

APPLICATION REPORT – 23/00981/FULMAJ

Validation Date: 15 November 2023

Ward: Buckshaw And Whittle

Type of Application: Major Full Planning

Proposal: Erection of 280no. dwellings with associated landscaping, drainage and other infrastructure.

Location: Land North Of Town Lane Town Lane Whittle-Le-Woods

Case Officer: Mike Halsall

Applicant: Mr Anthony Blackwell

Agent: Mr Anthony Blackwell

Consultation expiry: 16 May 2024

Decision due by: 30 June 2024 (Extension of time agreed)

RECOMMENDATION

1. It is recommended that planning permission is granted, subject to:
 - i. Conditions (to follow in the addendum report); and
 - ii. a S106 legal agreement to secure the following:
 - 30% of the dwellings to be affordable with 70% of these to be social rented and 30% for shared ownership.
 - A public open space contribution of £485,240 (or £681,240 if private maintenance not proposed).
 - Highways contributions towards LCC Highways Services involvement in a Travel Plan and for public transport improvements.
 - Contribution of £43,857 for the improvement of Public Right of Way ref. FP0922014.

SITE DESCRIPTION

2. The application site forms part of a wider parcel of land designated as Safeguarded Land under Chorley Local Plan 2012 – 2026 policy BNE3 (BNE3.10 West of M61 Whittle-le-Woods), although a small section of the site to the southwest falls within the settlement boundary of Whittle-le-Woods.
3. The site is a large parcel of land of some 17.8 hectares situated between the M61 motorway, which is to the east, and the defined settlement boundary of Whittle-le-Woods which is to the west. It falls immediately to the north of Town Lane and several public rights of way run through the site.
4. There have been two previous planning applications on part of this site (13.27 hectares), the first was the subject of an appeal by the applicant against non-determination, ref. 20/01347/OUTMAJ. That application was reported to the Council's Planning Committee on 12 April 2021 and Members confirmed that they would have been minded to refuse the

application. The appeal was subsequently dismissed by the Planning Inspectorate ref. APP/D2320/W/21/3272314 on 18 February 2022, principally on highways related grounds.

5. The applicant subsequently overcame the reasons for refusal of the above referenced application with a revised Outline application, ref. 22/01142/OUTMAJ, which was approved at Planning Committee in June 2023, with the decision being issued in February 2024 following the signing of a S106 agreement. This granted Outline permission for the erection of up to 250no. dwellings and associated infrastructure (including 30% affordable housing) with all matters reserved aside from the access from Town Lane.
6. The current application seeks full planning permission, rather than outline like the previous proposals, includes additional land to the east, taking the site boundary up to the M61 motorway, and seeks permission for the erection of 280 dwellings, rather than the 250 dwellings previously approved.

DESCRIPTION OF PROPOSED DEVELOPMENT

7. The application seeks full planning permission for the erection of 280 dwellings with associated landscaping, drainage and other infrastructure.
8. 30% of the dwellings are proposed to be affordable, with a split of 70% in social rent and 30% in shared ownership.

REPRESENTATIONS

9. Fifty-one representations have been received in objection to the proposal, including from Town Lane Residents Association, on the following grounds:

Traffic and Transportation:

- Highway and pedestrian safety
- Lack of footpaths
- Traffic / congestion
- Narrow listed canal bridges
- Damage to roads during construction period from HGVs

Amenities:

- Schools, dentists, chemists and doctors are at full capacity
- No shops in walking distance

Flood risk / drainage:

- Flooding is apparently an issue with other new development in the area
- There are flood risk fears downstream adding to flooding issues in the village
- Increased surface water runoff
- Extra pressure on sewerage system

Pollution:

- Rural area is subject to land restrictions with regard to previous waste disposal and should not be disrupted
- Hazardous and possibly nuclear waste has been deposited historically in an adjacent landfill site
- Emissions from the motorway and other roads

Ecology / green space:

- Harm to wildlife
- Loss of open agricultural land
- Deer and other wildlife use the area
- Tree loss
- Overdevelopment
- Ruination of countryside

Amenity:

- Disruption and noise during construction work

Other:

- Large houses not suitable for first time buyers
- Redrow are struggling to sell houses at other sites in the area
- The proposed sweeping brick site entrance is not in keeping with the existing simple 18th century honey coloured sandstone houses
- Landscape and visual impacts
- Other more suitable sites
- A Greenbelt site which therefore should be protected, preserved and safeguarded from future development by local government
- Plant some evergreen trees to screen the development
- No need for more houses
- Last remaining fields in the area, people will have to drive elsewhere for a walk
- Should be retirement homes and starter homes.

CONSULTATIONS

10. Environment Agency: Have responded with advice to the applicant in relation to permits required for undertaking works in proximity to a main river (the River Lostock) and have requested conditions be attached to secure a remediation strategy for the site to avoid contamination of a surface watercourse and 'secondary aquifer A' located on / below the site.
11. Canal & River Trust: Have not responded to the consultation. However, they did respond to the consultation on the previous application at this site and noted that the Leeds and Liverpool Canal passes some distance to the east of the site, beyond the M61 and so would not be impacted by the proposal. They stated that the development, during its construction phase, may impact on 'bridge 81' which forms part of Town Lane, over the canal, and is grade II listed. They do not consider the bridge is suitable for long or wide construction vehicles or those with a low ground clearance. With this in mind, they requested a Construction Environmental Management Plan be required by planning condition, to include measures to direct construction traffic to come from the A6 to the west, rather than from the east over the bridge.
12. National Highways: initially responded to request that the Local Planning Authority not determine the application due to outstanding information relating to; evidence that earthworks and associated drainage alongside the M61 comply with national guidance and therefore would not affect the integrity of the strategic road network, and a risk assessment in relation to errant vehicles leaving the highway. They have since confirmed, following a review of revised details from the applicant, that they have no objection to the proposal.
13. Greater Manchester Ecology Unit: Have responded with no objection and have requested that the following should be controlled by conditions:
 - Securing a net gain in biodiversity
 - Secure the submitted lighting scheme
 - A construction environmental management plan to include the following:
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.

