

Item 4a **11/00992/OUTMAJ**

Case Officer **Caron Taylor**

Ward **Pennine**

Proposal **Outline planning application for the development of land to the north and west of Lucas Lane for the erection of up to no. 135 dwellings with all matters reserved, save for access.**

Location **Land Bounded By Town Lane (To The North) And Lucas Lane (To The East) Town Lane Whittle-Le-Woods Lancashire**

Applicant **Redrow Homes Ltd (Lancashire Division)**

Consultation expiry: **23 December 2011**

Application expiry: **14 February 2012**

Proposal

1. The application is described as:
'Outline planning application for the development of land to the north and west of Lucas Lane for the erection of up to no. 135 dwellings with all matters reserved, save for access'.
2. The site is 7.04 hectares and is located to the east of Whittle-le-Woods. To the west and south of the site are the existing residential developments of The Ridings, Harvest Drive, Dunham Drive, Wardle Court and Lady Crosse Drive. To the south are Lucas Green and Lucas Green Farm. The east boundary of the site is formed by Lucas Lane. To the north the red edge of the application site is separated by a field that slopes down to Town Lane.
3. The central part of the site is relatively flat but falls away to a ditch to the west and Lucas Lane to the east. To the north there is a greater drop towards Town Lane. Public Right of Way number 44 crosses the site from Lady Crosse Drive in the north west of the site to Lucas Lane in the south. A Biological Heritage Site (BHS) is outside the application site but bounds with the red edge of the application to the north east on the part of the land that slopes down towards Lucas Lane and Town Lane. The BHS is important for its species-rich grassland habitats and flushes. There is a World War II pillbox and gun emplacement close to the centre of the site to the east of the public footpath. The site is currently used for agricultural purposes, and has a number of trees and hedgerows on the boundaries and within the site. There is also a pond close to the boundary with Harvest Drive.
4. Within Circular 01/2006 Guidance on Changes to the Development Control System Section 2: Outline Planning Permission and Reserved Matters, it states that a minimum amount of information is required to be submitted with outline planning applications. This proposal is accompanied by an illustrative Masterplan and Design and Access Statement showing how the development might be accommodated on the site. The proposal includes for the following:
 - Up to 135 dwellings including affordable units;
 - It applies for full planning permission for two access points;
 - Maintain the Public Right of Way crossing the site;
 - The provision of open space on site;
 - The retention of the Biological Heritage Site on the land directly to the north of and bounding with the application site;
 - The use of a Sustainable Urban Drainage System (SUDS);
 - Children's play space

5. The applicant advises that the development would consist of predominantly 4 bed family houses together with an element of smaller 2 and 3 bed mews style houses and apartments.

Recommendation

6. It is recommended that for the reasons set out in this report the application is refused.

Main Issues

7. The main issues for consideration in respect of this planning application are:

- Principle of the development
- Affordable housing provision
- Access and highways
- Sustainability
- Ecology
- Trees
- Layout, design and appearance
- Flood risk
- Drainage
- Open space
- Community facilities
- Sustainable resources
- Public footpath
- Other Issues

Representations

8. 370 letters of objection have been received on the following grounds:

9. Planning Policy Points:

- They question the need for this type of housing. They understand that a previous study has shown a need for affordable housing in south Chorley and not north Chorley. There is already have a huge amount of housing still being built down the road at Buckshaw village which is encroaching on the village boundaries of Whittle le Woods;
- Redrow use the Regional Spatial Strategy (RSS) which is flawed as the Localism Bill proposes to abolish these figures. The economic assumption for such developments are based on pre-2008 information, the present economic situation means such developments are not called for and the situation should be reviewed;
- The Residents Action Group wish to produce a Neighbourhood Development Plan under the Localism Bill. The timing of the Redrow application precludes the residents from doing this;
- Brownfield sites or public sector owned sites should be used before releasing greenfield sites;
- The site is in Pennine Rural ward – it should be treated in line with Chorley Rural Housing Needs Study September 2011;
- The phasing schedule in the Preferred Option Document indicates that building would not commence on this site until 2016 at the earliest, with 174 dwellings potentially scheduled for 2016 –2021 and 174 for 2021 – 2026. Sufficient land to meet Chorley housing requirements have already been identified and planned for over the next 5/6years. This application falls outside the plan as the housing needs for the area have already been accounted for;
- Chorley needs regeneration of the town centre and brownfield sites rather than greenfield ones;
- An overriding factor in deciding to allocate this site for housing appears to be the need to meet the housing requirement for Urban Local Service Centres. However

consideration does not appear to be given to bordering developments. There will be circa 1,700 houses on Buckshaw Village. Whilst this is classed as Euxton and therefore outside the quota that it is deemed necessary for Whittle-Le-Woods to take for new houses, Buckshaw Village is using Whittle-Le-Woods infrastructure and resources. Traffic, both commercial and domestic, feeds onto the A6 in from the road opposite The Sea View and from Dawson Lane. For example, children in Buckshaw Village are taking school places in Whittle;

- Any granting of permission to the first development by Redrow will make it difficult to oppose plans for future developments by other developers for the wider site;
- The demands being made on Local Councils by the Government to provide housing is recognised – there is a requirement to provide in the region of 400 new homes per year in this area. This would help develop this new community, which is just experiencing positive developments with new employment opportunities generated by the new Waitrose Distribution centre, currently under construction in Buckshaw Village. Further opportunities also exist to develop residential facilities in the centre of Chorley.
- It is contrary to the safeguarded land policy;
- The Core Strategy that identifies Whittle-le-Woods as an Urban Local Service Centre is not applicable to HS1.44 as the land falls into Pennine Rural Ward. The application is unsound and should be rejected;
- There are empty properties in the Chorley area that could be brought back into use instead of building on greenfield sites;

General Points:

- The narrow streets will not be able to cope with the building work and the large vehicles that would inevitably have to go through them;
- The proposal would spoil a pleasant area, the proposal is being built on greenery;
- The land is greenbelt land;
- The current recession and economic forecasts for the future make them question how easily this sort of housing would sell;
- The current village feel would gradually be lost. Given the amount of properties that have been developed in Whittle Le Woods area in the last few years, it feels that the area is turning into a town and this development will absolutely go against this. As this is only the first phase of proposed development of these open spaces the completed schemes will completely change the character of the area in a detrimental way and add to an endless sprawl, especially on the urban fringe where it is important that open corridors be maintained to prevent merging of settlements;
- It will detract from the countryside;
- Open space for casual recreation is being built on, so people have to drive further to find it. It is the last open land in the area;
- The footpath from Lucas Lane is the last part of a natural habitat and should remain undisturbed. It should not be allowed to be upgraded to become another estate route. It would be better to divert it along the perimeter of the site to join the lower end of Lucas Lane and then across Town Lane to join the existing field path;
- They accept housing land must be found but question whether this site is in the interest of long benefit of Chorley;
- Buckshaw Village should be completed first before any more large developments are planned;
- The development will be very visible over the valley, there appears to be no consideration of screening of the area;
- It will reduce television reception;

Ecology:

- The proposed plans would further decimate the local countryside and wildlife. Bats have been seen near Crostons Farm. The proposed 'wildlife/public areas are only there because these steep sided boggy areas are too expensive for residential development. How does the developer propose to make these really useable by the public?;

- The boundary edge should be significant and mature or the environmental impact – noise, sound and pollution will be to the detriment of much wildlife and community in the area;
- The area is the most southerly breeding range of the Goldcrest, Britain's smallest bird, and as such is highly dependent on the current habitats being maintained. The fields support flocks of Field fare and Redwings from Scandinavian countries, in winter, also in winter the marshy conditions of the lower ends of the fields remain unfrozen and hence provide feeding for the common snipe. There is no consideration re: migrating birds;
- A recent survey identified that there has been a radical reduction in the numbers of British butterflies over the last ten years, mainly due to loss of habitat. This clearly supports the argument that we cannot continue to destroy greenfields, especially when there is an alternative;
- The environmental study quoted by Redrow only looked at the summer and early autumn season and failed to study spring which is the key month for plant life and wildlife, or winter, which tend to be the two wettest seasons;
- The access point will involve having to fell the trees or severely cut them back and remove a length of hedge;
- All mature trees should be protected with Root Protection Zones;
- There is concern that the Biological Heritage Site may be affected by proximity of the housing to it;
- Redrow talk about chopping back trees to prevent the pond silting up, but the trees are subject to tree preservation orders;
- It would contravene Acts in relation to wildlife;

Highways:

- A major concern is the proposed use of the existing roundabout on the estate. Most houses have at least 2 cars per household. The increase in traffic would lead to severe congestion at peak times and would make the estate much less safe for children. The road system (A6 off Dunham Drive) is not suited to an increase in traffic. The area has already suffered major road traffic congestion over the past few years since the added population of Buckshaw Village despite the fact the village is not yet complete;
- The roads immediately surrounding the area of the application are minor roads and could strongly hinder emergency services getting through if vehicles are parked on them due to heavy snow falls that we have experienced during the past two winters;
- The access dropping down from the mini roundabout off the A6 is already a poorly designed road at the T junction below the actual roundabout. It is already a minor risk at peak times of day, as no road markings exist and results in some poor examples of decision making when two cars arrive at the T junction together from the three options available;
- It will be impossible for cars from other estates to turn right onto the A6 as they will not be able to get out due to the increase in traffic. It will also cause further congestion at St John's school, Whittle and Manor Rd primary at Clayton-le-Woods when exiting onto the A6 down Fiddlers Lane.
- The proposed access road to the site is Dunham Drive. This road is at present a quiet residential side street and is in no way suitable for use as a main thoroughfare and access road to a new housing as it is too narrow, especially when someone parks on the roadway, and it is currently used as a safe play area for children. On the assumption that each home may have an average of 2 cars, there would be an additional 270 cars using Dunham Drive on a daily basis, most of them at the same times during the morning and evening rush hours;
- Should planning be granted, then all construction traffic and all subsequent access, should be gained from the Town Lane side of this land, with no access at all through to the Dunham Drive estate. There is a field boundary from this land onto Town Lane between Lady Crosse Drive and the bridge. It may well be a more expensive option for Redrow, but it would certainly reduce the number of objections raised to the current proposal from the current residents;

- The road between the access roundabout and the sea View pub is very busy making it hard to cross;
- Parking may be insufficient and overspill onto existing roads;
- Bus route 125 is being altered and this will have a detrimental effect on bus services in the area;
- Although there is no planned vehicle access to Harvest Drive there is concern that any access that will allow more bicycles to use Harvest Drive (because of its design including sharp "S" bends) will create a situation whereby an accident is inevitable, and the proposed 20m.p.h. speed limit will not prevent this eventuality;
- Moss Lane is increasingly being used as a "rat run" to avoid the A6;

Infrastructure:

- There is inadequate supporting infrastructure. Local facilities are already stretched such as medical and dental services, school places and schools transport costs due to no school places within a reasonable distance. Local residents are already having to travel out of the area for services;
- Loss of play facilities – the main proposed site access for the first phase is adjacent to a small play area on Dunham Drive (this cul-de-sac currently used by children as a relatively traffic free play area) – and the danger from traffic will deprive children of play area. There is already insufficient and inadequate outdoor play provision in the vicinity;
- The proposal is contrary to Government policy - Central government targets are to reduce car usage and this proposal will create more car usage to safely ferry children to suitable play facilities and schools that are not within walking distance. Open space/play provision on the existing Redrow development at the head of Orchard Drive is poorly maintained and the open grass area (where goal posts are positioned) is unusable due to inadequate drainage and no maintenance (grass never cut) - clear evidence that Redrow cannot be trusted to fulfil their S106 commitments;
- Insufficient resources within the local Planning Authority to monitor and police developments. Have all past 'contributions' from developers been paid? What has/is being done to enforce proper provision of the open space/play areas in the existing Redrow development?;
- Make no amenity provision for the benefit of residents. There is no facility for a neighbourhood shop, doctor, dentist or primary school. Public or private transport will be necessary for main shopping needs;
- The increase in population will change the character of this part of Whittle-le-Woods but will not make any contribution to the need for social or affordable housing;
- The development will be isolated from the village centre and will make no proper contribution to the social, cultural or economic activities. A high proportion of the residents will commute to other areas of employment;
- Redrow indicate the estate will be well served locally. How? The nearest adequate shopping provision is at Clayton Green or Buckshaw-surely the Spar on the A6 is not what is referred to?;
- A play area should be provided on site if it is intended for families;

Landfill Tip:

- They believe that there is an old landfill tip which has been identified on the site in question. There are concerns regarding the pollution which may arise from its disturbance;

Economic:

- New housing is not required, there are not the jobs to support the new arrivals – the new residents must be employed outside the area and it would be wiser to house them where they work;
- Building the houses will only create short term jobs;

Neighbour Amenity:

- The development would impose above the properties on The Ridings as it would be on a higher level;

- Current cul-de-sacs becoming through roads would change the nature of the property they bought;
- It will impact on the bungalows on Ladycrosse Drive, they will be overlooked as the land is approximately 50 feet higher;
- Impact on residential amenity-overlooking and loss of privacy to Harvest Drive. Since the house was built they have enjoyed an unspoilt view across open fields. They have a retaining fence on our side of the ditch for safety reasons because of the drop to the ditch but this is open post so as not to spoil the view. If a high fence has to be built, that will severely impact upon light access to the main kitchen window which sits very close to the boundary- we would also lose the enjoyment of the pond. The cost of erecting any fencing would also be costly as we have a very long boundary adjoining the field;
- Redrow propose to make the pond a feature of the estate, making it larger and stretching to their boundary- that would seem to be a sensible idea from an ecological point of view and would preserve the land's best feature, but they would expect to still be able to take enjoyment at viewing the pond, whilst at the same time expecting that our privacy –over the whole of their back garden be preserved. They would however object to a path around the pond at their side, as it would impact on their privacy -any pathway at the pond should only be partway round;

Historic:

- The pillbox on the site is important to both local and national history and should be kept;

Maintenance:

- Who will maintain the open spaces along with the water runoffs and Biological Heritage Sites?;
- Who would be responsible for maintaining the pond once Redrow had departed-would it be Chorley Borough Council? Would there be adequate maintenance provision to insure against future silting up?;

Flooding/Drainage:

- The main drain for the site is via a stream which passes through the gardens of bungalows adjacent to site, it also takes the surface water from the bungalows and any changes could be detrimental;
- Flooding has historically been a problem in the area and any new developments are likely to add to this problem. The proposal to store water on site is flawed as they are still proposing to use existing drainage routes which would need to drain out both new and stored water – their calculations should be independently verified. There will be a lot of additional surface water run off from site. Redrow seem incorrectly to be including within their plans provision for drainage along the existing ditches. The ditch behind their house is owned by them, and the same applies as regards the other adjoining landowners;
- Upgrading of the Main Sewers on Preston Road to take the additional volumes of water is likely to cause major disruption;
- They understand surface water drainage is not intended to drain to the pond, but if it is to be refilled, they would want assurance that there would be no risk of overflow in inclement weather;
- The AMEC report states that there should be no more surface water run off than at present, talking about the use of permeable paving structures on driveways etc. - how can that be policed once the estate is finished as landowners are likely to replace the same to their own taste, possibly with a non permeable replacement;
- The AMEC report suggests using the ditches within their boundary for run off drainage. Are they able to cope with the development? The report refers to consent from the Council for this, is the Council able to give such consent?;
- Pilling of the properties will impact on natural underground water courses.

