

APPLICATION REPORT – 20/01347/OUTMAJ

Validation Date: 14 December 2020

Ward: Clayton-le-Woods And Whittle-le-Woods

Type of Application: Major Outline Planning

Proposal: Outline planning application for the construction of up to 250 dwellings and associated infrastructure (including 30% affordable housing) with all matters reserved aside from the access from Town Lane

Location: Land North of Town Lane Whittle-le-Woods

Case Officer: Adele Hayes

Applicant: Mr Robin Buckley, Redrow Homes Ltd

Agent: Graham Trehella, Cass Associates

Consultation expiry: 2 February 2021

Decision due by: 15 March 2021

BACKGROUND

1. This application was submitted and made valid as of 14 December 2020, with the thirteen week target period for determination ending on the 15 March 2021. After this time period, applicants do have the opportunity to appeal for non-determination, however it is rare that this happens. It is standard practice to assess and aim to make recommendations on applications within 8 and 13-week periods unless a longer period is agreed in writing with the applicant. In this case the applicant has not provided a formal response to the requests of the local planning authority to extend the time period.
2. No formal decision has yet been made in relation to this application and the applicant has sought to appeal against non-determination of the application.
3. The appeal for non-determination was received on the 1 April 2021 and upon receipt no further work will be carried out in relation to dealing with the planning application. Once the appeal has been formally started by the Planning Inspectorate, all those persons who were notified or consulted about the application, and any other interested persons who made representations regarding the application will be written to and advised that the appeal has been made.
4. The appellant has requested that the appeal be considered under the Inquiry procedure. Having regard to the nature of this application and the level of objections this would be appropriate.
5. In cases of non-determination appeals, it is important to gauge the views of the Planning Committee. This report will partially form the basis of the Council's Statement of Case in regards to the appeal.

RECOMMENDATION

6. That Members advise that they would have been minded to refuse the application for the following reasons:
 - 1) The proposed development would be located within an area of Safeguarded Land as defined by the Chorley Local Plan 2012 - 2026. Chorley has a five year housing land supply as required by the National Planning Policy Framework. The proposal therefore conflicts with policy BNE3 of the Chorley Local Plan 2012 - 2026. It is not considered that there are material considerations put forward in favour of the development are sufficient to outweigh the presumption against it.
 - 2) The application site is proposed in isolation from the wider site allocation BNE3.10 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.

SITE DESCRIPTION

7. The application site forms part of a wider parcel of land designated as Safeguarded Land under Chorley Local Plan 2012 – 2026 policy BNE3 (BNE3.10 West of M61 Whittle-le-Woods), although a small section of the site to the southwest falls within the settlement boundary of Whittle-le-Woods.
8. The site is a large parcel of land of some 13.27 hectares, situated between the M61 motorway which is to the east, and the defined settlement boundary of Whittle-le-Woods which is to the west. It falls immediately to the north of Town Lane and several Public Rights of Way run through the site.

DESCRIPTION OF PROPOSED DEVELOPMENT

9. The application is on outline form and proposes up to 250no. dwellinghouses, including the provision of a new access from Town Lane to the south of the site, almost opposite 82 Town Lane. All other matters are reserved.

REPRESENTATIONS

10. 309no. representations have been received citing the following summarised grounds of objection:

Principle

- As safeguarded land - it is not in the current plan
- If passed it will make a mockery of the relationship between Council and ratepayers
- The site is Green Belt which should be protected from development
- Many people in Whittle-le-Woods engaged in consultation on the Central Lancashire Plan less than 12 months ago and strong opposition was raised to development of this site and should be taken into account
- Whittle-le-Woods has had to accept an unfair huge chunk of new development in recent years - enough is enough
- Buckshaw Village is still not yet finished and there are plenty of houses in the for sale stock for all that Chorley needs
- Far too much building on greenfield sites in Heapey / Wheelton area
- Will create an urban conurbation which will stretch unbroken from Hartwood Hall to Clayton

- Chorley Council should look carefully at their long terms development plans to ensure that no one area shoulders the demand for housing
- Brownfield sites in borough that could fulfil housing needs
- Inappropriate development in Green Belt
- Local Plan allows the co-ordinated development of residential dwellings along with associated infrastructure – applications on safeguarded land undermine this process
- Design and Access statement poor in all areas with many promises made but with little substance to back them up
- 30% affordable might not match the income for local young people
- Highly speculative attempt by developer to avoid public scrutiny at a time of a national health crisis
- Whittle / Chorley are already hundreds of homes ahead of their allocation for next several years – need to assess the impact of that development before adding more
- Why have Council approved industrial site at Botany Bay?
- Why not use this space on additional houses if that is what is needed?
- Types and prices of proposed housing will do nothing to help young families who want to remain in the area – inclusion of a few tiny box houses in the least desirable parts of the site create a development within a development – clearly based on purchasing power
- Houses labelled as “affordable” will no doubt cost £250k+
- Local plan identified this land as safeguarded land and as such is identified for future development needs, beyond 2026
- This is to ensure continuity of green belt land and to quote paragraph 85 of the plan framework “planning permission will only be granted following a local plan review”
- Wrong for these proposals for development to be even discussed before the local plan is published
- Residents made their feelings felt about the local plan just a year ago, at a time when a public meeting was able to be held in the Village Hall and residents without access to the internet could be helped to express their opinions
- Whittle-Le-woods does not need more 4 & 5 executive houses
- This type of housing has already been built to excess in Whittle & Buckshaw
- What is needed are bungalows for couples who have raised a family, looking to retire and wanting to downsize, thus freeing up step up homes / family homes for new couples trapped in first time buyer homes
- Bungalows are also in need for people with disabilities who require one level living rather than having to adapt family homes
- More first time buyer / affordable 2 & 3 bed houses for couples starting out are needed enabling them to stay close to family support networks in the village - the new Redrow estate does not go far enough to meet any of these buyers
- The proposed location was subject to the consultation for the Lancashire Local plan (2020 to 2035) - the results or recommendations of that consultation have not been finalised and a developer to pre-empt this is surely wrong
- Chorley Council’s own stance is that, in principle, applications for housing not in accordance with the existing local plan, are considered to be premature, that these additional homes have not been accounted for in terms of plans for infrastructure needs such as schools, transport, and health services
- Chorley Council is of the view that the standard method is flawed, and it is for the local plan process to address longer term distribution and allocation of land for housing needs
- You state that the Council remain committed to a plan-led approach, to providing certainty to local communities as to the location of where new housing will be and that land designated as safeguarded is not intended to meet housing need now, it is for future generations
- There is finite land available in Chorley and it must be used carefully
- This speculative application must therefore be rejected outright if the integrity of the process is to be preserved and the trust of local residents not compromised
- Developers should not be allowed to take advantage of a national health crisis to profit at the expense of the environment and the right of the existing population to a healthy and safe community which includes the provision of green spaces

Highway safety

- Town Lane is already narrow with much of the lane at the Chorley Old Rd end restricted with residents parking, it cannot take the additional traffic, especially over the hump back bridge and opposite Low Lane Industrial Estate where residents have no choice but to park outside their houses
- Vehicular access is in close proximity to a blind bend where vehicles frequently travel at over 40 mph
- It will be difficult to achieve a safe junction design with the appropriate length of visibility splay in both directions especially given the changing topography to the west
- The paths along Town Lane are extremely narrow and will not provide a safe walking route especially for residents to take children to school
- The proposed site access is located at a dangerous point close to the brow of an incline when approaching from the east on Town Lane
- The Lane has a lack of adequate footpaths close to several sharp bends and has a 7.5 tonne weight limit
- The Lane becomes single file in several places - at the approach to its junction with Chorley Old Road, at the bridge over the canal, and outside the primary school at its eastern end
- The application states that Lucas Lane (50 metres from the site exit) is a "strategic cycling and pedestrian route", in reality it would become nothing more than a short cut/rat run to/from the A6 for the residents of the estate
- Getting from Town Lane anywhere involves country roads which would struggle with additional traffic
- Chorley Old Road is already bad enough with residents parking on both sides of the road making it difficult to pass
- I've witnessed buses before now having to go on the pavement to let vehicles pass causing danger to pedestrians
- The access road is inadequate to the site either from the Wheelton direction or the Whittle direction
- A proposed path (cycle route) terminating onto Town Lane next to the drive to the nursery, would be very dangerous by allowing pedestrians to exit onto such a narrow Lane with poor views in either direction
- Lack of adequate footpath is going to lead to accidents.
- Lucas Lane and Dark Lane will be used as 'rat runs' to the A6 and M61 and are used by families, walkers and cyclists
- It is understood Traffic census was taken during lockdown – what evidence is there that any adjustments can give realistic projections?
- There are cars parked throughout the day in front of the houses all the way up Shaw Brow making this virtually a single carriageway and is also on a bus route causing even more problems and delays
- At the top of the brow itself there are a number of cars belonging to the staff employed at Pexion Group, Crosses Barn, Shaw Brow, which are parked all day very close to the left bend and cars turning into Shaw Brow from the A6 assume that they have a right of way and, once again, I have observed a number of near misses at this point
- Cars are parked all day on the left-hand side of Shaw Brow from the bridge to the A6 junction making this a single carriageway
- Cars are always parked on the pathway on the A6 right up to the junction with the A6 making it impossible to have a clear view of oncoming (Chorley bound) traffic or cycles without encroaching into the cycle lane causing obvious dangers to any approaching cyclists using the lane
- The volume of traffic using the A6 makes it extremely difficult to turn right towards Preston from School Brow and cars wishing to make a left turn onto the A6 are often blocking the road due to the severity of the junction preventing traffic turning from the A6 into School Brow and causing hold ups on the A6 itself
- The assessment of the traffic access points relating to Town Lane are not a true reflection of the actual situation
- There are cars parked throughout the day in front of the row of cottages at the Chorley Old Road end of Town lane which makes this section a single carriageway and, with the

close proximity of the junction with Chorley Old Road, is very dangerous when cars are turning into Town Lane coming down Dolphin Brow

