

C O M M I T T E E R E P O R T		
REPORT OF	MEETING	DATE
Chief Planning Officer	Planning Committee	Date: 12 April 2021

ADDENDUM

ITEM 3b - 20/01193/OUTMAJ - Land South of, Parr Lane, Ecclestone

The recommendation remains as per the original report

The agent for this application requests that the committee are made aware that the applicant is prepared to offer 35% affordable housing provision and therefore request that the second reason for refusal should be removed.

They also wish it to be noted that they do not consider that the Committee Report gives due weight to the social and economic benefits of the development in the planning balance.

They state significant weight should still be attached to the social benefits of delivering market and affordable housing even where there is a deliverable five year supply due to the national objective of significantly boosting the supply of homes. Also the proposal will bring about economic benefits.

They also state that these can be afforded significant weight even where a council has a five year housing land supply and a proposal conflicts with local policies and the Framework 'tilted balance' is not engaged.

Furthermore, when considering whether these benefits outweigh the conflict with Local Plan policy BNE3 (*corrected*) it is relevant to note that Annex 1 of the Central Lancashire Local Plan Issues and Options document demonstrates a clear need to go beyond the current settlement boundaries to deliver the Borough's local housing need (LHN) going forward. Moreover the application site is specifically identified as one of the Council's proposed housing sites and it is clearly evident from the Committee Report that the development is considered an acceptable location for housing other than its current safeguarded land designation.

Taking these factors into account, and bearing in mind the contribution to the delivery of market housing and much needed affordable housing, which secure social and economic benefits of significant weight, they argue that the material considerations do justify a departure from the Local Plan in terms of conflict with policy BNE2. This is irrespective of whether the five year housing requirement is based on Core Strategy policy 4 or the standard method LHN and whether or not the tilted balance is engaged.

A copy of the comments are appended.

In response officers note the stated commitment of the applicant to provide 35% affordable housing provision in line with the policy requirement set out in Central

Lancashire Core Strategy 2012 policy 7, and recommend that the second reason for refusal as set out in the Committee Report is removed.

In seeking to clarify officers views in relation to the weight that can be apportioned to the claimed benefits of the proposed development, in relation to the identified harm it is considered that the provision of housing is of some benefit, whilst the provision of affordable housing weighs in favour of the proposal. The development would provide construction jobs during the construction phase, though these would be temporary and as such afforded moderate weight. The provision of open space and green infrastructure is a policy requirement but will be accessible to all and result in biodiversity gains; this carries moderate weight.

However, it is considered that these and other benefits do not, when combined, provide adequate justification for the development of this safeguarded land at this time, which would result in a clear and harmful breach of national and development plan policy safeguarding the sites from development for the plan period. Very significant weight should be attached to those policies (and their breach), bearing in mind that they are 'restrictive'.

The applicant's agent seeks to highlight that Annex 1 of the Central Lancashire Local Plan Issues and Options document demonstrates a clear need to go beyond the current settlement boundaries to deliver the Borough's local housing need (LHN) going forward, and that the application site is specifically identified as one of the Council's proposed housing sites. In response officers would highlight that Policy BNE3 designates the application sites, alongside other land, as safeguarded land. This safeguarding is for the express purposes of ensuring that Green Belt (GB) boundaries are long lasting and for meeting longer term development needs stretching well beyond the plan period. Policy BNE3 was adopted to give effect to that part of the Framework that advises that when defining boundaries, local planning authorities should make clear that the safeguarded land is not allocated for development at the present time, and that planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development. Given that the Local Plan review is only at the Issues and Options stage only very limited weight can be attributed to this point, which does not alter the planning balance.

The Environment Agency:

Have confirmed that they have received consultation requests from Chorley Borough Council for the [six] proposals on Safeguarded Land.

With regards to these sites, they are not planning any works or undertaking any appraisals that could conflict with these. They are aware of flooding in the vicinity of Tincklers Lane from Syd Brook but they would rely on Lancashire County Council (Lead Local Flood Authority) to advise on this development as it is outside the scope of development proposals the Environment Agency is consulted on as a statutory consultee.

They state they have also looked through the comments from the drainage engineer and have no comments.