Affordable Housing:

- Any affordable housing should be pepper potted in the development and should be tenure neutral;

- The planned housing does not provide affordable dwellings for Chorley residents struggling to find an inexpensive home. Any development should primarily be for their benefit and should not be allowed for the construction of expensive housing at a desirable address, attracting commuters, just to inflate the profits of already wealthy building firms;
- The affordable housing should be provided on site;

Sustainable Resources:

- The site should be building to Code for Sustainable Homes level 5/6 as a minimum in line with PPS22;

Crime:

- The introduction of new pedestrian access points to Harvest Drive and Lady Crosse Drive would increase the opportunity for crime;

One letter has been received saying they do not object to the development but make the following comments:

- Ask for a FRA specific to their property;
- If the development goes ahead they ask that any s106 monies should be ring fenced for use in the Parish of Whittle-le-Woods;
- Chorley needs to provide more housing and Whittle must play its part. This land has long been identified as potential development land;
- Affordable housing must be provided on site and not at Buckshaw Village. If mixed and sustainable communities are to be developed, rented affordable housing needs to be spread within those communities, to suit families as well as smaller households. There is a severe shortage of affordable housing in the immediate area because of the generally high prices relative to the whole of Chorley, and so borough wide statistics of the balance of rented and low cost home ownership do not pertain to localities such as this;
- Affordable should be pepper potted throughout the development and be of the same nature as the rest of the housing to ensure integration. The rest of the housing should be of a more mixed character to suit a wider range of needs. This would lead to better overall sustainability;
- In proposing that any affordable element be off site Redrow claim to be responding to the views expressed at the public consultation, where 25% of attendees seem to have expressed the view that they don't want affordable housing on the site. This is disingenuous. As only 3 respondents supported the proposal at all, this is actually a vote in favour of affordable housing. It seems to indicate that most people don't want any housing, but if there is to be some, people want it developed for affordable housing.
- The sizes of the affordable housing quoted in the draft s106 agreement are unsustainably small. We must start to build reasonably sized properties for anticipated occupancy levels The s106 agreement should also specify (preferably) that all properties, but especially the affordable ones, should be developed to Code for Sustainable Homes level 4 (or level 3 as minimum if you do not think your backing policies will support the higher level).
- The delivery of a small number of allotments on the site as part of the s106 agreement should be required or negotiated. The Borough as a whole has a huge under-provision of allotments and in particular, Whittle-le-Woods.

One letter of support has been received on the following grounds:

- Much needed housing in the Borough with help the Council meet its 5 year housing supply;
- It is in a sustainable location for services;
- It will help locally in providing affordable housing;
- It will provide additional monies to the Borough through the New Homes Bonus

10. **Whittle-le-Woods Parish Council** feel very strongly that the application should be refused. There are already plans in store for adequate housing throughout Chorley for the next 10 years and this would be an unnecessary development for Whittle-le-Woods. If

development of housing was to take place on this land, it is likely that a footpath and World War II bunker would be lost. The necessary access would increase traffic enormously. Whether taking a left or right turn from this proposed development area, it would make the already difficult junction worse. This is also a rain catchment area and an increase to the number of buildings would potentially cause problems with flooding. The flood water would be directed into the culvert on Town Lane but it would not be big enough to deal with the increased flow. This is an area which is liable to flooding, as in 1987. There is inadequate infrastructure in this area for a housing development of this size. The Parish Council therefore do not accept that this site is appropriate for the proposed use. They reiterate that we should not be building on this type of land at this stage - this land shouldn't be released for development within the next ten years. It is too early, and pre-empted the need. It is a purely green field site, and brown field sites should obviously be prioritised.

11. **Residents Action Group** state that they are surprised the Council have accepted the application as there has been confusion about the consultation period and particularly the position of land boundaries. The land falls in rural Pennine Ward not within Whittle Ward. The pamphlet distributed by Redrow for their consultation refers to Whittle-le-Woods as an Urban Local Service Centre which gives the misleading impression that the development in question is in any way but rural, which is not the case. The consultation does not seem to have included many people in Pennine Ward which extends to Heapey and beyond and they may have wanted to express a view concerning encroaching development on green field sites within Pennine Ward. They ask that the planning process is terminated.
12. A second letter from the Residents Action Group comments that the application appears to pre-empt their attempts to set up a Neighbourhood Development Plan in conjunction with the Local Parish Council. They state that the Localism Bill makes provision for communities to play a more active role in shaping the built environment and local services and they intend to play their part in making the new Legislation a success. However setting up a Neighbourhood Development Plan and arranging meetings with the Parish Council necessarily takes time. Legislation such as this will inevitably have 'teething problems' and is likely to take longer to implement. So that the local community can play a role in assisting Redrow to create a successful development they request that the planning application be rejected or at least postponed until the local community has had adequate time to create a forum to formulate a Neighbourhood Development Plan in line with the new legislation.

Consultations

13. **Lancashire County Council (Ecology)**
Originally objected to the application on the grounds that it has not been adequately demonstrated that the biodiversity value of the BHS would be maintained and there they does not seem to be any guarantee that biodiversity and a site of importance at the County level will not be further degraded as a result of the development.
14. Redrow have agreed to a detailed habitat management plan for the Biological Heritage Site to be part of any s106 agreement that will provide for appropriate management measures to maintain and enhance the biodiversity value of the Biological Heritage Site (management of recreational pressure and mechanisms for detailed monitoring of vegetation, reporting and review). The County Ecologist confirms that this addresses any area of concern.
15. The applicant has supplied further information on whether the trees proposed to be removed at the access points may support bats or not, to enable the Council to risk assess the likelihood of the presence/absence of bats. This information will be placed on the addendum.
16. **The Wildlife Trust for Lancashire, Manchester & North Merseyside**
Object to the application because of uncertainty about the retention of, or mitigation for likely impacts on the BHS. They state measures will be needed to protect the identified biodiversity resource of the BHS and linked by ecological networks (wildlife corridors) to land to the north and east which will remain open and is the subject of a funded management agreement. It will also be vital that the BHS remains part of a viable grazing unit, buffered from surrounding

non pastoral and non-nature conservation land uses. They object to the proposal of translocation and have provided detailed comments on the proposals in terms of wildlife.

17. **Natural England**

In terms of bats further survey effort may be required, if mature trees will be affected, in accordance with Bat Surveys - good practice guidelines and you should request additional information from the applicant if they will be affected. If needed and they are not provided, then the application should be refused. However if the trees will be retained, and be unaffected by the development the authority can accept the findings, consider requesting biodiversity enhancements for bats.

18. In terms of Great Crested Newts they advise the Council to accept the findings of the ecological report and consider requesting biodiversity enhancements for great crested newts (for example creation of new water bodies and suitable terrestrial habitat).

19. If the proposal site is on or adjacent to a local wildlife site, e.g. Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local wildlife site before it determines the application. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.

20. **Chorley's Arboricultural Officer**

State there are a lot of very good trees on the site. Accordingly a Tree Preservation Order has been placed on these trees - TPO 19 (Whittle-Le-Woods) 2011. There is also an existing TPO on the boundary of the previous development and it is here that the potential problems lie.

21. The south end of the site is where the two proposed entrances are and these entrances, if built would necessitate the removal of three of the trees and root damage to two others. The row of trees here are mainly mature Oaks and provide a fine backdrop to the estate behind.

22. The root protection area for these trees obscures the two proposed entrances. When the entrances are made it will be necessary to remove these. Although it will compromise the Root Protection Area of the trees to either side they would recommend keeping them and giving them a chance to recover as there is a good chance of them surviving.

23. **The Environment Agency**

Originally objected to the application, as they did not agree on the greenfield run off rate, however they have now submitted further comments to the application that state they have discussed their concerns with AMEC who prepared the Flood Risk Assessment (FRA) submitted with the application. It has been agreed that further investigations to determine an agreed Greenfield run-off rate should be undertaken, but this could be conditioned as part of any subsequent approval. They understand that the applicant is happy to agree to this. They therefore withdraw their objection to the proposed development but recommend a condition to be placed on any permission.

24. In terms of biodiversity the Environment Agency reflect the comments of other ecology consultees that the development proposals will need to include a plan to maintain and enhance the adjacent Biological Heritage Site. This site's delicate hydrological balance of flushes will require protecting and evidence for this should be clear in future proposals, including no net loss of water quality or quantity. Translocation of species or habitat should not be the first consideration for this proposal and this should be discussed with the county ecologist.

25. They support the enhancement of and creation of wildlife corridors for the existing pond habitat. However, on the Lucas Lane Masterplan (no. Red/LL/MP/01), there are some areas of swales/drainage which appear to have covered sections, including the area between points 4 and 5. At the detailed design stage, these areas should be proposed as continuous open water habitats to avoid fragmentation of the riparian corridor.

26. **The Highways Agency**
Does not raise any objection to the application.
27. **Lancashire County Council School Planning**
State there is projected to be sufficient school places in five years in the area to accommodate the development. They therefore do not require an education contribution on this occasion.
28. **Primary Care Trust**
State that once the new Health Centre [which includes a dental practice] opens on Buckshaw Village (expected December 2012) which will serve 10,000 patients there will be sufficient health care provision in the area to provide for the new development.
29. **Strategic Housing**
The application submission makes reference to the Strategic Market Housing Assessment (SHMA). Redrow must have a bound copy because after the bound copies were distributed it was noticed there was an error in in the Executive Summary of the SHMA at page 19, paragraph 38 – the tenure split for Chorley is shown as social rent/intermediate being 26:74 when it should be 74:26. The references to this split in the rest of the document are correct and the copy of the SHMA on the website is correct. This error is quoted in application.
30. Under current policy we would be looking for 20% affordable homes – all of which should be provided on site. Options of either all affordable homes, or additional, i.e. over 20% at Buckshaw in relation to this application is unacceptable as it would not create a mixed community on the application site. Also, there are concerns about demand for further affordable homes, over those already planned, at Buckshaw. In terms of demand they have looked at this in term of bids made for properties via the Select Move choice based lettings system at Buckshaw and Whittle-le-Woods. There are respectively 46 and 62 bids per property. This is quite a crude indicator as a number of people are 'skipped' by the system because they do not have a local connection which is a requirement for Whittle-le-Woods. Consequently this indicator underestimates demand for Whittle-le-Woods.
31. 20% represents 27 homes, the tenure split the Council require is 70%/30% social rent/intermediate (shared ownership, shared equity or rent to buy). They detail the specific types of properties required. At 30% this would be 40.5 affordable units (again they specify the types required). The remaining 0.5 would be calculated as a commuted sum payment.
32. They state they would expect the affordable homes should be transferred to a Registered Provider who has a management presence in Chorley and who is a member of the Select Move choice based lettings scheme.
33. **United Utilities**
United Utilities have no objection to the proposal in principle but state they are currently upgrading Walton-Le-Dale Wastewater Treatment Works [where the site would ultimately discharge] to increase treatment capacity. These improvements are expected to be in service by the end of 2014. They would not object to the recent planning consultation on condition that there is no significant occupation of the sites before spring of 2015. Following further information on timescales being provided by the applicant they advise that 50-60 units would be expected to be complete by spring 2015. United Utilities advise that this would be acceptable and therefore request a condition that no more than 60 units shall be occupied before spring 2015 to allow for the treatment works upgrade to be completed and that the applicant must agree a built rate/programme of works with them prior to commencing construction.
34. **Lancashire County Council (Highways)**
In terms of general highway geometry they are satisfied the two turning heads are of suitable design to provide for access points. The development site will result in effectively 225no. houses being served by a single point of access just north of Stamford Drive (from existing

75no. houses). Prior to the introduction of Manual for Streets (MfS) the previous guidance gave a recommendation of no more than 200no. houses to be served by a single point of access or be served by a cul-de-sac of no greater than 300m. Following the introduction of MfS, the current guidance adopted is that the Local Fire Authority will need to be consulted to determine if a second point of access is required or if special requirements such as sprinkler systems for the properties are required. In effect, the Fire Service considers each application based on a risk assessment for the site, and response time requirements.

