

Item 4c **11/00941/FULMAJ**

Case Officer **Mrs Nicola Hopkins**

Ward **Clayton-le-Woods West And Cuerden**

Proposal **Planning Application for 52 bungalow style park homes for older people (over 55s) and associated development including replacement community building, bowling green, allotments, pavilion/equipment store, activity trail, balancing ponds, access arrangements and internal roads, footpaths and landscaping**

Location **Land Adjoining Cuerden Residential Park Nell Lane Cuerden Lancashire**

Applicant **Campbells Park Homes**

Consultation expiry: **7 December 2011**

Application expiry: **7 February 2012**

Proposal

1. This application relates to an extension to the existing residential park at Cuerden. The proposals include the erection of 52 bungalow style park homes for older people, a replacement community building, bowling green, allotments, pavilion/equipment store and an activity trail.
2. The proposals also incorporate new access arrangements, internal roads, footpath routes, landscaping and balancing ponds.
3. The existing site is accessed via Nell Lane and accommodates 180 caravan units with an average age of residents of 75. The application site covers 3.3 hectares.

Recommendation

4. It is recommended that this application is refused.

Main Issues

5. The main issues for consideration in respect of this planning application are:
 - 1) Principle Of The Development
 - 2) Affordable Housing/ Special Needs Housing
 - 3) Details Of The Development, including:
 - Housing Development
 - Density
 - Levels
 - Impact on the neighbours
 - Proposed Community Building
 - Open Space and Proposed Pavilion
 - Other elements of the Proposal
 - Trees and Landscape
 - Ecology
 - Flood Risk
 - Traffic and Transport
 - Crime and Safety
 - 4) Overall Conclusion

Representations

6. 2 letters of objection have been received raising the following concerns:
 - The land is currently safeguarded land until the LDF is adopted. Any planning applications should be rejected until after the LDF is reviewed and adopted.
 - The application is premature and should not be granted
 - The roads cannot cope with additional development
 - Result in a significant loss of farmland and wildlife.

7. 117 letters of support have been received
8. **Clayton le Woods Parish Council** have no comments to make
9. **Cuerden Parish Council** have no objection other than the serious top water issue must be resolved during the ground work stage of the development.
10. 1 letter has been received not objecting to the proposals but querying about a grid repair which has been promised to be done since June 2011. This concern has been forwarded to the agent for the application.
11. **1 letter** has been received not objecting to the application but raising the following concerns:
 - We broadly support the application and consider it to be a much better proposal than the other unwelcome proposed development off Wigan Road, Clayton-le-Woods by Fox Land and Property.
 - However there has been an on-going problem with excess surface water over loading the drainage system and causing flooding of the highway at the bottom of Nell Lane immediately outside our property.
 - We note that the application includes balancing ponds that will hold surface water during storm events and this should help alleviate the problem.
 - However the development on this land will reduce the amount of area for the surface water to soak away into and will instead channel it to the balancing ponds. I would ask the planning committee to ensure that adequate surface water drainage is included, within the application plans, so that it does not end up on Nell Lane.
12. **1 letter** has been received raising the following comments:
 - The 10mph speed limit needs to be enforced
 - Parking on the roads causes access issues

Consultations

13. **Planning Policy** have commented on the application which is addressed within the body of the reports. The comments make the following conclusions:
 - The site is allocated as a preferred mixed use (housing and employment) allocation in the Site Allocations and Development Management Policies DPD Preferred Option paper, therefore the principle of development at this location is accepted. However, the DPD is at an early stage of preparation and this allocation received a large number of objections. Growth in the Borough should be properly planned through the DPD process. Granting planning permission would prevent decisions being made through the LDF and without full public consultation on all options.
 - The amount of land allocated for housing in Clayton-le-Woods is by no means certain. The Core Strategy does not specify how the predicted housing requirement for the Urban Local Service Centres should be distributed. This is a decision to be made as part of the preparation of the Site Allocations DPD.
 - Chorley Council has a five year housing supply therefore there is no additional presumption to consider this proposal favourably in accordance with Paragraph 71 of PPS3. There is also active housebuilding currently taking place in Clayton-le-Woods with 22 dwellings completed in Clayton-le-Woods between April 2010 and October 2011. A further 17 dwellings have full planning permission and 300 dwellings have outline planning permission.
 - At the recent appeal decision the main material consideration was that the growth provisions in the Core Strategy for Urban Local Service Centres indicate a current need for additional housing in Clayton-le-Woods and waiting for adoption of the Core Strategy would risk not meeting its growth targets. This site is also considered to be the only possible location for achieving the proposed growth in Clayton-le-Woods. It can now be argued that the granting of outline planning permission at appeal for 300 houses on this area of Safeguarded Land will help achieve the growth targets within the Core Strategy, therefore this is no longer a material consideration that outweighs the breach of Policy DC3.
14. **The Environment Agency** initially objected to the proposals on flood risk grounds and lack of details of the proposed method of foul drainage. However following the receipt of additional information the Environment Agency have withdrawn their objection subject to various conditions.
15. **The Architectural Design and Crime Reduction Advisor** has commented that this is a low crime area.

16. **United Utilities** initially objected to the application however they have withdrawn this objection subject to various conditions.
17. **Lancashire County Council (Highways)** have no overriding highway objection to the proposed development subject to various conditions.
18. **Chorley's Waste & Contaminated Land Officer** has no objection subject to various conditions although he initially has raised concerns about waste collection. Following the receipt of tracking plans the officer has no objections concerning waste storage and collection.
19. **Lancashire County Council (Planning Contributions)** have requested £ 24,360 towards Waste Management

