as others within the area, the school has four out of the six classrooms to the rear which is in the direct path of any airborne noise
- The use of power tools, large vehicles, banging of hammers and safety features of reversing vehicles all have the potential to disrupt the teaching in classrooms
- We would welcome the developer identifying measures they are prepared to undertake to limit disruption to the classroom environment.

#### Other

- Rather than squeeze 25 dwellings on to the site with more cars, lower the amount to 15 dwellings
  - The area is already suffering with noise pollution from the sand quarry & should not have to endure yet more disruption
  - Feel this application has been put in rather sneakily at a time they are unable to speak out
  - Residents at the end of Carrington Rd are already suffering the imposition of a quarry / tip close to the rear of their properties
  - This produces plant and machinery noise from 8am lasting throughout the working day
  - This will continue for the next 10 years
  - Must they now have tolerate the remaining adjacent area of unspoilt land being built upon?
  - Where is the environmental benefit of building on previously unspoilt land?
  - Where is the social benefit of overloading local services thereby disappointing newcomers and worsening the position of existing locals?
  - Where is the economic benefit for existing /potential new locals (the landowners and developers take it all and then they leave)?
  - The timing of the latest submission, in the middle of a pandemic, with the public pre-occupied, could be construed as an attempt to gain approval by the backdoor
  - The energy efficiency measures statement also demonstrates the lack of environmental consideration as it dismisses the desired level 6 of the code for sustainable homes and states that CSFH level 4 is appropriate
  - Coal report is restricting how much land can be built on, otherwise all the site would be housing
  - Will proposed housebuilding impact existing houses – due to coal report
7. One representation has been received from a local resident who agrees with comments made about increased traffic but believes that new houses are needed but these should be 4/5 bedroom as there is a limited number of larger houses in the lower Adlington area especially for families who want to grow and stay in the area they are living. It is suggested that fewer, larger houses with less cars would be better.

#### CONSULTATIONS

8. Adlington Town Council Have objected to the application and have made the following comments:

*“Access to the proposed site through Carrington Road, via Park Road is already congested at all times. Any additional traffic would make this problem worse. Carrington Road is a quiet cul-de-sac not designed or constructed for through traffic. The Sedgwick Associates sustainable objectives supporting paper is factually incorrect in respect of some nearby facilities. It does not represent current circumstances. There is no bank in lower Adlington. There is a charge to use the nearest cashpoint facility on Market Street. There is a bus stop on Park Road but the service is extremely limited. The train service stopping in Adlington*

*has become less frequent. There is a good quality local fruit and veg shop on Park Road. It does not provide all the essentials. The nearest small supermarkets are 1,400m away. There are no cycle-way facilities. The bus service timetable does not facilitate shops trips. People will use their cars to commute to work and for shopping. Adlington Primary is 240m away but is already over-subscribed. Local residents have difficulty getting their children into this School. It was noted that a small area of open space/ecological enhancement has been proposed at one end of the proposed development”.*

9. Lancashire Constabulary Architectural Liaison: Make a number of recommendations in relation to designing out crime.
10. Environment Agency: No comments have been received.
11. Greater Manchester Ecology Unit: Recommend conditions and informatives.
12. Waste & Contaminated Land: No objection subject to condition.
13. Regulatory Services - Environmental Health: Have no objections subject to mitigation measures being in place.
14. United Utilities: Advise that there is a public sewer which crosses the site and that they may not permit building over it, or a diversion may be feasible. Also advise that the submitted drainage strategy is unacceptable to United Utilities as it diverts a public sewer through the rear gardens of proposed properties. Accordingly, United Utilities recommend that the surface water drainage scheme is addressed by way of condition. Other conditions are advised including a Construction Risk Assessment Method Statement.
15. Lancashire Fire and Rescue Service: No comments have been received.
16. Lancashire County Council Highway Services – have no objections, subject to conditions relating to a scheme for the construction of the site access.
17. Lancashire County Council Education: Request a financial contribution for secondary school places.
18. Lead Local Flood Authority: Raise no objection, subject to various conditions.
19. Canal & River Trust: No comments have been received.
20. The Coal Authority: Has no objection to the proposed development.
21. NHS: No comments have been received.
22. 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

23. 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.
24. The Development Plan comprises the adopted Central Lancashire Core Strategy (2012) and the adopted Chorley Local Plan 2012- 2026.



