

## **APPLICATION REPORT – 22/00941/FULMAJ**

**Validation Date: 1 September 2022**

**Ward: Croston, Mawdesley And Euxton South**

**Type of Application: Major Full Planning**

**Proposal: Erection of 55no. dwellings (including 35% affordable) with associated access, landscaping, parking, demolition and other works**

**Location: Land North Of Gorsey Lane, Mawdesley**

**Case Officer: Mike Halsall**

**Applicant: Jones Homes (Lancashire) Ltd**

**Agent: Pegasus Group**

**Consultation expiry: 6 July 2023**

**Decision due by: 30 November 2023 (Extension of time agreed)**

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### **RECOMMENDATION**

1. It is recommended that planning permission is granted, subject to conditions and a S106 legal agreement to require the following:
  - A Public Open Space contribution of £133,815 (£95,315 if to be privately maintained)
  - 35% of the dwellings are required to be affordable. This equates to 20 dwellings. 70% (14) of these should be social rented and 30% (6) should be shared ownership.
  - An education contribution of £198,024 for 8 secondary school places.
  - £15,000 per annum for improved bus services, for 5 years
  - A Biodiversity Net Gain contribution of £90,000

### **SITE DESCRIPTION**

2. The application site is located within the defined settlement area of Mawdesley as identified on the Chorley Local Plan 2012-2026 Policies Map. The site is located to the north of a recently constructed housing estate (St Peter's Park), accessed from Gorsey Lane to the south. The site covers approximately 2.7 hectares of greenfield land, which contains some trees, shrubs, hedgerows and sheds. There is existing housing to the north, south and west, with land to the east forming open fields in the Green Belt. There is a Public Right of Way (PRoW) that passes through the northern part of the site and which connects New Street to Tarnbeck Drive and the wider PRoW network to the north and east.

### **DESCRIPTION OF PROPOSED DEVELOPMENT**

3. The application seeks full planning permission for 'Phase II' of the St Peter's Park development with the erection of 55 dwellings including landscaping, parking, demolition of existing buildings and other works, and with associated access taken through the recent housing development to the south.

4. The proposal has been revised since its original submission at officers request to reduce the number of dwellings proposed from 58 to 55 in order to reduce tree loss and to amend the alignment of the Public Right of Way that passes through the site.

## **REPRESENTATIONS**

5. 137 objections to the proposal have been received, some of which are multiple responses from the same individuals, raising the following issues:

### Principle of development

- Mawdesley will no longer be a village if these houses are built
- The land is Green Belt land and will be lost forever
- Turning greenfield into a housing development
- Chorley has turned down development of the former brown field site of Camelot with its excellent transport links and infrastructure and so should not approve this greenfield development
- Too many houses for the size of the settlement

### Traffic, Highway Safety and Parking

- More traffic and only one access road would be unacceptable and dangerous, especially with building traffic
- Average of 116 more vehicles on local, village roads
- Compromise highway safety
- Village not designed for heavy traffic
- As it is the traffic situation in the village is getting worse with many vehicle's ignoring the 20-m.p.h. speed limit
- Narrow and windy roads and some places can't be widened
- Having Cedar Farm already puts a lot of pressure on the local roads making them dangerous for pedestrians, as there are few footpaths. More houses will increase the number of cars on the road
- Ridely Lane is one of the main exits to Mawdesley, what was once a quiet thoroughfare is now a busy road and will be even busier if the development goes ahead
- Increased traffic will pose serious risk to pedestrians and cyclists
- Ongoing traffic works
- Surrounding roads becoming rat runs
- Lack of suitable pavement space on the roads around the development site making it dangerous for pedestrians and even worse if more cars introduced
- Impaired visibility when leaving proposed development site
- The Transport Statement accessibility assessment is based on Gorsey Lane being 6m wide with 2.5m wide footways on both sides. 50m to the west and east of the main site access, the width of Gorsey Lane reduces to under 5m and the footway provision is either only on one side of the road or not present at all. This assessment is therefore flawed

### Character, Landscape and Visual Impact

- Mawdesley is known for its rural character, small population, beautiful countryside and close-knit community and all of these factors as well as concerns mentioned above will be compromised if phase 2 receives permission to build
- Lots of housebuilding over the last few years effecting the character of the village
- The whole character of the village moving away from a rural society
- The scale of the development is not in keeping with the local village character and what makes it a nice place to live
- Over development of Mawdesley
- The vacant land acts as a buffer between two existing housing estates, giving quietness and space

- Proposed development is not sympathetic to its surroundings
- 15% increase in homes in Mawdesley if phase 1 and 2 are combined
- A well used public footpath passing through the proposed development will be lost
- The current public footpath is shown as being retained, but it would no longer be a pleasant country walk but just a path through a housing estate
- Matured trees exist on the site
- The increase in introduced predators, particularly cats, that is bound to come with increased housing will also diminish the birdlife and prey for raptors
- Natural England's stated aim that planning should 'conserve, enhance or restore the diversity of England's wildlife' not being met
- Trees being removed are roosting sites for birds of prey and bats and are protected by law
- LVIA report recommends to retain existing ponds and add new ones, not get rid of ponds and enlarge others like Jones Homes suggest to do
- The LVIA (Table 2) summarises the visual impacts, with a year 1 Major Adverse effect on the 'Tarnbeck Drive (s)' receptor reducing to Moderate/Minor Adverse at year 15. The impact reduction relies on mitigation planting along the northern boundary of the site outside of the red line boundary (Figure 10). However, the DAS has no proposals for tree planting along the northern boundary and no provision for securing this mitigation outside the site boundary. No mitigation is proposed and the impact on receptors to the north of the site will remain as Major Adverse in both the short and long term. The LVIA is therefore flawed.