The Environment Agency is not resourced to comment on surface water drainage, sewer flooding and flooding from ordinary watercourses as these are outside our remit as a statutory consultee.

Lancashire County Council Highway Services have commented as follows:

INTRODUCTION

In 2017, planning application, 17/00792/OUTMAJ for residential development on a similar scale as the current proposal was refused on non-highway grounds. The current submission includes a Transport Statement (TS) and an indicative layout, referenced 20/088/P01 rev A (21:10:2020) seeking the development of 34 residential dwellings to include 30% affordable housing.

EXISTING CONDITIONS

Existing site information:

The site is an open field located south of Parr Lane. It is at the ends of Sandringham Road and Richmond Road, which are access roads within the residential estate adjoining the site to the west. The site is bounded to the east by a farm and to the south by the Eccleston Recreational Grounds. The site is currently accessed from a gated field access on Parr Lane.

Baseline transport information:

Parr Lane is a narrow two-way road from Bradley Lane in the east to The Green in the west. Its section from Bradley Lane to the west boundary of the proposed site is subject to the national speed limit but from this point to The Green, there is 20mph speed limit in force, which is contrary to the 30mph speed limit stated in paragraph 2.3 of the TS.

The applicant should assess the existing signage at the location of speed limit change to see if changes are required and take steps to ensure the appropriate signage is in place.

There are footways on both sides of Parr Lane within the 20mph speed limit section with street lighting, but there are no footways or street lighting within the national speed limit section. The existing estate to the west of the application site has 20mph speed limit roads of standard widths with 2.0m wide footways on both sides with street lighting.

The nearest Public Right of Way (PROW) to the site is FP5 which extends north from a point east of Parr Lane/Bradley Lane, but the footpaths at the Recreational Grounds provide pedestrian access to The Green in the west and other areas.

There is a cycle route approximately 2.8km from the site at Southport Road/Ulnes Walton Road leading to the Croston Railway Station. With contributions from emerging developments in the area, it should be possible for a cycle route to be extended from the area to connect the existing route to allow cycling as a form of sustainable travel to form part of longer journeys to and from the site.

There are six bus stops within acceptable 800m walking distance from the centre of the proposed site. Two of the bus stops are located north of The Green/The Fields and two at south of The Green/Doctors Lane. Two other bus stops are on The Green outside the St Mary's CE Primary School.

The local highway network

The local highway network comprises of The Green and Parr Lane as distributors and the residential access roads of Lawrence Road, Sandringham Road, Windsor Road, Richmond Road, and others. The Green has 30mph speed limit, but all access roads within the residential estate to the west of site including the western half of Parr Lane are subject to 20mph speed limits.

Traffic accidents

The accident analysis produced by the applicant does not cover The Green where local services and amenities are located, as such, several recorded accidents have been overlooked. While the local access roads in the area including Parr Lane and Lawrence Lane have not had any recorded traffic accidents, the most recent 5-year record shows a total of 11 slight and 4 serious personal injury accidents involving vulnerable pedestrians and cyclists within the approximately 1.5km section of Towngate and The Green from the Eccleston Bridge over River Yarrow to The Green/Bradley Lane.

This level of traffic accidents within such a short length of road is high and does not compare favorably with local average accident rates and would potentially be exacerbated by the proposed development, which is of highway concern. Therefore, as there is need to minimise conflicts between vehicles and other road users in the area, mitigation measures will be required to alleviate the accident problems.

PROPOSED DEVELOPMENT

The proposal is for development of 34 dwellings of various types including apartments, terraced houses, bungalows, and detached houses as shown on submitted indicative site plan, 20/088/P01 rev A (21:10:2020). At this stage approval is only being sought for access with all matters reserved. The applicant has stated in paragraphs 3.1 and 4.5 of the TS that the proposed development includes a **community allotment** however, this has not been indicated on the indicative site plan.

Site access

The development is proposed to be accessed from Sandringham Road, but a new secondary access is to be provided in place of the existing field access on Parr Lane to serve three dwellings to be erected at the north end of the site. At this access, it is proposed to provide visibility splays of 2.4m x 42.0m (west) and 2.4m x 43.0m (east) based on the 85th percentile speeds of traffic from the result of a speed survey conducted in 2017. The survey date appears aged, however visibility splays provided to these dimensions will be acceptable if it can be demonstrated on a properly drawn to scale plan that the splays can be achieved.