- There are often cars parked right up to the junction making it very difficult to see if there are any cars coming from Shaw Brow around the bend by the 'green'
- There are numerous cars parked outside St. Chad's primary school from 08.00 to 09.00 peak time dropping of children at the school
- These cars start before St. Chad's church and go almost to the blind corner by the junction of 'old' Blackburn Road making the road into a single carriageway and it is impossible to judge if any cars are coming around the corner and I have witnessed a number of near accidents at this time of day
- The access onto the A674 from Blackburn Road at peak times is already extremely busy, especially if you wish to turn right towards the M6 junction, often having to wait many minutes
- This is also likely to encourage people to take a turn into Dark Lane from Town Lane then getting onto the A674 from Moss Lane causing Dark Lane to become even busier than it presently is on a very narrow lane
- The access to the site is unsuitable for construction traffic especially the historic canal bridges
- Horse riders and cyclists are regular users of Town Lane and Chorley Old Road and increased traffic will put these users at increased risk of accident and injury
- A separate, independent review of the traffic impact must be undertaken, not just a review commissioned by those who have a vested interest in this development getting the green light
- Town Lane not suitable for increase in traffic – several sharp bends, weight limited single pass bridge, primary school
- Town Lane bottlenecks at both ends – safety concerns with increase of estimated 500 cars
- M61 already dangerous at peak times and backed up constantly on carriageway
- 26 pages dedicated to the Royton Drive junction and the A6 – implies they expect cars to use Lucas Lane to exit
- Will increase traffic flow onto a designated cycle route
- Dangerous exiting onto A6 from School Brow
- Although footpath access in south west corner is positive addition it won't change the fact that majority of journeys will be by car
- Traffic report suggests peak times 08:30 to 09:30 morning based on trip rates from TRICS data will only generate 88 car journeys from 250 dwellings – scale of parking provision shows developer doesn't believe this
- TRICS is national data based from many developments served much better by public transport
- Car journeys from this development will be significantly above this average and therefore 88 car journeys per peak morning is a gross underestimate
- Public transport access is inadequate to suggest residents will walk up Lady Crosse Drive then a very narrow muddy footpath to over 600m for a bus to work is naïve
- Number of people using Town Lane has increased 10 fold in last 19 years
- Shaw Brow was chaos in recent bad weather – car crashing into each other – lots of car parked on road
- Vehicles travel too fast on 20mph sections of Town Lane
- Substantial investment would be needed to make this work properly particularly as Croston's Farm has yet to be completed
- Moss Lane used as a rat run and development would overwhelm network round Town Lane and impact on Moss Lane
- Both Framework Travel Plan and Transport assessment documents refer to Buckshaw Parkway cycle parking – doubt it will entice people out of cars
- Once COVID is managed issues of parking for rail users and Buckshaw residents will return
- Chorley Old Road is narrow in parts due to car parked on sides
- Several stables on road shows semi-rural location

- Town Lane / Lucas Lane / Dark Lane only passable by one car in parts – will not support a 1000 car journeys a day increase
- Many parts of Town Lane have no safe footpath – have to cross several times
- Dark Lane will be used as cut through – impatient drivers have nearly hit people at narrow parts
- Impact on wider road network – accidents have occurred along A6 at Sea View, Moss Lane, Dawson Lane and Cow Well Lane junctions – increase in vehicles will add to problems and consider safety of traffic pulling out from Shaw Brow and School Brow – can't provide safe access to the site
- If traffic increases it will be difficult to walk to Leeds Liverpool Canal to enjoy natural environment there
- Canal bridge not suitable for heavy or long vehicles – historic bridge
- Smaller lanes off Town Lane already used as rat-runs and cut-through from A674 to Whittle and Wheelton
- No scope to upgrade roads
- Congestion at M61 junction in Whittle (Hartwood Green) is severe
- The development proposed, off any bus routes and away from any public transport options will again drive up private vehicle numbers in the area
- For the most part Town Lane is a narrow country lane with just one wider section as it passes under the M61
- There are several blind bends and steep sections, including the approach to the proposed entry to the development
- There is a dangerous junction, particularly when turning right, onto Chorley Old Road at the end of Town Lane. It is not possible to see cars coming downhill, round the bend until the last minute
- There have been numerous accidents at this spot
- Many of the dwellings on Town Lane are traditional stone cottages with little or no front garden and no provision for parking, consequently the residents park in front of their homes reducing the road to single track with passing places in several sections
- The Blackburn Road end of Town Lane passes St Chads Church & St Chads Primary School - there is obviously considerable congestion in this area, again reducing the road to single track, during Church services and at the start and end of the School Day
- The field opposite the school is used by the pony club so on occasions there is congestion due to horse boxes and also increased numbers of children on horses riding to the field along the lane
- In the middle of Town Lane is Bridge 81 carrying Town Lane over the Leeds and Liverpool canal - this is Grade 2 listed, built in 1816, as is the adjacent office building
- The bridge is narrow & humpbacked and the road is constantly crossed at this point by walkers following the canal path - this bridge is not at all suited to the increase in traffic and there would be increased risk of accidents to all road users- vehicles and pedestrians alike
- The site of the Co Op, the nearest shop to the development, is already very congested and is single track in many sections due to parked cars
- The road surface has been recently patched but is still in poor condition - more traffic will render it totally chaotic
- Stagecoach bus company have said that Town Lane is not suitable for a bus service which means residents of the new development will be totally reliant on their cars with the increased traffic & air pollution that brings - this is at a time when councils should be encouraging the use of public transport to help in the fight against climate change
- Town Lane is currently extensively used by horse riders, cyclists, and walkers - often with children and dogs - there are several sections without a footpath
- Approaching the proposed entrance to the new development the footpath stops on the right side of the road, just past a bad bend, and changes to the opposite side of the road, necessitating crossing over
- Increased traffic will only make using this road more dangerous
- Redrow's plans propose a cycle track through the new development - this will exit onto Town Lane which has no space for a cycle lane and will be rendered considerably more dangerous by the increase in traffic.

- Objection to temporary heavy goods vehicle access – untenable to route vehicles via humpback bridge -also not safe to route past school
- Redrow are already building their "Sycamore Manor" development in Whittle-Le-Woods which will add c.200 car journeys each day, therefore for the council to approve this application will add a further c.1000 journeys each day is irresponsible

Infrastructure

- The infrastructure cannot support another 250 houses including the hospital, A&E dentists, doctors surgeries, schools, roads and drains
- The facilities in the area are already overstretched and local roads are not designed for the amount of increased traffic this development will add
- The nearest shops are small and barely have enough parking for the current customer base
- No provision for schools, shops, healthcare
- Good footpaths to local shops? One quoted closed 2 years ago
- Needs to be a financial contribution to cycle paths, play facilities, recreation area and making the development carbon neutral by way of a tree planting commitment
- Install secure covered cycle storage areas at doctors, dentists, and shops
- Difficult to get good secondary education – having to travel further afield for secondary schools
- Any proposed CIL would never be enough to fund the vital services
- No A&E at Chorley
- People living a mile from primary schools have to travel over 8 miles round trip twice a day to access school places
- WLW primary schools annual intake is 55 children – already oversubscribed so where would all the extra children go if no schools are being built?
- Why are Redrow not being required to provide a new school?
- If planning is passed will Chorley Borough Council ensure that Redrow agree to take responsibility to build another school to house the increase in children and another doctor's surgery to care for the populations' illnesses
- Shamolic education provision – having to travel long distances to enable both children to attend same school – where are levies being spent that are supposedly charged to developers?
- Where are the extra school places being provided?
- This relentless development must stop in Chorley until appropriate infrastructure - paid for in part by the developers - is installed, namely better roads and links, a huge increase in school places and an uplift in doctors, dentists and sustainable public transport
- Council need to invest in existing infrastructure