#### Ecology

- The building of these homes would disturb the local environment
- The land is a natural environment for a number of animals
- Disruption to and loss of wildlife and their habitats
- Development of this land includes the removal of ponds
- Must reflect the damage it will do to the natural habitats on this proposed greenbelt site - Running approximately 40m from the perimeter of Tarnbeck Dr there is an area home to an abundance of wildlife (particularly in the spring and summer months). This small woodland, which includes a pond, is home to Badgers, Tawny Owls, 2 species of Bats, Sparrowhawks, Woodpeckers, Chaffinches, Tits, etc. Below the tree canopy lives an array of smaller creatures: Toads, Frogs, Voles, Shrews, etc. Additionally, within the proposed site there are two other large ponds and many other mature trees

#### Amenities / Services

- Will put pressure on local infrastructure
- Lack of services such as doctors and the provision of school places
- Only one shop
- No doctors or dentist
- No high school close by – closest is in Leyland or Burscough
- Insufficient public transport networks
- Only 5 car parking bays at the small shop
- States Rufford station is 3km away which is ambitious, plus definitely isn't walkable because of the unlit country lanes and lack of pavements

#### Drainage / Flood risk

- The village already has significant drainage issues and has had since Tarnbeck was built and has never been resolved
- Further installation of culverts to remove the natural drainage from the site
- Village has flooding history
- The development proposes to build on an existing watercourse, this will have an impact on local drainage, there have been past issues with flooding and the watercourse running under High Street towards Ashtrees has still not been repaired

- The development of green field to housing and tarmac will put huge pressure on the drainage and could be a flooding risk for residents
- The current land provides valuable soakaway land for excess water. There are two ponds, which are not included in the plans and a ditch along the back of the houses on Tarnbeck Drive. Even with these in place the gardens on Tarnbeck are prone to becoming water-logged and the brook frequently floods. Without these measures, and with reduced general soakaway land the village is liable to flooding
- Sewage problems, can the sewerage system cope with the new houses

#### Residential Amenity

- Residents will be disturbed when the homes are being built
- This development will result in disruption and noise for the local neighbours for a prolonged period of time whilst under construction
- The height of the land in relation to some houses is much higher (because of the slope) which will result in a loss of privacy at ground level as they will be overlooked. To partly alleviate this, the hedgerow at 49H on the TPP should not be trimmed on the top or on the west side of the hedge

#### Other

- Jones Homes are also renowned for poor workmanship and have little regard for the local residents and state of the development/local area whilst the development is under construction.
- The use of more cars would have an adverse effect on air quality
- Light pollution will result from street and house security lights
- No actual logical reason for this to be approved without substantial improvements beyond building houses for a capital return
- There is a high number of horses and riders in the village with no access to any bridleways
- Issues of noise pollution, visual impacts, stress factors
- No benefit. Mawdesley is a small rural Lancashire village, and I fail to see how further development could possibly enhance the area
- The application was validated on 1st September, the letters of notification dated 15th September, letters delivered 21st September, comments to be submitted October 6th. Submission date should be extended to allow residents to comment
- An independent ecological appraisal should be commissioned across the entire site. The one prepared by 'Jones Homes' is already 12 months out of date and in our view is a superficial and insufficient assessment. For example, we know that there are badgers on the site... yet the report states that there are 'no signs of badgers'!
- Phase 1 did not adhere start and finish times with construction so noise extended from early morning before 7am
- Land previously used as a horticultural site having greenhouses, boiler house and an irrigation pit. This site could still be used for horticultural purposes
- At the end of Asland Drive where the proposed access is planned there is a wide footpath already in place to the right of the existing path that leads to a farm gate, if this access is accepted then the second gate would open up future development along the whole of the back of existing houses to the north of Gorsey Lane Up to here
- Should concentrate on at least 60% affordable housing on any development if any further housing is needed
- The boundary at the west perimeter of the site is inaccurate, it is shown as extending onto a residents property. Permission has not been sought from them by Jones Homes, therefore the plans do not represent an agreed boundary (see drawing Ref. BET C101 Rev.E).
- After phase 1 signs for the development were rejected and then replaced however, the original signs were put back up resulting in lorries missing the signs and having to reverse – if the new build goes ahead the signs will be there for another 2 years
- The stretch of woodland bordering Tarnbeck should act as a natural barrier (and potential wildlife corridor) to any further development. Removing it would result in

further concrete sprawl and intrude on the privacy of several properties (particularly those with a steep gradient in the back gardens; meaning they would have a substantial loss of privacy from being overlooked by the new properties). As well as potential loss of light

- Residents not informed of any future development of St Peters Park although the developers now refer to it as phase 2 it was never mentioned
- The low-cost social housing is still expensive and does not meet local young residents need
- Extension to the existing St Peter's Park site. A cumulative impact assessment should be undertaken to fully understand the combined impacts on traffic, road safety, infrastructure and loss of habitat.
- The proposals encroach upon the Root Protection Zones for TPO 14, contradicting the advice given in Preliminary Ecological Appraisal which requires RPZs to be fenced off to prevent tree failure from compaction
- Previous affordable housing not taken up within the village
- Development not in line with Chorley Local Plan and the National Planning Policy Framework – i.e. Policy BNE1: Design Criteria for New Development; states that permission will only be granted if the proposal does not have a significantly detrimental impact on the surrounding area
- Jones Homes misleading in their environmental assessments e.g. visual impact on the northern boundary demands extensive tree planting to minimise the impact on Tarnbeck Drive
- States site was only visited in August so therefore trees were in full leaf, when they aren't the proposed buildings will be very visible
- This can't be phase 2 because phase 1 wasn't advertised as such, the scheme should have been submitted as a whole and viewed as a whole
- Morals and motives of the developer
- Hold off / refuse permission until after the Neighbourhood Plan is produced.

## CONSULTATIONS

6. Lancashire County Council Highway Services (LCC Highway Services): no objection, subject to condition, highway improvement works and financial contributions, as set out later in this report.
7. Lancashire County Council Archaeology Service: have responded as follows:  
*"The Historic Environment Team is in agreement with the conclusions reached in Pegasus Group's Heritage Desk-Based Assessment that the site can be characterised as having to have a low-nil archaeological potential. Consequently no further archaeological investigation of the proposed development site is considered necessary."*
8. Environment Agency: have no comments. They are not a statutory consultee as the site is not located within Flood Zone 2 or 3.
9. Greater Manchester Ecology Unit: initially responded to request a calculation of post-development biodiversity value of the site. Following receipt of the biodiversity details, responded to identify that the development would result in a loss of 4.85 biodiversity units and so between just over 4.85 units is required to achieve a biodiversity net gain, with 6.77 units delivering a 10% net gain. The applicant has agreed to deliver a slight net gain by providing 5 units off-site through a financial contribution of £90,000.
10. Lancashire County Council (Education): responded to identify that a financial contribution of £198,024 for 8 secondary school places. Further details are provided later in this report.
11. Regulatory Services - Environmental Health Officer: responded with no objection to the proposal and requested a Construction Management Plan be required by condition to control the construction impacts of the proposal upon neighbouring residents.
12. Lancashire Fire and Rescue Service: have not responded.