- f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.
14. Lancashire County Council (Education): have confirmed that no contribution is required from this proposal.
 15. Regulatory Services - Environmental Health Officer: Have no objection, subject to the noise mitigation measures identified within the submitted noise assessment being conditioned.
 16. Lancashire Fire and Rescue Service: No comments have been received.
 17. Ramblers' Association (Chorley Branch): No comments have been received.
 18. Lancashire County Council Public Rights of Way Officer: No objection, subject to a developer contribution of £43,857 for the improvement of PRoW FP0922014.
 19. Waste & Contaminated Land Officer: Has no objection subject to conditions.
 20. Lancashire County Council Highway Services (LCC Highway Services): responded 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. 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

As submitted LCC Highways cannot support the proposed erection of 280no. dwellings with associated landscaping, drainage and other infrastructure. For LCC Highways to be able to support the proposed development the applicant will need to address the concerns relating to internal layout, car parking and swept path analysis as detailed in this report.

Introduction

The proposed development is adjacent and to the north of Town Lane which is part of the adopted highway network. Town Lane has a speed limit of 40mph on the proposed developments frontage, which reduces to 20mph approximately 400 metres to the west of the proposed site access.

Two existing public rights of way are present within the proposed site boundary which connect to a third on the northern side of the boundary.

To the west of the proposed development are existing bus stops on Shaw Brow approximately 800 metres in distance. This stop provides an hourly service Monday to Friday from 7:23 am – 7:04 pm and an hourly service on Saturday from 7:39 am – 6:57 pm. The existing bus stops are simple flag stop signs with no shelters or quality bus stop kerbing. A single school bus service is also provided at these two stops to St Michael's

CoE High School south of the development.

Development Proposal

The proposed development is for 280no. dwellings with associated infrastructure and landscaping. A new vehicular access is proposed onto Town Lane with a pedestrian and cycle access proposed onto Town Lane. The proposed accesses to the development have been approved as part of an outline planning permission (20/01347/OUTMAJ) which was granted at appeal.

Proposed site access

The proposed site accesses have been accepted as part of the appeal for outline planning application. As no changes are proposed to the main vehicle access nor the pedestrian and cycle access from the previously approved access. LCC Highways can support the proposed site access.

Were the proposals to be granted planning permission then a section 278 agreement will be required to introduce the site accesses onto the existing adopted highway.

The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as Highway Authority prior to the start of any development. The applicant should be advised to contact the county council for further information by telephoning the Development Support Section on 0300 123 6780 or email developeras@lancashire.gov.uk, in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the location, district and relevant planning application reference number.

Trip Generation

The proposed development uses the same trip ratios which have been previously accepted as part of the appeal for an outline planning application (20/01347/OUTMAJ). This approved planning application applied for up to 250 dwellings, whereas the currently proposed development contains the proposals for 280 dwellings. This results in an increase of 30 dwellings from the granted at appeal outline planning application, this in LCC Highways opinion is acceptable.

Using the previously accepted multi modal trip rates the proposed increase in trip rates would be as follows.

AM Peak (08:00 – 09:00)

Mode	Arrivals	Departures	Total	Outline Total (250 dwellings)	Proposed Total (280 dwellings)	Difference
Vehicles	0.123	0.352	0.475	119 (two – way movements)	133 (two – way movements)	+14 (two – way movements)
Cyclists	0.006	0.012	0.018	5	5	0
Pedestrians	0.028	0.065	0.093	23	26	+ 3 (two – way movements)
Public Transport	0.001	0.024	0.025	6	7	+1 (two – way movements)

PM Peak (17:00 – 18:00)

Mode	Arrivals	Departures	Total	Outline Total (250 dwellings)	Proposed Total (280 dwellings)	Difference
Vehicles	0.293	0.200	0.493	123 (two – way movements)	138 (two – way movements)	+15 (two – way movements)
Cyclists	0.011	0.006	0.017	4	5	+1 (two – way movements)
Pedestrians	0.042	0.020	0.062	16	17	+ 1 (two – way movements)
Public Transport	0.015	0.004	0.019	5	5	0

As is shown in the two tables above the proposed increase in dwellings by 30 results in a predicted increase in vehicle movements. These increases are 14 two way movements in the AM Peak and 15 two way movements in the PM Peak. It is LCC Highways opinion that the proposed increases in the AM and PM Peaks is acceptable provided that the proposed mitigation measures as proposed are implemented.

Off Site Highway Works

As part of the proposal's mitigation measures have been proposed to the adopted highway network that does not form part of the site boundary. These mitigation measures allow for the safe access to and from the proposed development via sustainable means and will provide new public transport infrastructure.

Were the proposals to be granted planning permission then a section 278 agreement will be required to introduce off site highway works onto the existing adopted highway.

The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as Highway Authority prior to the start of any development. The applicant should be advised to contact the county council for further information by telephoning the Development Support Section on 0300 123 6780 or email developeras@lancashire.gov.uk, in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the location, district and relevant planning application reference number.

Travel Plan

A development of this scale would require a travel plan, for LCC Highways to help support the implementation of this travel plan a Section 106 contribution will be required. For the number of dwellings proposed a contribution of £18,000.00 (eighteen thousand pounds) will be required.

S106 Contributions

As agreed, as part of the granted outline planning permission a Public Transport contribution was agreed upon for £150,000 per annum for 5 years. It is LCC Highways opinion that this is still relevant and required for the current proposed development. It is requested that the developer enter into a section 106 agreement for the following.

1. Travel Plan - £18,000 (eighteen thousand pounds)
2. Public Transport – £175,000 (one hundred and seventy five thousand pounds) per annum.

The increase in per annum contributions from our previously issued response to the

current planning application is a result of a re-evaluation of bus service provision, by LCC's bus services team. Following this re-evaluation it was determined that the preceding years above average inflation has resulted in an increased cost in providing bus services.

Internal Layout

As proposed LCC Highways would not consider the proposed internal layout for adoption. The internal road is to be designed to ensure that the vehicle speeds are kept below 20mph with better use of horizontal deflection, vertical deflection such as rumble strips, road humps and cushions should be limited and will not be permitted where the route is to be used by buses. Typically the speed reducing features to be at a maximum of 75m centres.

As submitted LCC Highways would not be able to support the proposed traffic calming within the proposed internal layout due to the proposed spacing. Local Transport Note 01/07 "Traffic Calming" recommends physical traffic calming measures to be spaced apart from a minimum of 60 metres to a maximum of 90 metres as the most appropriate. LTN 01/07 does not recommend spacing greater than 100 metres as this can encourage higher speeds.