Ecology and landscape

- This area is populated with wildlife and no consideration is being taken about this
- Deer are regularly seen on this plot
- Bird nesting sites will be destroyed
- This site is part of the Lancashire Ecological Network, containing both grassland and woodland
- There is a high biodiversity value on this land, one of the few remaining wildlife areas in the neighbourhood, and building upon it would impact both the deer and other creatures using it, and also residents who are able to quietly enjoy seeing them when walking on the public footpaths crossing it
- There are very mature hedgerows along the site's southern boundary, providing habitats for a range of creatures - these should be protected with no removal of any section
- Natural lay of Whittle is hills leading to valley streams and a small river – more pollution from building and traffic and flood water leads to higher risks of land erosion and wildlife destruction
- Oil and diesel in streams and brooks coming from Redrow Lucas Green build

- Quarry has become feeding / nesting ground for buzzards, kestrel hawk and peregrine falcon
- Last green space in WLW between A6 and M61
- Destruction has already occurred to trees due to new development on Lucas Green
- Would be better to plant a wooded area with a view to reducing noise and air pollution from local motorways
- Loss of trees – some have tree protection orders in place
- No pollution readings taken – if they were the land would be unsuitable for housing
- Conflicts directly with local core objection SO3
- As part of the Lancashire Ecological Network, this area represents an important habitat for fauna and flora, which would be destroyed
- The existing green fields are a natural shelter belt to Whittle-le-Woods from the M61 motorway and clean the air of pollutants emanating from vehicles travelling at high speed - by removing this shelter belt more residents of Whittle-le-Woods will now be subject to an increase of dangerous Nox and PM 2.5 particulate
- These plans do not show any readings have been taken to show the high air pollution rates of this area - infact if readings are taken we believe this site would be classed as unsuitable for housing
- Environmental study submitted by the developer is woefully inadequate and the survey was conducted at the wrong time of year, many important species have not been recorded due to this
- We are becoming part of the urban sprawl now evolving from Manchester to north of Preston
- Soon there will be no fields and nowhere for livestock to graze
- No where for wildlife to live and breed, ponds and hedgerows disappearing
- This area currently acts as a soak away i.e. it is very marshy land that is also a haven for the common snipe, especially in winter when most ground is frozen
- This situation applied to the Lucas Green Redrow development, but since no winter survey was under taken this was not discussed at the Public Inquiry - clearly what applies to both sites is the loss of feeding grounds for winter migrants in particular redwing and fieldfare
- Redrow's leaflet shows trees as a background and a foreground which is pleasant to see but unfortunately what happened on the Lucas Green site, is that mature trees were felled and replaced by trees that were little better than sticks - they are so thin that a number of them have already been broken by the wind
- Trees are being felled along Lucas Lane, (i.e. the Croston Farm development), apparently uncontrolled
- These fields are a haven for wildlife, deer are frequently seen, there are large rabbit warrens, buzzards nest in the trees adjacent to the lodge, dippers nest in the river banks
- The wetlands are a refuge for migrating birds like snipe and the brambles and hawthorn bushes are an important food source for birds like fieldfares and redwings
- A letter from Redrow states that the ecological report commissioned by the company concludes that "the development will provide an opportunity to secure ecological enhancements for fauna". This is because significant parts of the land will be set aside for open space and wildlife habitat"
- Are we to believe that by "only" building on 22 of the 32 acres of land the wildlife is somehow benefitted? It would be considerably better if all 32 acres were left alone for wildlife
- It is surely obvious that by building a huge housing development, adjacent to a river valley, is going to result in degradation of the environment due to increased human activity, rubbish and pollution as well as disturbance due to noise and light pollution
- In the same letter it states "it is always regrettable when trees have to be removed to accommodate development and Redrow always seek to maintain valuable/specimen trees
- This is the case at Town Lane where there is a large tree close to the proposed access" - unfortunately Redrow can't be trusted to conserve trees
- The Redrow Croston's Farm development on Lucas Lane has resulted in the felling of 400 year old trees because they were "stressed" due to the development

- Stressed trees can recover if management practices are changed and perhaps a better solution would be not to stress them in the first place
- I am suspicious that Redrow will decide that the beautiful tree by their access is stressed too and has to be felled
- Certainly other mature trees will be felled and hedgerows grubbed out
- Redrow claim that "in all cases many more trees are planted on our development sites than are lost and we attach great importance to creating an ecologically diverse and attractive landscape"
- A mature tree maybe hundreds of years old and provides diverse ecological niches for many species - such a tree can in no way be replaced by one or even a dozen saplings
- It will take many decades for them to grow enough to approach having the benefit to the environment of a mature tree
- Many of the new trees will not survive at all
- As for an "Ecologically diverse and attractive landscape" - this is not a description I would apply to the Redrow development of Lucas Green - it is just a barren estate of large houses of a typical of other modern developments - the Town Lane development will be no different whatever language they try to use
- Wildlife mortality on the neighbouring roads and the M61 motorway will increase due to the pinch point on the eastern fringes of this proposed development as this development will strangle a wildlife corridor
- Loss of green spaces - This will most definitely cause distress to the wildlife and presents a risk that animals will venture into populated areas whereby they could encounter risks
- We have seen already the impact of the recent works commencing on the "Sycamore Manor" development with pheasants and birds of prey venturing into gardens
- We have also had deer and rabbits walking on the road and in gardens due to their habitats slowly being destroyed

Drainage and flooding

- The site is sodden when walked across
- There are flood risk fears down stream adding to the flooding issues already in the village
- Residents need to be protected against flooding risks
- Flooding has been worse since the Lucas Green houses were built
- All land drains will flow into the River Lostock, which already rises to a significant level and fast flow rate when rainfall is heavy
- The land in question is extremely boggy in places and naturally holds back excess rainfall from draining into the River Lostock - when drained and built upon the consequences will undoubtedly be felt downstream at Waterhouse Green
- The application states that sewage from the site will be drained into the existing sewer on Town Lane - the accompanying drainage maps are out of date insofar as they take no account of the current Redrow plan to drain sewage from the in progress Crostons Farm site onto Town Lane
- Redrow also seem to be unclear as to whether they will also need to drain surface water from this proposed development into the Town Lane sewer
- According to the 'Flood Risk & Drainage Assessment' (with outdated information), the site is at low-risk of flooding and a 'soakaway' with the River Lostock as back-up will be sufficient to manage ground water
- The fields are water-logged for 2/3 of the year - it doesn't soakaway because there are underground springs
- The culvert under Waterhouse Green is continuously in danger of flooding and the River Lostock has had numerous flood warnings which causes problems throughout the entire area including Kem Mill Lane
- The site itself will not flood but the downstream consideration is being totally ignored
- During times of flooding a considerable flow of water can be seen discharging from the attenuation ponds and pipework on the existing Redrow developments ponds which was never evident previously -this shows the type and size of attenuation pond does not work