13. Waste & Contaminated Land Officer: initially responded to request a condition be attached requiring an intrusive (Phase II) site investigation prior to development commencing. The applicant subsequently submitted a Phase II investigation report. The Council's Contaminated Land Officer raised questions which have not yet been answered by the applicant. As such, it is reasonable to include a planning condition requiring the submission of the Phase II report so it can include the answers to the officer's queries.
14. Lead Local Flood Authority: no objection subject to conditions.
15. Natural England: no objection.
16. NHS: have not responded.
17. Lancashire Police: have responded with advice for the applicant on measures which can be incorporated in the scheme to reduce crime.
18. Tree Officer: initially responded with concerns due to the loss of high value trees. The scheme was subsequently amended by the applicant by removing three of the proposed dwellings to avoid the loss of some trees. The tree officer has responded to the revised proposal to state that, overall, the tree loss is substantial, and will change the character of the area. The replacement tree planting is not a direct substitution for the tree loss but will go some way to mitigating the tree loss.
19. United Utilities: no objection subject to conditions.

## **PLANNING CONSIDERATIONS**

### Principle of development

20. 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.
21. The Development Plan comprises the adopted Central Lancashire Core Strategy (2012) and the adopted Chorley Local Plan 2012- 2026. 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).
22. The majority of the application site is located within the defined settlement boundary of Mawdesley as covered by Local Plan Policy V2 where there is a presumption in favour of appropriate sustainable development, subject to material planning considerations and the other Policies and Proposals within the Plan.
23. A small section of the site to the south east is located within the Green Belt, however, no development is to take place within this area of land. The land is woodland and is proposed to be the focus of biodiversity enhancement measures, i.e. tree planting etc. As such, there is no conflict with National or Local Green Belt policy in relation to the proposed development.
24. Core Strategy Policy 1 sets out the locations for growth and investment across Central Lancashire. Mawdesley is not identified as a Rural Local Service Centre, and therefore criterion (f) is applicable. Under this criterion, development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes.
25. The proposed development of 55 dwellings is not considered to be small scale. The proposal is also not redevelopment therefore the proposal does not accord with the development plan strategy for the area and is contrary to criterion (f) of Policy 1 of the Core Strategy.

26. Core Strategy Policy 4 sets out the minimum housing requirements for the plan area and is assessed later within this report.

#### Other material considerations

27. The National Planning Policy Framework (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
28. 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).
29. 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.
30. 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.
31. Paragraph 59 of the Framework confirms the Government's objective of significantly boosting the supply of homes.
32. Paragraph 60 of the Framework reinforces that requirements represent the minimum number of homes needed.
33. 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.

#### Housing land supply

34. The following planning appeal decisions are of relevance.

#### **Land adjacent to Blainscough Hall, Blainscough Lane, Coppull Decision APP/D2320/W/21/3275691**

35. On the 3 February 2022 a decision was issued for the appeal for Land adjacent to Blainscough Hall, Blainscough Lane, Coppull. The appeal was allowed and outline planning permission was granted for the erection of up to 123 dwellings (including 30% affordable

housing) with public open space provision, structural planting and landscaping and vehicular access points from Grange Drive.

36. The main issues in the appeal were:

- Whether or not the Council can demonstrate a 5 year supply of deliverable housing land, having particular regard to the development plan, relevant national policy and guidance, the housing need or requirement in Chorley and the deliverability of the housing land supply;
- Whether or not the most important policies of the development plan for determining the appeal are out of date, having particular regard to the 5 year housing land supply position and relevant national policy;
- Whether this, or any other material consideration, would justify the proposed development on safeguarded land at this time.
- Whether or not there are adequate secondary school places to serve the development.

37. In respect of the Housing Requirement in Chorley:

38. The Decision Letter includes an assessment of Core Strategy policy 4 (which sets out the minimum housing requirements for the plan area) in the context of Paragraph 74 of the Framework, and whether the policy has been reviewed and found not to require updating. It also considers whether the introduction of the standard method in itself represents a significant change in circumstances that renders Core Strategy policy 4 out of date with reference to the PPG (paragraph 062).

39. The Decision Letter concludes that it is appropriate to calculate the housing requirement against local housing need using the standard method due to the significant difference between the local housing need figure and the housing requirement in policy 4 amounting to a significant change in circumstances which renders Policy 4 out of date.

40. With regards to the appropriate housing requirement figure to use when calculating the housing land supply position of the authority, the Blainscough Hall Inspector, therefore, sets out that the standard method should be used. Applying this to the Council's current supply results in a housing land supply position between 2.4 and 2.6 years.

41. The Inspector concluded that as such the Council can no longer demonstrate a 5-year supply of housing land meaning that the tilted balance, and presumption in favour of sustainable development was, therefore, engaged under paragraph 11(d) of the Framework.

**Land to the East of Tincklers Lane, Tincklers Lane, Eccleston PR7 5QY Appeal A Ref: APP/D2320/W/21/3272310**

**Land to the North of Town Lane, Town Lane, Whittle-Le-Woods PR6 8AG Appeal B Ref: APP/D2320/W/21/3272314**

42. On the 18 February 2022 decisions were issued for the above appeals. Appeal A was allowed and outline planning permission was granted for the construction of up to 80 dwellings with all matters reserved aside from vehicular access from Doctors Lane. Appeal B was dismissed on grounds of highway safety.

43. The main issues in the appeals were:

- Appeal A: Whether or not the proposal integrates satisfactorily with the surrounding area with particular regard to patterns of movement and connectivity Appeal B: The effect of the proposal on highway safety including accessibility of the appeal site.
- Whether or not the Council is able to demonstrate a five-year supply of housing land;
- Whether or not the most important policies of the development plan are out of date; and,
- Whether any adverse effects, including conflict with the development plan as a whole, would be outweighed by other material considerations.