The proposed carriageway and footway dimensions for the majority of the site meet the minimum requirements to be considered for adoption by LCC Highways. These minimum requirements are 5.5 metre wide carriageway and 2 metre wide footways on both sides. It is noted that verges between the footway and the carriageway are proposed, provided these verges were only planted with grass then LCC Highways may consider the verges and internal layout for adoption.

As proposed LCC Highways would not consider the private road layout for adoption as several of the proposed turning heads have vehicle wheels overrunning the proposed kerbs of the private road. The vehicle tracking as shown on the submitted plan LCC Refuse Vehicle (Dwg No: VSP-1, Rev: A) demonstrates that some of the proposed turning heads cannot be used by a LCC specification refuse vehicle. It is requested that the vehicle tracking is reviewed, and the turning heads amended where necessary to avoid wheels overrunning the kerbs.

Private Car Parking

It is recommended that all private drives fronting garages to be a minimum of 6m long and this must not include any of the required 2m wide service verge. The drive length can be reduced to 5.5m if roller shutters are fitted and conditioned as part of the planning decision. The recommended distance of 6m is based on the length of a large family car (Ford Mondeo Estate 4.58m long), clearance at the rear of the car (200mm), overhang of the garage door (600mm) and room to stand in front of the car and open/close the garage door (600mm).

The recommended minimum internal single garage size to be 6x3m and this includes integral garages.

The single vehicle width private drives to have a minimum width of 3.2m where they are used for vehicular access and pedestrian access to the property. From Approved Document M (Access to and use of buildings), recommends an unobstructed widths of at least 900mm to access the property.

The double vehicle width private drives to have a minimum width of 5.6m where they are used for vehicular access and pedestrian access to the property. From Approved Document M (Access to and use of buildings), recommends an unobstructed widths of at least 900mm to access the property.

It is recommended that the proposed car parking is reviewed to take into account the

above.

Conclusion

In conclusion, for LCC Highways to be able to support the proposed developments a number of amendments are required. Firstly, it is requested that the internal layout is reviewed to provide a 20mph speed limit by design. Secondly it is requested that the turning heads are amended to accommodate a LCC specification refuse vehicle. Finally, it is recommended that the proposed private car parking is amended to allow for shared use access and that proposed garages are useable.

21. Lead Local Flood Authority: Have no objection subject to conditions.
22. Natural England: Have no objection.
23. Lancashire Police: Standard response with information for the applicant on designing out crime.
24. Council's Tree Officer: It is proposed to remove 27 individual trees and 7 tree groups plus partial removal of 6 tree groups and some sections of hedgerow. The majority of these are not of a high arboricultural value, though they do have value as landscape features. The tree protection measures submitted are adequate. Rigid adherence to these will minimise negative impacts on retained trees, should the development proceed. The landscape plan details the planting of over 500 trees. There should be a maintenance programme in place for these trees. Trees should be replaced if they die or become damaged within 5 years.
25. United Utilities: Have no objection subject to conditions.
26. Whittle-le-Woods Parish Council:
"For the third time in 3 years Whittle-le-Woods Parish Council must register an unequivocal OBJECTION to a Redrow Planning Application, for the same area of undeveloped agricultural land.

In our view little has changed since the earlier applications (20/01347 & 22/01142). Despite changes to the Title and address being used by the developer the site location remains unsuitable and a development on this scale is entirely inappropriate. Chorley BC will be aware of the weight of objections already recorded under the above references and we trust these will all be highlighted to Councillors in good time for the Planning Meeting.

On behalf of our residents we wish to convey the strength of feeling against yet another housing development in what was once a semi rural village. There is a perception that Whittle Le Woods is being sacrificed for the sake of housing numbers when other sites are available, albeit less attractive to corporate developers. However, it is perhaps more relevant to emphasise the inevitable damage to Road Safety, the likely increase in Flood Risk, the pressure on Amenities and the effects on the Environment / Ecology that another estate on this scale will bring about.

Road Safety.

This Parish Council have previously submitted two, independent, Highways Reports (DTPC) relating to the earlier Applications. We respectfully ask the Planning Officer to present these to Councillors for their considerations ahead of the meeting. Sadly the highly respected expert involved has passed away and we do not propose to involve a new firm for the sake of update. All the facts remain relevant and can be confirmed by site visit/s.

Councillors should be aware that Application 20/01347 was REFUSED on APPEAL by a HM Government Inspector on grounds of Highway Safety after a site visit and detailed scrutiny by Barristers at the hearing. We were then shocked and disappointed that Lancashire CC Highways subsequently failed to object at the time of Application 22/01142. None of the proposed mitigations remove the inherent risks or bring the Application within published Guidelines e.g. gradients, footpaths, distance to amenities etc.

These 'mitigations' were apparently 'agreed' between Highways and Redrow away from public view and have been brought forward to the current Application. We consider the proposals will be detrimental to existing residents and do little or nothing to benefit new residents on the estate. For Example, common sense tells us people will not be encouraged to leave a car on the drive and walk 1/3rd of a mile to the bus stop simply because it has been moved 50yds nearer. Coloured tarmac and parking bays will not compensate for the absence of footpath/s, especially with the increased volume of traffic envisaged.

We still believe that Lucas Lane will become a rat run and is most unsuitable for heavy traffic at any time of the day. It is used by many residents for walking and the Redrow Sycamore Manor estate has recently added a new footway directly onto Lucas Lane, where there are No Footpaths or safe spaces for pedestrians.

Whittle Le Woods Parish Council hereby request the proposed changes are revisited with the benefit of local knowledge, via meaningful consultation, before the Planning Meeting.

We believe the Developers most recent Traffic Assessment by SCP to be inadequate, it avoids comment on the most critical risk factors in favour of a plethora of journey counts which are selective and therefore inconclusive. To illustrate this point we see counts have not been published for the difficult junction from Town Lane onto Dark lane or near to St Chads Primary school. Both these are highly relevant and (again) we must dispute the assumption that most traffic from the new estate will travel West (towards the A6). Many existing resident on Town Lane will advise the easiest way to Chorley Town Centre, Blackburn or the M61 is East via Dark Lane or past the school, especially during peak time/s.