Applicants Case

20. The agent for the application has made the following statements in support of the application:
 - The development will provide much needed living accommodation and support for older persons within Chorley in a tranquil community setting which has been designed to best cater for their needs and can assist in improving their quality of life.
 - The proposed development is located adjacent to the existing residential park and is in close proximity to the nearby major settlements of Chorley and Leyland.
 - The park will offer enhanced amenity for the existing park residents including new footways, street lighting and additional landscaping and safe, secure and supported living accommodation for both the existing and proposed residents of the development.”
 - As a result of the content of the Preferred Strategy Site Allocations Development Plan Document, as well as other recent appeal decisions and significant material considerations that the development subject of this application has addressed the previous reasons for refusal.
 - The development is consistent with the provisions of PPS1 – Delivering Sustainable Development, PPS3 - Housing, PPS9 - Biodiversity and Geological Conservation, PPG13- Transport and PPS25 - Development and Flood Risk.
 - The proposed development is felt to support and promote the provisions and policies of the draft national planning policy framework through:
 - delivering the homes that the local community need and the type of housing that older people actually want;
 - promoting strong, vibrant and healthy communities;
 - reflecting the needs of older people and supporting health and well being;
 - facilitating social interaction and inclusive communities;
 - providing enhanced and additional community facilities and protecting existing on site services;
 - facilitating access to quality open/recreational space and opportunities for sport and recreation
 - The development subject of this application is deemed to be compliant with the principles of the adopted local plan. Whilst the development is contrary to the provisions of Policy DC3 the application will assist the local authority to meet an identified housing need, which is supported within Policy HS17, in a sustainable location and on a site well suited to this use. The development will secure significant enhancement of the existing park and will improve the local area with substantial landscaping and on site improvements to attract and enhance biodiversity.
 - The proposed development secures the provision of housing for older people which is recognised within the Core Strategy as being a strategic objective. Furthermore, the application will facilitate housing for older people within an area allocated within the evolving policy as being suitable for this use (Site Allocations – Preferred Strategy). Whilst the Core Strategy remains in a period of flux given the comments made by the Inspector at the Hearings in July 2011, the document clearly identifies meeting the needs of an ageing population as being a key issue to be addressed and appropriate weight should be attached to this need and the allocations outlined in the Preferred Strategy Site Allocations Consultation Report when assessing the merits of this application.
 - In evaluating this development we have had regard to the identified housing need for older persons outlined within the Strategic Housing market Assessment.
 - Given that the criterion set out in Policies HS4 and HS17 are met alongside the significant material considerations which weigh in favour of the grant of consent there is a legitimate expectation, based on Section 70(2) of the Town and Country Planning Act 1990, Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 10 of PPS1 that the proposed development will be permitted, even when accepting that the development falls

contrary to the provisions of Policy DC3. The matter of other material considerations are dealt with in Section 10.

- Section 70(2) of the 1990 Act deals with determination of applications: general considerations requires that the authority in dealing with the application shall have regard to the provisions of the development plan, so far as material to the application and to any other material considerations. We have evaluated the following material considerations, namely:
 - Effect on neighbouring properties:
 - Visual amenity:
 - Design:
 - Government (non-planning policy):
 - Appeal decisions;
 - Sustainable Development:
- Whether a consideration is material is a matter for the courts; the weight to be accorded to a material consideration is a matter for the decision-maker. None of the material considerations, taken individually, have dis-benefits which cannot be addressed or mitigated. However, collectively the other material considerations are over-whelming in favour of the development. The so-called "overall-advantage" involves the weighing of often disparate planning considerations; in this instance the advantages significantly outweigh the disadvantages.
- The applicant's supporting statement considers that the development cannot be deemed premature given the recent appeal decision at Wigan Road, the comments of the Inspector at the recent Core Strategy hearings and the proposals laid out with the evolving Site Allocations DPD which support the development of this site for housing.

POLICY BACKGROUND

The Development Plan

21. This application will be determined in accordance with the development plan, unless material considerations indicate otherwise (s.38 (6) Planning and Compulsory Purchase Act (2004)).
22. The Development Plan for Chorley currently consists of the Adopted Chorley Borough Local Plan Review, the North West Regional Strategy and the Sustainable Resources DPD. On 6th July 2010 the Secretary of State for the Department of Communities and Local Government revoked Regional Strategies, including the Regional Strategy for North West England. However, on 10th November 2010 the decision to revoke the Regional Strategy was found unlawful at the High Court.
23. 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.
24. 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.
25. The Chorley Local Plan Review was adopted in August 2003. It was saved in September 2007 and (applying principles contained in PPS12, especially section 9), in deciding to "save" policies, the Secretary of State would have had regard to consistency with extant national policy (including PPG2).

North West Regional Strategy

26. The following policies are of relevance to this proposal.
 - **Policy DP1 – Spatial Principles:** This policy outlines broad spatial sustainability principles that should be adhered to.
 - **Policy DP2 – Promote Sustainable Communities:** This policy sets out principles that should be followed to create sustainable communities.
 - **Policy DP4 – Make the Best Use of Existing Resources and Infrastructure:** This policy seeks to make the best use of existing infrastructure.
 - **Policy DP5 – Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility:** This policy seeks to ensure that development is located so as to reduce the need to travel and that there should be safe and sustainable for all. It highlights that all new development should be genuinely accessible by public transport, walking and cycling and that priority should be given to locations where such access is already available.
 - **Policy DP7 – Promote Environmental Quality:** This policy outlines criteria that seek to protect and enhance environmental quality.

- **Policy DP9 – Reduce Emissions and Adapt to Climate Change:** This policy seeks to ensure that new development reduces emissions and is adaptable to climate change. The Chorley Sustainable Resources Development Plan Document expands upon these principles and is outlined later.
- **Policy L4 – Regional Housing Provision:** The RSS sets out a housing requirement of 417 units per year for Chorley.