25. 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).
26. Core Strategy Policy 1 (Locating Growth) identifies Adlington as an Urban Local Service Centre where some growth and investment will be encouraged to help meet local housing and employment needs.
27. 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
28. 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.
29. 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 30% affordable housing on residential schemes in the urban parts of Chorley. 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.
30. 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.
31. The application seeks outline planning permission for up to 25no. dwellings on 0.84 hectares of land. The site is adjacent to the settlement area of Adlington and is located on designated safeguarded land, as defined in policy BNE3 of the Chorley Local Plan 2012 – 2026 'Areas of Land Safeguarded for Future Development Needs'. This application site forms part of a wider parcel of safeguarded known as BNE3.3 North of Bond's Lane, Adlington.
32. A small part of the site falls within Green Belt and this part of the site is proposed as open space provision. Whilst para 145 of the National Planning Policy Framework (The Framework) allows for the provision of outdoor recreation facilities in the Green Belt provided they preserve the openness of the Green Belt, the open space provision required by Local Plan Policy HS4A to meet the needs of a particular development should be provided within the settlement boundary not within the Green Belt.
33. 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 DC3.4.
34. 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).

35. 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.
36. 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

37. 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
38. 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).
39. 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.
40. 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.
41. Paragraph 59 of the Framework confirms the Government’s objective of significantly boosting the supply of homes.
42. Paragraph 60 of the Framework reinforces that requirements represent the minimum number of homes needed.
43. 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.

44. 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".
45. 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.
46. 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 0.84 hectares, whilst the overall safeguarded site BNE3.3 is 4.03 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

47. 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.
48. 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 9<sup>th</sup> March 2021) the Council are now using Core Strategy Policy 4 to determine their 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.
49. 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.
50. 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)

51. 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.
52. 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".

53. The main issues in the appeal were:
  - a. Whether or not the Council can demonstrate a 5 year supply of deliverable housing land in Chorley borough, having particular regard to the development plan, relevant national policy and guidance, the housing need or requirement in Chorley and the deliverability of the housing land supply;
  - b. Whether or not the most important policies of the development plan for determining the appeal are out of date, having particular regard to the 5 year housing land supply position and relevant national policy; and
  - c. Whether this, or any other material consideration, would justify the proposed development on safeguarded land at this time.
54. In respect of the Five Year Housing Supply, the Inspector concluded:
55. 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".
56. 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".
57. In respect of the most important development plan policies the Inspector concluded:
58. 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".
59. 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".
60. In respect of Policy 1 the Inspector at para 47 states:
61. "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".

62. In respect of Policy BNE3 the Inspector concluded:
63. 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".
64. 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".
65. 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".
66. 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

67. 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.
68. 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'.
69. 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.
70. 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.

71. 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

72. The Inspector for the Pear Tree Lane Inquiry considered the MOU and stated:

73. 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".

74. 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".

75. 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".

76. 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."

77. In conclusion the Inspector stated:

78. 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' ".

79. 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".
80. 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".
81. 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

82. 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

83. 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)

84. 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.
85. 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 Guidance<sup>3</sup> (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.**

86. 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

87. 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.
88. 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.
89. Taking account of the Cardwell decision para 42 relating to Preston's housing supply the calculation for Chorley is:
90. 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.
91. The tilted balance is not, therefore, engaged.

### Emerging Central Lancashire Local Plan

92. The assessment of Safeguarded Land is being undertaken as part of a comprehensive review of the Central Lancashire Local Plan. 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.
93. 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.
94. The wider safeguarded area BNE3.3 was included in the Issues and Options consultation for the Central Lancashire Local Plan (CLLP) under site reference 19C227x. Public consultation on this document was carried out between November 2019 to February 2020.
95. This application is for proposed development of the western part of the safeguarded area. The wider safeguarded area will be considered as part of development of the CLLP, which will allow for the future of the safeguarded area to be considered as a whole. This will allow for matters such as open space provision and affordable housing provision to be considered as part of the wider area.

### Central Lancashire Local Plan: Site Assessment work

96. Three call for sites exercises have been completed to date for the Central Lancashire Local Plan. 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).
97. 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.
98. 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 Central Lancashire Local Plan (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.
99. 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.
100. 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.
101. 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.