Without explanation, SCP have included a Traffic Count for the A6/Royton Drive junction. We can see no relevance to the current Application unless the Developer is suggesting Lucas Lane as a suitable access route. In our view, this would discredit the whole document.

Waste & Contaminated Land

We very much welcome the comments and conditions recorded against this case requiring Land Surveys & Testing on and in the proximity of the site. However, we recognise this can only be applied of a condition of sanction.

Flood Risk

There is a long history of flooding to properties at the lower end of Town Lane and in Water House Green. Perhaps the most significant recent event was Boxing Day 2015 when a number of homes had to be evacuated. Previous objections have included evidence that Flood Warnings (from United Utilities) are increasing and volunteer residents have formed a Flood Action Group with equipment e.g. pumps, wheelbarrows and sandbags supplied and stored in a unit courtesy of Chorley BC and Whittle Le Woods Parish Council.

Flooding occurs when the River Lostock cannot cope and we remain sceptical that the balancing ponds/storm drains proposed by Redrow will replace the natural land soak away afforded by hundreds of acres of undeveloped land.

At the time of the first Application, we obtained an Independent, Professional & Specialist flood risk review. This formed part of our objection and is attached to Application 20/01347 already with Chorley BC. The application has not provided details of up to date actual plans and we are therefore disappointed that will not be available for public scrutiny before a decision is reached.

Conclusion.

Typically, this Developer has submitted the Application in the run up to Christmas and we have found the timescale for response as a Statutory Consultee to be tight. We politely request Chorley BC and the Planning Councillors to consider all the previous evidence/

Objections on record and REFUSE this Application to the undoubted benefit Whittle Le Woods residents and future generations. Whittle Le Woods Parish Council.”

Addendum

Chorley BC will be aware that in the last ten years Whittle Le Woods has absorbed a large number of new houses i.e. three new estates, so far, and has thereby contributed significantly towards Council's objectives in this regard. In return the village has received little benefit from the 106 monies. The only benefit the village will receive from this application is £100k to temporarily increase the bus service for a period of 5 years. This is unjust and has not gone unnoticed locally. In the unfortunate event the Planning Committee find they are obliged to approve Application 23/00981/OUTMAJ we request a number of CONDITIONS are formally attached at that stage. 1) That there is a provision of an On-site Multi play outdoor area / equipment for older children that includes a basketball/netball and football facility. 2) The additional of several benches around the development, especially on the footpaths / zigzag path. 3) That the proposed re-positioning of the bus stops on Waterhouse Green goes to public consultation. Their current position is in an open area with a bench, next to the village book swap and notice board. The proposed re-site is on a hill, is not overlooked, and under overgrown trees and vegetation.”

Following receipt of the above comments, the applicant submitted revised drawings for consideration by LCC Highway Services attempting to overcome their concerns. The applicant also considers that the public transport contribution of £175,000 per annum is unreasonable and should be reduced to the £150,000 required as part of the previous Outline planning permission at this site. They have stated *“this has been increased since their last consultation response. Given the site has an extant consent, and that circumstances have not changed since the grant of that permission, we do not feel this increase is justified.”*

Whilst a further response has been requested from LCC Highway Services, it had not been received at the time of writing this report. As such, if the response is received prior to Planning Committee confirming that LCC Highway Services are content with the plans and that the public transport contribution figure has been agreed, this will be reported in the addendum report. Alternatively, if no such a response is received, the application will need to be removed from the Planning Committee agenda.

27. Lancashire County Council Archaeology Service: Have no objection, subject to a programme of archaeological recording being undertaken.

PLANNING CONSIDERATIONS

Principle of development

28. The acceptability in principle of housing on the majority of the application site has already been established by the approval of planning application ref. 20/01347/OUTMAJ. Notwithstanding this, a full assessment of the current scheme is provided below, which includes any updates to policy or other changes since the approval of the previous application.
29. 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.
30. The Development Plan comprises the adopted Central Lancashire Core Strategy (2012) and the adopted Chorley Local Plan 2012 - 2026.
31. 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).
32. The application seeks planning permission for the erection of 280 dwellings on 17.8 hectares of land. The site is adjacent to the settlement area of Whittle-le-Woods and is

located on designated safeguarded land, as defined in policy BNE3 'Areas of Land Safeguarded for Future Development Needs' of the Chorley Local Plan 2012 - 2026. This application site forms part of a wider parcel known as BNE3.10 West of M61, Whittle-le-Woods.

33. Outline planning permission was granted in February 2024, ref. 22/01142/OUTMAJ, on approximately 13 hectares of the current application site, for the erection of up to 250 dwellings and associated infrastructure (including 30% affordable housing) with all matters reserved aside from the access from Town Lane.
34. The site was designated as Green Belt in the 1993 Lancashire Structure Plan. It was removed from the Green Belt designation and reallocated as Safeguarded Land along with a number of other sites in the 1997 Chorley Borough Local Plan under the Safeguarded Land policy (Policy C3). In the Chorley Borough Local Plan Review in 2003 the site was again designated as Safeguarded Land under Policy DC3.18.
35. The areas of Safeguarded Land covered by Policy DC3 were reviewed as part of the current Local Plan process which started in 2010. The review included a sustainability assessment, and consultation with Lancashire County Council and United Utilities. In order to meet Chorley's housing, employment and open space requirements in the Chorley Local Plan 2015, safeguarded sites that were considered the most suitable, specifically those that were natural extensions to existing settlements, and proved most viable in terms of highways access and the characteristics of the site were allocated. The remaining Safeguarded Land was retained as Safeguarded Land under Policy BNE3 to provide for potential future development needs beyond the Plan period (i.e. after 2026).
36. Policy BNE3 is a restraint policy and states that development other than that permissible in the Green Belt or Area of Other Open Countryside (under Policy BNE2) will not be permitted on Safeguarded Land. The proposal is, therefore, contrary to Policy BNE3.
37. Core Strategy Policy 1 sets out the locations for growth and investment across Central Lancashire and identifies Whittle le Woods as an Urban Local Service Centre where some growth and investment will be encouraged to help meet local housing and employment needs.
38. Located on the edge of the settlement, the site is in an accessible and sustainable location, within a reasonable walking distance of bus stops, community facilities and shops that would provide for the day to day needs of residents. The Education Authority has indicated there would be sufficient primary and secondary school places within the catchment area of the site.
39. It is noted that some neighbour representations have made comments regarding pressure on Primary Care provision and other local services. However, this is not substantiated by evidence and the providers of these services have not made representations relating to existing shortcomings or requested contributions towards additional provision. The proposed development is considered to be consistent with Policy 1 of the Core Strategy.
40. Core Strategy Policy 4 sets out the minimum housing requirements for the plan area and is assessed later within this report.