Adopted Chorley Borough Local Plan Review 2003 (policies saved by Direction of the Secretary of State in September 2007)

27. The following policies are of relevance to this proposal:

- **DC3- Areas of Safeguarded Land:** This Policy identifies Areas of Safeguarded Land and outlines the restrictions on development in such areas. The application site is allocated as Safeguarded Land under Policy DC3.8 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. 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.
- As this application is on Safeguarded Land as identified in the Local Plan and is not development permissible under either Policy DC1 or DC3 it is therefore contrary to policy DC3.
- The current Local Plan Review was reported in 2002. This land was protected as safeguarded land 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 (the safeguarded land policy), for ongoing use after 27 September 2007. As part of that letter from the Government Office it provides the following guidance:
 - *'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.'*
- **GN1- Settlement Policy – Main Settlements:** This Policy states that within the areas of Adlington, Chorley Town, Clayton Brook/Green, Clayton-le-Woods, Coppull, Euxton and Whittle-le-Woods, as well as land adjoining Feniscowles and Horwich, excluded from the Green Belt there is a presumption in favour of appropriate development, subject to normal considerations and the other Policies and Proposals of this Plan.
- The pre-ambles to this Policy states that the main urban areas where most new development is to take place are Chorley town, Clayton Brook/Green and Whittle-le-Woods. Clayton-le-Woods (the settlement built around Lancaster Lane) is categorised as being appropriate for consolidation and expansion. Subject to other Policies and Proposals of the Local Plan appropriate development is acceptable inside the defined boundaries of these settlements.
- **GN5- Building Design and Retaining Existing Landscape Features and Natural Habitats:** This Policy sets out the design criteria for new developments which will be expected to be well related to their surroundings, including public spaces, and with landscaping fully integrated into the overall scheme
- **HS4- Design and Layout of Residential Developments:** This Policy sets out the criteria for new residential development and requires new housing development to be designed and laid-out to a high standard, in order to create an attractive and safe environment in which people will choose to live.
- **HS6- Housing Windfall Sites:** The Policy states that within the boundaries of settlements excluded from the Green Belt, residential development on sites not allocated in Policy HS1 will only be permitted provided that the applicant can demonstrate certain criteria. In determining planning applications for housing development on windfall sites, the Council will assess the suitability of the site for development, in accordance with the guidance contained in PPS3. Priority will be given to the development of previously-developed sites in urban areas, in preference to sites in other locations and greenfield sites. The ability of a site to create a sustainable residential environment will be assessed, in terms of its accessibility to employment, shops and community facilities by non-car modes, and its impact on local communities. Any infrastructure or development constraints will also be considered.
- **HS17- Sheltered Housing, Rest Homes, Nursing Homes And Other Special Needs Housing:** This Policy relates to the provision or extension of elderly persons' sheltered housing,

rest homes and nursing homes and other special needs housing. The Policy states that this type of accommodation will be permitted provided that all of the following criteria are satisfied:

- (a) the design and scale of the development is in keeping with its surroundings;
 - (b) there is no adverse effect on the amenity of the residents of neighbouring properties through overlooking, noise transmission or other disturbance;
 - (c) the development will be easily accessible by a choice of means of transport other than the private car.
- **HS21- Playing Space Requirements:** This Policy relates to the playing space requirements associated with new developments and requires schemes of 1 hectare and over to incorporate the full provision of playspace on site.
 - **TR4- Highway Development Control Criteria:** This Policy sets out the criteria, in relation to highways, required for new developments.

Sustainable Resources DPD, September 2008

28. Policy SR1 currently requires all new dwellings to meet Code for Sustainable Home Level 3 and to incorporate a 15% reduction in CO2 emissions through the installation of low/zero carbon technologies. There is also a companion SPD to this policy.

National Planning Policy

29. 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**

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.

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**

Paragraph 69 states that in general, in deciding planning applications, Local Planning Authorities should have regard to:

- 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.

The design and layout of the proposed scheme needs to be assessed in relation to the first two criteria. Whilst the development itself does not provide a good mix of housing, it will provide accommodation for older people and provide a better mix of housing within Clayton-le-Woods as a whole.

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, it has already been assessed as being genuinely capable of development as part of the Local Plan process, in line with guidance in Annex B of PPG2. The site has been assessed as part of the Sustainability Appraisal of the Site Allocations and Development Management Policies DPD Preferred Option.

A key PPS3 objective is to make effective use of land by re-using land that has been previously developed. This is not a previously developed site although it is expected that some of Clayton le Woods growth will take place on greenfield land.

Using land efficiently is a key PPS3 consideration. This proposals subject to this application reflects the layout of the existing park to ensure that the proposals effectively work as an extension to the existing park.

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 and is covered later in the report.

- **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.

- **PPS9 Biodiversity and Geological Conservation.**
- **PPS12 Local Spatial Planning**
- **PPG13 Transport**
- **PPS22 Renewable Energy**
- **PPS 25 Development and Flood Risk**

Emerging Planning Policy

30. **National Planning Policy Framework – Draft 2011.** 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 (DNPPF) 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. As this is only in draft at the present time it is considered it can be afforded limited weight, and the current set of national guidance remain in force.
31. The eighth report of the Communities and Local Government Committee of the House of Commons of 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’.*
32. 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.
33. The draft NPPF (para 140 4th bullet point) indicates that planning permission for the permanent development of safeguarded land should only be granted following a local plan review. As such the draft NPPF does not propose to alter PPG2 provisions in this regard, and can therefore be afforded significant weight.
34. 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 that overall it can be afforded limited weight in decision making and the current set of national guidance remains in force.