35. LCC Highways understand the Fire Service has been consulted by the Planning Authority and has raised no objection in principle to this outline planning application. They have however, indicated that when detailed plans are submitted, provision should be made to ensure that the emergency services can gain access to the whole development from more than one entry point. From this, they would envisage that a revised highway layout in the form of a looped access road linking both of the each western and eastern entry points at Dunham Drive may well need to be provided to satisfy the requirement.
36. As part of the development it is proposed to upgrade the designated public right of way (FP44) which currently runs across the centre of the site from Lucas Lane to Lady Crosse Drive to cycleway standard. This will have the benefit of improving connectivity with the adjacent neighbourhood. As the cycleway will form part of the proposed walking route it should be illuminated.
37. The site has a medium accessibility score. To deliver sustainable development the developer should be requested to investigate means and measure of further improvements to aid and promote non-car transport modes to make the development more sustainable. This may extend to provision of additional bus stops/put on additional bus routes/provide subsidise bus travel/make the site more accessible by bus/provide additional footway links/cycleway links etc. A transport assessment and travel plan have been submitted as part of the application.
38. The applicant has provided an estimation of the potential traffic trip generation of the proposed development based on a survey of the existing traffic movements generated by the residential area. This methodology is accepted. Based on the survey it is anticipated the new development will generated up to 125 vehicle trips during the peak am and pm periods. They would however note that the pm peak period may well extend over a couple of hours. On the basis of the information provided they are satisfied the development is unlikely to have material impact on the operation of the public highway network.
39. There is no reference to any proposed highway improvements in the Transport Assessment. From their observations of traffic movements through the road junction, it is very much apparent that owing to the general layout of the highway at the location, there is tendency for vehicles turning right from Dunham Drive into Royton Drive to cut up vehicles that are waiting at the junction to turn right and continue along Royton Drive. Given the potential large number of additional vehicle movements through this junction over the course of the day, LCC consider the most practical solution would be to provide a mini-roundabout at the location. There is sufficient carriageway space to accommodate the mini-roundabout.
40. LCC Highways make a request for transport contributions that is discussed later in this report.
41. **Lancashire Fire and Rescue Service**
Lancashire Fire and Rescue Service have no objection in principle to the outline planning application. However at any detailed plans stage, provisions should be made to ensure that the emergency services can gain access to the whole development from more that one entry point and details of water supplies for fire fighting purposes should be forwarded to the Fire Authority for examination. Vehicle access for fire appliances should be in accordance with the Building Regulations Approved Document B, Part B5.
42. **Lancashire County Council Travel Plans**

They suggest that the development of a Full Travel Plan in line with the Interim document is made a condition of planning approval, and provide advice on what this should include. They also request a contribution to enable them to administer this which is discussed later in this report.

43. **Lancashire County Council Public Rights of Way**
The application area incorporates Public Footpath No. 44 Whittle-le-Woods. The Design and Access Statement states that enhanced access for pedestrians and cyclist would be created along the line of the existing footpath. If this is the case it would be preferable for the new route to be diverted/dedicated as a public bridleway to secure rights for horse riders and cyclists. It appears that a minor diversion will be needed to divert the Definitive Public Footpath on to the path through proposed site. The development must not commence until the necessary procedures are in place.
44. **The Ramblers Association**
Public Footpath number 44 runs through the centre of the site and the development will significantly alter the surrounding environment given the number of houses that are proposed. The area will change from a rural to an urban location, leaving only a strip of green field between the proposed houses and the M61 motorway. The Ramblers Association is opposed to the loss of the green fields that surround this public right of way. The Ramblers Association has noted that the public footpath will continue to run through the site in an open green corridor of land should the application be successful. This is preferable to tarmac estate roads.
45. **Director of People & Places (Chorley Council Contaminated Land)**
Is aware of a former landfill, the extent of which doesn't appear to correspond to the proposed development site, rather it is adjacent to the northern boundary of the development site (edged blue on location plan). Although they do not hold any detailed information on it any potential impacts on the development site will be picked up by an environmental desk study and site investigation that can be required by an appropriate condition being attached.
46. **Director People and Places**
Environmental Services have no objection to the proposal in terms of noise issues and no comment to make.
47. **Chorley Planning Policy and Urban Design Team**
Comments on the principle of the development are included within the main body of this report. Although the application is only made in outline (apart from the access) an initial response on design matters was also made and is discussed in the relevant section below.
48. **Chorley's Conservation Officer**
The application site is located to the north and North West of two heritage assets (and contains within it a third heritage asset). These are Lucas Green and Lucas House (which are both identified in the Chorley Council List of Locally Important Buildings) and a World War II anti aircraft gun mounting and Pillbox/ammunition store, recorded on the Lancashire County Council Historic Environment Record (HER). The impact on these is discussed later in the report.
49. **Lancashire County Council (Archaeology)**
Centrally located within the application site are a WWII type FW3/24 pillbox and a separate gun mounting, with metal gun mountings still in place (Lancashire Historic Environment Record PRN 36036). The pillbox is therefore recognised to be a non-designated heritage asset, with local significance.
50. Although not explicitly stated in the application, they assume that the proposals do not envisage the retention of this structure. Lancashire County Archaeology Service would therefore recommend that the pillbox and gun mounting be recorded prior to their removal, and that such recording be secured by a condition which should be attached to any planning permission which may be granted.

51. **Parks and Open Spaces Manager**

Makes comments regarding the various public open space issues on the proposed site. In relation to equipped space they would like to see any provided centrally, alongside main footpaths and ideally, lit. Surrounding properties should have a clear view of the play area and afford users the feeling of natural surveillance. It is possible to locate the play area alongside vehicle routes so long as robust barriers are in place to prevent children running in to the road or vehicles entering the play area as a result of speeding/icy surfaces.

52. In relation to informal play space/public open space they are in favour of the additional public open space being proposed. They believe that it will encourage young people to come out and play.

53. There is no apparent need for a formal playing pitch to be provided, as there is reasonable provision within the vicinity. With the amount of informal public open space being provided there seems sufficient space for informal 'kickabouts' for local children without attracting people from other estates and encouraging parking issues. However the nearest pitches at Westway would benefit from qualitative improvements.

54. In terms of adoption/maintenance, given the hydrological network, mature trees, hedgerow and BHS within the site they feel that the nature of the maintenance required may be excessive to the Council and therefore suggest that the site is not put forward for adoption.

55. **The Coal Authority**

The site is not in a Coal Mining Development Referral Areas, therefore a Coal Mining Risk Assessment is not required. Coal Authority Standing Advice needs to be added as an informative note if permission is granted.

56. **Police Architectural Liaison Officer**

The area has low crime figures over the last 12 months. It is recommended that the 135 new properties are developed to Secured By Design Standard. This is particularly relevant as there is limited natural surveillance around the site and the majority of the proposed new build properties are large executive 4 bedroom dwellings. The principles of Secured By Design should be incorporated into site, particularly in respect of parking arrangements for vehicles. Robust perimeter security is crucial and sheds should be located where surveillance is maximised and ideally have no windows.

57. The application details the retention of existing hedgerows and trees, in places this limits the opportunity for natural surveillance. Foliage and shrubbery should be maintained so as not to reduce the opportunity for natural surveillance and avoid providing areas of concealment for potential offenders. The public footpath running from Lady Crosse Drive is to be retained for pedestrians and cyclists. This should be well illuminated e.g. with low level bollard light. Plans indicate 2 vehicular access points. Vehicular and pedestrian access routes should be restricted, one vehicular access/exit point is recommended.

Applicant's Case

58. The applicant has submitted an extensive case in favour of the application in policy terms which can be summarised as:

'While there is a conflict with the specific allocation of the site as Safeguarded Land in the Local Plan such allocation is out-of-date which considered against the strategic policies of RSS and the emerging development plan; particularly the Core Strategy which is at an advanced stage of preparation.

59. 'Overall, the application fully accords with the existing and emerging strategic policies and priorities for development. In particular, it is the only site that is deliverable and capable of making any significant contribution towards the development plan strategy of prioritising some housing growth in Whittle-le-Woods. The proposed development would meet all of the relevant criteria of PPS3 for new housing and accord with emerging national planning priorities which recognise the importance of new housing development for economic growth and provide strong support for sustainable development.

60. 'Therefore, in the circumstances, and on balance, there are material considerations that support the principle of residential development on the site and a grant of planning permission contrary to the site specific allocation in the adopted Local Plan'.

Policy Background

61. National Planning Policy:

The relevant national planning policy guidance/statements are as follows:

- PPS1 Delivering Sustainable Development
- The Planning System General Principles and its supplement Planning and Climate Change
- PPG2 Green Belts

62. In order to ensure protection of Green Belts, PPG2 sets out that local authorities can safeguard land between urban areas and the Green Belt, which may be required to meet longer term development needs. Annex B sets out guidance on identifying Safeguarded Land and appropriate development control policies.

63. Chorley Local Plan Policy DC3 reflects advice in PPG2 and sets out the Council's approach to Safeguarded Land. It is clear within PPG2 (annex B, paragraph 6) that "*planning permission for the permanent development of safeguarded land should only be granted following a local plan or UDP review which proposes the development of particular areas of safeguarded land. Making safeguarded land available for permanent development in other circumstances would thus be a departure from the plan.*" However, reflecting the Clayton-le-Woods appeal decision, policy DC3 must be read in the context of other material considerations.

- PPS3 Housing
- PPS4 Planning for Sustainable Economic Growth
- PPS4 is an up to date expression of national guidance (as amended) and seeks to protect the countryside for its own sake. Paragraph 16 states "When preparing policies for LDDs and determining planning applications for development in the countryside, local planning authorities should: (iii) take account of the need to protect natural resources. Therefore unless there is a need for development on this site the Local Planning Authority should seek to protect the countryside as a natural resource. This is in accordance with Policy DC3 and PPS1.
- PPS5 Planning for the Historic Environment
- PPS7 Sustainable Development in Rural Areas
- PPS9 Biodiversity and Geological Conservation
- PPS12 Local Spatial Planning
- PPG13 Transport
- PPS22 Renewable Energy
- PPS25 Development and Flood Risk

64. The Development Plan

The development plan comprises the saved policies of the Adopted Chorley Borough Local Plan Review 2003, the Sustainable Resources Development Plan Document 2008 and the North West of England Regional Spatial Strategy 2008 (RSS).

65. The starting point for assessment of the application is Section 38 of the Planning and Compulsory Purchase Act 2004 that states if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

66. Regional Spatial Strategy (RSS)

At the current time the Regional Spatial Strategy (RSS) for the North West is still in force. The Secretary of State's intention to revoke RSS, and how that intention should be considered has been a matter for the courts, with the outcome that RSS remains part of the development plan, and that the intention to revoke can be regarded as a material consideration in the determination of planning applications.

67. Section 109 of the Localism Act has already come into force which gives the Secretary of State the power to revoke the whole or part of any Regional Spatial Strategy. Consultation on Strategic Environmental Assessment (SEA) which considers the environmental impacts of revocation expired on 20 January 2012. The Government has indicated that it intends to revoke RSS by April 2012.
68. The relevant policies of the RSS are as follows:
- DP1: Spatial Principles
 - DP2: Promote Sustainable Communities
 - DP4: Make the Best Use of Existing Resources and Infrastructure
 - Policy DP5: Manage Travel Demand; Reduce the Need to Travel and Increase Accessibility
 - DP7: Promote Environmental Quality.
 - DP9: Reduce Emissions and Reduce Climate Change.
 - RDF1: Spatial Priorities
 - RDF2: Rural Areas
 - L4: Regional Housing Provision
 - L5: Affordable Housing
 - RT2: Managing Travel Demand
 - RT9: Walking and Cycling
 - EM1: Integrated Enhancement and Protection of the Region's Environmental Assets
 - EM5: Integrated Water Management
 - EM15: A Framework for Sustainable Energy in the North West
 - EM16: Energy Conservation and Efficiency
 - EM17: Renewable Energy
 - CLCR1: Central Lancashire City Region Priorities
 - L4: Regional Housing Provision
69. Adopted Chorley Borough Local Plan Review
The relevant policies of the Local Plan are as follows:
- GN1- Settlement Policy – Main Settlements
 - GN5 - Building Design and Retaining Existing Landscape Features and Natural Habitats
 - GN9 – Transport Accessibility and Mixed Uses
 - DC1- Green Belt
 - DC3 – Safeguarded Land
 - EP2 – County Heritage Sites and Local Nature Reserves
 - EP4 - Species Protection
 - EP9 - Trees and Woodlands

- EP10 - Landscape Assessment
- EP12 – Environmental Improvements
- EP17- Water Resources and Quality
- EP18 – Surface Water Run Off
- EP21A - Light Pollution
- EP22 - Energy Conservation
- EP23 - Energy from Renewable Resources
- HS1- Housing Land Requirements in Chorley
- HS4 – Design and Layout of Residential Development
- HS5 – Affordable Housing
- HS6 – Housing Windfall Sites
- HS19 – Public Open Space in Housing Developments
- HS20 – Ornamental Open Space
- HS21 – Playing Space Requirements
- TR1 – Major Development – Tests for Accessibility & Sustainability
- TR4 – Highway Development Control Criteria
- TR18 – Provision for Pedestrians and Cyclists In New Development
- TR19 – Improvement or Provision of Footpaths, Cycle ways and Bridleways in Existing Networks and New Developments
- LT10 – Public Rights of Way

70. Sustainable Resources DPD:

- Policy SR1 – Incorporating Sustainable Resources into New Development

Emerging Policy Considerations

71. Central Lancashire Local Development Framework Joint Core Strategy

Central Lancashire Core Strategy – Publication Version December 2010: Chorley Council is preparing a Core Strategy jointly with Preston City and South Ribble Councils which was submitted for examination in March 2011 and an Examination in Public took place in June 2011. In July 2011, the examining Inspector expressed doubts whether the document in its December 2010 published form could be found sound in providing for sufficient new housing (Policy 4). The examination was suspended and in November 2011 the three Councils produced a Proposed Housing Related Changes document. This was subject to public consultation during November and December 2011. The consultation period ended on 13th December 2011. The examination is scheduled to re-open on 6th March 2012.

72. As a whole the Core Strategy as a document is at an advanced stage, in respect of Policy 4 the examination process it yet to be completed.

73. The following Core Strategy Policies are of relevance to this application:

- **Policy 1 Locating Growth** identifies locations that are appropriate for growth and investment.
- In relation to the Proposed Housing Related Changes Document there has been both support and objection to the general approach to growth proposed in Policy 1 and to Table 1 which sets out the predicted distribution of growth. Therefore, whilst there is some support for the ULSC designations and the overall approach to growth, there also remain outstanding objections, and no certainty that the policy will be adopted as currently drafted.