Other material considerations

41. 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). These are 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
42. 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).
 43. 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.
 44. 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.
 45. Paragraph 60 of the Framework confirms the Government's objective of significantly boosting the supply of homes.
 46. Paragraph 61 of the Framework reinforces that requirements represent the minimum number of homes needed.
 47. The National Planning Policy Framework was updated in December 2023 with the previous requirement for a 5-year housing land supply, being updated as below. Paragraphs 76 and 77 of the Framework state the following:

"Local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met:

- a) their adopted plan is less than five years old; and*
- b) that adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded.*

In all other circumstances, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing if the provisions in paragraph 226 apply. The supply should be demonstrated against either the housing requirement set out in adopted strategic policies, or against the local housing need where the strategic policies are more than five years old. Where there has been significant under delivery of housing over the previous three years, the supply of specific deliverable sites should in addition include a buffer of 20% (moved forward from later in the plan period)."

Paragraph 226 of the Framework reads as follows: *"From the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old, instead of a minimum of five years as set out in paragraph 77 of this Framework. This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. This provision does not apply to authorities who are not required to demonstrate a housing land*

supply, as set out in paragraph 76. These arrangements will apply for a period of two years from the publication date of this revision of the Framework”

48. As the Council did not produce a policy map in the Preferred Options (Regulation 18) version of the emerging Local Plan to comply with the above paragraphs of the Framework, it still must demonstrate a 5-year supply of housing, rather than the new 4-year requirement for some Councils.

Housing land supply

49. The following planning appeal decisions are of relevance.

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

50. 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.
51. 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.
52. In respect of the Housing Requirement in Chorley:
53. 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).
54. 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.
55. 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.
56. 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, Wyearhittle-Le-Woods PR6 8AG Appeal
B Ref: APP/D2320/W/21/3272314**

57. 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.
58. 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.
59. In respect of housing land supply:
60. 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.
61. 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.
62. 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.
63. 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.
64. 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).
65. 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.”

66. 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, Eccleston
Decision APP/D2320/W/21/3284702**

67. On the 17 March 2022 a decision was issued for the appeal for Land south of Parr Lane, Eccleston. The appeal was allowed and outline planning permission was granted for up to 34 dwellings and associated infrastructure on land south of Parr Lane, Eccleston, 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.
68. 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.
69. 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**

70. 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.

71. 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.
72. 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**

73. 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.
74. 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.
75. 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**

76. 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.
77. 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.
78. 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.”

**Land at Babylon Lane, Heath Charnock
Decision APP/D2320/W/23/3329702**

79. Whilst this appeal site is located on Safeguarded Land, housing land supply was not one of the main issues considered by the Inspector. Both parties had agreed that the Council could not identify a 4-year supply of housing land. The appeal was dismissed due to a sequential test having not been undertaken in support of the proposal in relation to flood risk at the site, which is a requirement of National planning policy.

Summary - the tilted balance

80. Paragraph 11 d (ii) of The Framework is engaged 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.
81. As was the case with some of the aforementioned appeal cases, the most important policies for determining this application are Policies 1 and 4 of the Central Lancashire Core Strategy and Policy BNE3 of the Chorley Local Plan. Whilst the proposal would be consistent with Policy 1 of the Core Strategy, it would conflict with Policy BNE3 of the Local Plan, safeguarding land for future development.

82. On 1st April 2024, there is a 2.9 year deliverable housing supply over the period 2024 – 2029 based on the annual requirement of 506 dwellings which includes a 5% buffer. 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.
83. 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.
84. 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.
85. 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.
86. Whilst policy BNE3 of the Local Plan is broadly consistent with the Framework it is also out of date as it safeguards land based on the housing requirement in Policy 4 which is also out of date. As such, limited weight should be attached to the conflict of the scheme with policy BNE3.
87. 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

88. Chorley Council is working with Preston City Council and South Ribble Borough Council 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 preparation of the publication of pre-submission version of Local Plan (Regulation 19).
89. The application site was part of a wider site consulted on as part of the Preferred Options Part 1 consultation, site ref CH/HS1.53 'West of M61'. Responses to this consultation are being reviewed and will inform to the final allocation in the Pre-Submission Version. 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.

Impact on ecological interests

90. 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.

91. The Inspector concluded the following at paragraphs 62 and 63 of the appeal decision for this site, with regards to ecological issues:

“Residents and interested parties raise concerns about the effect of the proposed development on the Lucas Lane Biological Heritage Site (BHS) which is the subject of a management plan requiring a light grazing regime in respect of its ecology. The BHS is located to the south of the site and is not physically linked. The scheme before me seeks to retain open space at the appeal site’s western end, and also at the southwest and northwest boundaries. There is the potential for these areas to be appropriately planted and to retain the opportunity for habitats to be compatible with the BHS. The retention of these open areas would ensure that habitats for wildlife species found in the site are retained.

In respect of the potential presence of otters on the River Lostock, there would be a suitable buffer between the developed part of the site and no artificial lighting close to the river. These and other measures proposed such as protection of ecology during construction, habitat creation, enhancement and management could be secured by appropriate conditions and the scheme would be in accordance with Policy 22 of the CS and BNE9 of the LP.”