44. In respect of housing land supply:
45. The Inspector for the conjoined appeals assessed Core Strategy Policy 4 against Paragraph 74 of the Framework which requires the local planning authority to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5 years' worth of housing against their requirement as set out in adopted strategic policies, or against their local housing need when strategic policies are more than five years old. The Core Strategy is more than five years old.
46. The Inspector considered MOU1 to have constituted a review of Core Strategy Policy 4 and was an up-to-date assessment of need at that point in time but that the situation moved on considerably since it was signed.
47. Paragraph 44 of the Inspector's report notes that national guidance indicates local housing need will have considered to have changed significantly where a plan was adopted prior to the standard method being implemented based on a number that is significantly below the number generated by the standard method. The implications for Chorley would result in an annual requirement of 564 dwellings and the CS figure would be significantly below this. In this instance, Chorley's local housing need has changed significantly.
48. The Inspector noted that the standard method figure is particularly influenced by the level of development in the area between 2009 and 2014 but considers that this does not necessarily render the standard method itself as invalid. Any proposed redistribution of standard method figures for the Central Lancashire authorities, such as MOU2, would need to be considered at an examination.
49. The Inspector considered oversupply and the delivery rates of housing, which was weighted towards the early years of the plan period. However, the requirement in Policy 4 itself is not expressed as an overall amount to be met over the plan period. Policy 4 does not refer to any potential oversupply despite the known potential of Buckshaw Village contributing to growth in Chorley and it clearly states that it is a minimum annual requirement. (paragraph 49).
50. Paragraph 50 of the Inspector's report states: *"the inclusion of oversupply against Policy 4 would reduce the requirement for Chorley to just over 100 dwellings per annum. This would be considerably below anything which has been permitted in previous years in the area and would even be below the redistributed standard method figures for Chorley in MOU2. I consider it would be artificially low and would in greater probability, lead to significantly reducing not only the supply of market housing but also affordable housing within the area. It would thus run counter to the objective of the Framework to boost the supply of housing and to paragraph 74 of the same, which seeks to maintain the supply and delivery of new homes."*
51. The Inspector concludes at paragraph 51 of the report that; *"in the circumstances before me having regard to both MOU1 and MOU2, I conclude that the situation has changed significantly for Chorley in respect of local housing need and that Policy 4 is out of date. The standard method is the appropriate method for calculating housing need in Chorley. It is agreed between the parties that a 5% buffer should be applied. In terms of sites which contribute to the housing land supply within Chorley, there is a very narrow area of dispute between the two main parties which relates to only 2 sites and amounts to 116 dwellings. This is a marginal number that has little effect on the result in respect of the requirement. Accordingly, against the application of the standard method there would be less than three years supply of housing land in Chorley, and I conclude that the Council is unable to demonstrate a five-year supply of deliverable housing sites."*

**Land south of Parr Lane, Ecclestone**  
**Decision APP/D2320/W/21/3284702**

52. On the 17 March 2022 a decision was issued for the appeal for Land south of Parr Lane, Ecclestone. The appeal was allowed and outline planning permission was granted for up to 34 dwellings and associated infrastructure on land south of Parr Lane, Ecclestone, Lancashire in accordance with the terms of the application, Ref 20/01193/OUTMAJ, dated 4 November 2020, and the plans submitted with it, subject to the conditions.
53. Following the LPAs withdrawal of the reasons for refusal of the application, based upon the LPA not having a 5-year housing land supply as born out through recent appeal decisions, the main issue in the appeal was whether there were any material considerations that would justify dismissing the appeal.
54. The Inspector concluded the following with regards to housing land supply:

*“Framework paragraph 11d indicates that where the most important policies for the determination of a proposal are out-of-date, (which includes applications for housing, where the LPA cannot show a 5-year HLS), permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole; the tilted balance.*

*The most important policies for determining this appeal are CS Policies 1 and 4 and LP Policy BNE3. Whilst the proposal would be consistent with CS Policy 1, it would conflict with LP Policy BNE3, safeguarding land for future development. The LPA accepts that it cannot show a 5-year HLS and as such CS Policy 4 and LP Policy BNE3 are out-of-date. Taking the development plan as a whole, the most important policies for determining this appeal are out-of-date and the tilted balance applies.*

*The proposal would provide for up to 34 dwellings of which 35%, would be affordable homes (CS Policy 7). Given the absence of a 5-year HLS, the proposal would make, albeit a modest one, a material contribution to meeting local housing needs. As a benefit this attracts significant weight. The development would secure economic benefits through construction investment and the contribution future occupants would make to the local economy. These benefits attract moderate weight. The site has limited biodiversity value and the development has the potential to provide biodiversity net gain. This is a benefit of limited weight. Given my assessment above, the harm arising from the conflict with LP Policy BNE3 is significantly and demonstrably outweighed by the benefits when assessed against the policies of the Framework as a whole.”*

**Land off Carrington Road, Adlington**  
**Decision APP/D2320/W/21/3284692**

55. On the 17 March 2022 a decision was issued on the above referenced appeal. The appeal was allowed and outline planning permission was granted for residential development of up to 25 dwellings on land off Carrington Road, Adlington, Lancashire PR7 4JE in accordance with the terms of the application, Ref 20/01200/OUTMAJ, dated 5 November 2020, and the plans submitted with it.
56. Following the LPAs withdrawal of the reasons for refusal of the application, based upon the LPA not having a 5-year housing land supply as born out through recent appeal decisions, the main issue in the appeal was whether there were any material considerations that would justify dismissing the appeal.
57. The Inspector concluded the following with regards to housing land supply:

*“Framework paragraph 11d indicates that where the most important policies for the determination of a proposal are out-of-date, (which includes applications for housing, where the LPA cannot show a 5-year HLS), permission should be granted unless the adverse*

*impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole, the tilted balance.*

*The most important policies for determining this appeal are CS Policies 1 and 4 and LP Policy BNE3. Whilst the proposal would be consistent with CS Policy 1, it would conflict with LP Policy BNE3, safeguarding land for future development. The LPA accepts that it cannot show a 5-year HLS and as such CS Policy 4 and LP Policy BNE3 are out-of-date. Taking the development plan as a whole, the most important policies for determining this appeal are out-of-date and the tilted balance applies.*

*The proposal would provide for up to 25 dwellings of which 30%, would be affordable homes (CS Policy 7). Given the absence of a 5-year HLS, the proposal would make, albeit a modest one, a material contribution to meeting local housing needs. As a benefit this attracts significant weight. The development would secure economic benefits through construction investment and the contribution future occupants would make to the local economy. These benefits attract moderate weight. The site has limited biodiversity value and the development has the potential to provide biodiversity net gain. This is a benefit of limited weight. Given my assessment above, the harm arising from the conflict with LP Policy BNE3 is significantly and demonstrably outweighed by the benefits when assessed against the policies of the Framework as a whole.”*

**Land east of Charter Lane, Charnock Richard  
Decision APP/D2320/W/22/3313413**

58. On the 5 May 2023 a decision was issued for the appeal on Land east of Charter Lane, Charnock Richard. The appeal was allowed and full planning permission was granted for the erection of 76 affordable dwellings and associated infrastructure at the site in accordance with the terms of the application, ref 21/00327/FULMAJ, dated 11 March 2021, and the plans submitted with it, subject to conditions.
59. Following the LPAs withdrawal of the reasons for refusal of the application, based upon the LPA not having a 5-year housing land supply, the main issue in the appeal was whether the site is suitable for development, in the light of the locational policies in the development plan, highway safety and other material considerations.
60. The Inspector concluded the following with regards to housing land supply:

*“Paragraph 74 of the Framework requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5-years worth of housing against their local housing need where the strategic policies are more than 5 years old.*

*The Council can currently only demonstrate a 3.3 year supply of deliverable housing. That position is agreed between the Council and appellant.*

*While this is disputed by a number of interested parties, this position has been extensively tested at appeal, including most recently in a decision dated December 2022. Accordingly, I am satisfied that there is a critical housing need across the Borough.”*

**Land at Blackburn Road, Wheelton  
Decision APP/D2320/W/22/3312908**

61. On the 30 May 2023 a decision was issued for the appeal on Land at Blackburn Road, Wheelton. The appeal was allowed and outline planning permission was granted for the residential development of up to 40 dwellings with access from Blackburn Road and all other matters reserved, subject to conditions.
62. The main issue in the appeal was whether the proposal is consistent with the objectives of local and national planning policies relating to the location of housing, and if there are any

adverse effects of the development proposed, including conflict with the development plan as a whole, whether they would be outweighed by any other material considerations.

63. The Inspector concluded the following with regards to housing land supply:

*“the evidence before me has drawn my attention to recent appeal decisions in Chorley, including those where planning permission previously has been granted for up to 123 dwellings at Land adjacent to Blainscough Hall, Blainscough Lane, Coppull1, for up to 80 dwellings at Land to the East of Tincklers Lane, Eccleston2, for up to 34 dwellings at Land south of Parr Lane, Eccleston3 and for up to 25 dwellings at Land off Carrington Road, Adlington. Following those appeal decisions including the developments subject of Inquiries at Blainscough Lane, Coppull and Tincklers Lane, Eccleston, it is not a matter of dispute between the main parties that Policy 4 of the CS is more than five years old and is out of date due to changes to national policy since its adoption including a different method for calculating local housing need. I have no reason to take a different view. Furthermore, even if I were to accept the stated Council position of a 3.3 year deliverable supply of housing based on a local housing need calculation of 569 dwellings per annum (following the standard method set out in paragraph 74 of the Framework and Planning Practice Guidance) rather than the deliverable supply of between 2.4 and 2.56 years identified by previous Inspectors, the shortfall in supply remains significant and clearly below five years. It follows that as I have found Policy 4 of the CS to be out of date and that the Council cannot demonstrate a five-year supply of deliverable housing sites that the ‘tilted balance’ in the Framework is to be applied which I necessarily return to later in my decision.”*

#### Summary - the tilted balance

64. 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.
65. Policies 1 and 4 of the Central Lancashire Core Strategy are the most important policies for determining the planning application.
66. At 1st April 2023 there was a total supply of 1,717 (net) deliverable dwellings which is a 3.2 year deliverable housing supply over the period 2023 – 2028 based on the annual requirement of 530 dwellings which includes a 5% buffer.
67. Chorley does not have a five-year deliverable supply of housing plus 5% buffer and the shortfall is significant. Significant weight should therefore be attached to the delivery of housing provided by this proposal and that 30% of the of the dwellings would be affordable houses.
68. In light of the above, policy 4 of the Central Lancashire Core Strategy is out of date and the tilted balance is, therefore, engaged.
69. The High Court decision [Gladman Developments Limited v Sec of State for Housing, Communities and Local Government and Corby Borough Council and Uttlesford District Council [2021 EWCA Civ 104] concerned the application of para 11d of the Framework and the tilted balance. In particular, the effect of footnote 7 in this case, where there was not a five year housing land supply, was simply to trigger paragraph 11(d) and that it did not necessarily render all policies out of date. It was noted that where 11(d) is triggered due to the housing land supply position it is for the decision maker to decide how much weight should be given to the policies of the development plan including the most important policies and involve consideration whether or not the policies are in substance out of date and if so for what reasons.
70. Policy 1 of the Core Strategy sets out the settlement strategy for the area and is not out of date. That said, the Council cannot demonstrate an adequate supply of housing and the

shortfall is significant. Policy 1 of the Core Strategy therefore forms part of a strategy which is failing to deliver a sufficient level of housing. As such, the policy should only be afforded moderate weight in the planning balance.

71. In accordance with the Framework, planning permission should be granted for the proposal, unless:
- c. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - d. 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.

#### Emerging Central Lancashire Local Plan

72. Chorley Council is working with Preston and South Ribble Councils to produce a Central Lancashire Local Plan (CLLP). Once adopted, this will replace the existing joint Core Strategy and Chorley Local Plan. The CLLP is at the Preferred Options Stage and public consultation on Preferred Options Part 1 closed in February 2023.
73. A large part of the proposed site was consulted on as part of the Preferred Options Part 1 consultation, site ref CH/HS1.46 'Land off Gorse lane'. Responses to this consultation are being reviewed and will inform Preferred Options Part 2. In addition, a number of assessments are ongoing and will inform decisions made on sites to be taken forward as part of the development of the CLLP. The Part 2 consultation document will comprise a full suite of draft policies, both strategic and development management (non-strategic) policies, in addition to proposed allocations for all land uses. It will also set out the infrastructure that will be required to support the growth that is planned for Central Lancashire.

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

74. 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 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; and 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.
75. Policy BNE10 (Trees) of the Chorley Local Plan 2012 -2026 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.
76. 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.
77. 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.