As the width of the section of Parr Lane fronting the site is 4.5m, the access should be provided to a width of 5.5m with 6.0m corner radii to ease transition in and out of the site. A 2.0m wide footway spanning the width of the site on Parr Lane should be provided to tie-in with the existing footway to the west and extended on both sides of the site access into the site for at least 10m to ensure pedestrian safety.

The proposed site access connection to Sandringham Road should be consistent with the existing widths, i.e., 5.5m wide carriageway with 2.0m wide footways on both sides. The proposed connection of a footpath from the site to the footway on the

north side of Richmond Road as shown on the indicative plan would be unacceptable as this would prevent use of the access by cyclists. Therefore, the connection to Richmond Road should be provided as a 3.5m wide pedestrian/cycle link with additional measures such as static bollards to prevent vehicular use. This would require changes to the current proposed internal arrangement of footpaths leading to the access.

Internal layout/parking

It is noted that the internal access roads will be 5.5m wide with 2.0m wide footways on both sides. It is also noted that the layout will incorporate private drives with service strips. The indicative site layout is acceptable in principle as it is in line with the principles of the Manual for Streets (MfS) and the LCC's Creating Civilised Streets with self-enforcing 20mph access roads that include in-built horizontal speed reduction measures. However, as the TS does not include a swept path analysis, it has not been possible to ascertain if the turning heads are of sufficient lengths to accommodate turning of refuse and service vehicles, therefore this should be required as part of any detailed submission. The detailed layout should be provided and constructed to the Lancashire County Council Specification for Construction of Estate Roads to ensure satisfactory access and in order to be acceptable for adoption under the Section 38 agreement of the Highways Act 1980. As indicated above, the **community allotment** referred to in the TS is not shown on the indicative plan.

The TS does not specify the level of parking provision for the proposed development; however the indicative layout shows provision of garages and a parking court for the affordable housing. Parking should be provided in accordance with the Chorley Council Parking Standard with integral and detached garages provided to internal dimensions of 3m x 6m (single) and 6.0m x 6.0m (double) in order to be counted as parking spaces.

ACCESSIBILITY BY NON-CAR MODES

Pedestrians/Cyclists

The shortest and most direct pedestrian/cyclist route from the site to local services and amenities on The Green, Doctors Lane and the Carrington Centre on New Mill Street is from Sandringham Road and Richmond Road via the footpath between 84 and 86 Richmond Road through the Recreational Grounds to Drapers Lane. However, while the route seems suitable for pedestrians, it is not of adequate width to accommodate both pedestrians and cyclists, particularly the section between the two houses. The route has no lighting and natural surveillance for safe use especially at night and appears reliant on third party land (the car park at the end of Drapers Lane) for through access, although it is possible the car park is part of the overall Recreational Grounds for which the Local Authority (LA) is responsible.

For improved access, a new 3.5m wide pedestrian/cyclist access could be formed at/near the south west corner of the proposed site to link the existing footpath of the Recreational Grounds with the agreement of the LA to include lighting along the footpath from the new access to Drapers Lane. This would ensure a more direct and safer route from the site to Drapers Lane. If the new pedestrian/cyclist access is provided, then an access to Richmond Road as requested above will not be required. If however the new access cannot be delivered and pedestrian/cyclist access has to be taken from Richmond Road, then the lighting from Richmond Road should be

continued onto the footpath between nos. 84 and 86 and extended along the footpath in the Recreational Grounds to Drapers Lane.

Public Transport

Bus/Train

As indicated above, there are 6no bus stops within 800m walking distance of the site near The Green/The Fields, The Green/Doctors Lane and on Doctors Lane outside the St Mary's CE Primary School. At these stops, public day and evening services are provided by service 113 (Preston - Wigan) at hourly intervals, Mondays-Fridays and Saturdays. Services 337 (Chorley - Ormskirk) and 347 (Chorley - Southport) also operate day and evening services from these stops at two hourly intervals, Mondays-Fridays and Saturdays. Five different school services are operated from all six bus stops.