- **Policy 2** in the emerging Core Strategy relates to infrastructure. The Policy states if a funding shortfall is identified, schemes require, through developer contributions that the new development meets the on and off-site infrastructure requirements necessary to support the development and mitigate any impact of that development on existing community interests as determined by the local planning authority.
- **Policy 4 Housing Delivery** sets out housing requirements of 334 dwellings per annum for the two-year period 2010-2012. However following the Inspector's comments, the proposed changes to the Core Strategy now propose an annual net requirement of 1341 dwellings across Central Lancashire with 417 for Chorley. The proposed changes maintain a commitment to an early review and work to produce new housing requirements has already commenced. The early review has been planned to take account of more up-to-date evidence that that used to inform RSS in terms of the Central Lancashire economic context and housing need/demand. This will enable the Central Lancashire authorities to determine their own housing requirements based upon up-to-date local evidence. To date 43 representations have been received to the Proposed Housing Related Changes document, some in support and some against the proposed changes. There is overall support for RSS figures, but the Inspector's agenda for the re-opened Inquiry in March is to deal with specific issues including further explanation of figures contained in Table 1. This demonstrates that matter remains uncertain/unsettled of the role of ULSCs and the distributions within Table 1.
- **Policy 7** relates to affordable housing and states that 30% affordable housing will be sought from market housing schemes. A number of representations have been received. Objections mainly relate to the proportion of affordable proposed and the viability of providing affordable and the lack of recognition of difference in viability across Central Lancashire.
- **Policy 17** relates to the design of new buildings which will be expected to take account of the character and appearance of the local area. The policy was not the subject of major objections.
- **Policy 27** relates to incorporating sustainable resources into new developments. Objections related to its implementation and its relationship with other guidance and regulations.

74. Site Allocations & Development Management Policies DPD (Preferred Option Paper)

Local Development Framework: Site Allocations and Development Management Policies Development Plan Document. The Council has recently completed consultation on the Preferred Option Paper for the Chorley Site Allocations and Development Management Policies Development Plan Document (DPD). This document will accord with the broad content of the Central Lancashire Core Strategy but will provide more site-specific and policy details. The purpose of this document is to help deliver the aims of the Central Lancashire Core Strategy by setting out development management policies and allocating or protecting land for specific uses. This DPD is at a relatively early stage of preparation, and can be afforded limited weight.

75. The land that is the subject of this application forms part of the wider HS1.44 Land Off Moss Lane residential allocation where approximately 348 dwellings are proposed over the period 2011-2016. A proposed phasing policy identifies this allocation for development in the middle and later phases of the plan period (2016-2021 and 2021-2016). 2508 comments have currently been received in relation to the Preferred Option Paper. The HS1.44 housing allocation has been subject to 220 objections, 4 supporting comments and 2 comments where no preference is stated. 7 objections have been received in relation to the housing phasing policy, 3 representations in support and 1 representation where no preference is stated.

76. Other Material Considerations

In July 2011 an appeal decision relating to a proposal for 300 dwellings on a Safeguarded Land site in Clayton-le-Woods (appeal ref: APP/D2320/A/10/2140873) was allowed even though the Inspector concluded that the development of Safeguarded Land for housing was contrary to Local Plan Policy DC3, and that there was a proven 5.4 years supply of land for housing. The Secretary of State stated that:

- Clayton-le-Woods is a main place for growth as it is identified as an Urban Local Service Centre where ‘some growth and investment will be encouraged’;
- there would need to be a steep increase in housing delivery from now onwards, and that the area of strategic land that includes the appeal site is realistically the only land available in Clayton-le-Woods for delivering this growth;
- that given the extensive consultation which has occurred on this proposed designation since November 2006, the area’s consistent identification for growth, and the relatively advanced stage of the Core Strategy, this part of the Core Strategy should be afforded significant weight.

77. The Planning Inspector and the Secretary of State both agreed that there was a five-year supply of housing in the Borough they also took the view that the determination of need involves a consideration of more than the five-year housing supply and that it should take account of wider issues, particularly the planned growth within the emerging Core Strategy and this was a material consideration in determining the appeal.

78. Ministerial Statement – Planning for Growth: On the 23rd March 2011 The Minister of State for Decentralisation and Cities, Greg Clark MP, issued a written parliamentary statement in which he said that ministers will work quickly to reform the planning system to ensure that the sustainable development needed to support economic growth is able to proceed as easily as possible. It states that the Government expects the answer to development and growth wherever possible to be ‘yes’, except where this would compromise the key sustainable development principles set out in national planning policy. In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4), and that they can give clear reasons for their decisions. The Secretary of State will take the principles in this statement into account when determining applications that come before him for decision. In particular it states the Government will attach significant weight to the need to secure economic growth and employment.

79. Draft National Planning Policy Framework (NPPF): On the 20 December 2010 The Minister of State for Decentralisation and Cities, Greg Clark MP, announced a review of planning policy, designed to consolidate all current policy statements, circulars and guidance documents into a single, simpler National Planning Policy Framework. The new Framework is intended to be user-friendly and accessible with clear policies for making local and neighbourhood plans and development management decisions. The Draft National Planning Policy Framework was published on 25th July 2011. The draft contains a number of references to the presumption in favour of sustainable development and the need to support economic growth through the planning system. The draft also includes removal of the brownfield target for housing development and requires local council’s to identify an additional 20% of deliverable sites against their five year housing requirement. The draft NPPF maintains the previous approach to Safeguarded Land and its release for development. It states that where necessary local planning authorities should identify areas of Safeguarded Land between the urban area and the Green Belt, in order to meet longer term development needs stretching well beyond the plan period. It also clearly states that Safeguarded Land is not allocated for development at the present time, and maintains that planning permission should only be granted following a local plan review.

80. The eighth report of the Communities and Local Government Committee of the House of Commons on 21st December 2012 notes that the NPPF has to get the balance right and notes the Prime Minister has said that: *‘I believe that sustainable development has environmental and social dimension as well as an economic dimension, and we fully recognise the need for a balance between the three. Indeed, the purpose of the planning system as a whole and of our proposals for it, is to achieve such a balance’*.

81. The report also notes that the NPPF emphasises a ‘default yes’ to development, that applications should be approved unless the adverse effects ‘significantly and demonstrably’

outweigh the benefits. This carries the risk of the planning system being used to implement poorly planned, unsustainable development. It goes on to say that the 'default yes' to development and the phrase 'significantly and demonstrably' should be removed from the text. In addition it states the presumption policy should be redefined as '*a presumption in favour of sustainable development consistent with the Local Plan*'. This anchors sustainable development to local circumstances and provides a spur to local authorities to prepare their Local plans. It also states that the NPPF must leave no room for doubt that the purpose of the planning system is to address social, environmental and economic demands on land supply on an equal basis. The responsible ministers have indicated that they wish to consider carefully the recommendations made by the committee, and that the three elements of sustainability carry equal weight.

82. As the NPPF is only in draft at the present time and it is likely that changes are to be made to it before the final version is released, it is considered it can be afforded limited weight in decision making and the current set of national guidance remains in force. The Government expects to issue a final MPPF by April 2012.

Assessment

83. Principle of Development

Chorley Local Plan Policy DC3 allocates the land as Safeguarded Land as part of a larger site which is allocated under Policy DC3.18 in the Local Plan. Policy DC3 states that development other than that permissible in the countryside under policies DC1 (Development in the Green Belt) and DC2 (Development in the Area of Other Open Countryside) will not be permitted. The proposal is not for development permissible under either Policy DC1 or DC2 and it is therefore contrary to policy DC3.

84. Safeguarded Land comprises areas and sites which may be required to serve development needs in the longer term, i.e. well beyond the plan period, in line with PPG2. The supporting text to policy DC3 states that this land was to be treated as if it were Green Belt until such time as a need for it was identified in a future review of the plan. It also states that Safeguarded Land in the Plan will remain protected until 2006.

85. The Adopted Local Plan at 1.4 states '*A key feature of the 1997 adopted Plan is that for the first time, it established precise Green Belt boundaries. It was the intention that the overall extent of the Green Belt in Chorley Borough will not be changed until at least the year 2016. To help achieve this Areas of Safeguarded Land were identified in the 1997 Plan, and are with one exception retained in this Plan, to accommodate development pressure in the period up to 2016 if necessary*'. It was therefore intended the extent of the Green Belt to remain until at least 2016, however it was expected that there would be a review before the end of the plan period, which extended to 2006.

86. The current Local Plan Review was adopted in 2003. However The Planning and Compulsory Purchase Act 2004 introduced the Local Development Framework process which replaced the local plan-making process. Safeguarded Land was protected until 2006, but following the establishment of the Local Development Framework process Chorley Borough Council applied for and obtained a Direction from the Government Office for the North West to save a number of policies including DC3, for on-going use after 27 September 2007. As part of that letter from the Government Office it provides the following guidance:

87. '*Following 27 September 2007 the extended policies should be read in context. Where policies were adopted sometime ago, it is likely that material considerations, in particular the emergence of new national and regional policy and also new evidence, will be afforded considerable weight in decisions. In particular, we would draw your attention to the importance of reflecting policy in Planning Policy Statement 3 Housing and Strategic Housing Land Availability Assessment in relevant decisions.*'

88. The Local Plan reflects advice in PPG2 (annex B, paragraph 6) and sets out the Council's approach to Safeguarded Land. It is clear within PPG2 (annex B, paragraph 6) that "planning permission for the permanent development of Safeguarded Land should only be granted following a local plan or UDP review which proposes the development of particular areas of

Safeguarded Land. Making Safeguarded Land available for permanent development in other circumstances would thus be a departure from the plan.” This approach is maintained in the draft NPPF.

89. The Council accept that although the proposal would be in breach of saved Policy DC3, this policy must be read in the context of other material considerations that may be more up to date. The issue is therefore whether there are other material considerations that outweigh policy DC3 to justify releasing the application site now.

90. Chorley Council has a five year housing supply and therefore there is no requirement to consider the application favourably in accordance with Paragraph 71 of PPS3.

91. Paragraph 69 of PPS3 states that in general, in deciding planning applications, Local Planning Authorities should have regard to five matters:

- Achieving high quality housing;
- Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people;
- The suitability of a site for housing, including its environmental sustainability;
- Using land effectively and efficiently;
- Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues.

92. In respect of the first two criteria relating to achieving high quality housing and achieving a good mix of housing, the scheme is in outline with all matters reserved, apart from access, and therefore details are not provided about housing design or layout however it is considered this criterion could be met at reserved matters stage and/or by condition.

93. In terms of the suitability of the site for housing, the site is on Safeguarded Land that the Local Plan identifies for future development needs. Therefore, the Safeguarded Land has already been assessed as being suitable for development as part of the Local Plan process, in line with guidance in Annex B of PPG2. The site has also been assessed as part of the Sustainability Appraisal of the Site Allocations and Development Management Policies DPD Preferred Option and scores reasonably well, so it is considered this criterion would be met.

94. In terms of the fourth criterion the site is not a previously developed site, but there is a limited supply of suitable and available previously developed land in Whittle-le-Woods, so some allocations within the emerging Site Allocations DPD will be on Greenfield land, therefore the proposal would not undermine the effective and efficient use of land (see below for discussion on the allocation position).

95. Therefore, it is considered that the proposal meets the first four criteria of paragraph 69 of PPS3.

96. The final criterion in paragraph 69 relates to ensuring whether the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives.

97. To establish if the proposal meets the final criterion the current and emerging policy situation needs to be assessed.

98. Adopted Chorley Borough Local Plan Review

The starting point for this assessment must be the current adopted Local Plan, paragraph 1.20 of which states: *‘The main effect of the strategy will be to concentrate development in the central urbanised parts of the Borough. Here the main urban areas of Chorley town, Clayton and Whittle-le-Woods plus the Royal Ordnance site lie within the strategic transport corridor defined by M61/A6/A49/M6 and the railways of the West Coast Main*

Line/Manchester-Blackpool Line. It will therefore be within this area that future housing development is to be concentrated'.

99. Core Strategy

In terms of the emerging LDF Policy 1 of the Publication Version Core Strategy identifies Whittle-le-Woods in strategic land terms as one of six Urban Local Service Centres (ULSCs) where some [author's emphasis] growth and investment will be encouraged to help meet housing and employment needs in Central Lancashire. This position is not changed in the Proposed Housing Related Changes document which predicts that 9% (in Table 1) of Central Lancashire's housing development will take place in the six ULSCs over the period 2010-2026.

100. 9% equates to approximately 2000 dwellings in total that are predicted to be provided across the six ULSCs. This prediction is based on existing commitments (sites that already have planning permission), proposed allocations in the Sites for Chorley Preferred Option Paper and dwellings already completed in the six ULSCs during the first year of the Core Strategy housing requirement period (2010-2011).

101. The Core Strategy highlights that this is a predicted distribution based on the potential for housing development in each place and the 9% is not a proportion that is required to be met. Neither does the policy specify how much development should go in each ULSC. It has no housing requirement for individual settlements and there is no requirement for the split between settlements to be equal. It is considered the growth and investment cannot equate to an equal split between the ULSCs settlements as they have differing amounts of available and suitable developable land for housing.

102. Therefore the fact that Whittle-le-Woods is a location for some growth in broad spatial terms is acknowledged as a material consideration, but the Core Strategy will not determine how growth is to be distributed between the six ULSCs, this is for the Site Allocations DPD. The Core Strategy Table 1 Predicted Proportions are not a settled matter, as there are a number of outstanding objections. The Resumed Examination Hearing Agenda includes discussion on Core Strategy Policy 1 and the inspector has asked for further explanation of the figures contained in Table 1.

103. Site Allocations & Development Management Policies DPD (Preferred Option Paper)

The Preferred Option Site Allocations and Development Management Policies DPD proposes housing allocations in Whittle-le-Woods for a capacity of 396 dwellings on four sites:

- HS1.44 Land off Moss Lane – 348 dwellings
- HS1.45 Hill Top Lane – 27 dwellings
- HS1.46 Land rear of 23 Birchin Lane – 11 dwellings with planning permission
- HS1.47 Rear of 243-281 Preston Road – 10 dwellings with planning permission

104. Table 1 of the Preferred Option document identifies 417 dwellings on proposed allocated sites/commitments in Whittle-le-Woods over the period 2011-2026. This includes a further 21 units on other small/unallocated sites in Whittle-le-Woods that have planning permission for housing.

105. The land that is the subject of this application forms part of the wider HS1.44 Land Off Moss Lane residential allocation where approximately 348 dwellings are proposed over the period 2011-2016. The Housing Development Phasing Schedule in the Preferred Option Paper identifies this allocation for development in the middle and later phases of the plan period (2016-2021 and 2021-2016).