78. 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.
79. The application site covers 2.7 hectares and comprises greenfield land. It is bordered by residential development to the north (properties at Tarnbeck Drive) and south (Jones Homes' Phase 1 development – St Peter's Park). To the east the site is bordered by a thick tree buffer, beyond which lies agricultural land. To the west the site is bordered by the gardens of residential properties which lie along New Street. The prevailing character of the immediate area is residential in nature.
80. The layout has been designed with an interconnected hierarchy of transport routes that are effectively integrated into the network. It maintains a green and semi-rural character within the site that features a variety of green infrastructure and respects its rural setting. A range of house sizes and tenures are proposed that reflects the housing demands of the local population and would attract a diversity of residents.
81. The building to plot ratios would be in-keeping with the surrounding area and the overall density of the development is 20 dwellings per hectare, although this varies across the site to assimilate with neighbouring development, with higher densities to the north and lower to the south. In this regard, it is considered that the proposed development makes the most efficient use of the developable area of land and makes good use of site constraints by incorporating green infrastructure and ecological enhancements within the scheme. In addition, the green infrastructure also serves to provide separation to neighbouring properties.
82. The proposed development provides a mix of 1 bed, 2 bed, 3 bed and 4 bedroomed properties which would achieve a well-mixed and balanced community. The scale of the development is reflective of the predominantly two storey scale found within the surrounding area, and prominent corner plots are well designed within the use of dual fronted properties to add visual interest to the streetscene. The proposed materials are appropriate to the locality with a mixture of brickwork and roof tile colours, which would assimilate well with the surrounding dwellings.
83. A variety of boundary treatments are included as part of the design proposals. These will help to create a clear demarcation between public and private space, contributing towards a well-defined public realm and street scene.
84. The proposal would involve the removal of fourteen individual trees, eight groups of trees, two partial removals and one hedge to be removed. Some of these trees are subject of Tree Protection Orders. There will also be an impact on nineteen retained trees, ranging from root disturbance to pruning of branches trees. As noted earlier in this report, the Council's Tree Officer has expressed concern in relation to the loss of these trees, stating that the tree loss is substantial, and will change the character of the area. The loss of these trees would be detrimental to the amenity of the area, and this is a shortfall of the scheme. Consideration does, however, need to be given to the wider benefits of the scheme and that replacement planting could mitigate this impact to some extent in the longer term. The applicant has also noted that nine of the trees proposed for removal are of low quality. It is proposed to plant over 60 new trees, in addition to hedgerow planting.
85. Overall, it is considered that the proposal would be acceptable in terms of its impacts upon the character and appearance of the site and the wider area and complies with policies BNE1 of the Chorley Local Plan and Core Strategy policy 17 in this regard. The proposal would conflict with policy BNE10 of the Local Plan with regards to the loss of trees, but this is outweighed by the benefits of the proposal, as outlined later in this report.

### Impact on neighbouring amenity

86. 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.
87. The application proposes a residential development of 55no.dwellings adjacent to existing residential areas.
88. All interface distances between the existing surrounding dwellings and the proposed dwellings meet the Council's minimum guideline distances and so are considered acceptable. The proposed dwellings have been designed in such a way so as to be compatible with each other without creating an amenity impact upon the occupiers of adjacent plots. There would be an adequate degree of screening around the plots.
89. With regards to noise, dust and other potential pollution during the construction period, these would be short in duration and limited in intensity. Such impacts could be adequately controlled through a construction environmental management plan (CEMP) which can be required to be submitted to the Local Planning Authority for approval prior to works commencing.
90. Having regard to the above, the proposed development is considered to accord with Chorley Local Plan policy BNE1 in respect of amenity.

### Impact on ecological interests

91. 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.
92. The application is accompanied by an ecological survey and assessment. The Council's ecological advisors have raised no objection to the proposal, requesting a financial contribution towards off-site biodiversity net gain is secured, and stating the following;

#### *“Great crested newts*

*Confirmation has been provided that the site had been accepted by Natural England as suitable to be dealt with under district level licensing (DLL). The LPA can therefore be satisfied that gcn are not regarded as a constraint and that the conservation status of this protected species will be maintained via the DLL process. No further survey information on gcn is therefore required.*

*Technically no condition is also required as the process is now in the hands of Natural England and their agent for delivery of the new ponds unless the LPA would want mitigation beyond the requirements of DLL. In addition however, as noted by ECUS, the developer may decide to change their approach and not enter in to DLL at which point further survey would be required. Given gcn have been recorded in the wider landscape, I therefore recommend a condition along the following lines.*

*The development has the potential to cause harm to great crested newts as identified in the Ecological Appraisal - ECUS ref. 16474 section 4.4.2 and entered into District Level Licensing.*

*Prior to development confirmation that:*

- *no changes to this mitigation approach have occurred or;*
- *if changes have occurred further information on the new mitigation approach to gcn.*

*should be provided to and agreed in writing by the LPA.”*

93. Whilst the southeastern section of the application site is proposed for ecological enhancement works, this would not be sufficient to deliver a net-gain in biodiversity at the site. The applicant has therefore agreed to deliver a financial contribution of £90,000 to deliver an off-site net gain in biodiversity.
94. The application is considered to be acceptable in terms of its potential impacts upon ecological receptors, subject to conditions. It is considered that the proposal complies with policy BNE9 of the Chorley Local Plan 2012-2026.

#### Impact on highway safety

95. 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.
96. Policy ST1 (New provision of Footpaths, Cycleways, Bridleways and their associated facilities in existing networks and new development) of the Chorley Local Plan 2012 -2026 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.
97. Lancashire County Council (LCC) as the Local Highway Authority (LHA) is responsible for providing and maintaining a safe and reliable highway network and their initial comments on the application were as follows:

*“I refer to the above planning application and would like to thank you for the opportunity to provide comments. Lancashire County Council (LCC) as the Local Highway Authority (LHA) is responsible for providing and maintaining a safe and reliable highway network. With this in mind, the present and proposed highway systems have been considered and areas of concern that potentially could cause problems for the public, cyclists, public transport, motorists and other vehicles in and around the area have been identified.*

*LCC embraces appropriate development within Lancashire in line with local and national policies / frameworks and that which is emerging. This involves working closely with planning authorities, in this case officers of Chorley Council, developers and their representatives and also with National Highways. This approach supports the delivery of high quality, sustainable development and an appropriate scale of development that can be accommodated both locally and strategically.*

#### **Summary**

*No highway objections are raised to the proposal subject to the developer entering into a s106 agreement for sustainable transport improvements and a number of planning conditions being imposed.*



## **Development Proposal**

*The development proposal is for 55 dwellings on land to the north of Gorsey Lane, Mawdesley. The development is accessed from the development currently under construction to the south and will be accessed through the existing development. In addition, pedestrian accesses will be provided to the public rights of way network along FP0919026 which links New Street to Tarnbreck Drive.*

## **Transport Assessment**

*The developer has produced Transport Statement (TS) in support of the development proposal.*

### **Trip Rates**

*The trip rates used by the developer to estimate the number of vehicle movements that the proposal would generate are considered to be on the low side. LCC Highways recommend the use of robust NW Preston trip rates for residential developments across the county. However, the difference in the number of trips would be relatively low in 32 trips in the peak hour as compared to the developers 26. As there are no highway capacity issues in the area the difference in trip rates will not lead to any highway capacity issues.*

### **Road Safety**

*The TS identifies 3 injury accidents in the vicinity of the site and concludes that traffic from the development is unlikely to have a detrimental impact on road safety.*

*Any development that increases vehicle movements on the highway has the potential to impact on road safety, however, an appropriate level of highway mitigation is required from Phase 1 which would also mitigate the impact of this development. As such no additional highway mitigation is required.*