92. The information submitted with the application includes an Ecological Survey and Assessment, a Biodiversity Net Gain Design Stage Report and Biodiversity Metric 4.0 spreadsheet together with an Ecological Survey And Assessment of an additional area of land not covered by the original survey. The information has been reviewed by the Council’s ecology advisors Greater Manchester Ecology Unit (GMEU) who have responded with no objection to the proposal and have recommended conditions to cover the following:
- Securing a net gain in biodiversity
 - Secure the submitted lighting scheme
 - A construction environmental management plan to include the following:
 - Risk assessment of potentially damaging construction activities.
 - Identification of "biodiversity protection zones".
 - Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - The location and timing of sensitive works to avoid harm to biodiversity features.
 - The times during construction when specialist ecologists need to be present on site to oversee works.
 - Responsible persons and lines of communication.
 - The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - Use of protective fences, exclusion barriers and warning signs.
93. The mitigation measures and ecological enhancement measures outlined in the submitted ecological assessment will also be conditioned.
94. The applicant is proposing to provide a 0.1% net gain in biodiversity at the site. The application was submitted prior to the statutory minimum net gain of 10% coming into force. There is therefore no policy conflict with providing a 0.1% net gain, although it is a significant reduction compared to the existing outline consent when the applicant volunteered to provide a 25% habitat gain, 34% gain for hedgerows and 66% gain for river units.
95. It is considered that the proposed development can be delivered in line with policy BNE9 of the Chorley Local Plan 2012 – 2026 if carried out in accordance with the recommendation of the ecological survey and assessment.

Highway safety

96. 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.
97. Policy ST1 (New provision of Footpaths, Cycleways, Bridleways and their associated facilities in existing networks and new development) stipulates that new development and highways and traffic management schemes will not be permitted unless they include appropriate facilities for pedestrian, cycle parking facilities, and /or cycle routes. The policy requires, among other things, that proposal should provide for facilities for pedestrians and cyclists to facilitate access on foot and by bicycle to nearby residential, commercial, retail, educational and leisure areas, where appropriate; and additional footpaths, bridleways and cycleway routes between the countryside and built up areas where appropriate.
98. The Inspector concluded the following at paragraphs 20 and 27 of the appeal decision, with regards to the reason for dismissing the appeal:

“Due to the deficiencies of the footway on Town Lane, combined with the distances to bus stops and some services and facilities, to my mind it is essential that the scheme delivers an attractive and safe alternative for pedestrians and other users than the proposed main access. The parties agree that a separate access closer to the settlement than the main access would be necessary, and this is proposed to be at the west part of the site.

The proposed access solutions indicate this would be a path of around 190 metres long to reach the residential element of the scheme. To accommodate the distance to the houses from Town Lane, due to the sloping nature of the site the route would be ‘meandering’ with approximately 130 metres of a path with a gradient of over just 8% and 30 metres of just over 6%.

There are various standards which refer to gradients when considering the design of new footpaths and pedestrian areas. These range from a 2.5% gradient being manageable by most people, with a standard of 5% being borne in mind for over 30 metres. There are a number of references to 8% as an absolute maximum gradient but over very short distances or as a practical maximum. This is because of a range of considerations such as the physical effort required for wheelchair users and taking account of the risk of wheelchairs toppling over. People can also cycle short but steep gradients.

I note that it is acknowledged there may be local difficulties in applying standards. I accept that preferences may not be achievable in every circumstance. However, taking account of the extent of the proposed path incorporating the maximum gradient of 8% for a very significant distance, this would be challenging for many users especially taking account of the some of the distances to reach some services and facilities in the area.

Where the entrance of the access would meet Town Lane, there would be a short footpath on the north side of the Lane with tactile paving. Appropriate visibility splays could be incorporated into the scheme to ensure that pedestrians would be able to see traffic using Town Lane. However, given the potential speeds of cyclists and other users meeting here, there is the possibility for conflict at this crossing point and at the entrance to the access. There would be a lower gradient near the entrance but there would remain the potential for accidents as the stopping distances would be increased due to the overall gradient. I consider this could be the case even with residents who become familiar with the path as it will largely depend on individual circumstances at the time.

I accept that the route would be designed to ensure that it would be adequately lit, surfaced and maintained. However, in terms of other perceptions of safety and overlooking of the

path by homes, the indicative layout indicates that dwellings would be located some distance from the entrance to the proposed access meaning that parts of the path may not be overlooked. Existing residences on Town Lane would not provide adequate surveillance given the distances from the site and topography. To my mind, the combination of steep gradients for some distance, potential for user conflict and lack of surveillance would result in the path appearing unattractive and potentially unsafe.

The appellant indicates that the design of the path could be a matter which would be resolved at the detailed planning application stage. I note that there are options including a stepped footpath and separate ramps and a lower gradient and the potential for different layouts. However, the appellant also indicates that it is not yet possible to assess what could be delivered until cut and fill details have been considered as part of any detailed layout. To my mind there is not enough information to confirm that a satisfactory solution could be found.

In the circumstances of this case, it would be essential to demonstrate that an attractive and safe access for pedestrians and other users could be provided. The scheme as proposed would fail to do this and it would be unlikely to be used to the extent necessary for it to be seen as a viable alternative in place of using Town Lane. There would be harm caused to pedestrians and other users in terms of highway safety.”

99. As was the case with the previously approved Outline proposal, the current proposal has been amended compared to the dismissed appeal scheme to provide multiple pedestrian and cycling connections from the site to Town Lane.
100. Lancashire County Council (LCC) as the Local Highway Authority (LHA) is responsible for providing and maintaining a safe and reliable highway network and their final comments will be reported in the addendum report. As noted earlier in this report, LCC have requested the submitted drawings be amended in relation to the internal site layout to provide traffic calming measures, adequate turning heads and sufficient car parking spaces. The applicant has submitted revised drawings in this regard and LCC have been consulted on the amended plans. If a response is not forthcoming from LCC outlining they are satisfied with the amended plans prior to Planning Committee, the application will need to be removed from the Planning Committee agenda.

Impact on the character and appearance of the area

101. 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.
102. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, among other things, the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials; that the layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area; and that the proposal would not have a detrimental impact on important natural habitats and landscape features such as historic landscapes, mature trees, hedgerows, ponds and watercourses. In some circumstances where on balance it is considered acceptable to remove one or more of these features, then mitigation measures to replace the feature/s will be required either on or off-site.
103. 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.