106. While the principle of some housing growth in Whittle-le-Woods has been acknowledged and is in line with Policy 1 of the Core Strategy, the decision has not be made as to which sites to allocated. It is not a decision that just has to be made between the above sites currently proposed to be allocated, but there are other sites that are being promoted in the DPD process. Out of a total of just over 98 hectares of Safeguarded Land in Whittle-le-

Woods the Council is proposing to allocate 21.2 ha in its Preferred Option Paper. Representations have been received proposing housing development on approximately 39 ha of additional (not currently proposed to allocate) Safeguarded Land in Whittle-le-Woods and over 2ha of additional land that is located within the settlement itself.

107. Therefore, as well as the amount of development that Whittle-le-Woods should take as one of the ULSCs not being settled, there is a large amount of Safeguarded Land within Whittle-le-Woods and there are other sites being promoted through the DPD process that are not in the Council's Preferred Option.

108. Although the appeal decision that permitted 300 dwellings at Clayton-le-Woods is a material consideration, it is considered that the situation in Whittle-le-Woods is different. Clayton-le-Woods had a very limited choice of potential housing sites for future growth and both the Secretary of State and Planning Inspector agreed that the area of Safeguarded Land that included the appeal site was realistically the only land available in Clayton-le-Woods for delivering the required growth. The situation is not the same in Whittle-le-Woods as there is a range of sites on which development could take place decisions over which ones should be allocated to accommodate some growth is not a settled matter.

109. Prematurity and Prejudice

The Planning System General Principles (CLG 2005 Para 17 -19) says *‘.in some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a DPD is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD. A proposal for development, which has an impact on only a small area, would rarely come into this category. Where there is a phasing policy, it may be necessary to refuse planning permission on grounds of prematurity if the policy is to have effect. Otherwise, refusal of planning permission on grounds of prematurity will not usually be justified. Planning applications should continue to be considered in the light of current policies. However, account can also be taken of policies in emerging DPDs. The weight to be attached to such policies depends upon the stage of preparation or review, increasing as successive stages are reached. For example: Where a DPD is at the consultation stage, with no early prospect of submission for examination, then refusal on prematurity grounds would seldom be justified because of the delay which this would impose in determining the future use of the land in question.’* [Emphasis is author's own].

110. While the draft NPPF makes no mention of prematurity, the list of documents proposed to be cancelled by the forthcoming NPPF does not include The Planning System General Principles.

111. The Council currently has the following applications under consideration on Safeguarded Land sites in the Local Plan as well as the current application:

App ref:	Location:	Scale of Proposal:	Date Validated:
11/00941/FULMAJ	Land Adjoining Cuerden Residential Park, Nell Lane, Cuerden	52 bungalow style park homes for older people (over 55s)	9 November 2011
11/00993/OUTMAJ	47 Clancutt Lane, Coppull	Outline for the demolition of 47 Clancutt Lane and erection of up to 29 dwellings	15 November 2011
11/01093/OUTMAJ	Land North Of Lancaster Lane And Bounded By Wigan Road	Outline for up to 160 dwellings	15 December 2011

	And Shady Lane		
11/01004/OUTMAJ	Land North Of Lancaster Lane And Bounded By Wigan Road And Shady Lane	Outline for a mixed use development, of up to 700 dwellings, 40,000sqft of B1 office space, public house/restaurant, convenience store, community building, primary school, etc	16 December 2011
12/00082/OUTMAJ	Land Surrounding Huyton Terrace Previously Baly Place Farm Bolton Road, Adlington	Outline for up to 300 dwellings	Awaiting validation, received 27 January 2012

112. All of these applications propose that the sites should be released for development now, before the Site Allocations process concludes. Members will note some of these applications are also on this committee agenda.
113. This application is for 135 units. Together, the sites above including this application cumulatively represent a total of up to 1376 units which equates to over 3 years housing supply. This would equate to nearly 20% of the Borough's 15 year housing requirement.
114. Whilst this application may not be substantial on an individual basis, any substantial release on the above sites will set a precedent and the prematurity of that release in the Borough as a whole and Whittle-le-Woods as a settlement it is considered it would cumulatively cause prejudice to the Site Allocations DPD in respect of scale, location and phasing of new development.
115. The Council already has a deliverable five-year supply and if these applications are permitted a significant proportion of future housing growth is likely to be delivered in the early years of the plan period. There is also no mechanism in place to decide which, if any of these should come forward first and why.
116. Given the scale of the current applications it is considered the potential cumulative effect is significant enough to prejudice decisions that should be properly be taken in the Site Allocations DPD and potentially undermine the growth ambitions and therefore objectives of the Core Strategy.
117. Paragraph 72 of PPS3 (Housing) states that LPAs should not refuse applications solely on the grounds of prematurity. This matter is not repeated in the draft NPPF. In the face of the scale of development if the precedent were to be set, together with a 5.7 year housing supply and the current plan making position it is considered PPS3 paragraph 72 should not be following at this time.
118. Assessment of Proposal Against Fifth Criterion of PPS3 Paragraph 69
Relating this back to PPS3 the final criterion in paragraph 69 relates to ensuring whether the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives.
119. As has been established, at the broadest level there is support in both the Local Plan and the emerging Local Development Framework for growth in Whittle-le-Woods, but at both Borough and settlement level the there are still choices to be made over the amount, timing and specific location of that development. There is doubt over the amount of growth that will take place in Whittle-le-Woods and which sites will be allocated. Although alone it is not considered that the site is of a scale so substantial that allowing it could prejudice the LDF

process, it is considered that cumulatively the applications that the Council is currently considering are substantial enough to prejudice the LDF by predetermining decisions about the scale, location and phasing of new development.

120. It is therefore not considered that the proposal meets the final criterion of paragraph 69 of PPS3 in terms of meeting the spatial vision for the area.

121. **Other Material Policy Considerations**

122. Urgency

It has also been assessed whether there is an urgent need to release this site.

123. At a local level Redrow have put forward a case in favour of the application being permitted now on the grounds that the emerging development plan places emphasis on Whittle-le-Woods as a priority location for new development and growth to meet the future spatial strategy and which would not compromise the key sustainable development principle set out in national planning policies and the Governments emphasis on supporting all forms of economic development, including housing.

124. The Council dispute that Whittle-le-Woods is a priority location for new development. The Core Strategy sets out the approach to growth and investment (including) housing within the whole of Central Lancashire. It concentrates growth and investment in 1) the Preston/South Ribble Urban Area; 2) Key Service Centres (including Chorley Town); 3) Strategic Sites (including Buckshaw Village in Chorley). It then goes on to say that some [author's emphasis] growth and investment will be encouraged in ULSCs to help meet housing and employment needs. Therefore, it is not considered that the policy prioritises development in the ULSCs it just encourages some growth and investment.

125. Redrow also argue that housing completions in the combined ULSCs have been low and that in order to meet planned growth and the spatial strategy of the LDF there would need to be a steep increase in housing delivery from now onwards. They go on to state that this has been acknowledged in the Core Strategy EiP Inspector's letter (15th July 2011), which highlights the backlog of housing completions across the area as a whole and indicates that such shortfall should be made good as soon as possible.

126. The Local Plan allows appropriate development within these locations however it does not specify housing targets for settlements within Chorley Borough and housing completion levels overall have been broadly in line with RSS (acknowledging a small undersupply at April 2011) and therefore there was no need for higher completion levels in the ULSCs.

127. In terms of 'steep increase' the Clayton-le-Woods appeal Inspector stated (with which the SoS agreed):

'Therefore, over the plan period 1810 new dwellings will be required in these ULSCs, all but one of which is in Chorley. In order to meet this planned growth, there would need to be a steep increase in housing delivery from now onwards. The area of Safeguarded Land that includes the appeal site is realistically the only land available in Clayton-le-Woods for delivering this growth'. It should be noted that in fact all six ULSCs are in Chorley Borough, not all but one as stated by the Inspector.

128. In order to meet the predicted proportion of housing development in the ULSCs it is acknowledged that higher levels of house building will be required as a whole in the future in the six ULSCs as a whole than may have taken place in the past.

129. At the time of the Clayton-le-Woods appeal decision (21st July 2011) the Site Allocations DPD was at an early stage. Consultation had taken place on the Issues and Options but the Council had not reached Preferred Option Stage. The Council has now consulted on its Preferred Option so the DPD is at a more advanced stage and can be given more weight, although it still has limited weight. As well as identifying preferred sites the Preferred Option Paper sets out a housing development phasing schedule at policy HS2 which had not been produced at the time of the Clayton-le-Woods appeal. This shows that the sites proposed to

be allocated have been properly considered and that they can be realistically built out over the plan period to achieve the level of housing required across the Borough to achieve the planned level of growth as required by the Core Strategy. The dwellings proposed and already completed since 2010 in the six ULSC settlements marginally exceed the Core Strategy predicted proportions over the plan period to make allowance for any slippage (non-delivery or reduced delivery of housing) on sites. Therefore, there is no urgency to release this site now to meet an increase in housing requirements as there is no evidence to show that the required growth will not be achieved through the LDF process.

130. There have been representations to policy HS2 (phasing), however these do not relate to the achievability of the sites being brought forward in the plan period.
131. In terms of backlog the Core Strategy EIP Inspector in his letter (15th July 2011) said that *'several participants refer to a backlog of housing completions. Ideally, this should be made good as soon as possible. Owing to the present state of the economy, however, I doubt that this can be rectified during the early stage of the plan period. I think that it would be more realistic to expect this to take place fairly steadily throughout the plan period.'*
132. As Chorley is doing a joint Core Strategy with Preston and South Ribble Boroughs the backlog referred to by the Inspector relates to the whole of Central Lancashire, not just Chorley. The situation differs between the three Authorities.
133. The Housing Land Monitoring Report (April 1st 2010 – March 31st 2011) indicates that at April 2011 Chorley had a small deficit of 52 dwellings in relation to RSS requirements over the period 2003 – 2011. The Council is confident that no deficit will exist at all in Chorley at April 2012 due to the high level of housing construction activity currently taken place on a range of sites throughout Chorley. Housing completion levels have exceeded RSS requirements for the past two years. The Communities and Local Government House Building: September Quarter 2011 England Data identifies Chorley Borough as the district within the North West with the highest rate of house building in terms of both starts and completions per 1000 dwellings in the 12 months to September 2011. Therefore, the situation in Chorley is very different to other Boroughs where house building has been more negatively affected by the current economic climate. There is not therefore an urgent requirement to significantly increase the supply of housing in Chorley to address the small backlog or to meet future needs.
134. Chorley Borough has a deliverable five-year housing supply. It is not part of the applicant's case that the Council does not. The latest information to be published in the Annual Monitoring Report (published January 2012) is that there is a 5.7 year deliverable housing supply. Therefore, there is no requirement to consider this application favourably in line with paragraph 71 of PPS3. In addition to the sites identified in the deliverable five-year housing supply a large number of further dwellings have planning permission in the Borough. Therefore, there is more than sufficient overall supply to ensure choice and competition in the market for land in accordance with the draft National Planning Policy Framework (NPPF) and its requirement for a five-year supply plus 20% so there is no urgency for release in this sense.
135. Redrow argue that the short-term housing supply for the next five years in Whittle-le-Woods comprises only 24 units and securing planning permission on the application site would boost the potential supply of deliverable housing in Whittle-le-Woods and would assist in the delivery of the steady 120 dwellings per annum envisaged by the Publication Core Strategy.
136. Council records indicate that 20 units have been completed within Whittle-le-Woods from April 2010-October 2011, which go towards meeting Core Strategy housing requirements. At October 2011 a further 34 units had permission for housing. Therefore housing is actively being constructed in Whittle-le-Woods which is contributing towards meeting the ULSC predicted proportion as set out in the Core Strategy.

137. The Core Strategy does not require 120 dwellings to be built each year in the six ULSCs it merely predicts that 9% of Central Lancashire's Housing growth will be in the ULSCs. The Core Strategy has no annual requirement for the ULSCs.
138. Even if it was accepted that there was an urgent need for housing in Whittle-le-Woods, then the timescale for delivery of the application site is relevant. In response to the initial consultation comments by United Utilities, Redrow were asked for a likely timescale and build out rates. They have advised that the earliest the site would start is the beginning of 2013, given the need to secure reserved matters approval and acquire the land. They state it is unlikely the site will achieve full production in the first year, due to road / sewer construction and site set-up etc. and it is estimated that there might be 50-60 completions by Spring 2015. Therefore it is not considered that this application would be able to address any urgent need for housing in Whittle-le-Woods even if it existed.
139. The Council are actively working on their Site Allocations and Development Management Policies DPD and have undertaken consultation on Issues and Options and on Preferred Option. The published Central Lancashire Local Development Scheme (LDS) schedules adoption of the DPD for December 2012 which is considered a reasonable timeframe to resolve allocation issues.
140. Draft NPPF and Ministerial Statement
In terms of the draft NPPF, Chorley has identified a five-year supply of housing with an additional allowance of 20% to ensure choice and competition in the market for land. The draft NPPF maintains the approach to Safeguarded Land and its release. One of the main points of the NPPF that its aims will be achieved through changes to the planning system. It sets out the Government's economic, environmental and social planning policies for England, which taken together set out the Government's vision of sustainable development. It specifically states that '*should be interpreted and applied locally to meet local aspirations*'. It is a balanced approach to economic, environment and social planning advocated by the draft NPPF that the Council is following through the LDF process. It is considered that the draft NPPF has limited weight but significant weight can be given to the approach to Safeguarded Land which is maintained from PPG2, therefore this document does not weigh in favour of releasing the application site outside the LDF process.
141. Ministerial Statement – Planning for Growth:
Whilst this is supportive of growth and it states that the Government expects the answer to development and growth wherever possible to be 'yes', it had a caveat to it that states '*except where this would compromise the key sustainable development principles set out in national planning policy*'. The Secretary of State will take the principles in this statement into account when determining applications that come before him for decision. In particular it states the Government will attach significant weight to the need to secure economic growth and employment.
142. As has already been explored Chorley has good housing delivery performance which has not been as negatively affected by the economic climate. The general presumption of poor delivery nationally and therefore the need to stimulate the economy through housing delivery is not considered to apply with the same weight in Chorley as it may in other Boroughs.
143. The viability evidence underpinning the current consultation on a Central Lancashire CIL notes that a number of developers consider that the market for new houses in Chorley is in the short term over-supplied, and they are taking a more cautious approach to delivery linked more closely to sales.
144. Allowing housing outside the proper LDF process in Chorley would compromise the key sustainable principles set out in national policy, notably PPS3 and Planning for Growth is not therefore considered to such weight can be applied to it that would justify allowing the application.
145. Localism

The Localism Agenda is being introduced through the Localism Act 2011 and post-dates the draft NPPF and Planning for Growth. The Government's intention is to shift power from central government back into the hands of individuals, communities and councils. The Government state that they are committed to this because over time central government has become too big, too interfering, too controlling and too bureaucratic. This has undermined local democracy and individual responsibility, and stifled innovation and enterprise within public services. They want to see a radical shift in the balance of power and to decentralise power as far as possible.