- A secondary independent study needs to be completed on the effect of flooding downstream from this development and others that have come before it
- Areas need natural open land to self manage the natural flow of surface water
- Town Lane / Waterhouse Green has had 32 EA flood warnings / alerts in last 5 years, 8 last year and 2 this year and 4 actual flooding events
- If outline permission is granted there is no going back and no definitive plan as to how the water will be controlled other than into the river
- Quoted 5,500sqm attenuation is size of 2 Olympic swimming pools
- Given assurances that balancing ponds would be installed at Lucas Green development however Redrow only built a storm drain that hasn't yet worked effectively – many gardens on Lady Cross Drive and Town Lane are flooded
- Flooding on Southport Road where a new housing estate has potentially increased the flood risk – same could happen here – is Chorley Council prepared to guarantee this won't happen here?
- Promises made re flooding and drainage are not kept or enforced or monitored
- Intends to hook up with existing foul drainage at Waterhouse Green where historically there are already problems
- Concerned that once Croston's Farm is completed as well, the system will be unable to cope causing more problems for existing residents – UU seem oblivious to this in their response to date
- New national thinking is to hold back the water in higher catchment areas by limiting development
- Proposing a children's play area immediately adjacent to a permanently filled detention pond – safety issues
- Detention ponds – ineffective, cheap solution, eyesore and not maintained on Lucas Lane
- Culvert on Town Lane has much more water now – less a culvert and more a stream
- The main sewer that runs from near to the proposed development is very old and very small for the volume of wastewater it takes already - it has already had to take the wastewater from recent developments around Magill Close
- The sewer runs through many gardens and under several houses
- In 2019, the village suffered a catastrophic collapse of this sewer underneath a house, with major repair work required and significant flooding to several houses
- The sewer cannot handle any further increases in flow
- Can CBC confirm that adequate drainage will be in place to assure us that there will be no further flooding
- The land is a soakaway/run off for the M61, the fishing lodge is struggling to cope with the amount of water as it stands
- There is a spring and other runoffs which feed the fishing lodge
- There is a worry of contamination and fish welfare
- Volunteer our own time (when not in immediate risk of flooding) to clear drains on the local B roads, which are inevitably and frequently blocked, sweeping the gutters to improve the effectiveness of drains and research potential strategies for mitigation
- When the risk of flood event is high we mobilise resources to protect life and property, moving heavy sandbags, up to elbow in drains trying to get the surface water to flow, using buckets to bailout properties and, just as important, afterwards providing support for each other as we face yet again the threat of losing homes, belongings and health
- These fields are a natural soak away and a very marshy, even in the summer months- as evidenced by the amount of reeds growing there
- Even these fields aren't sufficient to soak up all the rainwater and numerous little streams flow down into the valley and there is a steep, eroded bank in one section
- Building on the fields will increase the speed of run off, which will increase erosion, resulting in increased pollution and silt reaching the River Lostock
- More rapidly rising river levels will result in increased risk of flooding downstream on Town Lane and Waterhouse Green
- Redrow claim that risk of flooding will be reduced by the building of "Surface water attenuation ponds" - however this has been ineffective in the Lucas Green development just the other side of Town Lane

- Redrow have built a pond on this site which is permanently empty of water, even in the wettest periods
- The hill below the empty pond is eroded due to water flowing alongside the concreted path
- Flooding has not been reduced

Amenity

- There would be increased noise levels with the increase in traffic
- It would be an eyesore on the skyline for local residents and decimate the current view
- The level of traffic flow through historic Waterhouse Green would decimate the village centre's character
- WLW has already lost so much of its green land which forms a major part of its charm and character -further loss would continue to impact its status as a desirable and peaceful place to live
- Town Lane is extremely rural
- Concern that homes on Town Lane with foundation made from pea gravel will be in danger from 4 to 5 years of construction traffic
- Not in keeping with stylistic context or scale of local area
- Layout and density proposed is inappropriate
- Proposed character of site does anything but complement the existing village
- Over 19 years seen it change from being semi-rural to every bit of green space used for new builds – been at least 19 developments over last years in Whittle and Clayton ranging from housing estates, garden grabs and smaller developments not counting 85 homes granted permission at the quarry and development at Croston's Farm
- Building houses in every part of the village is aesthetically disastrous
- Standard Redrow houses – no effort to blend in with surrounding properties
- Low Mill Lodge is over 100 years old and needs safeguarding
- Proposed scale and design of the development would impact the character, appearance and local distinctiveness of this small and charming area of Whittle-le-woods
- Current housing is of individual style, or very small groupings of houses of similar style
- A large estate with housing of a uniform style is not in keeping with the housing character of the area
- High proportion of housing along Town lane is of local stone or traditional cottage style in keeping with the area
- An estate would unlikely be all or even partially in this local style
- Proposed scale would irrevocably destroy the area's character as a semi-rural village setting

Other

- It is distasteful that developers are pushing applications through when local groups cannot easily meet to discuss
- Many properties on Waterhouse Green are listed – has English Heritage been consulted about the development?
- If it goes ahead flooding could damage or destroy listed buildings
- Two planning applications refused for the erection of a double garage on Town Lane as it would be a blight on the environment for anyone looking up at it - the council should adopt the same policy when considering this application
- Loss of rural footpaths
- A lack of proposed cycle infrastructure and dearth of quality public transport means development in this area will be heavily car dependent and given the recognised and imminent danger of climate crisis an alternative more sustainable site should be found
- The affordable housing is placed closest to the M61 where air and noise pollution will be worst - this will disadvantage the health and life of those on the lowest income causing yet more ill health and poor life chances and increasing the inequalities already rampant in our society
- The environmental impact of destroying more green space will be of real detriment to future generations

- We are in the midst of a climate crisis and we should be protecting and preserving nature and wildlife, as once it is gone, it's gone forever
- We cannot place profit before this planet
- In a recent Coroner's report into the death of a young girl living alongside a busy road, it concluded that her asthma attacks were preventable insofar as the traffic congestion and resultant air pollution was cited as a cause of death - Chorley Borough Council should bear this in mind when thinking of introducing more vehicles down this road, past a school, past front doors of houses
- Will cause mental health issues for all residents
- Pollution and health risks from M61
- Crime rate will increase as new developments always attract more crime
- Proves that Chorley Council values council tax and money over people's wellbeing and mental health
- Development only up for consideration due to high council tax fees that Chorley Council will achieve in this area
- No faith in planning system protecting existing residents
- If site is to be developed it should be for significantly less houses, more diverse house types and more open space retained
- Chorley Air Quality Status Report of 2020 states junction of Shaw Brow and the A6 is dangerously close to breaching the England air quality objective of mean NO2 emissions 40 micro m/g cubed
- Redow relying on apathy in community
- Redow only pursuing this application now due to COVID regulations – only 2 weeks to make community aware and we can't attend Committee
- Developer will cover objections with desktop studies and traffic analysis completed during lockdown
- Whatever conditions put on the site won't be adhered to – waiting to see a copy of the management plan for the Biological Heritage Site on the West of Lucas Lane site – requested it 3 years ago along with the grazing sheep that the ecology team said would be required to maintain the site
- Council will refuse, Redow will appeal, Council will refuse, Redow will appeal to Secretary of State, Redow will win, Council will say don't blame us, blame central government
- One of the small amounts of green space left to the west of the M61 that hasn't been developed or part of an ongoing development
- Town Lane – characterful country lane
- Responses from statutory consultees and UU seems to view developments in isolation as opposed to considering the cumulative impact
- Brownfield sites such as Camelot should be prioritised or expand Buckshaw
- During recent lockdown huge increase in people on footpaths and finding new walks – benefits to local people cannot be overstated
- Air pollution is severe
- Building any more homes is corruption at its worst
- Crime rate in Whittle is excessive
- Negative effect on house values of existing properties
- If we all wanted to live in a new town we would have moved Buckshaw Village or Warrington
- Threatened by traffic on Lucas Lane – dog was nearly run over by a lorry
- Youths will use Lucas Lane to get to garage on A6 – will intimidate residents
- The number of developments in relative size terms far outweighs Preston
- Asked Redow to confirm what the strong identity would be but have had no reply
- Sustainable multiple occupational housing with quality communal pedestrian spaces could be supported when near to city centres
- Appears to go against Council's declared emergency on climate and nature
- Proposed footpath – footpath from Lucas Green to Lady Crosse Drive is known locally as "Death Row" - several accidents and Redow have failed to resolve the situation

- Promises a high quality development – ask residents of Lucas Green if they feel they live in a high quality development – all sorts of promises made and not met – as soon as last house sold couldn't get away from their commitments quicker if they tried
- Approved pedestrian route from Royton Drive / Croston's Farm currently in progress will funnel more pedestrian traffic onto single track footpath on Town Lane via Lucas Lane
- Have embarked on what appears to be a compassionate consultation with locals whereas really just bypassing planning system at time when residents are locked away supporting the authorities efforts against COVID
- Keep developments for town centres and allow villages to retain their identity
- Cllrs should refuse this and put needs and wishes of paying / voting public ahead of developers
- Moved from Buckshaw to Wheelton for semi-rural village life. New build life is not for everyone
- Those living in Grade II listed cottages have to apply to add a window, pay additional insurance against flooding yet it is acceptable for developers to build properties that could threaten / burden and create extra risk for these properties from flooding – council should prioritise safeguarding the history of the village
- Unless council can demonstrate they can fund the investment in improvements needed, the application should be refused
- No justification in approving housing on land like this when there is brownfield land in Liverpool and Manchester or, in this case, Botany Bay where it is unlikely that retail or office space will be needed
- Why should community have to suffer more inconsiderate movement of contractor vehicles and plant during a build – Ruttles Quarry activity created noise, pollution and disturbance – Council did not monitor or supervise behaviour
- Council achieves many great things for this borough and its residents but constant building of these huge estates on our cherished countryside is a massive downfall, particularly when you're already greatly exceeding the new build quota
- How can there be a shortage of houses when houses in area have been on market for years and don't sell?
- As land is farmland it is a carbon capture helping to keep carbon emissions down and to reduce the effects of climate change
- Application should be postponed until all of community have chance to comment
- Low grade radioactive waste buried in field nearby
- Residents are heartily fed up of watching so many new developments being built, and living with the consequences of them
- Redrow are a massive company with massive resources - if this proposal is turned down, they have the resources to appeal and appeal until they get the green light
- They are playing the long game - make them wait and make them work hard by refusing permission
- The proposed development is adjacent to a land fill site (to the south), that contains asbestos (records are available from the Environment Agency) and possibly nuclear waste
- Another site a short distance away (to the north) does contain many tonnes of nuclear waste - any disturbance of these sites would affect all residents to varying degrees depending on location i.e. proximity, wind direction etc. but in particular future generations
- The site has numerous footpaths which Redrow state will be "retained in green corridors". Again we have an example on Lucas Green as to what happens to footpaths. Instead of a field path there is an ugly set of steps and gravel path, already in bad repair
- A concrete path through or alongside houses is not the same as a peaceful walk through fields
- This development needs to be considered cumulatively against other existing developments in the area - not in isolation
- Chorley once had character, now it is nothing more than a Redrow Estate
- If you have only written to those residents living on Town Lane, which is just a country lane surrounded by farm land with few houses on it, then that is not representative of the residents who will be adversely impacted if this development goes ahead, and does not give them a chance to voice their opinions