104. When considering any development proposal, the Council must be mindful of 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.
105. 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.
106. The site is a large parcel of land of some 17.8 hectares situated between the M61 motorway which is to the east, and the defined settlement boundary of Whittle-le-Woods which is to the west. It is located immediately to the north of Town Lane and several public rights of way run through the site.
107. The site encompasses the River Lostock valley, characterised by linear groups of woodland and open land. The site is undeveloped and site levels fall away down to the adjoining River Douglas and an area of woodland. Former print works infrastructure that once occupied the valley can still be observed, including old structures and a reservoir. To the east, the site shares a boundary with the M61 corridor, and Town Lane borders the site to the south.
108. The proposal relates to the erection of 280 dwellings with associated parking and landscaping. The proposed dwellings range from 2 to 5 bedroom properties, which would deliver a well-balanced community, designed as detached houses, with affordable units consisting of mews and apartments. 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 setting. A range of house sizes and tenures are proposed that reflects the housing demands of the local population and attracts a diversity of residents.
109. The building to plot ratios would generally be in-keeping with the surrounding area and the overall density of the development is 15 dwellings per hectare. Whilst this is relatively low, when considering the site constraints, it is considered that the proposed development makes 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.
110. 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.
111. 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.
112. It is proposed to remove 27 individual trees and 7 tree groups in addition to the partial removal of 6 tree groups and some sections of hedgerow. The majority of these are not of a high arboricultural value, though they do have value as landscape features. The landscape plan details the planting of over 500 trees to compensate for those lost.

113. 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 and BNE10 of the Chorley Local Plan and Core Strategy policy 17 in this regard.

Impact on neighbouring amenity

114. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, 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.

115. The application proposes a residential development of 280 dwellings, although there would only be existing dwellings, adjacent to proposed dwellings, to the south east of the site on Town Lane.

116. 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 of adjacent plots. There would be an adequate degree of screening around the plots and adequate outdoor amenity space.

117. 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.

118. The applicant has submitted a noise assessment in relation to the potential impacts of noise from the M61 motorway upon the future occupants of the proposed dwellings. The assessment concludes that, with the implementation of acoustic bunds, fencing, windows and vents, noise levels will be within recommended limits. The Council's Environmental Health Officer has reviewed the applicant's assessment and has no objection to the proposal, subject to the noise mitigation measures identified within the assessment being conditioned. As such, the proposal is considered to be acceptable in relation to impacts from noise sources.

119. Having regard to the above, the proposed development is considered to accord with Chorley Local Plan policy BNE1 in respect of amenity.

Contaminated land

120. It was apparent during the original application process and appeal, and also given the comments made in relation to this and the previous application, that some local community concerns have been raised with regards to former landfill sites in the area, and the impact that this could have on the future occupiers of any development that may take place on the application site. These landfill sites are located outside the application site but are relatively close to it.

121. Representations that have been received suggest high levels of methane and disposal of low-level nuclear/radioactive waste. Representations also suggest that there is evidence that the site took asbestos and was not topped off properly and that material/contaminants are leaching into the River Lostock to the north of the site.

122. If the application site included the area of landfill itself then a full investigation into the site prior to development and commencement of development would be required, however, as the site lies outside the boundary of the application site the applicant is not explicitly required to investigate landfill that is nearby, only to consider the risks that the site in its current state may present, based on the available evidence, as part of its site investigation works. The developer must ultimately satisfy itself that there is no unacceptable risk to human health or controlled waters such that the land could be designated as contaminated land as defined under Part 2A EPA 1990.

123. The Inspector concluded the following at paragraph 66 of the appeal decision with regards to contaminated land issues:

"I have been referred to the potential for contamination from two former landfill sites, one to the north and one to the south of appeal site. These relate to the potential presence of ground gas and leachates, and also asbestos, methane and low level nuclear radioactive waste. The evidence relating to the latter concerns does not appear conclusive. In any event, the proposal is accompanied by a Desk Top Study report which refers to the scope for additional investigation. The size and scale of the scheme would require investigations to include the type and nature of contamination including that beyond the site boundary. This could be secured by condition and the scheme would be in accordance with the Framework where proposals should ensure that a site is suitable for its proposed use including any risks from contamination."

124. In relation to the previous application, the Environment Agency (EA) considered the information submitted in support of the proposed development in relation to information available regarding the nearby landfill activities. The EA identified that Lowe Farm is 9 metres south of the proposed development site, and although not well run (at the time), the wastes within this site would be assessed in a later site investigation as proposed by the desk study. Cawood Farm has also been defined 177 metres north of the proposed development site, however, the wastes are incorrectly listed as 'Industrial', when in effect records show this to be Low-Level Radioactive Waste (LLRW) (1953-1959). The EA have again recommended a planning condition in relation to land remediation in their response to the current application, raising no objection to the proposal. They have stated:

"The previous use of the proposed development site presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is:

- *located on a surface watercourse, and*
- *located upon a secondary aquifer A*

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 183 of the National Planning Policy Framework.

Without this condition we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution."

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

8.2 Proposed Ground Investigation Scope

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

- *Three (3 No.) days trial pitting.*

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

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

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

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

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

Drainage and flood risk

129. Paragraph 103 of the Framework requires that surface water arising from a developed site should, as far as it is practicable, be managed in a sustainable manner to mimic surface water flows arising from the site prior to the proposed development, whilst reducing flood risk to the site itself and elsewhere, taking climate change into account.

130. 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.

131. More generally in consideration of the detailed drainage design for the site the Planning Practice Guidance (PPG) establishes a hierarchy for surface water disposal, which encourages a Sustainable Urban Drainage approach (SuDS): Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:

- into the ground (infiltration);
- to a surface water body;
- to a surface water sewer, highway drain, or another drainage system;
- to a combined sewer.

132. Paragraphs 64 and 65 of the Inspector's report concludes the following with regards to flood risk:

"I note the concerns residents raise in respect of flood risk including those by the Parish Council in relation to the Flood Risk Assessment and Drainage Strategy (FRA). However, the FRA includes information relating to all sources of flooding, proposes measures for any

detailed applications, and there is no detailed evidence to indicate that the FRA conclusions that the risks are low are incorrect.

The proposal would incorporate sustainable drainage systems. The study is informed by an assessment of the River Lostock, and the drainage system would ensure that runoff would be limited at an appropriate rate. In respect of effects on the fishing area known as Low Mill Lodge, as part of the first reserved matters application it is proposed to provide a Flood and Surface Water Drainage Strategy. This would investigate potential infiltration of surface water and would provide options for drainage. This could be secured by an appropriate condition and would ensure that the use of the fishing lodge would not be negatively impacted by the proposal. The proposal would accord with CS Policy 29 which amongst other things seeks to reduce the risk of flooding.”