35. **Central Lancashire Core Strategy – Publication Version December 2010:** Chorley Council is preparing a Core Strategy jointly with Preston City and South Ribble Councils. The Core Strategy is currently at the publication stage. The Publication Core Strategy was submitted for examination in March 2011 and the examination was held in July 2011. At the examination the inspector expressed doubts as to whether the document could be found sound in providing for new housing. He made a number of recommendations including changing the housing requirement to the full RSS requirements and providing a clearer indication of broadly where, how much and when new housing will be planned for. The Councils responded by producing a Proposed Housing Related Changes document in November 2011 which was subject to public consultation during November and December 2011. The Examination into the Core Strategy is due to be resumed on 6 March 2012.
36. The following Core Strategy Policies are of relevance to this scheme:
- **Policy 1** in the Core Strategy relates to Locating Growth. It identifies Clayton le Woods as an Urban Local Service Centre (ULSC) in Policy 1 where some growth (authors emphasis) and investment will be encouraged to help meet housing and employment needs however this will be based on need and identified as part of the Site Allocations DPD.
 - **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 3** of the emerging Core Strategy relates to Travel and includes measures to reduce the need to travel by enabling travellers to change their mode of travel on trips through providing a ring of new bus based park and ride sites around Preston at Broughton Roundabout, Tickled Trout, Penwortham, Cuerden and Riversway.
 - **Policy 4** of the emerging Core Strategy 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.
 - **Policy 5** of the emerging Core Strategy relates to housing density and requires densities of development which are in keeping with local areas and which will have no detrimental impact on the amenity, character, appearance, distinctiveness and environmental quality of an area, consideration will also be given to making efficient use of land.
 - **Policy 7** relates to affordable housing and states that 30% affordable housing will be sought from market housing schemes. This Policy also includes provision for special needs housing including extra care accommodation. The Policy states that this type of accommodation will be required to be well located in communities in terms of reducing the need to travel to care and other service provision and a proportion of these properties will be required to be affordable.
 - **Policy 9** relates to economic growth and states that employment will be provided for in several ways including the identification of 501 hectares of land for employment development between 2009 and 2026.
 - **Policy 17** relates to the design of new buildings which will be expected to take account the character and appearance of the local area.
 - **Policy 27** relates to incorporating sustainable resources into new development and reflects the Council's Local Development Framework set out above.
37. Policy 1 identifies Clayton-le-Woods as an Urban Local Service Centre and states that some growth and investment will be encouraged there to help meet housing and employment needs. The Core Strategy predicts that 9% of the total housing delivery in Central Lancashire between 2010 and 2026, as set out in Policy 4, will be in Urban Local Service Centres, including Clayton-le-Woods. This equates to 2,100 dwellings to be provided in the 6 Urban Local Service Centres identified in Policy 1. All 6 of these Urban Local Service Centres are in Chorley Borough. Paragraph 5.20 of the Proposed Housing Related Changes document does however state that this is a predicted distribution based on the potential for housing development in each place and not proportions that are required to be met.
38. Policy 9 identifies that 501 hectares of land for employment development will be allocated in Central Lancashire between 2009 and 2026. As stated in Policy 1 some of this employment development will take place in the Urban Local Service Centres although the amount is not specified.

39. **Chorley Site Allocations & Development Management Policies – Preferred Option, September 2011:** The Site Allocations and Development Management Policies DPD Preferred Option paper was published in September 2011 and consulted on between 16 September and 18 November 2011. Adoption remains scheduled for the end of 2012. The Site Allocations DPD identifies this site under allocations HS1.35 (Housing Site Allocations- Land to the east of Wigan Road (A49)), EP1.19 (Employment Site Allocations- Land to the east of Wigan Road) and HW1.12 (Playspace Allocations- Nell Lane, Clayton le Woods).
40. In accordance with the Core Strategy, the DPD allocates preferred sites for housing and employment in Urban Local Service Centres. As stated above, the Core Strategy predicts that 2,100 dwellings will be provided in the 6 Urban Local Service Centres in the Borough between 2010 and 2026 but states that these are predictions and not proportions that are required to be met. This figure is not intended to be split equally between the 6 Urban Local Service Centres as they all have a different amount of available and suitable land for housing development.
41. Between 2010 and 2011, 78 dwellings were developed in the Urban Local Service Centres, leaving a remaining 2,022 predicted dwellings to be provided in these areas. The Site Allocations DPD allocates a number of preferred housing sites in these areas, which in total will provide for approximately 1,906 dwellings (613 of which have planning permission). An additional 163 dwellings have planning permission on other windfall sites in the Borough. This is a total of 2,069 dwellings which marginally exceeds the predicted Core Strategy provision to allow for any slippage such as non delivery or reduced housing delivery on sites.
42. **The Community Infrastructure Levy (CIL)-**
43. 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.
44. 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.
45. In relation to Cuerdon/Clayton-Le-Woods, a cycling scheme is identified, and a single form entry primary school. 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 & Central Lancashire.

Other Material Considerations

46. **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 he will attach significant weight to the need to secure economic growth and employment.
47. **Central Lancashire Strategic Housing Land Availability Assessment 2010 (SHLAA)** identifies this site for potential future housing development. This site will be reviewed, in accordance with PPG2, as part of the Site Allocations and Development Management Policies Development Planning Documents (DPD).
48. This site is identified within the Central Lancashire Strategic Housing Land Availability Assessment 2010 (SHLAA) for potential future housing development. The SHLAA provides an evidence base on the potential housing land supply across Central Lancashire, and forms part of the evidence base for plan making – it does not allocate sites for development. The SHLAA states that this land is safeguarded for future development needs. The site has been and will continue to be kept under

review as part of the plan-making process, in accordance with PPG2, as part of the Site Allocations and Development Management Policies Development Planning Documents (DPD). It is therefore considered that this site, along with other safeguarded sites within the Borough, should remain protected until the Site Allocations and Development Management Policies DPD process duly determines sites for allocation.

49. **Localism Act 2011-** The act makes provision for (inter alia) the revocation of regional strategies in whole or part, subject to an order by Secretary of State; public consultation by developers on certain applications; neighbourhood planning; the consideration of financial matters (grants & CIL) as material planning considerations etc. Some provisions are already implemented, others are to commence in 2012, and others at the discretion of the Secretary of State.
50. **Land to the East of Wigan Road, Clayton le Woods, Chorley, Lancashire- Appeal by Fox Land and Property (Ref: APP/D2320/A/10/2140873)-** This appeal decision in Clayton le Woods is a material consideration in respect of this site as this related to safeguarded land. The Secretary of State considered:
 51. *With regard to the emerging CLPCS, the Secretary of State notes that Clayton-le-Woods is identified as a "main place" within central Lancashire (IR14.10). The Secretary of State considers that any subsequent justification for calling it a "main place for growth" (IR14.17 and IR7.32) should be based, to a large extent, on the fact that it is listed in "Policy 1: Locating Growth" of the CLPCS (IR14.11), where it is identified as an Urban Local Service Centre (ULSC) and where "some growth and investment will be encouraged". The Secretary of State agrees with the Inspector that to meet planned growth 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 (IR14.17). He further agrees 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 CLPCS, this part of the CLPCS should be afforded significant weight (IR14.18).*
 52. *The Secretary of State agrees with the Inspector's assessment of the emerging allocations DPD, and the issue of prematurity as set out in IR14.19-14.23. On the former he agrees that this should be afforded limited weight (IR14.19), but that it indicates that this land appears acceptable for residential housing (IR14.20). On the latter he agrees that the risk of not satisfying the CLPCS growth requirements outweighs the possibility of obtaining a more comprehensive and co-ordinated wider development (IR14.23).*

Localism

53. 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.
54. It is therefore considered that allowing applications on Safeguarded Land without going through the LDF process would cumulatively 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.