102. 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

103. *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.*
104. The application includes an Ecological Survey and Assessment, which updates the previous survey work undertaken on the site. The latest survey found the site largely unchanged since the original survey in 2017, with the impacts of development broadly similar.
105. The Greater Manchester Ecology Unit (GMEU) have reviewed this latest survey report and confirm that the survey has been undertaken by an experienced ecological consultancy whose work is known to the Ecology Unit. Overall the survey found the site to have some ecological interest, although none of the habitats present were species rich.
106. The ecology report makes a number of recommendations for the retention and protection of ecological features and species on site. These include protection of hedgerows, trees and scrub (paragraph 5.1.21-5.1.4) and nesting birds (5.3.1- 5.3.2). The best way to ensure that these measures are followed would be through a construction management plan. It is, therefore, recommended that a condition reflecting BS 42020:2013 be attached to any permission requiring that no development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: biodiversity) has been submitted to and approved in writing by the local planning authority.
107. It is also important that the lighting design of the development once occupied does not result in any additional light pollution. There are records of bat roosts in some of the properties along Carrington Road and these bats are likely to use the hedge lines on the application site to reach the Leeds Liverpool Canal to the north. It is, therefore, recommended that a condition requiring a lighting design strategy for biodiversity be attached to any permission, if granted.
108. The survey found Japanese knotweed on the site. It is, therefore, recommended that a condition be attached to any permission, if granted requiring that an invasive non-native species protocol be submitted to and approved by the local planning authority, detailing the containment, control and removal of Japanese knotweed.
109. Aside from the road access into the site, the boundary hedgerows and trees should be retained and enhanced as part of any landscaping scheme submitted with a reserved matters application. The survey also makes recommendations for measures for biodiversity enhancement, in line with the requirements of the Framework, for birds (5.3.3-5.3.6), habitat connectivity (5.18), bats (5.4.1-5.4.2) and landscape planting (5.5). It is, therefore, recommended that a condition be attached to any grant of planning permission that full details of biodiversity enhancement measures be submitted with any reserved matters application.
110. The scheme also proposes to retain and enhance an area in the north of the site for biodiversity. It is recommended that an Ecological Enhancement and Management Plan for this area be submitted with any reserved matters application. These details should include measures for long term monitoring, funding and details of the responsible party.

111. The proposed development is considered to be in line with policy BNE9 of the Chorley Local Plan 2012-2026 at this stage and subject to the provision of appropriate details at reserved matters stage or prior to commencement.

#### Highway safety

112. *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.*

150. *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.*

113. Highway safety and access issues have been the main concern expressed by residents during the consultation period. Lancashire County Council is the Local Highway Authority that manages and maintains the highway network in Lancashire and promotes safe travel and developments in accessible and sustainable locations within the county. As such, at certain stages in the planning process Chorley Council formally seeks the views of the County Council as a statutory consultee to assist in making an informed decision about proposed development. Lancashire County Council Highway Services have noted that there are very few changes from the previously refused application and state that their responses of 9 June 2017 and 19 September 2018 to the refused planning applications, 17/00411/OUTMAJ and 18/00863/OUTMAJ still hold for the current proposal, shown on indicative site plan, 1667-02 (Oct 20). On this plan, the footways have been provided to widths of 2.0m and as such are acceptable.

114. Lancashire County Council Highway Services have provided a detailed response that addressed the concerns expressed by residents in their response of 9 June 2017, which concluded that the development is acceptable in principle, subject to a number of conditions.

115. 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.

116. The Framework is clear at paragraph 109 that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. There is no evidence to demonstrate a severe cumulative impact in this instance, and in the absence of any objections from the local highway authority the proposal is considered to be acceptable in line with policies BNE1 and ST4 of the Chorley Local Plan 2012 -2026 at this stage.

117. However, the application site only includes a small part of the overall safeguarded land allocation and, therefore, results in a piecemeal and disjointed approach to the proposal

and the wider site, which does not enable the development of a cohesive network of footpath and cycle links across the site and between the developed areas of Adlington to the south west of the canal and the wider footpath network and amenities to the north east of the canal. This contributes to an isolated form of development that does not integrate well with the wider urban area and perpetuates a lack of connectivity between the area of Adlington to the south west of the canal and the urban areas and transport links to the north east.