### **Sustainable Travel**

*The TS identifies a number of local amenities which are within an acceptable walking distance from the site, however, employment opportunities are limited and as such other forms of travel need to be considered.*

*Whilst bus stops are close to the site the number and frequency of bus services at these stops means that travel by public transport would be extremely limited. To encourage public transport the frequency of bus services needs to be increased together with upgrading of local bus stops.*

### **Access**

*The main means of access would be through the existing development (phase 1) and then onto Gorsey Lane. The standard of access at the junction of phase 1 and Gorsey Lane is acceptable to accommodate the additional traffic generated by this development (phase 2) without modification.*

*Pedestrian access to the site can be obtained via FP0919026, which links New Street to Tarnbreck Drive. There are sections of this route which need to be upgraded to ensure that is a safe and attractive route for pedestrians.*

### **Layout**

*The internal layout of the site is generally acceptable and suitable for adoption under a s38 agreement. The proposed level of car parking is acceptable.*

## **Highway improvements**

*In order for the development to be acceptable in highway terms the following should be delivered through a s278*

- *resurfacing of FP0919026 between New Street and Tambreck Drive*
- *upgrading the south bound bus stop on New Street outside the Red Lion PH.*

## **S106 Contributions**

*Paragraph 57 of the National Planning Policy Framework (NPPF) and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended) set tests in respect of planning obligations. Obligations should only be sought where they are:*

- *necessary to make the development acceptable in planning terms;*
- *directly related to the development; and*
- *fairly and reasonably related in scale and kind to the development.*

*In order to make this development acceptable to LCC Highways a number of mitigation measures are required. These measures are to be delivered through a combination of S278 highway improvement works (secured through appropriate planning conditions) and s106 contributions (secured through an agreement or Unilateral Undertaking).*

*LCC Highways requests that the following monies be secured*

- *Sustainable Travel Contribution of £50,000 per annum for 5 years (total £250,000)*

*The following sets out how each contribution meets the tests.*

*A contribution of £50,000 per annum for 5 years (total contribution £250,000) is sought to provide improved bus services along the New Street linking the development site with Chorley. The current service 337/347 operates hourly Monday to Saturday but lacks Sunday and evening services. Any monies would be used to increase frequency (particularly peak hour), extend the hours of operation into the evenings and provide Sunday services.*

*necessary to make the development acceptable in planning terms:*

*The provision of a financial contribution in respect of sustainable transport is necessary to promote and encourage the use of sustainable modes of travel and conform with Chapter 9 (Promoting Sustainable Transport) of the NPPF.*

*Applications for development should facilitate access to high quality public transport (para 112).*

*As such the Sustainable Travel Contribution is considered to meet the test.*

*directly related to the development:*

*The occupants of the development would be in an area where the walking distances to the nearest amenities, are not in line with widely accepted standards and as such there will be a greater demand on public transport. Without improving public transport provision there will be a greater reliance on the private car limits the attractiveness and accessibility to sustainable transport.*

*As such the Sustainable Travel Contribution is considered to meet the test.*

*fairly and reasonably related in scale and kind to the development.*

*Lancashire County Council (LCC) Highways' Bus Service Contributions requests are determined on a case-by-case basis having regard to;*

- LCC Public Transport comments, which consider recent tenders for similar services;*
- Previous requests for contributions to ensure reasonableness and consistency*

*As such the Sustainable Travel Contribution is considered to meet the test.*

## **Highway Comments**

*An independent review of the development proposal was undertaken by Tetra Tech in January 2023, which concluded that the cumulative impact of car traffic generated by the development proposals would not be severe and supports the need to increase evening and weekend bus services.*

*Consultants for the developer provided a technical note in response to the independent review in which no issues other than the contribution towards public transport is not agreed. LCC Highway still contend that the contribution towards public transport is still necessary and meets the cil tests (detailed above). Without adequate public transport in the area any development of significant scale would be car orientated and fail to meet the requirements of the NPPF.*

## **Conclusion**

*The development proposal is acceptable to LCC Highways subject to the developer entering into a s106 for Sustainable Transport Improvements (Bus Service improvements) and planning conditions.”*

98. After the above response was received, the applicant entered into protracted negotiations with LCC Highway Services and agreed to a lower sum for bus service improvements of £15,000 per annum for 5 years. In summary, the highways mitigation measures agreed with the applicant are as follows:
- £15,000 per annum for improved bus services, for 5 years
  - resurfacing of FP0919026 between New Street and Tarnbreck Drive
  - upgrading the south bound bus stop on New Street outside the Red Lion PH.
99. In conclusion, the level of proposed parking and other highway implications of the proposal are considered to be acceptable, subject to conditions and a S106 agreement to secure the above referenced contribution. The other measures would be delivered by a S278 agreement under the Highways Act 1980.

## Public open space

100. 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:*

101. There is currently a deficit of provision in Croston, Mawdesley & Euxton South 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 0.09636 hectares. A maintenance cost of £38,500 is also required for a 10 year period if private maintenance is not proposed.

### *Provision for children/young people:*

102. Local Plan Policy HS4A sets a standard of 0.08 hectares per 1,000 population.
103. There is currently a deficit of provision in Croston, Mawdesley & Euxton South in relation to this standard, a contribution towards new provision in the ward is therefore required from this development. The amount required is £134 per dwelling.

*Parks and Gardens:*

104. There is no requirement to provide a new park or garden on-site within this development.
105. 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 Assessment Report (February 2019)/Open Space Study Paper (February 2019) therefore a contribution towards improving existing provision is not required.

*Natural and Semi-Natural Greenspace:*

106. There is no requirement to provide new natural/semi natural greenspace on-site within this development.
107. 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 Assessment Report (February 2019)/Open Space Study Paper (February 2019) therefore a contribution towards improving existing provision is not required.

*Allotments:*

108. There is no requirement to provide allotment provision on site within this development.
109. 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:*

110. The Playing Pitch Strategy and Action Plan (December 2018) 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, with borough-level detail provided in the Chorley Open Space, Sports and Recreation Strategy (OSSR) Action Plan 2020 to 2036. The amount required is £1,599 per dwelling.

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

Amenity greenspace	= £38,500 (if not privately maintained)
Equipped Play Area	= £7,370
Parks/Gardens	= £0
Natural/semi-natural	= £0
Allotments	= £0
Playing Pitches	= £87,945
<b>Total</b>	<b>= £133,815 (£95,315 if greenspace is privately maintained)</b>

112. The on-site amenity greenspace provision and the financial contributions have been agreed by the applicant and could be secured by way of a s106 legal agreement. Subject to securing the above, the proposed development would accord with Chorley Local Plan policy HS4 A and B.