- Issues with quality of housing and housing management company not upkeeping communal areas
 - Plans to create a 'Central Lancashire New Town/City - on the plans which are obviously still available, urban sprawl was planned for in a continuous belt incorporating Chorley through Whittle, Clayton and all other districts up to and beyond Preston - it would appear that these old plans have now been unearthed after being shelved many years ago
 - In Whittle over the last 10-15 years it appears that pieces of 'spare' land have been acquired for development in a rather ad-hoc fashion.
 - Becoming a commuter town
11. Cllr Bell has stated that he objects to the planning application.
12. Cllr Clifford has objected to the proposal in his capacity as a Ward Councillor and as Champion of Environment and Green space and has commented as follows:
- *I object in the strongest possible terms to the outline planning permission to build 250 houses off Town Lane, Whittle-le-Woods.*
 - *The cumulative effect of this application if allowed will have a devastating effect on local nature and the surrounding environment, the existing infrastructure of Whittle-le-Woods and the health and wellbeing of residents.*
 - *This pocket of land is currently safeguarded in the local plan and any outline application should not be submitted to Chorley Council before 2026 at the earliest. These houses are not needed or wanted and this application is a highly speculative attempt by the developer to avoid public scrutiny during a national health crisis.*
 - *The environmental study submitted by the developer is woefully inadequate and the survey was conducted at the wrong time of year, many important species have not been recorded due to this. The building of what is in effect a small village on these green fields will dramatically alter how wildlife live and transit the area bringing conflict with vehicles on the M61 motorway running parallel. Numerous Bird and Bat strikes on the M61 will result due to the pinch point on the eastern fringes of this proposed development due to strangling a wildlife corridor.*
 - *These existing Green Fields are a natural shelter belt to Whittle-le-Woods from the M61 motorway and clean the air of pollutants emanating from vehicles travelling at high speed. By removing this shelter belt more residents of Whittle-le-Woods will now be subject to an increase of dangerous Nox and PM 2.5 particulates. These plans do not show any readings have been taken to show the high air pollution rates of this area. In fact if readings are taken I believe this site would be classed as unsuitable for housing.*
 - *The existing road network including Town lane is not suitable for any increase in vehicular traffic. None of the routes exiting Town Lane are what could be deemed as safe and with the road being semi-rural conflicts with Horses and pedestrians are highly likely. Only a few months ago I had new signage on Town Lane installed by Lancashire County Council making motorists aware of Horse riding taking place in the area, In fact there are stables already on Town Lane underlining the semi-rural character of the area. The loss of this beautiful semi-rural nature by increased volumes of traffic would in fact be a loss of public amenity and therefore constitutes another reason to refuse these plans.*
 - *Chorley Council have declared a Climate and Nature emergency and these plans go against our commitments to become Carbon Neutral by 2030. Stagecoach the bus operator has already said that this application on Town Lane is a bad example of developers not thinking about sustainable public transport in a presentation made to members of an overview and scrutiny committee looking at sustainable public transport. The topography of the surrounding area and walking distance to a primary route being reasons why house building should not take place here.*
 - *Climate change is happening and quickly this will only bring more serious flooding events to Whittle-le-Woods and the siting of a housing development on green fields that are a natural soakaway will devastate existing properties at Waterhouse Green. Water management on the site will be severely challenged and even with holding ponds being installed more flooding and pollution will result in future as water rushes into the River*

Lostock from this estate. There will also be loss of riparian natural habitats downstream of this development and throughout Cuerden Valley Park.

- *The strain on existing infrastructure should not be underestimated with a lack of local school provision for children in the area, lack of shops in the vicinity, dentistry, health care, entertainment. New residents would have to use their motor vehicles when accessing these services further increasing pollution in this area.*
- *Chorley Council has already delivered it's fair share of housing over the years and residents of Whittle-le-Woods all agree that enough is enough. These plans should be refused outright.*

13. Cllr Walker has objected to the proposal and has commented as follows:

- *As one of the Borough Councillors for Whittle Le Woods I wish to strongly object to the above outline planning application.*
- *The area is currently safeguarded in the local plan and any outline application should not be submitted for development until the forthcoming local plan is finalised.*
- *The highways network around the area is insufficient to deal with an increase of approximately 500 vehicles if this application is approved. At one end of Town lane is a school and church, there is a difficult access to Dark Lane and a dangerous bend half way along the Lane.*
- *The entrance to Town Lane from Chorley Old Road on the right hand side there is a small industrial site, two houses incorporating a children's nursery and on the left hand side there are a dozen terraced properties with no off street parking due to the age of the properties so causing one way traffic until you pass the entrance to Lady Cross Drive.*
- *The traffic management survey done for Redrow was carried out during the November lock down due to the COVID virus and does not reflect traffic movements under normal circumstances. No survey was carried out around the time of school closing at the end of the school day 3/4pm.*
- *There are only two primary schools in the area with an annual intake to reception of 55 places. This year for example Whittle Primary School has already had 98 families looking at the school for their children to start school in September.*
- *The area around Waterhouse Green is in a flood risk area and with the potential for further houses built will only increase the risk of further flooding.*
- *In the area of Town Lane there are no facilities for shops, although a new Doctors surgery will be completed in December this year new residents will have to use their vehicles to access these facilities.*
- *Chorley Council has already approved many new housing developments in Whittle Le Woods over the past 20 years and residents now feel that this new application is totally unacceptable to be sustainable in the village.*

14. County Cllr Riggott has objected to the proposal and has commented as follows:

I strongly object to application 20/01347/OUTMAJ for the construction of up to 250 dwellings off Town Lane in Whittle-le-Woods.

It is deeply disappointing to see developers trying to take advantage of the unprotected situation Whittle-le-Woods residents and those across Chorley find themselves in, following the failure by Chorley Council to successfully manage their own Local Plan.

This site is clearly classified as safeguarded land for consideration post 2026 and there is certainly no need or justification for this application to be made at this time, or time in the near future. It certainly should not be recommended for approval by Chorley Council's Planning Department.

There are clearly demonstrable and well aired concerns in regards to the assessments provided for primary school place provision, traffic movements, pedestrian safety as well as real concerns over flooding and other serious environmental concerns. The timing and circumstances of when some of these assessments were carried out is certainly questionable and requires expert scrutiny and challenge.

Residents have fought a determined, well organized and superbly researched campaign to date and I fully expect this to continue and gather momentum with each passing day. They are a credit to the Whittle-le-Woods community.

It is time for Chorley Council to show some long overdue leadership and outline how it intends to fight off this unwelcome, speculative application. Clearly Chorley Council should have contingency plans already in place given the long-running Gladman saga in Euxton, which prefaced the collapse of their Local Plan, and these now need activating urgently.