146. It is therefore considered that allowing applications on Safeguarded Land without going through the LDF process would cumulative undermine the Governments Localism Agenda which is an expression of the Government's intentions on how decisions should be made. Granting planning permission for schemes now would undermine the wider policy objectives of PPS3 paragraph 69.

147. The Community Infrastructure Levy (CIL)

The Localism Act received royal assent on 15 November 2011. Some of its provisions came into force on 16th January including Section 143 which brings in provisions that where local finance considerations are material to a planning application they should be taken into account in the determination of that planning application.

148. Infrastructure is a key component of any assessment of sustainability, and cumulative impacts can arise from the overall development proposed within a development plan. The Community Infrastructure Levy (CIL) is a new charge which local authorities in England and Wales will be able to levy on most types of new development in their areas over a certain size. The proceeds of the levy will provide new local and sub-regional infrastructure to support the development of an area in line with local authorities' development plans and could include new schools, hospitals, roads and transport schemes, as well as libraries, parks and leisure centres. The government's position on CIL is that it provides a basis for a charge in a manner that obligations alone cannot achieve, enabling, for example, the mitigation from the cumulative impacts of a number of developments. The government acknowledges that even small developments can create a need for new services. Until such time as a CIL charge is set, obligations must be addressed under s106 agreements, and the relevant tests.

149. Strategic Objective S02 of the Core Strategy seeks to ensure there is sufficient appropriate infrastructure to meet future needs, funded where necessary by developer contributions. Chapter 6: Infrastructure refers to the tariff approach, noting that further research and consultation is required, and that the key to avoiding adverse impacts of new developments on existing and new communities is the timely provision of the necessary infrastructure and other mitigation measures. Policy 2 refers to the application of a levy/tariff based on standard charges as appropriate, noting that "This will ensure that all such development makes an appropriate and reasonable contribution to the costs of provision after taking account of economic/viability considerations." The policy also notes that LPAs "will set the broad priorities on the provision of infrastructure, which will be linked directly to the commencement and phasing of developments. This will ensure that enabling infrastructure is delivered in line with future growth, although some monies will be specifically collected and spent on the provision of more localised infrastructure."

150. On 31st January 2012, the Central Lancashire authorities began preliminary draft consultation on a Central Lancashire CIL, which runs until March 2012. Infrastructure delivery schedules have been prepared and these show a range of infrastructure projects including those regarded as "Pan-Central Lancashire" as well as for the three separate borough areas of Chorley, Preston and South Ribble. A tariff of £70 per sq m of residential development is proposed.

151. In relation to Whittle-le-Woods, a cycling scheme is identified - indeed the applicant has indicated it is willing to provide a s106 contribution in relation to part of that scheme in so far as it directly impacts on the proposed development. In addition, there are significant strategic

projects including new stations, and transport related projects for example that are considered necessary at this time to meet planned development over the plan period within Chorley & within Central Lancashire.

152. While it is not argued here that the absence of a CIL contribution should be a reason for refusal per se, the CIL infrastructure delivery schedules demonstrate the wider infrastructure needs that arise from the planned growth for Central Lancashire. In approving applications on safeguarded land, prior to decisions on scale, location and phasing of development - as the Core Strategy and Site Allocations DPD seek to do - it is considered that the overall aims and objectives of the existing development plan and the emerging plan are under minded, and in turn the achievement of sustainable development.
153. Furthermore, it is considered that to do so would set a precedent, and were other application sites on safeguarded land approved, this would cumulatively impact upon the ability to deliver sustainable development, and would therefore be premature.
154. Affordable Housing
Policy HS5 of the Adopted Local Plan Review, supplemented by PPS3: Housing, requires 20% of affordable housing on suitable sites over 15 dwellings. The reasoned justification to the policy highlights that the policy aims to achieve direct on-site provision of affordable housing, unless this proves to be impractical following detailed negotiations.
155. The Local Plan affordable housing requirement of 20% is less than that proposed in Core Strategy Policy 7, which proposes 30% affordable housing on market schemes in non-rural areas of Chorley. However, even though the Core Strategy policy has less weight than the Local Plan the Council have a more up-to-date evidence base for a 30% requirement, which in terms of the need carries more weight than the Local Plan Policy.
156. The Core Strategy Policy 7 states that affordable housing should be delivered on site, but financial contributions instead of on site affordable housing are acceptable where the development location is unsuitable for affordable housing. It is considered that this location is suitable for affordable housing and that it should be provided on site. No evidence has been put forward by the applicant that the site is unsuitable for affordable housing.
157. Objectors point out that the site is in Pennine Ward (as the ward boundary runs alongside the west side of the application site), planning policy relates to settlements not wards. For policy purposes the site is on land safeguarded for future development needs of Whittle-le-Woods, which gives scope for the urban settlement to grow without infringing on the Green Belt.
158. In this case the applicants state that they are willing to provide 20-30% affordable housing on this site, which is in accordance, or in excess, of the adopted Local Plan Requirement. However, anything less than 30% is below the Publication Core Strategy requirement. Therefore, by submitting this application now, if less than 30% affordable housing is proposed, the applicants are proposing to provide less affordable housing than would be required if this site were allocated via the Local Development Framework process, under Core Strategy Policy 7 (if adopted), which is considered unacceptable. They are also not proposing the level of affordable housing that was considered beneficial at the Clayton-le-Woods appeal, if they propose less than 30% and the Council therefore do not give this weight in favour of allowing the application.
159. The applicants did not make objection to Core Strategy Policy 7 during the Core Strategy preparation process, in terms of viability of providing 30% affordable housing or on any other aspect of the proposed policy. However, a number of other planning consultants/house builders did raise concerns about the policy and the proportion of affordable housing required. A number of objectors wanted greater recognition of the impact on site specific viability issues in the policy and others considered that the 30% target did not reflect the results of the Central Lancashire Housing Viability Study (part of the evidence base) and the differences between the different centres in terms of scheme viability. The applicant's case does not take

into account the evidence on housing viability, and has not provided evidence as to whether 30% is unviable for this particular site.

160. The application states in the draft Heads of Terms submitted with the application that the developer '*shall provide up to 30% (precise contribution TBC) of the dwellings to be constructed on the land as Affordable Housing*'. The Planning Statement states that Redrow's preferred approach is to make such provision off-site by providing the affordable housing on land at Buckshaw Village, which they state already has outline planning permission for housing and is ideally suited to affordable housing due to its close proximity to the existing Tesco supermarket and rail station. However, the illustrative Masterplan also includes an element of higher density mews style family houses and apartments, which could also be made available as affordable housing. Redrow state they wish to negotiate about the location, type and tenure of the affordable units.
161. The Council consider that 30% affordable housing should be provided on site. The applicants have not provided any robust evidence to suggest that this level of affordable housing is unviable on this site. The 2009 Strategic Housing Market Assessment (SHMA) estimated that there is an annual shortfall of 723 affordable properties a year Borough wide in Chorley, but it does not set out the levels of need in different settlements. However, it clearly indicates high levels of affordable housing need in the Borough as a whole. Therefore, it is considered important to seek 30% affordable housing on appropriate sites, which also accords with emerging Core Strategy Strategic Objective SO8 which aims to significantly increase the supply of affordable and special needs housing particularly in places of greatest need such as more rural areas.
162. If the application site were to be developed, the site would provide a significant proportion of the future housing supply for Whittle-le-Woods over the Core strategy period. As such, it is considered affordable housing should be provided on site in order to help deliver a sustainable mixed community, which is one of the Government's key strategic housing policy objectives, as highlighted in paragraph 9 of PPS3. The site provides a realistic opportunity for the provision of affordable housing, unlike on some smaller sites, which are below the current and proposed affordable housing delivery size threshold.
163. At the Clayton-le-Woods appeal the appellants offered 30% affordable housing on site, which was in line with the emerging Core Strategy requirement. The Inspector considered that there was a considerable undersupply and pressing need for affordable housing and the Secretary of State stated that the provision of 30% affordable housing was beneficial in the face of this need. Therefore, the provision of 30% affordable housing was a material consideration in favour of allowing the Clayton-le-Woods appeal.
164. Without 30% affordable housing being provided on site, then notwithstanding other policy issues, the site would fail to provide the affordable housing for which there is a need and undersupply at present. If the site was ultimately allocated through the LDF process it is possible that a greater percentage of affordable housing would be achieved from the site for which there is a known need.

Policy Conclusion

165. On basis of all the information preceding a balancing exercise needs to be done.
166. The proposal would be in breach of the Safeguarded Land policy DC3, however the Council acknowledge that this policy must be read in the context of other material considerations that may be more up to date.
167. In terms of whether the site should be released for housing PPS3 is more up to date than the Local Plan. Chorley has a five-year housing supply, however although the Council accepts that the proposal meets the first four criteria of paragraph 69 of PPS3 it is not considered that it meets the final criterion:
- Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and

does not undermine wider policy objectives e.g. addressing housing market renewal issues.

168. This is because although Whittle-le-Woods on a broad strategic level as location for some growth is acknowledged as a material consideration and given significant weight in decision making, there are other issues that are undecided that relate to broader planning objectives. These are how growth is to be distributed between the six ULSCs and which sites within Whittle-le-Woods will be allocated.
169. Although the appeal at Clayton-le-Woods in July 2011 relating to the development of Safeguarded Land for 300 houses is a material consideration this application, the application site is considered to have different characteristics and the settlement context is different to Clayton-le-Woods in terms of housing delivery. In Whittle-le-Woods the allocation site is not the only realistic site for any growth. In addition there have been changes in terms of the weight of local and national planning policy since the appeal decision.
170. The Council have a number of applications on Safeguarded Land sites under consideration and the release of this site would create a precedent in favour of releasing the other sites. The scale of housing that would cumulatively result from those sites is considered so significant that it would prejudice the LDF process and harm the plan objectives and spatial vision for the area contrary to Paragraph 69 of PPS3.
171. It is acknowledged that current government guidance (PPS3, para 72) states that LPAs should not solely refuse on prematurity grounds. However, members are asked to note that the Council is required to have regard to national guidance, and not to slavishly apply it, especially in the face of relevant material considerations; and that the weight to be applied is a matter for the decision maker.
172. In terms of Localism the Government's clear direction of travel is that decisions should be made at local level so supports the Council's LDF process so it is considered it carries significant weight in favour of refusing the application.
173. The draft NPPF has limited weight but it is considered Chorley's policy approach is in line with its aims as it talks about a balance approach to sustainable development (social, environmental and economic) and that it should be interpreted locally to meet local aspirations.
174. Therefore in relation to the principle of the development in terms of policy the application considered unacceptable.

Assessment of Details of Development

175. Access and Highways

A transport assessment (TA) and travel plan have been submitted with the application. In terms of general highway geometry LCC Highways are satisfied the two turning heads are of a suitable design to provide for the access points which are applied for in full at this stage. Although the comments of the Police Architectural Liaison Officer are noted in terms of restricting the number of access points, since the introduction of Manual for Streets (MfS) the guidance on how many dwellings should be accessed off a single point of access has changed and the current approach is that advice from the Local Fire Authority should be sought on a case-by-case basis. The Council consulted Lancashire Fire and Rescue Service and they advised that they do not object to the application however at any detailed plans stage provision should be made to ensure that the emergency services can gain access to the whole development from more than one entry point. LCC Highways envisage that a looped access road may need to be provided linking the two access points. This may be the case, however there are other design solutions that it may be possible to employ such as a link for emergency vehicles only. As the layout is only indicative at this stage it is considered that an acceptable internal layout can be achieved at any Reserved Matters stage both to ensure access for emergency vehicles and to ensure slow vehicle speeds are self enforcing if this application was permitted.