BACKGROUND INFORMATION

55. As set out below there is extensive planning history associated with this site. Planning permission was granted in January 1961 and November 1964 to use the existing site as a caravan site. These 2 approvals permitted 49 caravans on the site. Further permissions were granted in 1968 and 1973 permitting 105 caravans and 36 garages.
56. In 1976 and 1981 applications to extent the caravan park were refused and a subsequent appeal dismissed. In 1983 an application was refused to extend the caravan park by 15 units.
57. In 1987 an application was refused for a further extension to the park. At the time the existing park occupied approximately 4 hectares and provided approximately 186 caravans. This application related to an extension which covered 0.6 hectares. The applicants appealed this decision which was allowed.

58. In 2000 (00/00073/COU) planning permission was refused to change the use of the agricultural land adjacent to the existing caravan park to uses in connection with a mobile home site, including the siting of mobile homes. At this time the existing park occupied 5.6 hectares and 186 units of accommodation. The application site occupied 3.2 hectares and the proposals involved relocating 7 existing caravans and providing 14 additional units along with a bowling green and open space. This application was refused for the following reason:

The proposed development, in so far as it relates to the siting of residential mobile homes, is contrary to policies C3 and H16 of the adopted Chorley Borough Local Plan and Policy DC3 of the Chorley Borough Local Plan Review. The proposed development is not one which would normally be permissible in the countryside. Rather, it is one appropriately sited on sites allocated for housing purposes and other suitable urban sites. The proposed development would be detrimental to the visual amenities of the area, appearing as an additional urban intrusion into the surrounding area of rural character.

59. The applicants appealed this decision which was dismissed
60. In 2001 (01/00291/COU) planning permission was approved to change the use of the agricultural land adjacent to the existing park for uses in connection with the mobile home site, including allotments, footpaths, informal open space and tree planting. This site occupies the land subject to both the current application and the above 2000 planning application however it is apparent on site that this permission was never implemented.

1) PRINCIPLE OF THE DEVELOPMENT

61. In accordance with the Planning and Compulsory Purchase Act the starting off point in assessing this application is the Adopted Chorley Borough Local Plan Review. The Local Plan sets out the spatial strategy for Chorley and states that development will be concentrated in the central urbanised parts of the Borough, which are cited as 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. Paragraph 1.20 of the Local Plan states: *It will therefore be within this area that future housing development is to be concentrated. This is especially the case where transport infrastructure is already available or committed, or the potential for improvement has already been identified e.g. on the Quality Bus routes currently being considered through the Borough.*
62. The site is located at the edge of the Clayton le Woods settlement boundary and is allocated within the Adopted Local Plan under Policy DC3.8 as safeguarded land. In accordance with the Local Plan Clayton le Woods is identified, spatially, as one of the main urban areas for growth.
63. Planning Policy Guidance Note 2:Green Belts (PPG2) encourages the designation of land as safeguarded which may be required to meet longer term development needs however this allocation does not mean that the land is allocated for development at the present time as its purpose is meeting possible longer-term development needs.
64. 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.”* It is acknowledged that the purpose of safeguarding land under policy DC3 of the Local Plan was to safeguard the land for development needs which might arise beyond the plan period, in this case after 2001, with safeguarded land protected until 2006.
65. In allocating the site as safeguarded land, the site was considered suitable for development. The LPA is not aware of any evidence suggesting that the site is no longer suitable for development.
66. In accordance with paragraph 54 of PPS3 the Council have identified in excess of 5 years supply of housing. It is not the applicant's case that the Council does not have a 5 year supply. The last published figure within the Annual Monitoring Report 2009-10 was a 5.8 year supply. The proven figure identified at the Clayton le Woods appeal was 5.4 years supply and the latest information available to the Council indicates that there is a 5.7 year supply for the period 1st October 2011 – 30th September 2016. Therefore, there is no requirement to consider this application favourably in line with paragraph 71 of PPS3. In the Clayton-le-Woods Appeal Decision the Inspector and Secretary of State both agreed that Chorley had a five-year housing supply.
67. In addition to the sites identified in the deliverable five year housing supply a large number of further dwellings have planning permission. At October 2011 housing land monitoring indicated that 3,498

units had planning permission. 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). Housing construction is actively taking place on a range of sites throughout Chorley and housing completion levels have exceeded Regional Spatial Strategy (RSS) requirements for the past two years. 392 completions were recorded for the period 1st April 2011 – 30th September 2011. Completions are again likely to exceed RSS requirements for 2011 – 2012. The Communities and Local Government House Building: September Quarter 2011 England Data identifies Chorley Borough as one of a number of districts seeing the highest rate of house building in terms of both starts per 1000 dwellings and completions per dwellings in the 12 months to September 2011. There is not an urgent requirement to significantly increase the supply of housing in Chorley in numerical terms at this time.