15. The Wildlife Trust for Lancashire, Manchester & North Merseyside has objected to the proposal and has commented as follows:
 - *There is currently insufficient information for the Council to determine this application against NPPF paragraph 170, 171, 175; adopted Local Plan Policy BNE9 or adopted Local Development Plan Core Strategy Policy 22 because of uncertainty about effective and enduring mitigation for likely impacts on a Local Wildlife Site (sensu National Planning Policy Framework (NPPF) 2019 (Lucas Lane Pasture (ref: BHS52SE07)).*
 - *It is stated that measures will be needed to protect the identified biodiversity resource of Lucas Lane Pasture Biological Heritage Site (BHS) and it is the view of The Wildlife Trust for Lancashire, Manchester & North Merseyside that the BHS should be protected from future development and linked by functional grassland ecological networks ("wildlife corridors") to land to its north and east, and its management sustained. If it is to retain its intrinsic biodiversity value and its role in a wider ecological framework it is vital that this land, together with associated ecological networks, is the subject of a funded management agreement tied up through either a s106 agreement or the Community Infrastructure Levy, as appropriate. It will also be vital that the BHS remains part of a viable grazing unit, buffered from surrounding non-pastoral and non-nature conservation land uses.*
 - *Furthermore, whilst The Wildlife Trust for Lancashire, Manchester & North Merseyside welcomes the recognition that there are habitats of moderate suitability for use by foraging and commuting bats, concerns were also raised regarding the survey of breeding birds and otter activity.*
 - *It is also noted that The Wildlife Trust for Lancashire, Manchester & North Merseyside welcomes the proposed ecological enhancements and recommends conditions or s106 or similar obligation as deemed appropriate.*

16. Chorley and District Natural History Society has objected to the proposal and has commented as follows:
 - *Land is not allocated for housing*
 - *Site is located in the Green Belt*
 - *Birds – discrepancies between ecology survey and evidence from residents needs further verification*
 - *Bats – although no records of bats are noted in the ecology report, it does not prove that bats are not present on the site*
 - *Swift bricks – recommend these are inserted*
 - *Pleased with recommendations – important that these are fully adopted and implemented, should the application be approved.*
 - *Strongly object to basic premise of "enhancement" – permanent loss of habitats is not mitigated by provision of nesting boxes and habitat connectivity*

CONSULTATIONS

17. Whittle le Woods Parish Council – Has commented that it is unanimous in its opposition to the application. A detailed objection from the Parish Council seeks to demonstrate why the proposed development is inappropriate and how it would create unacceptable risks for Whittle-le-Woods, its environment and people. This is set out below:

All our Parish Councillors have a wealth of local knowledge and life experiences. However, such is the importance of this decision; we have engaged professional opinions in the form of commissioned reports undertaken on 'Honest Broker' basis. (The appendices and the full

documents have been reviewed in consideration of the application and are available on the planning file.)

In summary the objection states that since being designated an 'area of significant restriction' in the late 1980's the people of Whittle-le-Woods have been told this site is 'Safeguarded' until at least 2026. It is outrageous that it is even being considered for development in 2021 without transparent due process, and during the restrictions of a global pandemic. The application should be refused on these grounds alone if public trust in the planning process is to be maintained.

Highways & Traffic:

The applicant has failed to establish it is possible to deliver safe access for all users, either during construction or after occupation. The characteristics of Town Lane include inherent risk for all road users on this semi rural lane. The application does not demonstrate that adequate mitigations are feasible or even possible. (Please see Section 4 and Appendix 1)

Flooding:

The proposed site impinges on a known (Level 3) Flood Risk residential area. Despite the developer having consulted regulatory bodies more than two years earlier the application is lacking in detail, and has significant omissions. As a consequence it is impossible to scrutinise to a level that confirms feasibility. (Please see Section 5 and Appendix 2 & 3)

Ecology:

The Ecology Assessment and the reports available are inadequate for any development, let alone over 30 acres of agricultural, undeveloped land known to be the natural habitat for many species. It will be necessary for the developer to remove huge swaths of protected hedgerow to achieve adequate sight lines for cycle/footpath/emergency access; this must not be sanctioned. Further this access will permanently change the landscape making all the earthworks visible.

The Application fails to show any consideration for a deterioration in air quality due to, increased traffic levels, the loss of a 'buffer zone' between two motorways or the detrimental effects on occupation of the proposed houses – especially those in the "affordable homes" probably nearest to the M61.

18. Lancashire Constabulary Architectural Liaison: Make a number of recommendations in relation to designing out crime.
19. Environment Agency: Have no objection.
20. Greater Manchester Ecology Unit: No objection, conditions and informatives advised.
21. Waste & Contaminated Land: No objection subject to condition.
22. Regulatory Services - Environmental Health: Have no objection subject to the provision of a robust Acoustic Design Statement and details of any associated mitigation measures at the design stage.
23. United Utilities: Have no objection subject to conditions.
24. Lancashire Fire and Rescue Service: No comments have been received.
25. Lancashire County Council Highway Services – Comments to be reported on the addendum.
26. Lancashire County Council Public Rights of Way: No comments have been received.

27. Ramblers' Association (Chorley Branch): No comments have been received.
28. Lancashire County Council Education: Advise that an education contribution is not required at this stage in regards to this development.
29. Lead Local Flood Authority: Raise no objection, subject to various conditions.
30. Canal & River Trust: No comments have been received.
31. The Coal Authority: Has no objection to the proposed development.
32. NHS: No comments have been received.
33. 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

34. 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.
35. The Development Plan comprises the adopted Central Lancashire Core Strategy (2012) and the adopted Chorley Local Plan 2012- 2026.
36. 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).
37. Core Strategy Policy 1 (Locating Growth) identifies Whittle le Woods as an Urban Local Service Centre where some growth and investment will be encouraged to help meet local housing and employment needs.
38. 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
39. 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.
40. Core Strategy Policy 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.
41. 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.

42. The application seeks outline planning permission for up to 250 dwellings on 13.27 hectares of land. The site is adjacent to the settlement area of Whittle-le-Woods and is located on designated safeguarded land, as defined in policy BNE3 'Areas of Land Safeguarded for Future Development Needs' of the Chorley Local Plan 2012 - 2026. This application site forms part of a wider parcel known as BNE3.10 West of M61, Whittle-le-Woods.
43. The site was designated as Green Belt in the 1993 Lancashire Structure Plan. It was removed from the Green Belt designation and reallocated as Safeguarded Land along with a number of other sites in the 1997 Chorley Borough Local Plan under the Safeguarded Land policy (Policy C3). In the Chorley Borough Local Plan Review in 2003 the site was again designated as Safeguarded Land under Policy DC3.18.
44. 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).
45. 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.
46. 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

47. 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
48. 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).
49. 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.
50. 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.
 51. Paragraph 59 of the Framework confirms the Government's objective of significantly boosting the supply of homes.
 52. Paragraph 60 of the Framework reinforces that requirements represent the minimum number of homes needed.
 53. 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.
 54. 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".
 55. 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.
 56. 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 13.3 hectares whilst the overall safeguarded site BNE3.10 is about 75 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

57. The applicant considers that the Council is unable to demonstrate a five-year housing land supply when considered against the Local Housing Need 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.

58. The Core Strategy policies are more than five years old (adopted July 2012), however, following the Cardwell Farm decision (Appeal ref: APP/N2345/W/20/3258889 9th March 2021) the Council 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.
59. The Council note in the application proposals there is no indication given to the mix of housing on site.
60. The Icen Housing Study 2020 refers to broad density targets below using four broad types of location including rural locations (including villages), suburban locations, urban areas (i.e. urban fringe locations) and town centres. This site is in a suburban/urban extension location. The proposal should provide for a mix of houses.
61. For sites over 10ha a net developable area of 50% is applied so the yield for this site would be 233 dwellings (net developable area of 6.65ha x 35dph, (SHELAA methodology Table)).
62. 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.
63. 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)

64. 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.
65. 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”.
66. 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.
67. In respect of the Five Year Housing Supply, the Inspector concluded:
68. 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”.

69. 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”.
70. In respect of the most important development plan policies the Inspector concluded:
71. 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”.
72. 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”.
73. In respect of Policy 1 the Inspector at para 47 states:
74. “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”.
75. In respect of Policy BNE3 the Inspector concluded:
76. 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”.
77. 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”.
78. 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”.
79. 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

80. 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.
81. 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'.
82. 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.
83. 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'.
84. 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
85. The Inspector for the Pear Tree Lane Inquiry considered the MOU and stated:
86. 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".
87. 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”.

88. 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”.
89. 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.”
90. In conclusion the Inspector stated:
91. 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’ “.
92. 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”.
93. 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”.
94. 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

95. 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

96. 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)

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

- Whether the Council can demonstrate a five-year supply of deliverable housing sites, having particular regard to the housing need or requirement for Preston; and,
- Whether paragraph 11 d) ii. of the Framework is engaged either by reason of a lack of a five-year supply of deliverable housing sites or because the most important policies for determining the appeal are out-of-date.

98. The Inspector concluded the following:

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

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

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

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

Para 27 “....The development plan minimum housing requirement for Preston of 507 dwellings per annum (dpa) is set out in Policy 4 of the CLCS. This is out of a total

requirement for Central Lancashire of 1,341 dpa. This requirement was set by adopted strategic policies which are more than five years old”.

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

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

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

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

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

Para 32 “.....However, the Council considers that matters have moved on from MOU1. MOU1 included a clause whereby the document was to be reviewed no less than every three years but would also be reviewed when new evidence that renders the MOU out of date emerges. It is more than three years since MOU1 was entered into. The Council points to the introduction of the standard method for assessing LHN as being a significant change in circumstances. If the LHN figure is used, Preston would be required to deliver 250 dpa”.