176. In terms of the impact on the junction with the A6/Preston Road, the Transport Assessment includes estimated potential traffic trip generation for the proposed development. The methodology used is accepted by LCC Highways. This anticipates the proposal will generate up to 125 vehicle trips during the peak am and pm periods and that this level of traffic generation will not impact on Preston Road/Royton Drive junction capacity. LCC Highways are satisfied that the development on the basis of the information provided that the development is unlikely to have material impact on the operation of the public highway network.
177. However, LCC Highways state that they understood that reference was made to the need for minor highway improvements at the Dunham Drive/Royton Drive junction to aid traffic movement, however the Transport Assessment does not include this. LCC have undertaken their own observations at this junction and noted that due to the current layout vehicles turning right from Dunham Drive into Royton Drive cut up vehicles waiting at the junction to turn right and continue along Royton Drive. Given the potential large number of additional vehicle movements through this junction over the course of the day, LCC Highways consider that the best solution to this would be to provide a mini-roundabout at the location as there is sufficient carriageway space to accommodate it. They advise this can be secured through a s278 agreement. The junction at present has no markings as to who has right of way so a mini roundabout would overcome this issue.
178. It is therefore considered that the two proposed access points from Dunham Drive are acceptable to access the proposed development as is the existing road network including the junction with the A6/ Preston Road subject to the above works. The Highways Agency has no objection to the application in terms of the wider trunk road network.
179. PPS1 and PPG13 as well as Local Plan policy TR4 encourage developments to be sustainable. This is in the sense that residents will have access to a range of local facilities and encourage the use of transport other than the private car. LCC Highways state that the accessibility questionnaire for the residential development site has returned a medium accessibility score which reflects the Sustainability Appraisal done as part of the Site Allocations Preferred Option Paper where it scored reasonably well and is given a banding of C (banding from A – E, with A indicating the most sustainable sites). The scoring has been redone in the light of the opening of Buckshaw Station, although it still remains a band C.
180. The Institute of Highways and Transportation gives guidance on walking distances to local services and states 400m is desirable, 800m is acceptable and 1200m is the preferred maximum. It states that suggested walking distance to bus stops is between 300m and 400m and that these should be direct, on desire lines and well lit and also suitable for people with mobility impairment. The Department for Transport Guidance on Inclusive Mobility also recommends that in residential areas bus stop should be located ideally so that nobody in the neighbourhood is required to walk more than 400m from their home.
181. LCC Highways acknowledge that the existing Redrow estate is not entered by a bus and therefore the proposal will be reliant on existing services, stops for which are located on the A6 Preston Road. Residents of the proposed development would need to either walk south on to Dunham Drive to access the Preston Road or northwards to Ladycrosse Drive and onwards to Preston Road. In either direction the walking distance is approximately 650m from the centre of the site, but up to 800m from the furthest part of the site. The site would therefore be acceptable in terms of walking to local services, but is less sustainable for the use of public transport.
182. As part of the development it is proposed to upgrade the designated public right of way (Footpath 44) which currently runs across the centre of the site from Lucas Lane to Lady Crosse Drive to cycleway standard. This is considered favourably as it will improve the connectivity of the site with the adjacent neighbourhood. LCC Highways have stated that the full length of the works can be done through a s38 agreement with the developer.
183. An Interim Framework Travel Plan has been submitted with the planning application and the LCC Travel Plans Officer has commented on it. Initially they had concerns about it, but a

revised one has been submitted which they are happy to accept it subject to the development of a Full Travel Plan in line with this Interim document is made a condition of any planning approval and a contribution to enable Lancashire County Council Travel Planning team to provide a range of services to implement it.

184. To improve sustainability further LCC Highways request contributions from the developer through a s106 agreement for:
 - £16,000 Bus stops (improvements to two existing bus stops on Preston Road/A6)
 - £50,000 Transport Contributions (to promote and encourage enhanced public transport and make the development more sustainable from a point of encouraging walking and bus travel)
 - £6,000 Travel Plan implementation
185. They have also requested cycle ways on the A6 Provide cycle path on the east side of the A6 from Royton Drive to Buckshaw Avenue to link with a future cycle path along the A6 from Buckshaw Avenue to the Hartwood Roundabout and the Buckshaw employment area, which can be secured through a s278 agreement. These are in addition to upgrading the footpath across the site discussed above. The developer has agreed to these contributions.
186. Overall, the access points to the development and impact on the existing road network are considered acceptable subject to a mini-roundabout being secured at the junction of Royton Drive and Dunham Drive. It is considered an acceptable road layout could be achieved at any Reserved Matters stage. The site has a medium accessibility and sustainability score with the main issue being the walking distance to public transport facilities. LCC Highways have requested contributions to improve the sites sustainability through a range of measures, which the developer has agreed to and can be secured through a s106 agreement. Other aspects can be secured through a s38 of s278 agreement. The application is therefore considered acceptable in terms of access and highways
187. Ecology
LCC Ecology advise that the application site itself appears to be of relatively low biodiversity value and the illustrative Masterplan indicates that existing features such as hedgerows, trees, ponds etc. are to be retained as part of the development proposals, and therefore the development is unlikely to result in any direct significant impacts on biodiversity.
188. The BHS, Lucas Lane Pastures (BHS52SE07), is outside the application site but lies immediately adjacent to the application boundary to the north east on part of the land that slopes down towards Lucas Lane and Town Lane (the BHS is within the blue edge but outside the application site). The BHS is important for its species-rich grassland habitats and flushes.
189. An Ecological Assessment report has been submitted with the application and does propose some recommendations for mitigation to the BHS such as protection from recreational disturbance and dog walking by fencing and the creation of a species-rich hedgerow between the development and the BHS, which LCC Ecology agree is vital to prevent recreational disturbance and are appropriate, providing they are not within the BHS but form part of a buffer zone at the boundary of the development site. This could be secured by a planning condition requesting details to be submitted with any reserved matters application.
190. LCC Ecology originally considered that it had not been adequately demonstrated that the biodiversity value of the BHS would be maintained and there does not seem to be any guarantee that biodiversity and a site of importance at the County level will not be further degraded as a result of the development. The Wildlife Trust for Lancashire, Manchester & North Merseyside although not a statutory consultee have also objected to the application because of uncertainty about the retention of, or mitigation for likely impacts on the BHS.
191. The impacts on the BHS would be indirect, as the development will take place adjacent to it. The County Ecologist has advised that a commitment would be needed to managing the

site as the applicant's ecologist has indicated that the BHS is currently deteriorating, and that the development proposals are likely to have further impact on the biodiversity value of the site and the development will reduce the area of grazing land such that the BHS may no longer form part of a viable management unit – leading either to its abandonment or overgrazing.

192. Redrow have proposed a condition requiring a detailed habitat management plan for the Biological Heritage Site to be submitted that will provide for appropriate management measures to maintain and enhance the biodiversity value of the Biological Heritage Site (management of recreational pressure and mechanisms for detailed monitoring of vegetation, reporting and review). This has been forwarded to the County Ecologist considers and further information on this will be placed on the addendum. Subject to an acceptable condition being agreed with County Ecologist the application is considered acceptable in relation to the BHS.
193. According to the ecology report, mature trees within the application area are potentially suitable to support roosting bats. The illustrative Masterplan appears to indicate that potential roosting and foraging/commuting habitat (i.e. trees, hedgerows, watercourses and ponds) would be retained as part of the development proposals and the development should not therefore result in any adverse impacts on bats. However, if any mature trees do need to be removed to facilitate development, then Natural England and LCC Ecology advise full surveys for bats should be carried out prior to determination of the application. If any bat roosts would be affected, mitigation proposals should also be submitted for approval prior to determination. The applicants have advised that they wish to keep as many trees as possible to enhance any development on the site, however the Council's Arboricultural Officer advises that three trees may need to come out. The applicant advises that they are doing further investigation of the trees at the access points to see if they contain features that may support bats to see if mitigation measures need to be submitted or not. Further information will be placed on the addendum.
194. According to the ecology report, the site is used by several Species of Principal Importance, including house sparrow, dunnock, song thrush and starling although it is not clear whether these species are breeding within the application area however, as the surveys were not carried out during the breeding season. However, impacts on nesting birds will clearly need to be avoided during works, in order to avoid offences under the Wildlife and Countryside Act 1981 (as amended), this can be controlled by a planning condition.
195. LCC Ecology advises that in order to comply with the requirements of PPS9, local planning authorities should ensure that Species of Principal Importance and their habitats are protected from the adverse impacts of development. The illustrative Masterplan appears to indicate that sufficient habitat can be retained/enhanced to provide habitat for bird species characteristic of this area. A landscaping scheme for the site should further consider the habitat requirements of protected and priority species. This can also be controlled by a planning condition.
196. The loss of hedgerows and tree lines would result in a loss of priority habitat. The ecology report recommends retention of hedgerows and enhancement through replanting with appropriate native species or the creation of replacement hedgerows to compensate for losses. The County Ecologist considers these proposals are appropriate and can be addressed by any landscaping scheme condition for the site.
197. There is a pond on the site on the west boundary, the ecology report notes that this is a priority pond, and should be enhanced for wildlife as part of the development proposals. The Masterplan indicates retention of the pond, and also that habitat connectivity to the pond would be retained. Retention and enhancement of the pond area is appropriate and can be dealt with as part of the landscaping proposals, but would need to be informed by a thorough pond survey to establish current biodiversity value and appropriate enhancement measures. This could also be dealt with by planning condition.
198. In terms of trees planning policy encourages the retention of ancient and/or veteran trees as part of planning proposals, due to the importance of such trees for biodiversity.

Information submitted by the applicant suggests that at least some of the mature trees associated with this application area support features characteristic of veteran trees (e.g. dead wood in the canopy, rot holes and cavities). LCC Ecologist advise it would therefore be appropriate to ensure that where possible all mature trees (which are obviously the ancient trees of the future, if they are given a chance) are retained or appropriately and adequately replaced. A Tree Preservation Order has been placed on the trees on the site (TPO 19 Whittle-le-Woods 2011). The issue of tree removal is discussed below.

199. With regard to Great Crested Newts Natural England advise that the Council can accept the findings of the ecological report and consider requesting biodiversity enhancements for great crested newts (for example creation of new water bodies and suitable terrestrial habitat). In terms of other species (badgers, barn owls, water voles and white-clawed crayfish) the Council has used Natural England's standing advice which recommends that the Council accepts the ecology report submitted with the application but consider requiring biodiversity enhancements. Biodiversity enhancements can form part of a landscaping condition.

200. The application is therefore considered acceptable in relation to ecology subject to conditions and the outstanding issue in relation to bats being resolved.

201. Trees

Further information was requested by the Council in relation to the trees close the access points which are covered by TPO 7 (Whittle-le-Woods) 1996. Further information has been submitted that three trees along the southern site boundary between existing housing and the proposed development site are required for removal in order to facilitate site access. These are all within Group 11 of the Tree Survey accompanying the application:

- T19 (Oak) - close to the existing footway on Wardle Court
- T20 (Sycamore) – close to the existing footway from Wardle Court
- T28 (Oak)

202. The loss of three trees to facilitate the access is as advised by the Council's Arboricultural Officer. The applicant is proposing to replace these with semi-mature specimens at a ratio of 2:1. Whilst the loss of three trees is undesirable, where it is unavoidable replacement is supported by Local Plan policy EP9 and is therefore considered acceptable.

203. Layout, Design and Appearance

The application is an outline application, with the access points only being applied for in full. However, a certain amount of information is required to be submitted with the application as the Council need to be satisfied that the number of dwellings applied for can be accommodated on the site at Reserved Matters stage if any outline permission is granted. An illustrative Masterplan has been provided along with scale parameters and an indication of the type of housing envisaged in the Design and Access Statement.

204. The Council's Policy and Urban Design Team have made initial comments in terms of points that would need to be taken account of when any detailed design and site layout is being considered to provide overlooking from the residential properties to the public amenity spaces and the retained footpath to ensure that these are safe places, both perceived and actual. They question if more footpaths and cycle ways could be introduced to aid permeability and reduce reliance on vehicular transport and whether individual house designs would offer cycle storage facilities. In terms of the indicative Masterplan they state the green linkage corridors are welcomed, but care will need to be taken to ensure that they really are green, as many could become hard surfacing for vehicular access and parking. Plot relationships need to be carefully considered to avoid principal elevations from facing blank side ones. In terms of parking provision care will be needed to avoid producing a sea of vehicles from dominating the streetscene and parking courts must be overlooked and therefore feel like safe places to be. As this is an elevated site that overlooks the surrounding areas in all directions care will be required when deciding on the proposed height of buildings so avoid overlooking and overbearance, particularly for the nearest existing properties but especially so for the nearest heritage asset, Lucas Green.

205. The indicative scheme is designed around the existing landscape features including the Public Right of Way that crosses the site, existing trees and pond. It is advised by the applicant it would follow a similar concept as the existing Redrow estate to the south with mainly large detached properties but some smaller areas of higher density where a more formal street pattern would be employed. The scale of the properties would be predominantly two-storey 8-12m high with sparing use of some two-and-a-half story to add variety and interest up to 13.5m high. Any apartments would be two-storey. The scale parameters are considered acceptable and in keeping with the existing properties on the surrounding land which are mainly two-storey but also have some two-and-a-half story and some three-storey apartments. The applicant advises the development would likely consist of dwelling types from Redrow's New Heritage Collection. These properties are traditional looking homes with design elements influenced by the Arts and Crafts era therefore having the character of an older period style property. This would be in keeping with the existing properties on Dunham Drive and the surrounding estates. The area to the north in the blue edge of the application would be kept as open space.
206. The site has significant level differences across it. The central part of the site is relatively flat but it falls away to a ditch to the west and Lucas Lane to the east. To the north there is a greater drop towards Town Lane, with wide views of the site particularly from the north. It is considered that any reserved matters application would need to carefully consider views of the site from the north and Lucas Lane, to avoid a development that 'turns its back on' and therefore does not integrate with, its surroundings. The relationship with the existing properties particularly to the west of the site where the land drops away to a ditch is also considered important if an acceptable relationship is going to be achieved in terms of neighbour amenity. Cross-sections of the site using the illustrative Masterplan and further information were requested by the Council and provided by the applicant as part of the application process. In light of this information it is considered an acceptable relationship can be achieved with the existing properties but that this may not be in the form of a simple back to back relationship along the western boundary without any mitigation in between. Although the existing and proposed properties would have similar floor levels the land drops away to the ditch in-between any plots along this boundary would need to be designed to avoid open views into each others gardens.
207. The density of the site is relatively low at approximately 19 dwellings per hectare, which is considered appropriate in terms of being in keeping with the surrounding development but would also allow for more flexibility at any detailed design stage in terms of the layout of the dwellings.
208. In light of the above it is considered that an acceptable layout, design and appearance could be achieved satisfactorily at any reserved matters stage for up to 135 dwellings.

Flood Risk

209. A Flood Risk Assessment (FRA) has been submitted with the application as required for sites over 1hectare. The site is in Flood Zone 1 (zone 1 being the lowest of three) where the risk of flooding from rivers and seas is believed to be low.
210. PPS25 Development and Flood Risk is the national planning policy on this subject. It applies two tests: the Sequential Test and the Exception Test. The Sequential Test states that preference should be given to locating new development in Flood Zone 1 (which this site is). The Exception Test is only applied when development cannot be located in the lower zones of flooding, and therefore does not need to be applied here.
211. The Environment Agency originally objected to the application as they didn't agree with the calculated greenfield runoff rate for the site. They have since however discussed their concerns with AMEC who prepared the Flood Risk Assessment submitted with the application and agreed that further investigations to determine an agreed greenfield run-off rate should be undertaken, but this could be conditioned as part of any subsequent approval. They have therefore withdrawn their objection but suggest a condition to be imposed on any permission requiring a surface water drainage scheme for the site, based on sustainable

drainage principles and an assessment of the hydrological and hydrogeological context of the development, to be submitted to and approved in writing by the Local Planning Authority before any development is commenced.