68. Where Local Planning Authorities have an up-to-date five year supply of deliverable sites further applications will be assessed against whether in granting permission this would undermine achievement of our policy objectives. As the Council have an up to date 5 year housing land supply there is no presumption to consider planning applications for housing favourably. Retaining this land for future development needs at this time is consistent with the purposes of allocating the site as safeguarded within the Local Plan, in accordance with PPG2.
69. From April 2010 (the start date of the Core Strategy housing period) to April 2011, 11 dwellings were completed within the Clayton-le-Woods settlement and a further 16 dwellings with planning permission were yet to be completed. In the following 6 month period from April to October 2011 a further 11 of the remaining 16 dwellings were completed.
70. An additional 312 dwellings were granted planning permission in Clayton-le-Woods in the 6 month period from April to October 2011. 300 dwellings were granted outline permission on appeal on another part of the DC3.8 area of Safeguarded Land. 12 dwellings were granted planning permission at Burrows Limited on Wigan Road.
71. In total 22 dwellings were completed in Clayton-le-Woods between April 2010 and October 2011 which go towards meeting the Core Strategy housing requirements. A further 17 dwellings have full planning permission, 3 of which were under construction in October 2011 and 14 had not started. In addition 300 dwellings have outline planning permission. There is therefore active housebuilding currently taking place in Clayton-le-Woods with further significant development planned for the area once a reserved matters application has been submitted for the 300 dwellings.
72. The key matter for consideration is whether it is necessary to release this land now which depends on key material considerations, including the emerging policy and key material considerations noted above and in particular the current position on housing supply.
73. The site lies on the edge of Clayton le Woods is a greenfield site and is an identified area for growth within the Local Plan. The emerging Core Strategy identified Clayton le Woods as an Urban Local Service Centre where some growth and investment will be encouraged to help meet housing and employment needs.
74. The site is also proposed for allocation (HS1.35, EP1.19 and HW1.12) in the emerging Site Allocations DPD, now at an early stage. The DPD allocates this area of Safeguarded Land as a preferred mixed use housing and employment allocation (HS1.35/EP1.19) for 600 dwellings (300 of which already have outline planning permission) and 20ha of employment land. The land that is the subject of this application falls within this mixed use allocation.
75. The sustainability of the site was assessed as part of the Sustainability Appraisal of the Site Allocations and Development Management Policies DPD Preferred Option paper. Overall the site scores a Band B (Band A being the most sustainable and Band E the least sustainable). The site scores well in relation to its accessibility by bus and its links to the road and motorway network. It does not however have good access to a number of facilities and services such as schools and doctors. Its sustainability score is further reduced by the fact that the site is greenfield.
76. Policy HS2 of the Preferred Option DPD sets out a phasing schedule for the housing development on the site. In total 600 houses are proposed on the site with 90 dwellings proposed in the first 5 years (2011-16), 255 dwelling in the period 2016-21 and 255 dwellings in the period 2021-26. Earlier this year planning permission was granted on appeal on part of this Safeguarded Land for 300 dwellings, which is half of the planned housing provision for this site.
77. Whilst the principle of housing development at this location is accepted through the preferred allocation, the DPD is at a relatively early stage of preparation and the preferred housing allocation at

this site (HS1.35) received a large number of objections during the recent preferred option consultation. In total 84 objections were received, 1 of which was a petition signed by 403 people. Only 6 representations in support of this preferred allocation were received. The site is also allocated as a preferred site for employment (EP1.19) and although the application site is only a small part of the preferred mixed use allocation, the employment element needs to be addressed. The Council have indicated the need to have a masterplan or development brief on the land so that the required amount of employment land can be properly planned for.

78. Although the supporting statement considers that considerable weight should be given to the evolving DPD The allocations within the DPD can only be afforded limited weight given the status of this document. As such the main consideration is whether there are material considerations which outweigh the Development Plan. The other material considerations put forward in respect of this application include:
- The development will provide much needed living accommodation and support for older persons within Chorley
 - Recent Inspectors decision
 - Content of evolving LDF.
 - Effect on neighbouring properties:
 - Visual amenity:
 - Design:
 - Government (non-planning policy):
 - Appeal decisions;
 - Sustainable Development
79. The applicant argues that there is an undisputed need in the Borough for an increased provision of accommodation for older persons. They state that granting planning permission for this application will accommodate the future needs of the Borough and secure much needed accommodation. This is based on the submitted Health Care Needs and Operational Statement which draws attention to the key findings of the SHMA. The applicant considers that there is a clear and immediate need for the provision of additional single storey dwellings particularly for older persons in Chorley.
80. The supporting statement includes the following three points in support of the application:
- 1) *The development will provide much needed living accommodation and support for older persons (over 55's) within Chorley in a tranquil community setting which has been designed to best cater for their needs and can assist in improving their quality of life.*
 - 2) *The proposed development is located adjacent to the existing residential park and is in close proximity to the nearby major settlements of Chorley and Leyland.*
 - 3) *The park will offer enhanced amenity for the existing park residents including new footways, street lighting and additional landscaping and safe, secure and supported living accommodation for both the existing and proposed residents of the development."*
81. This issue of need was put forward as a material consideration in respect of the last appeal at the site. At this time it was evident that although there was a need for affordable accommodation in rural areas demand at Cuerden could not be quantified. The Inspector concluded that *'there is very little evidence before me of the need within the borough for additional accommodation in this category'*.
82. Since that appeal decision the Strategic Housing Market Assessment 2009 has been published which identifies that a range of options in type, tenure and size of accommodation needs to be available for older people to meet their differing choices, expectations and dependency levels. It recommends that future development is sustainable and mindful of the need for appropriate living space for the ageing population.
83. It is therefore accepted that there is a need for accommodation for older persons in the Borough. However, there is no evidence to suggest that this provision should be located in Clayton-le-Woods. The existing residential park has a licence for 186 park homes, therefore it could be argued that there is already significant provision of older person's accommodation in Clayton-le-Woods and new provision would be better located in settlements with little or no provision.
84. As part of the Inspectors consideration into this appeal (ref: APP/D2320/A/00/1043372) the Inspector considered that *'The principal consideration on this issue is the degree of permanence of the development, if allowed and whether later comprehensive development would be prejudiced.'* The Inspector concluded that *'the proposal conflicts with the objectives of the CBLP policy C3 which seek to keep this area free of permanent development to meet longer term development needs'*.

85. As part of the appeal the appellant put forward other material considerations which the Inspector took into account when reaching the decision. The included reduced densities on the existing site, the provision of leisure and recreational facilities and contribution towards the accommodation needs of the over 50s in the area. These reflect the material considerations put forward in support of the current application. Whilst the Inspector did conclude that the proposals contained some material benefits particularly in respect of reduced densities and improved leisure and recreational facilities these were not *'sufficient to outweigh the policy objection in respect of Safeguarded Land and the harmful effect on the character and appearance of the surrounding countryside resulting from the residential aspect of the proposal'*. The appeal was subsequently dismissed.