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

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

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

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

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

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

Para 39 “....Subsequently, following the Pear Tree Lane decision, the Council withdrew from MOU2 because the Inspector ‘has attributed limited weight to the MOU in determining the appeal.’ The Council’s decision does not indicate on what basis the housing requirement or the five-year supply will be derived as an alternative to MOU2, albeit it is noted that the Central Lancashire LPAs are in the process of reviewing the Local Plan which will consider the matter of distribution of housing”.

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

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

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

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

99. 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

100. 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.
101. 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.
102. Taking account of the Cardwell decision para 42 relating to Preston's housing supply the calculation for Chorley is:
103. 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.
104. The tilted balance is not, therefore, engaged.

Emerging Central Lancashire Local Plan

105. 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.
106. 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.
107. Sites in the wider safeguarded area BNE3.10 were included in the Issues and Options consultation for the Central Lancashire Local Plan (CLLP) under site references 19C277x, 19C278x, 19C279X, 19C280x and 19C281x (a larger site than the application proposal). Site 19C001 (Annex 5- All Site Submissions received for Chorley) was submitted by the applicant. Public consultation on this document was between November 2019 – February 2020.

108. This application is for proposed development of the southern part of the 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

109. 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 addition site suggestions (Call for sites 3).

110. 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.

111. 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.

112. 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.

113. 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.

114. 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.

115. 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

116. *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.*

117. The applicant has submitted an Ecological Survey and Assessment (ERAP (Consultant Ecologists) Ltd, version 01, October 2020) and Indicative Access and Parameters Plan (Urban Green/Redrow, dwg no UG_709_UD_DRG_APP_03c,26.11.2020) in support of the proposed development. These have been reviewed by the Council's ecology advisors Greater Manchester Ecology Unit (GMEU) who consider that the report appears to have used reasonable effort to survey the habitats on site and make an assessment of their

suitability to support protected/species of principal importance (Section 41, NERC 2006 [Natural Environment & Rural Communities Act]).

118. The survey was conducted in May 2019 and September 2020. It is noted that the woodland to the north and some ponds were not accessible during the surveys. However, given the nature and size of the proposal this is not considered to be a constraint on the assessment and does not invalidate its findings.

119. The Report concluded that the site supports a number of features of some value to biodiversity: -

- Woodland to north (outside the edge red)
- Ditches and hedgerows
- Semi-improved grassland to north of fishing lodge

120. All other protected/principal importance species matters were reasonably discounted. There is currently no known reason to contradict the findings of the Report and the application can be forwarded to determination in respect of biodiversity without the need for any further work.

121. The Access and Parameters plan demonstrates that the level of proposed development can be accommodated while still retaining features of value and providing sufficient buffer and enhancement of the site. GMEU have recommended that the parameters plan be conditioned on any permission if granted. However, the plan is illustrative only and layout / landscape do not form part of the scope of this application.

122. The Report makes detailed recommendations at Section 5 and Table 5.1 which should be used to guide the design of a detailed scheme. These are:

- Retention and management of woodland to the north
- Buffer along northern site boundary and the River Lostock
- Enhancement of Field 6 (north of fishing lodge)
- Control of invasive species (Himalayan balsam)
- Retention of hedgerows, ditches and trees
- Lighting strategy
- Installation of bat roost features in properties
- Protection of nesting birds during breeding season (March – August inclusive)
- Installation of bird boxes
- Maintenance of habitat connectivity and ecological permeability of boundary/curtilages features
- Locally native planting scheme

123. The Report also recommends that a Habitat Management Plan should be incorporated into the Landscape Management of the site and it is recommended that any future scheme should provide both the detail and the mechanism, which can be used to secure this management in the long term (> 10 years). Production of this plan and demonstration of its deliverability could be secured by condition.

124. It is considered that the proposed development can be delivered in line with policy BNE9 of the Chorley Local Plan 2012 – 2026 if carried out in accordance with the recommendation of the ecological survey and assessment.

Highway safety

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 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.*

126. *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.*
127. A detailed Transport Assessment (TA) has been submitted in support of the proposed development. This provides an analysis of the accessibility of the scheme by non-car modes of transport; a summary of the estimated multi-modal trips generated by the scheme, along with the distribution and assignment of these on to the local highway network; and a summary of the estimated highways impact of the development including capacity assessments at various local junctions. These respond to an analysis of the site and local highway network in relation to the site access arrangements and illustrative masterplan providing for a residential development of up to 250 residential dwellings.
128. The TA sets out that the proposed development would access onto the local network via a new priority junction onto Town Lane, with a dedicated pedestrian/cycle/emergency access located at the western end of the site onto Town Lane. The TA considers that the site has a good level of accessibility and can therefore help contribute towards the use of alternative travel modes. It identifies that a range of bus services are available within 600m of the site, along with the services provided at train stations beyond.
129. The results of the capacity assessments at local junctions have been factored up to account for travel restrictions related to COVID, background traffic flows have been factored up again to account for future traffic growth and committed development traffic has been added. It is also identified that there will be an element of double-counting given that some of the committed developments will already be partially operational and that background traffic growth has been applied in addition to comprehensive committed development traffic being added. The TA considers that all of the junctions assessed have been found to operate within capacity for both a full opening year of 2025 and a future year of 2030. It therefore concludes that there are no highways-related reasons to withhold planning permission for the proposed development.
130. Lancashire County Council Highway Services have been consulted in relation to the proposed development, and TA that has been submitted, but had not finalised their report at the time of writing. The comments of Lancashire County Council as the Local Highway Authority (LHA) will therefore be reported on the addendum prior to the Committee meeting.
131. On the matters of parking provisions policy ST4 'Parking Standards' of the Chorley Local Plan 2012-2026 requires that proposals for development will need to make parking provision in accordance with the standards set out in Appendix A of the Local Plan. Appendix A identifies the Council's minimum parking standards for new development. It is not currently known how many bedrooms would be provided within each dwelling. It is, however, considered that there is sufficient room on-site for the provision of parking spaces to accord with policy ST4 at reserved matters stage and their provision could be required by planning condition.
132. The Framework is clear at paragraph 109 that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. There is no evidence to demonstrate a severe cumulative impact at this time, however, the acceptability of the proposed development on highway grounds cannot be confirmed until the formal comments of the LHA have been received.
133. Notwithstanding the absence of the LHA assessment at this stage, it is the case that 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 its

relationship with the wider site and locality beyond. The development of the site in isolation does not enable the development of a cohesive network of footpath and cycle links across the wider allocation with the amenities in Whittle le Woods and the footpaths and open spaces beyond the allocation to the north. This contributes to an isolated form of development that does not integrate well with the wider area, which leads to an unsustainable form of development.

Impact on the character and appearance of the area

134. *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.*
135. *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.*
136. *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.*
137. The application seeks outline planning permission for up 250no. dwellings, with the illustrative masterplan showing a new access road proposed on Town Lane, on the southern edge of the site. The illustrative masterplan also shows one possible way in which the site could be developed with a single point of access from Town Lane into the development. Roads leading from the point of arrival include a circular route towards the east of the site and a cul-de-sac to the west, with secondary roads and private driveways from these roads located throughout the development.
138. 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.
139. 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.

140. 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.
141. 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

142. *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.*
143. It is considered that the dwellings could be designed without detriment to residential amenity.
144. 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.

Contaminated land

145. It is apparent that there are some local community concerns that have been raised with the Council regarding a former landfill site located between 48 and 72 Town Lane on the south side of the road, and the impact that this could have on the future occupiers of any development that may take place on the application site. This landfill site is outside the application site but is close to it.
146. Representations that have been received suggest the disposal of asbestos, high levels of methane and disposal of low-level nuclear/radioactive waste. Representations also suggest that there is evidence that the site took asbestos and was not topped off properly.
147. At the time of writing, the Council has no specific evidence to support these concerns raised by the local community, and in particular the claim about nuclear waste disposal and high levels of methane. It is possible that there is asbestos in the landfill site. As long as this is not disturbed it should not present a significant risk of harm. Cllr Mark Clifford has provided some documentation in this regard, however, this does not validate the aforementioned concerns.
148. If the application site included the area of landfill itself then a full investigation into the site prior to development and commencement of development would be required, however, as the site lies outside the boundary of the application site the applicant is not explicitly required to investigate landfill that is nearby, only to consider the risks that the site in its current state may present, based on the available evidence, as part of its site investigation works. The developer must ultimately satisfy itself that there is no unacceptable risk to human health or controlled waters such that the land could be designated as contaminated land as defined under Part2A EPA 1990.
149. The Environment Agency (EA) has considered the information submitted in support of the proposed development in relation to information available regarding the nearby landfill activities. The EA identifies that Lowe Farm is 9 metres south of the proposed development site, and although not well run (at the time), the wastes within this site would be assessed in

a later site investigation as proposed by the desk study. Cawood Farm has also been defined 177 metres north of the proposed development site, however, the wastes are incorrectly listed as 'Industrial', when in effect records show this to be Low-Level Radioactive Waste (LLRW) (1953-1959).