#### Impact on the character and appearance of the area

118. *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.*
119. *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.*
120. *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.*
121. The application seeks outline planning permission for up 25no. dwellings, with the illustrative masterplan showing a new access road proposed on Carrington Road, on the western edge of the site. It is anticipated that the dwellings would be a range of types and sizes including larger and smaller homes, arranged around two internal cul-de-sacs with one turning head each. The location of the access is a detailed matter and, whilst the layout is indicative it demonstrates one way in which a layout can be achieved, whilst following from this defined access point.
124. 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.
122. 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.

123. 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 or indeed its key features and characteristics, but provides a piecemeal and disjointed approach to the proposal and the wider site. The Council would expect a comprehensive masterplan.
124. The layout, appearance, scale and landscaping aspects of the proposal do not form part of this outline application and would follow at any reserved matters stage. From the indicative layout plan submitted, it is considered that adequate residential curtilage would be provided with adequate space for parking and general amenity. It is considered that the dwellings could be designed without detriment to the appearance of the site or the character of the streetscene. Nevertheless, this could only be fully assessed at reserved matters stage.

#### Amenity

125. *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.*
126. It is considered that the dwellings could be designed without detriment to residential amenity.
127. 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.
128. In light of the above, it is considered that sufficient information has been provided for the council to be satisfied that the proposed development could comply with policy BNE1 of the Chorley Local Plan 2012 – 2026 at any reserved matters stage.

#### Drainage and flood risk

129. *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.*
130. The applicant has provided a flood risk assessment (FRA) and drainage strategy with the planning submission. This demonstrates that the site is at low risk of flooding from all sources and that attenuation would be required within the surface water drainage system to achieve the necessary flow rates.
131. Under the Flood and Water Management Act 2010 the Lead Local Flood Authority at Lancashire County Council (LLFA) is the responsible 'risk management authority' for managing 'local' flood risk, which refers to flooding or flood risk from surface water, groundwater or from ordinary watercourses. The LLFA is a statutory consultee for major developments with surface water drainage, under the Town and Country Planning (Development Management Procedure) (England) Order 2015.
132. The LLFA have assessed the scheme based on the current extent of the knowledge of the LLFA and information provided with the application at the time of their response. Specifically the LLFA identifies at section 6.0 of the flood risk assessment (October 2020, Ref: 30257/SRG) that this states that infiltration will not be feasible on site due to the presence of superficial deposits of Glacial Till. The variable nature of such deposits and the scale and resolution of BGS mapping records mean that a desk study is not sufficient to rule out infiltration as a drainage mechanism in this case. Consequently, site investigations will still be required to confirm infiltration rates and groundwater levels in accordance with industry guidance.

133. The LLFA has no objection to the proposed development subject to the inclusion of conditions requiring the following:
- The development permitted by this planning permission shall be carried out in accordance with the principles set out within the flood risk assessment (October 2020, Ref: 30257/SRG).
  - No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the local planning authority
  - No development shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the local planning authority.
  - No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report and Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority.

#### Affordable housing

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

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

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

135. 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 of part of a site.”*

136. 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.
137. In accordance with Core Strategy Policy 7, 30% of the dwellings are required to be affordable. This equates to 8no. dwellings. 70% (6) of these should be social rented and 30% (2) should be shared ownership.
138. The applicant is proposing 35% affordable housing (9no. dwellings) which exceeds the requirements of Core Strategy Policy 7.
139. The house types to be provided would be determined at the reserved matters stage.
140. This would need to be secured through a Section 106 legal agreement if the application was approved.

#### Public open space

141. 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:*

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

143. There is currently a surplus of provision in Adlington and Anderton in relation to this standard and the site is within the accessibility catchment (800m) of an area of amenity greenspace. A contribution towards new provision in the ward is therefore not required from this development. However there are areas of amenity greenspace within the accessibility catchment that are identified as being low quality and/or low value in the Open Space Study (sites ref: 1968 Rear of Chapel Street/ Park Road, Adlington; 2013 Adjacent Fairview Drive, Heath Charnock; and 1298 Rear of Chester Place/ Croston Avenue, Adlington). A contribution towards improvements to these sites is therefore required from this development. The amount required is £140 per dwelling.