212. They require that the condition shall include a review of the Greenfield run-off rate identified in the Flood Risk Assessment & Detailed Drainage Strategy by AMEC Environment & Infrastructure UK Ltd (dated October 2011; Report ref: 11437i1) and details of how the drainage scheme shall be maintained and managed after completion and that the scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
213. Flooding on Town Lane is an issue raised by a large number of local residents. The Environment Agency require that surface water run-off from the development is restricted to existing Greenfield rates and that this can be achieved from the use of Sustainable Drainage Systems and this can be controlled through a condition to prevent an increased risk of flooding. Subject to conditions the proposal is therefore considered acceptable in relation to PPS25.

Drainage

214. Surface water runoff will be restricted to the existing Greenfield run-off rates and will be managed by a Sustainable Urban Drainage System on site by a network of swales and infiltration strips and permeable paving within the site. Any residual surface water would drain off via existing watercourses to the public sewer network as long as flows are restricted to the existing Greenfield run-off rate so as not to increase flooding downstream. Full details of surface water runoff system can be controlled by condition as sufficient information has been provided to show this can be achieved.
215. The anticipated foul flow from the development is 6.5 l/s. There is a combined public sewer running adjacent to Town Lane. The applicant expect that there is sufficient capacity in this to take the development, there are also several other possible points of connection available.
216. United Utilities have been consulted on the application and initially had no objection to the proposal in principle but stated they are currently upgrading Walton-le-Dale Wastewater Treatment Works [where the site would ultimately discharge] to increase treatment capacity. These improvements are expected to be in service by the end of 2014. They would not object to the application on condition that there is no significant occupation of the site before spring of 2015.
217. Following these comments the applicant was asked to provide a timescale and likely build out rate of the site if the application were to be permitted. They advised that the earliest the site will start is the beginning of 2013, given the need to secure Reserved Matters approval and acquire the land. They advised is unlikely the site would achieve full production in the first year, due to road/sewer construction and site set-up etc. and it is estimated that there might be 50-60 completions by spring 2015.
218. United Utilities were provided with this information and the Council asked them to clarify their original comments in relation to what they considered to be 'significant' occupation of the site. They have made further comments and have agreed to accept the foul flow only for 60 domestic units prior to the planned upgrade works at Walton-le-Dale Waste Water Transfer Station in spring 2015. They therefore request a condition that no more than 60 units shall be occupied before spring 2015 when the planned upgrade to Walton-le-Dale wastewater treatment works has been completed and that the applicant must agree a build rate/programme of works prior to commencing construction.
219. This can be controlled by condition and therefore the application is considered acceptable in this respect.

Open Space

220. The Council has Interim Planning Guidelines for New Equipped Plan Areas Associated with Housing Developments, this states on sites of over 100 dwellings provision will normally be on site.
221. Although the application is in outline, it is proposed that on-site play space would be provided with details determined at any reserved matters stage. The Council's standards require this to be 0.08ha based on the size of the development. Overall, the applicant is proposing 1.44ha of open space would be created on site which includes a large area of open space at the northern tip of the site and the corridor of green space down the north-south axis.
222. The Parks and Open Spaces Manager states that they would like to see any equipped space provided centrally, alongside main footpaths and, ideally, lit. Surrounding properties should have a clear view of the play area and afford users the feeling of natural surveillance. It is possible to locate the play area alongside vehicle routes so long as robust barriers are in place to prevent children running in to the road or vehicles entering the play area as a result of speeding/icy surfaces. Such details can be considered at any Reserved Matters stage. They are in favour of the informal Play Space/Public Open Space as they believe that it will encourage young people to come out and play.
223. In terms of playing pitch provision the Interim Planning Guidelines require a contribution of £868 per dwelling for sports pitch provision, which would equate to £117,180 on this site. The Parks and Open Spaces Manager states there is no apparent need for a formal playing pitch to be provided, as there is reasonable provision within the vicinity. With the amount of informal public open space being provided there seems sufficient space for informal "kickabouts" for local children – without attracting people from other estates and encouraging parking issues. However it would be beneficial to secure a contribution towards the upkeep and improvement of pitches off-site as qualitative improvements need to be made to the nearest pitches at Westway through an engineered drainage network to service the pitches including soil treatments to further enhance water run-off/absorption. This has been priced at between £115-120,000. If members were minded to approve this application this could be secured through a Section 106 agreement.
224. In terms of adoption/maintenance, given the hydrological network, mature trees, hedgerow and BHS within the site they feel that the nature of the maintenance required may be excessive to the Council and therefore suggest that the site is not put forward to the Council for adoption. Provision for the long-term maintenance can be provided by a s106 Agreement rather than transferred to the Council.
225. Community Facilities
The School Planning Team at Lancashire County Council state there is projected to be sufficient school places in five years in the area to accommodate the development. They do not therefore require an education contribution on this occasion and the proposal is therefore considered acceptable in this respect.
226. In terms of health care there is a shortage of GP places at the present time however the new Buckshaw Village Surgery is due to open in December 2012 which will cater for up to 10,000 patients. Given the likely timescale of the development and that the proposal new surgery will be open before the proposed houses are occupied the PCT advise they are satisfied that once this is constructed that there will be sufficient capacity within in the area to serve the growth in population.
227. Sustainable Resources
The Council has an adopted DPD, Policy SR1 of which cover Incorporating Sustainable Resources into New Development, which requires all new dwellings to meet Level 3 of the Code for Sustainable Homes by 2010, Level 4 by 2013 and Level 6 by 2016, as well as meeting sustainability criteria. The applicants have provided information to demonstrate how they intend to comply with this policy. Any permission can therefore be conditioned to ensure it meets the requirement of this policy.

228. Public Footpath

The comments of The Ramblers Association are noted in terms of the loss of the green fields that surround this public right of way. That the public right of way which crosses the site is proposed to be retained and upgraded to a bridleway (which would allow cyclists to use it) as part of the proposals is looked upon favourably along with that it will form a focal point for the design of the layout rather than the development turning its back on it. The Ramblers Association do note this and consider it preferable to tarmac estate roads if the application is approved.

229. Pillbox and nearby locally important buildings

The application site is located to the north and North West of two heritage assets (and contains within it a third heritage asset). These are Lucas Green and Lucas House (which are both identified in the Chorley Council List of Locally Important Buildings) and World War II anti aircraft gun mounting and Pillbox/ammunition store, recorded on the Lancashire County Council Historic Environment Record (HER).

230. This application is therefore judged on the basis of policies HE6, 7 & 8 of PPS5. In short this equates to an assessment of the potential impact of the proposed development upon the significance of those heritage assets.

231. Lucas Green is a modernist styled 1960s flat roofed bungalow set in a large plot. The success of this relationship will depend upon the proposed height of buildings in this part of the application site, which will be determined when the reserved matters application is submitted.

232. Lucas House is an 18th Century stone cottage located on the southern side of Lucas Lane, to the south east of the application site and south east of Lucas Green. Given the separation distance between Lucas House and the application site, plus the position of other buildings in between, it is their opinion that the significance of this heritage asset will be sustained if proposed development were to be constructed.

233. The Conservation Officer states they have read the Heritage Statement produced by Turley Associates [in relation to the anti aircraft gun mounting and Pillbox/ammunition store] and can confirm that they are in agreement with its contents. The report meets the requirements of PPS5, but they wish to be clear the proposed building recording (PPS5, Policy HE12) must include the whole of the heritage asset as defined in the Lancashire County Council Historic Environment Record, the extract of which is included in Appendix 1 of the report, which includes the gun mounting as well as the 'pillbox'.

234. The Council's Conservation Officer considers an acceptable relationship can be achieved with Lucas Green at any Reserved Matters State and in terms of Lucas House given the separation distance between it and the application site, plus the position of other buildings in between, the significance of this heritage asset will be sustained if proposed development were to be constructed.

235. In terms of the anti aircraft gun mounting and Pillbox/ammunition store which it is intended to remove, the applicant has provided a Heritage Statement with which the Conservation Officer agrees and he considers meets the requirements of PPS5. The Conservation Officer and LCC Archaeology request a condition to record the feature before its removal. As a result of the Heritage Statement and the low significance of the heritage asset the Conservation Officer recommends that this need only be a basic photographic record together with limited desk top research but must include the whole of the heritage asset as defined in the Lancashire County Council Historic Environment Record, the extract of which is included in Appendix 1 of the report, which includes the gun mounting as well as the 'pillbox'.

236. Due to the low significance of the heritage asset and that it is not listed or locally listed it is not considered that the Council could require its retention or refuse planning permission on these grounds. However, the case officer has discussed the matter with the developer to see if they could incorporate something into any development, either through retention of a small part of it or a board or similar acknowledging it was there. Although the Council cannot insist

on this the request has been put to the developer to see if it could be incorporated in any reserved matters application.

237. Existing Play Area

There is an existing play area in what is currently a cul-de-sac on Dunham Drive, however this is surrounded by a fence so is not open to the road to prevent children running out in front of vehicles if the road became an access point to the proposed development and is considered acceptable.

238. Coal

The Coal Authority has recently re-assessed the public safety risks associated with coal and coal workings. They have defined specific 'Coal Mining Development Referral Areas'. These are areas, based upon Coal Authority records, where the potential land stability and other safety risks associated with former coal mining activities are likely to be greatest. The site is not in a coal mining area that requires a Coal Mining Risk Assessment to be submitted. The Coal Authority only requires their Standing Advice to be applied as an informative note on any permission granted.

239. Masterplan

The site is shown in the proposed Site Applications Preferred Options Paper as a part of a wider proposed allocation known as Land off Moss Lane HS1.44. Policy HS1 also states that the Council will require a Masterplan or development brief. Redrow have objected to this as part of the Site Allocation process. Although the application site forms part of a wider proposed allocation it is a largely distinct parcel, being separated by Lucas Lane and Town Lane. It is not therefore considered that this could be supported as a reason for refusal.

240. Section 106 Agreement

If the application were approved a number of things would need to be secured by a Section 106 Agreement:

- Open space and equipped play space provision and their future maintenance;
- Maintenance of BHS;
- Contribution towards playing pitches;
- Affordable housing provision;
- Contributions towards bus stops, transport contributions and a travel plan

241. Works needed to be done under Section 278 and Section 38 agreements would be entered into directly with Lancashire County Council but the timing of those works would need to be controlled by a planning condition applied to any permission.

242. Response to Neighbour points/RAG

The developer undertook pre-application consultation during the consultation period for the LDF Site Allocations & Development Management DPD. Comments received were recorded against the LDF, and all persons received neighbour notification letters once an application was received.

243. In terms of objection points by the RAG on Neighbourhood Development Plans (NDPs), members should note that regulations pertaining to NDPs have not yet been issued, and it would not be a legitimate reason for refusal of this application.

244. **Overall Conclusion**

It has been established that the principle of the development is considered unacceptable in relation to current and emerging policy weighed against other material considerations. It is acknowledged that current government guidance (PPS3, para 72) states that LPAs should not solely refuse on prematurity grounds. However, members are asked to note that the Council is required to have regard to national guidance and not to slavishly apply it,

especially in the face of relevant material considerations; and that the weight to be applied is a matter for the decision maker.

245. In terms of the site specific and technical aspects of the proposal the application is considered acceptable subject to appropriate conditions and a Section 106 Agreement.

246. The application is therefore recommended for refusal on the principle of the development being unacceptable.

247. **Other Matters**

Public Consultation The developer undertook public consultation on the proposal at the same time as Council was consulting on the Site Allocation Preferred Options Stage. Objections were received to this prior to the submission of the application. Comments to the preferred options stage have also therefore been taken into account when considering this application.

248. Planning Policies - Are referred to in the main body of the report.

249. Planning History – A Screening Opinion has been issued by the Council (ref: 11/00795/SCE), confirming that an Environmental Impact Assessment is not required.

**Recommendation: Refuse Full Planning Permission
Reasons**

1. With reference to:

- **Planning System General Principles;**
- **National Planning Guidance, including PPS1, PPS2, PPS3, PPS4 & PPS12;**
- **The Development plan, including policy DC3 (GN1 – Coppull) of the Chorley Local Plan Review;**
- **Central Lancashire Core Strategy;**
- **Chorley Site Allocations & Development Management (SADM) DPD (preferred option)**
- **Other material considerations as detailed within the report to the Development Control Committee;**

The Central Lancashire Core Strategy identifies some growth across six Urban Local Service Centres, and is currently at examination stage. The Chorley SADM DPD identifies sites that could accommodate a level of growth, together with a phasing policy and is at preferred options stage. . The level of growth and the sites to be allocated to support that growth are matters to be determined by the SADM DPD, and there are representations on this site in favour and against, and representations about other sites that may also have the potential to support a level of growth.

The Council has a five year housing supply, and there is no need to favourably consider this application as per paragraph 71 of PPS3. This application is one of a number of applications on Safeguarded Land that if approved, would set a precedent, and the cumulative effect would be so significant that granting permission would individually and cumulatively undermine the spatial vision, aims, and objectives of existing and proposed plans that are and will form the Development Plan.

Due to the current and previous growth within Whittle le Woods, there is not an urgent need to increase growth and there are a significant number of sites that could deliver the level of growth that will be determined by the SADM DPD process. This site has been assessed as having a sustainability score of C, that when compared to the existing, proposed and potential sites within Whittle le Woods is not any more

sustainable than the other options and there is not a more urgent case to deliver growth over the Central Lancashire Core Strategy area. This site and this location does not represent an urgently needed solution or the most sustainable location to deliver growth, the level of which has not been determined.

Delivery of sustainable development includes not only site specific criteria, but also wider benefits to support the required infrastructure to support the spatial vision, aims and objectives of the plan and to achieve sustainable development. The infrastructure delivery schedules within Chorley and Central Lancashire detail infrastructure projects that arise in order to meet the overall spatial vision, aims and objectives of the Core Strategy and so achieve sustainable development.