The existing bus stops outside the St Mary's CE Primary School have upgraded facilities, however, the other four stops do not have facilities of the high-quality standard required to ensure they are disability compliant, safe, attractive and comfortable to use as required by the NPPF, although the two south of The Green/Doctors Lane have bus stop bay and worded markings with an 'old' shelter for the northbound stop which needs to be replaced. It is considered that the applicant carries out improvements to the 4no. bus stops to quality disability compliant standards to include raised kerbs and boarding areas, bus stop bay and worded markings, clearways etc., with the existing shelter for the north-bound bus stop near The Green/Doctors Lane replaced with new.

As stated, consideration should be given to requesting the applicant to contribute towards extension of a cycle route from the area to connect the existing route at Southport Road/Ulnes Walton Lane for access to the Croston Railway Station to allow cycle journeys to be combined with other sustainable transport modes when commuting to and from the site.

TRIP GENERATION, DISTRIBUTION AND ASSIGNMENT

With trip rates from TRICS, the applicant assessed the multi-modal trip generation of the proposed development. The figures are shown in Table 4.1, chapter 4 of the TS with the TRICS outputs in appendix D. It is predicted that during the AM and PM peak hours, the development will generate, 17 two-way vehicle trips each.

Based on existing traffic flows, the applicant provided the percentage traffic distribution as 59.1% eastbound during AM peak and 40.9% westbound. In the PM peak, 39.6% eastbound and 60.4% westbound.

The trips were then assigned to the local highway network based on the 2011 census data. It is predicted that 61% and 1% of trips will head north and south respectively of The Green, 29% will head east of Parr Lane, while 3% will head west of Doctors Lane.

HIGHWAY IMPACTS AND MITIGATION

Traffic to be generated by the proposed development will result in increased flows on the highway network, however it is not considered the increased flows will adversely impact the operation of the highway network.

The following measures are identified as necessary to deal with the anticipated impacts of the proposed development.

- Improvements to 4no existing bus stops north of The Green/The Fields and south of The Green/Doctors Lane to quality disability compliant standards to include raised kerbs and boarding areas, bus stop bay and worded markings, clearways etc., with the existing shelter for the north-bound bus stop located south of The Green/Doctors Lane replaced with new. The improvements are to be carried out through the s278 agreement of the highway act 1980.
- Mitigation measures to alleviate accident problems on Towngate and The Green, within the section from the Eccleston bridge over the River Yarrow in the north to the end of The Green at its junction with Langton Brow through s278 agreement.
- Provision of 2.0m wide footway in front of the site on Parr Lane to tie-in with the existing footway in the west through s278 agreement.
- Provision of s106 contribution towards extension of cycle route to Southport Road/Ulnes Walton Road.

In addition to the above, works relating to the connection of the proposed site access to Sandringham Road and the 3.5m wide pedestrian/cyclist access to Richmond Road will be undertaken through the s278 agreement.

The proposed development is acceptable subject to the delivery of the above mitigation measures.

Conditions and informatives are recommended.

APPENDIX – Letter from agent



Adele Hayes
Chorley Borough Council
By email to adele.hayes@chorley.gov.uk

Our Ref: 3053

Date: 8th April 2021

Dear Ms Hayes,

Ref: Planning Application 20/01193/OUTMAJ

It is noted that the above planning application has been placed on the Agenda for the 12th April Planning Committee and that it is recommended for refusal.

Firstly, it is noted that one of the recommended reasons for refusal is that the application only proposes 30% affordable housing provision as opposed to 35%. I can confirm that it has always been the applicant's intention to agree to a policy compliant amount of affordable housing to be secured through a s.106 Agreement and that the reference to 30% in the Planning Statement was simply a typo. This is a matter which could have easily been clarified had we received any meaningful communication from yourselves during the course of this application. In this regard I highlight that we were not even informed that this application was being presented to Committee and only today found out what the officer recommendation is, despite chasing the Council for an update. Consequently we request an addendum to the Committee Report making it expressly clear to Committee that the applicant is prepared to offer 35% affordable housing provision and this suggested second reason for refusal should be removed.