Drainage and flood risk

113. 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.

114. The site lies in Flood Zone 1, as defined by the Environment Agency Flood Maps for Planning. Flood Zone 1 has the lowest probability of flooding (from rivers or sea) and residential development is appropriate in flood zone 1 in terms of the flood risk vulnerability classification as set out in the Planning Practice Guidance at Table 3.
115. The application is accompanied by a Flood Risk Assessment and Drainage Management Strategy and United Utilities and the Lead Local Flood Authority (Lancashire County Council) have been consulted on the proposals. Neither consultee has raised any objection to the proposed development and have recommended drainage conditions.
116. The primary potential flood risk source to the site is from surface water. The risk associated with surface water would be reduced and sustainably managed post-development, following the implementation of mitigation measures proposed.
117. Due to the relatively low flood risks identified, the principal focus is on the sustainable management of surface water run-off to ensure no increased flood risk results from the development. The surface water discharge options have been assessed in accordance with the sustainable drainage hierarchy. Based on the online datasets, soil characteristics, and the surface water management method implemented for Phase 1, infiltration will not offer a possible means of managing surface water run-off generated by the site.
118. The next method in the sustainable drainage hierarchy is discharge surface water run-off generated by the proposals to a nearby watercourse. The nearest watercourse is an unnamed Ordinary Watercourse located adjacent to the southern boundary of Phase 2. The proposals are therefore to mimic the existing situation and discharge surface water run-off from site post-development into the Ordinary Watercourse located adjacent to the southern boundary of the site. Detailed design would need to be carried out to confirm whether a site wide gravity solution can be achieved., with an attenuation basin located in the south east corner of the site. This would be dealt with by pre-commencement planning conditions suggested by the technical consultees for drainage.
119. Having regard to the advice obtained from the United Utilities and the Lead Local Flood Authority, it is considered that satisfactory drainage of the proposed development could be secured by way of conditions.

#### Affordable housing

120. Core Strategy policy 7 (Affordable and Special Needs Housing) 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.....”*
121. The proposed development includes 35% affordable on-site provision which is in accordance with Core Strategy policy 7. This equates to 19 affordable housing units in total, of which 70% (13 units) would be social rented and the remaining 30% (6 units) would be intermediate affordable housing. The breakdown is as follows:
- Social Rented:
- 7 x 2-bed house  
6 x 3-bed house
- Shared Ownership (Intermediate affordable housing):
- 6 x 3-bed house

122. Whilst the above identified house type mix does not accord with Council's usual requirements, the applicant has forwarded correspondence from a Register Provider of affordable housing stating they would be happy to take on the proposed dwellings. Therefore, subject to the affordable housing provision being secured by way of a s106 legal agreement, the proposal accords with Core Strategy policy 7.
123. There is an acute shortfall in the provision of affordable housing in the borough. This development would make a valuable contribute to the borough-wide need for affordable housing, which is afforded significant weight in the planning balance, as identified in recent appeal decisions.

#### Sustainability

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

125. Given this change, instead of meeting the code level, the Local Planning Authority required that dwellings should achieve a minimum dwelling emission rate of 19% above 2013 Building Regulations in accordance with the transitional provisions. Building Regulations 2022 have now been brought into force and under Part L require a 31% improvement above 2013 Building Regulations. This exceeds the Council's previous requirement and now supersedes the requirement for a planning condition.

#### Employment skills provision

126. 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

127. For housing developments which exceed 30 units, 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

128. An employment and skills plan could be secured by way of a planning condition.

#### Community Infrastructure Levy

129. 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 would be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

#### Planning balance

130. Paragraph 11. d) ii. of the Framework indicates that, where the most important development plan policies for determining the application are out-of-date, 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; the tilted balance.

131. The adverse impacts of the development relate to conflict with Policy BNE10 of the Chorley Local Plan due to tree loss and conflict with the development plan strategy for the area, born out through Policy 1 of the Central Lancashire Core Strategy. Mawdesley is not identified as a Rural Local Service Centre, and therefore criterion (f) of Policy 1 is applicable. Under this criterion, development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes. The proposed development of 55 dwellings is not considered to be small scale. The proposal is also not redevelopment therefore the proposal does not accord with the development plan strategy for the area and is contrary to criterion (f) of Policy 1 of the Core Strategy. Despite this, it is not considered that the site is located in an unsustainable location as Mawdesley benefits from a range of local services.

132. In terms of benefits, the provision of new housing would bring construction and supply chain jobs, places for the economically active to live, increased local spend and greater choice in

the local market. These benefits have not been quantified and would apply to any housing development of this scale but are still considerable.

133. The scheme would deliver a policy compliant level of affordable homes to the area of which there is a significant shortfall across the Borough. The new affordable dwellings would provide homes for real people in real need, and therefore significant weight should be attached to this benefit.
134. The proposal would boost the supply of housing in a situation where there is no five-year supply and an under-provision of affordable housing and, as a result, significant weight can be given to the social benefits the proposal would deliver.
135. The provision of open space and its ongoing management and maintenance, the contributions to school places and delivery of a net-gain in biodiversity are neutral considerations because they are needed to make the development acceptable.
136. Although Mawdesley has limited facilities reflecting its lowly position in the settlement hierarchy, there are shops, a pub, post office, a Primary School and other amenities within walking distance of the site. Mawdesley is also served by public transport with bus connections on Gorse Lane, New Street, Smithy Lane and High Street. The proposal would deliver improvements to the local highways network which would be secured by a S278 agreement and bus service improvements via a S106 agreement.
137. Whilst, the private vehicle would likely be used for many journeys to supermarkets, doctor appointments etc, alternatives exist and journeys to access services would not be long. The proposal includes some enhancements to sustainable transport options.
138. There is conflict with Policy 1 of the CLCS and the development plan overall, although the site is located within the defined settlement boundary. In terms of Policy 1, the overall strategy is consistent with the Framework in concentrating development in the most sustainable locations. That said, the policy forms part of a failing strategy as the Council cannot demonstrate an adequate supply of housing. As such, the policy is only afforded moderate weight.

## **CONCLUSION**

139. The adverse impacts of the proposed development relating to the conflict with policies BNE10 of the Chorley Local Plan and policy 1 of the Core Strategy would not significantly and demonstrably outweigh the moderate economic and significant social benefits that the scheme would deliver.
140. It is, therefore, recommended that the application is approved subject to conditions and a S106 Agreement.

**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.

### Suggested conditions

To follow.