Prematurity

86. When assessing the need to release this land now the matter of prematurity is an issue. The Planning System: General Principles (paras 17-19) relate to prematurity. Paragraphs 17-19 state:

'..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.'

87. Paragraph 72 of PPS3 (Housing) states that LPAs should not refuse applications solely on the grounds of prematurity.
88. In terms of the NPPF, no mention is made of prematurity, but the Planning System General Principles document is **not** listed in the schedule of documents and guidance for cancellation by the NPPF.
89. 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:
11/00992/OUTMAJ	Land Bounded By Town Lane (To The North) And Lucas Lane (To The East) Town Lane Whittle-Le-Woods	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.	15 November 2011
11/01093/OUTMAJ	Land North Of Lancaster Lane And Bounded By Wigan Road And Shady Lane	Outline up to 160 dwellings	15 December 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

11/01004/OUTMAJ	Land North Of Lancaster Lane And Bounded By Wigan Road And Shady Lane	Outline for a mixed use development, 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

90. 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.
91. This application is for 52 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.
92. 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.
93. 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."
94. 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.
95. This development only relates to 52 dwellings which could not be considered substantial and as such it is not considered that this scheme, on its own, could be refused solely on grounds of prematurity under current national guidance.

96. Whilst this application may not be substantial on an individual basis, any substantial release on the above sites will set a precedent and would cumulatively cause prejudice to the Site Allocations DPD in respect of scale, location and phasing of new development and undermine the growth ambitions and objectives of the Core Strategy.
97. 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. In accordance with PPG2, these decisions that should be properly be taken in the Site Allocations DPD.
98. 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. It is considered that the material considerations within this report, including the presence of a five year supply, the position in relation to the LDF, and the cumulative harm that will arise if a precedent is set, outweigh paragraph 72 of PPS3.

Conclusion

99. In conclusions the Local Plan Review has a number of housing objectives. Of most relevance to this application is the objective relating to meeting the housing requirements of the whole community in both rural and urban areas including those in need of affordable and special needs housing.
100. As set out earlier within the report in accordance with PPS 3 (Paragraph 69) in deciding planning applications regard is 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.
101. 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 Clayton-le-Woods, but at both Borough and settlement level the there are still choices to be made over amount, timing and specific location of that development. There is doubt over the amount of housing growth and employment growth that will take place in Clayton-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 decision about the scale, location and phasing of new development.
102. It is therefore not considered that the proposal meets the final criterion of paragraph 69 of PPS3 is meet the spatial vision for the area in terms of the spatial vision for the area.
103. The emerging Core Strategy sets out the Strategic Objectives for Central Lancashire. Of particular relevance to this application are Objectives SO2, SO5 and SO8 which are:

Objective SO2: “To ensure there is sufficient and appropriate infrastructure to meet future needs, funded where necessary by developer contributions.”

Objective SO5: “To make available and maintain within Central Lancashire a ready supply of residential development land over the plan period, so as to help deliver sufficient new housing of appropriate types to meet future requirements. This should also be based on infrastructure provision, as well as ensuring that delivery does not compromise existing communities”.

Objective SO8: “To significantly increase the supply of affordable and special needs housing particularly in places of greatest need such as more rural areas”.
104. It is acknowledged that Clayton le Woods is identified as a location for some growth within the Core Strategy, which is at an advanced stage, to assist in meeting the above objectives however it is considered that to release this site now would undermine the spatial vision and objectives for the core strategy, particularly in this case in relation to infrastructure and tackling climate change. If the site were to be approved now, it would further set a precedent for other safeguarded sites, which in turn would not contribute to CIL, and so cumulatively, further harm to the overall spatial vision and objectives of the core strategy could occur.

105. The supporting statement considers that the proposed development secures the provision of housing for older people which is recognised within the Core Strategy as being a Strategic Objective. However it is considered that the best way of meeting the Local Plan Review objective, which has greater weight than the Core Strategy, of meeting the housing requirements of the whole community and the emerging Core Strategy objective of making available a ready supply of residential land is through the Development Plan process, in this case via the emerging Site Allocations and Development Management Policies DPD. This process gives supporters and objectors to all proposed housing allocations the opportunity to debate and determine future housing sites in the Borough. Whilst this application would provide housing on this particular site in Clayton le Woods, granting permission now would prejudice decisions that ought properly be taken as part of the LDF process and undermine these objectives.
106. The Appeal decision on part of this safeguarded land site is a material consideration in respect of this application however it can now be argued that the granting of outline planning permission at appeal for 300 houses on this area of Safeguarded Land will help achieve the growth targets within the Core Strategy, therefore this is no longer a material consideration that outweighs the breach of Policy DC3.
107. On 23rd March 2011 the Ministerial Statement on "Planning for Growth" was published and on 31 March 2011 the Chief Planner for the DCLG wrote to Chief Planning Officers in this regard. Chorley Council welcomed the Chief Planning Officer's letter and the Ministerial Statement and in particular the commitment to introduce a strong presumption in favour of sustainable development. The Council remains committed to progressing plan making at Chorley, are actively working of their Site Allocations and Development Management Policies DPD and have undertaken consultation on Issues and Options and on a Preferred Options. It is considered that growth should be properly planned through the Site Allocations DPD process, rather than via the submission of a planning application. The published Central Lancashire Local Development Scheme schedules adoption of the DPD for December 2011 which is considered a reasonable timeframe to resolve allocation issues. It is not considered that "Planning for Growth" outweighs the need to urgently release this site now, particularly in the context of a proven five year supply.
108. The amount of land allocated for housing in Clayton-le-Woods is by no means certain. The Core Strategy does not specify how the predicted housing requirement for the Urban Local Service Centres should be distributed. This is a decision to be made as part of the preparation of the Site Allocations DPD. As part of the preferred option consultation several new site suggestions were received for sites in Urban Local Service Centres which will be considered. It may be decided that some of these sites are more suitable and deliverable for housing and they may therefore be allocated and some existing sites de-allocated or reduced.
109. Growth in the Borough should be properly planned through the Site Allocations DPD process rather than via the submission of a planning application prior to adoption of the DPD. The principle of development is not an issue as the site has been selected as a preferred housing and employment allocation. The issue is the timing of delivery. The Site Allocations and Development Management Policies DPD is currently only at the preferred options stage and is not due to be adopted until 2012.
110. It is not considered that the material considerations put forward by the applicant, which include a need for this type of accommodation, outweigh other considerations and as such it is considered that there is no justification to release this site for housing now particularly taking into account the other potential housing land options in the Borough.
111. The proposals fall to be considered a departure from the local plan in respect of its safeguarded land allocation. Government advice contained in PPG2 and PPS3 states that the release of safeguarded land will only be permissible as part of a local plan review. It is considered that the most appropriate mechanism to determine the location of future housing developments within the Borough is via the plan-making process, in this case the Council's Core Strategy and Site Allocations DPD.
- 2) AFFORDABLE HOUSING/ SPECIAL NEEDS HOUSING**
112. Non permanent dwellings such as caravans and mobile homes are included in overall housing supply if they are the occupants main residence and council tax is payable on them. As this is the case for the park homes proposed in this application, they will be treated the same as permanent dwellings and be included in the Council's housing supply figures.
113. 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.