*Provision for children/young people:*

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

145. There is currently a deficit of provision in Adlington and Anderton in relation to this standard, a contribution towards new provision in the ward is therefore required from this development. The amount required is £134 per dwelling.

*Parks and Gardens:*

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

147. The site is within the accessibility catchment (1,000m) of parks/gardens that are identified as being low quality and/or low value in the Open Space Study (sites ref: 2018 Leonard Fairclough Memorial Gardens, Adlington; and 1744 War Memorial Garden, Railway Road, Adlington), a contribution towards improving these sites is therefore required. The amount required is £1,467 per dwelling.

*Natural and Semi-Natural Greenspace:*

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

149. The site is within the accessibility catchment (800m) of areas of natural/semi-natural greenspace that are identified as being low quality and/or low value in the Open Space Study (site ref: 1852 Rear of Outterside Avenue, Adlington), a contribution towards improving these sites is therefore required. The amount required is £557 per dwelling.

*Allotments:*

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

151. The site is within the accessibility catchment (10 minutes' drive time) of a proposed new allotment site at HW5.3 – Harrison Road, Adlington. A contribution towards new allotment provision is therefore required from this development. The amount required is £15 per dwelling.

*Playing Pitches:*

152. 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.

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

Amenity greenspace	= £3,500
Equipped play area	= £3,350
Parks/Gardens	= £36,675
Natural/semi-natural	= £13,925
Allotments	= £375
Playing Pitches	= £39,975
Total	= £97,800

154. A financial contribution of £97,800 would be required and this would need to be secured through a Section 106 legal agreement if the application was approved.

### Sustainability

155. 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 1<sup>st</sup> 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.”*

156. 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

157. 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.

158. 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.

159. 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 4 secondary school places, however, no primary places are required.

160. Calculated at the current rates, this would result in a claim of:  
4no. Secondary places: £92,247.00

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

162. A financial contribution of £92,247.00 is required and this would need to be secured through a Section 106 legal agreement if the application was approved.

#### Employment skills provision

163. 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

164. 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

165. 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

166. 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."

167. 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*

168. The applicant has identified several planning benefits of the proposed development, and states that Chorley Council has a substantial shortfall in the deliverable supply of housing, including affordable housing, which the application site would make a significant contribution to meeting.

169. 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 that will support a robust local plan for the next 15 -20 years. There is no need to deliver this site now, rather it should await the evaluation and outcome of the Central Lancashire Local Plan Review process. Accordingly, this is not a material consideration, which justifies the early release of this site.

#### *Environmental*

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

#### *Economic*

171. The developer states there will be a benefit of securing economic growth through the creation of jobs in the construction industry and the additional trade future occupiers of the proposed development will bring for local businesses.

172. 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, and we consider this carries moderate weight.

173. The proposals also have a number of temporary benefits associated with the construction phase such as employment opportunities, indirect spend and new homes bonus funding. Due to their temporary nature we consider these attract some moderate weight.

174. 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.

175. 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.

176. The benefits advanced by the applicant are moderate in the weight that can be attributed to them as a whole and do not result in factors either individually or collectively that would indicate that the development should be granted despite being contrary to policy.

#### Community Infrastructure Levy (CIL)

177. 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**

178. 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.
179. Other harm would arise because part of the site would extend into the Green Belt. This would result in encroachment into the Green Belt contrary to one of the purposes of including land within the Green Belt as set out at paragraph 134.c) of the Framework. The proposal does, therefore, represent inappropriate development within this Green Belt location, to which substantial weight should be attached, in line with paragraph 144 of the Framework, and it is not considered that there are very special circumstances to overcome the definitional harm to the Green Belt.
180. 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.
181. Overall it is not considered that there are any material considerations that would outweigh the conflict with the development plan and the Framework when taken as a whole and it is, therefore, recommended that the application be refused.

## **RELEVANT HISTORY OF THE SITE**

**Ref:** 17/00411/OUTMAJ    **Decision:** REFOPP    **Decision Date:** 13 September 2017  
**Description:** Outline application for residential development for up to 25 dwellings with all matters reserved save for access from Carrington Road

**Ref:** 18/00863/OUTMAJ    **Decision:** REFOPP    **Decision Date:** 6 November 2018  
**Description:** Outline application for residential development for up to 25 dwellings with all matters reserved save for access from Carrington Road

**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.