133. The applicant has submitted a Flood Risk Assessment and Drainage Strategy, produced by Waterco, dated March 2024 in support of the proposed development. These have been reviewed by the EA, Lead Local Flood Authority (LLFA) and United Utilities who have raised no objections to the proposed development.

134. The EA have previously identified that the proposed site boundary is partly located within Flood Zones 2 and 3, which has a medium and high probability of flooding. They state that they have reviewed the Illustrative Masterplan and appreciate that the areas of the site that sit within the flood zones are designated for SuDS and attenuation. They stated that they support the use of this land for this reason.

135. Under the Flood and Water Management Act 2010 the LLFA is the responsible 'risk management authority' for managing 'local' flood risk which refers to flooding or flood risk from surface water, groundwater or from ordinary watercourses. The LLFA is a statutory consultee for major developments with surface water drainage, under the Town and Country Planning (Development Management Procedure) (England) Order 2015.

136. The submitted FRA notes the following:

“Given the historic quarrying on site, soakaways are unlikely to be feasible. Where soakaways are not feasible, surface water runoff will be discharged to the River Lostock immediately north-west of the site via an existing ditch.

Surface water runoff will be discharged at a variable greenfield runoff rate. During a 1 in 2 year storm event, runoff will be restricted to the equivalent 1 in 2 year greenfield runoff rate of 46.5 l/s. During a 1 in 30 year storm event, runoff will be restricted to the equivalent 1 in 30 year greenfield runoff rate of 121 l/s. During a 1 in 100 year plus climate change storm event, runoff will be restricted to the equivalent 1 in 100 year greenfield runoff rate of 168.1 l/s.

A total attenuation volume of 4,530m³ will be required during the 1 in 100 year plus 45% CC event and will be provided in the form of a pond in the lower north-western extent of the site. The pond will be located outside of the Flood Zone 2 extent. A swale is also proposed as a conveyance feature upstream of the pond.

The proposed surface water drainage scheme will ensure no increase in runoff over the lifetime of the development.

Foul flows will be discharged to the public combined sewer network in Town Lane. A gravity connection can be achieved for the majority of the site. A pumped solution will be required for properties in the north westernmost extent of the site..”

137. The proposal is considered to be acceptable with regards to drainage and flood risk and is considered to be policy compliant.

Affordable housing

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

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

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

139. In accordance with Core Strategy Policy 7, 30% of the dwellings are required to be affordable. This equates to 84 dwellings. 70% (59) of these should be social rented and 30% (25) should be shared ownership.

140. The applicant has committed to provide a policy compliant level of affordable housing and this would need to be secured through a Section 106 legal agreement if the application was approved.

Public open space

141. Policy HS4A and HS4B of the Chorley Local Plan 2012 – 2026 - Open Space Requirements in New Housing Developments explains that all new housing developments will be required to make provision for open space and recreation facilities, where there are identified local deficiencies in the quantity, accessibility or quality and/or value of open space and recreation facilities. The requirements for the proposed development are as follows:

Amenity Greenspace:

142. Chorley Local Plan Policy HS4A sets a standard of 0.73 hectares per 1,000 population and the applicant has requested to provide this on-site. As such, 0.49 hectares is required to be provided on-site with an associated maintenance cost of £196,000 to cover a ten-year period, if private maintenance is not proposed.

Provision for children/young people:

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

144. There is currently a surplus of provision in Buckshaw and Whittle in relation to this standard and the site is within the accessibility catchment (800m) of an area of provision for children/young people. A contribution towards new provision in the ward is therefore not required from this development. However, there are areas of provision for children/young people within the accessibility catchment that are identified as being low quality in the Open Space Assessment Report (February 2019) (Sites: Harvest Drive play area, Whittle-le-Woods [1430], The Ridings play area, Whittle-le-Woods [1431], Berry Avenue Play Area, Whittle-le-Woods [2046]). A contribution towards improvements to these sites is therefore required from this development. The amount required is £134 per dwelling.

Parks and Gardens:

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

146. 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:

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

148. 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:

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

150. 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:

151. 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.

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

Amenity greenspace	= £0 (assuming private maintenance proposed)
Provision for children/young people	= £37,520
Parks/Gardens	= £0
Natural/semi-natural	= £0
Allotments	= £0
Playing Pitches	= £447,720
Total	= £485,240

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

Sustainability

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

155. 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.

Education

156. Central Lancashire Core Strategy policy 14 (Education) seeks to provide for education requirements in a number of ways including asking developers to contribute towards the provision of school places where their development would result in or worse a lack of capacity at existing schools.

157. Lancashire County Council, as the Education Authority, seek to secure financial contributions towards any additional school places required as a result of new housing development in order to mitigate the impact upon the education infrastructure which new housing developments may have.

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

Employment skills provision

159. 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

160. 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

161. It is, therefore, recommended that a condition requiring an employment and skills plan is attached to any grant of planning permission.

Community Infrastructure Levy (CIL)

162. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development will be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

Planning balance

163. 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.

164. The adverse impacts of the development relate primarily to its conflict with policy BNE3, safeguarding land for future development. However, as the Local Planning Authority cannot demonstrate a 5-year housing land supply policy BNE3 is out-of-date and can only be attributed limited weight. The Framework indicates that the planning system should be genuinely plan-led. There are no other identified negative impacts of the proposal, which cannot be sufficiently mitigated by the imposition of planning conditions.

165. 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.

166. 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.

167. 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, moderate weight can be given to the economic and significant weight to the social benefits the proposal would deliver.

168. The provision of open space and its ongoing management, delivering a marginal net gain in biodiversity and maintenance and mitigation measures, such as highway improvement measures, are neutral considerations because they are needed to make the development acceptable.

169. The adverse impacts of the proposed development relating to the conflict with policy BNE3 of the Chorley Local Plan would not significantly and demonstrably outweigh the economic and social benefits that the scheme would deliver.

CONCLUSION

170. Members will be aware of the current shortfall in housing delivery in the Borough and that this has resulted in the most important policies for the determination of this application

being out-of-date, which triggers the engagement of the tilted balance of paragraph 11d of the Framework.

171. Whilst the proposal conflicts with policy BNE3 (safeguarded land) of the Chorley Local Plan 2012-2026, it is not considered that this would significantly and demonstrably outweigh the benefits of the proposal in delivering much needed housing in the borough. The proposal is therefore recommended for approval.

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.

Conditions to follow.