Secondly, as to the other suggested reason for refusal it is noted that the Council are now giving weight to Core Strategy policy 4 and consequently state that there is a deliverable five year housing supply, meaning the 'titled balance' is not engaged and full weight should be given to conflict with safeguarded land policy BNE2.

As the Committee Report acknowledges, even in this scenario material considerations need to be balanced against this policy conflict and can justify decisions which depart from an adopted development Plan. However, it is considered that the Committee Report fails to give due consideration to the social and economic benefits from contributing towards delivering market housing and affordable housing. It has been established in various SoS appeal decisions that such benefits carry significant weight even in scenarios where there is a five year housing supply. Most recently, in July 2020, the SoS granted permission for a mixed use development at Nantwich which included 189 dwellings (ref. APP/R0660/A/13/2197532). The SoS decision confirms that the development was in conflict with a recently adopted Development Plan (adopted in 2017), that there was a 5.7 years to 6.6 year housing supply and that the Framework 'titled balance' was not engaged. Nevertheless, the SoS concludes in paragraph 28 that the delivery of market housing is a significant benefit, as is the contribution of affordable housing, stating:

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"Whilst the Secretary of State has concluded that the Council can demonstrate a 5 YHLS, he has taken into account that nationally it is a government policy imperative to boost the supply of housing, as set out at paragraph 59 of the Framework, and he considers that this benefit should be afforded significant weight.

The Secretary of State also agrees with the Inspector at IR415 and IR420 that the scheme will include 30% affordable homes which will help meet the need in Cheshire East. The Secretary of State agrees that this is a tangible benefit and merits significant weight".

The above decision demonstrates that significant weight should still be attached to the social benefits of delivering market and affordable housing even where there is a deliverable five year supply due to the national objective of significantly boosting the supply of homes.

It is also noted that the Committee Report states that there are no evident economic benefits. However, the Committee Report looks to rely on the Cardwell Farm appeal decision in Preston and as such officers will be well aware that the Cardwell Farm Inspector considered the benefits which new housing brings in terms of construction and supply chain jobs, places for the economically active to live, increased local spend and greater choice in the local market. The Inspector notes that at the Cardwell Farm appeal the economic benefits had not been quantified and would apply to any housing development of the scale proposed, but states that they *"are still considerable"* (paragraph 59). The Inspector goes on to give *"moderate weight"* to these economic benefits in paragraph 61.

I also refer to a s.78 appeal decision at Hamble-le-Rice in December 2018 (APP/W1715/W/18/3194846). In this decision the housing supply is identified as being between 7.2 and 10 years and the appeal decision confirms that there is a conflict with the adopted Local Plan and that the Framework 'titled balance' is not engaged. In this context, and within the 'Planning balance and conclusion' section of the decision, the Inspector states at paragraph 64:

"As agreed by the Council, the economic and social benefits of the proposal are worthy of significant weight. Given the national objective of significantly boosting the supply of homes, the provision of market and especially affordable housing carries significant weight. I appreciate the Council's point that the economic benefits related to short term construction jobs, and the longer term boost to local spending power, could arise from any similar development. However that does not detract from the fact that this particular development offers these benefits, which I accord significant weight."

Consequently I do not consider that the Committee Reports gives due weight to the social and economic benefits of the development in the planning balance.

Furthermore, when considering whether these benefits outweigh the conflict with Local Plan policy BNE2 is relevant to note that Annex 1 of the Central Lancashire Local Plan Issues and Options document demonstrates a clear need to go beyond the current settlement boundaries to deliver the Borough's local housing need (LHN) going forward. Moreover the application site is specifically identified as one of the Council's proposed housing sites and it is clearly evident from the Committee Report that the development is considered an acceptable location for housing other than its current safeguarded land designation.

Taking these factors into account, and bearing in mind the contribution to the delivery of market housing and much needed affordable housing, which secure social and economic benefits of significant weight, it is



considered that the material considerations do justify a departure from the Local Plan in terms of conflict with policy BNE2. This is irrespective of whether the five year housing requirement is based on Core Strategy policy 4 or the standard method LHN and whether or not the tilted balance is engaged.

Yours sincerely

Mr Louis Webb