150. The conclusion of the report is that site investigation would be necessary, as shown in the following extract:

8.2 Proposed Ground Investigation Scope

On assessing the potential risks on site, we have compiled the following recommendations for initial investigation;

- Three (3 No.) days trial pitting.*
- Ten (10 No.) window sample boreholes to 3mbgl targeting infilled reservoir, worked ground, fossil horizons and offsite landfill deepened to 5mbgl where infilled ground is encountered.*
- Six (6 No.) ground gas monitoring visits over a 3-month period at varying barometric pressures.*
- Forty (40 No.) soil samples (topsoil, made ground and natural) taken for chemical analysis to benchmark contamination levels across the site. Proposed testing will include but not be limited to the following; heavy metals suite (comprising; As, Cd (low level), Cr Vi, Pb, Hg, Se, Ni, Cu, Zn), Organic Matter, Sulphate, pH, speciated polycyclic aromatic hydrocarbons and TPH CWG. Asbestos testing within topsoil and Made Ground (if present) with quantification for positive samples.*

151. The report goes on to state the following:-

- The scope of works should be agreed with the Local Authority prior to the intrusive ground investigation and as such may change.*
- Additional SI may be required following completion of the initial SI.*

152. With the issues pertaining to the deposit of wastes at Cawood Farm and any groundwater contamination issues, the EA suggest that the Local Authority and the Environment Agency should request that future site works take this issue into consideration by increasing the parameters to be measured for (to include possible LLR parameters), and consideration of the direction of groundwater flow, establishing if there is any potential for impact upon the outlined development.

153. This could be secured by condition requiring that no development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development, has been submitted to, and approved in writing by, the local planning authority.

Drainage and flood risk

154. *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.*

155. The applicant has submitted a Flood Risk Assessment and Drainage Strategy, produced by Waterco, referenced w10857-190205-FRA & Drainage Strategy.docx, second issue, dated 14 February 2019 in support of the proposed development. These have been reviewed by the EA and Lead Local Flood Authority (LLFA) who raise no objections to the proposed development.

156. The EA have identified that the proposed site boundary is partly located within Flood Zone 3, which has a high probability of flooding. According to the FRA and illustrative masterplan, all development will be located within the part of the site that falls within Flood Zone 1,

which has a low risk of flooding. Planting is illustrated along the northern boundary of the site, in close proximity to the main River Lostock. This is acceptable in principle, however, may be subject to an Environmental Permit.

157. The EA have reviewed the FRA in so far as it relates to their remit and are satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented. The proposed development must therefore proceed in strict accordance with this FRA and the mitigation measures identified, which should form part of any subsequent planning approval. Any proposed changes to the approved FRA and / or the mitigation measures identified will require the submission of a revised FRA.
158. Under the Flood and Water Management Act 2010 the 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.
159. In assessing the FRA the LLFA have identified that the "Concept Surface Water Drainage Scheme" included within the FRA (w10857-190205-FRA & Drainage Strategy.docx) states that water volumes up to the 1 in 100 year storm event +30% climate change will be contained on site within the sustainable drainage system. Government guidelines on climate change allowances stipulates that developments with a design life beyond 2080 should account for upper end estimations for the total potential change anticipated, which equates to a 40% additional allowance for the 1 in 100-year storm event.
160. Given the history of flooding within the catchment and the proximity of the site to the River Lostock, the LLFA strongly recommends that a betterment beyond the standard attenuation and discharge requirements is required as part of the final detailed surface water drainage strategy. This is also to accommodate any issues that may arise from the interaction between the main river and the SuDS outfall when river levels are high.
161. It is noted that the drainage calculations provided in Appendix F of the FRA feature a design head of 1m. This is acceptable in principle, given the lack of an indicative drainage layout. Given the proximity to a main river, however, the final drainage calculations should use a design head equivalent to the maximum river level above the SuDS outfall to ensure the system will not pose flood risk when river levels are high and the outfall is surcharged.
162. More generally in consideration of the detailed drainage design for the site the Planning Practice Guidance (PPG) establishes a hierarchy for surface water disposal, which encourages a Sustainable Urban Drainage approach (SuDS): Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:
- i. into the ground (infiltration);
 - ii. to a surface water body;
 - iii. to a surface water sewer, highway drain, or another drainage system;
 - iv. to a combined sewer.
163. Paragraph 103 of the Framework requires that surface water arising from a developed site should, as far as it is practicable, be managed in a sustainable manner to mimic surface water flows arising from the site prior to the proposed development, whilst reducing flood risk to the site itself and elsewhere, taking climate change into account.

Affordable housing

164. 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.”

165. 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.”

166. 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.

167. In accordance with Core Strategy Policy 7, 30% of the dwellings are required to be affordable. This equates to 75 dwellings. 70% (53) of these should be social rented and 30% (22) should be shared ownership.

168. The applicant is proposing 30% affordable housing which is in accordance with Core Strategy Policy 7.

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

170. This would need to be secured through a Section 106 legal agreement if the application was approved.

Public open space

171. 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:

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

173. There is currently a deficit of provision in Clayton-le-Woods and Whittle-le-Woods in relation to this standard, a contribution towards new provision in the ward is therefore required from this development. As the development is 10 or more dwellings the required amenity greenspace should be provided on-site. The amount required is 0.438 hectares. A maintenance cost of £175,000 is also required for a 10 year period if private maintenance is not proposed.

Provision for children/young people:

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

175. There is currently a deficit of provision in Clayton-le-Woods and Whittle-le-Woods in relation to this standard, a contribution towards new provision in the ward is therefore required from this development. As the development is 100 or more dwellings the required provision for children/young people should be provided on-site. The amount required is 0.048 hectares.

A maintenance cost of £32,500 is also required for a 10 year period if private maintenance is not proposed.

Parks and Gardens:

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

177. There are no parks/gardens within the accessibility catchment (1,000m) of this site identified as being low quality and/or low value in the Open Space Study therefore a contribution towards improving existing provision is not required.

Natural and Semi-Natural Greenspace:

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

179. There are no areas of natural/semi-natural greenspace within the accessibility catchment (800m) of this site identified as being low quality and/or low value in the Open Space Study therefore a contribution towards improving existing provision is not required.

Allotments:

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

181. The site is not within the accessibility catchment (10 minutes' drive time) of a proposed new allotment site, a contribution towards new allotment provision is therefore not required from this development.

Playing Pitches:

182. 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.

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

Amenity greenspace	= £175,000 (if private maintenance not proposed)
Equipped play area	= £32,500 (if private maintenance not proposed)
Parks/Gardens	= £0
Natural/semi-natural	= £0
Allotments	= £0
Playing Pitches	= £399,750
Total	= £607,250

184. This would need to be secured through a Section 106 legal agreement if the application was approved.

Sustainability

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

"For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation

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

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

186. 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

187. 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.

188. 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.

189. The latest information available at this time is based upon the 2021 School Census and resulting projections.

190. Based upon the latest assessment, Lancashire County Council advise that an education contribution is not required at this stage in regard to this development.

Employment skills provision

191. 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

192. 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

193. 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

194. 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."

195. 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

196. The provision of up to 75no. affordable homes could contribute to the Local Planning Authority's stock of affordable housing. However, to develop the site now would be premature and place further pressure on future land supply. In order to inform future housing need including types and tenures, there is an emerging suite of evidence, which will support a robust local plan for the next 15 -20 years. There is no need to deliver this site now, rather, it should await the evaluation and outcome of the Central Lancashire Local Plan Review process. Accordingly, this is not a material consideration that justifies the early release of this site.

Environmental

197. The illustrative masterplan and D&A statement show both open space and children's playgrounds. These features would be accessible to new residents and the wider community. The provision of green infrastructure, open space and recreation facilities would be of moderate benefit, however, the provision of green infrastructure and open space is a policy requirement (HS4A) rather than a benefit of the proposal.

Economic

198. 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, which is considered to carry moderate weight.

199. 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 it is considered these attract some moderate weight.
200. 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.
201. 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.
202. 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)

203. 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

204. 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.
205. 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.
206. 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: 87/00746/FUL **Decision:** PERFPP **Decision Date:** 23 February 1988
Description: Erection of Bungalow with garage and carport and greenhouses for propagation of cacti and succulents

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.