114. The Local Plan affordable housing requirement is less than that proposed in Core Strategy Policy 7. This site adjoins the settlement of Clayton le Woods, which the Core Strategy identifies as an Urban Local Service Centre, Policy 7 requires the provision of 30% affordable housing on market housing schemes. Policy 7 also states that special needs housing including extra care accommodation will be required to be well located in communities in terms of reducing the need to travel to care and other service provision and a proportion of these properties will be required to be affordable.
115. The pre-amble to Policy 7 confirms that *a range of special housing and support options are required for older and vulnerable people who require assistance to maintain their independence. An analysis is currently being undertaken of the level of need for supported housing using a North West tool which provides an indication of the net requirement for services for a range of client groups by local authority. Given that it is only the second year that this complex tool has been used, the figures should be treated with some degree of caution. However, the model is a significant step forward in assessing the need for supported housing and provides the structure for collating local data in future which will enable us to maximise the opportunities offered by the tool. Draft figures show significant shortages of provision across a range of client groups. The Supporting People Partnership is currently developing plans for commissioning supported housing services for most client groups. This includes identifying the level of need for extra care housing.*
116. At the Cuerden Appeal in Clayton-le-Woods 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 a 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.
117. In this case the applicant is not offering any affordable housing but has stated that all of the units will provide accommodation for older people and this can be conditioned accordingly. The supporting statement submitted with the application states *It should be noted that this development is an extension to an existing residential park home site. Furthermore, that the development itself will be meeting a specialised housing need within Chorley for housing for older people (as identified within the evolving Core Strategy). The park homes themselves will be available at a competitive cost and in many ways are themselves 'affordable'. However, given that the development is meeting a specified need we do not consider it appropriate for additional affordable units to be provided on site as this may well undermine the viability of the development.* Although it is accepted that there is a need for accommodation for older persons in the Borough there is no evidence to suggest that this provision should be located in Clayton-le-Woods. There is no quantifiable evidence of demand submitted in support of the application, and after visiting the site it is clear several of the existing plots are vacant, nor is there anything within the supporting evidence to suggest that a proportion of these properties will be affordable in accordance with the emerging Policy. Although the supporting statement states that on site affordable housing may undermine the viability of the development there is no evidence submitted in support of this statement.
118. The existing residential park has a licence for 186 park homes, therefore it could be argued that there is already significant provision of older person's accommodation in Clayton-le-Woods and new provision would be better located in settlements with little or no provision.
119. As such it is not considered that sufficient justification has been forwarded which would outweigh the requirement to incorporate a proportion of affordable housing on this site and therefore the proposals are considered to be contrary to current Local Plan Policy HS5 and emerging planning policy.

3) DETAILS OF THE DEVELOPMENT

Housing Development

120. The proposed development includes the erection of 52 detached park homes. All of the units are two bedroom park homes with individual parking which reflects the layout of the existing park.
121. Although the application is supported by layout plans and elevations of typical park homes the design and size of units proposed has not yet been determined by the Park owners. If planning permission was granted for this development the future park home owners have a choice of which unit they wish to be erected of the individual plots. The designs are all very similar and each unit has a standard width of 6.090m where there are variations are the length of the units (varying from 9.14 metres to 14.63 metres) and the internal room arrangement.
122. The applicant has provided a brochure from Homeseeker Park Homes for the units are sourced from. It is considered that as the designs are very similar and that the number of units will be fixed at 52 the

precise details of the units to be erected on each plot can be addressed via condition and linked back to the 32 possible variations of floor plan set out within the submitted information.

Density

123. The site covers 3.3 hectares and the erection of 52 new park homes equates to approximately 16 dwellings per hectare. Although this density is very low the site also incorporates a bowling green, allotments and a pavilion building and the density reflects that of the existing site. As such in this situation the density is considered to be acceptable.

Levels

124. Levels generally fall from east to west and also down towards an informal ditch running through the centre of the site. The source of the ditch is from an existing pond just outside the application boundary (shown on the masterplan). There is also a man made balancing pond at the western end of the ditch.

Impact on the neighbours

125. The immediate neighbours to the site are Southworths Farm, which is sited close to the existing community centre, Cuerden Cottage and 1/ 2 Nell Lane on the opposite side of Nell Lane.

126. As addressed below the proposals incorporate demolishing the existing community centre and replacing it with a larger community centre. Southworths Farm is a detached dwellinghouse located to the south of the proposed community centre. The rear elevation of the property faces the side elevation and car park of the existing community centre.

127. The proposed replacement buildings is part single, part two storey however the two storey element is not located to the immediate rear of Southworths Farm. Southworths Farm therefore will face the single storey elements of the community centre and the car park as is the current situation. Only 2 windows are proposed in the side elevation of the community centre facing Southworths Farm and these, due to their location, will not allow overlooking to the detriment of the residents. As such it is not considered that the replacement community centre will adversely impact on the neighbours amenities.

128. Cuerden Cottage is sited to the east of the application site and three of the new proposed residential homes are sited close to the boundary. There is vegetation and space retained between the proposed park homes and the boundary and due to the nature of these single storey dwellings it is not considered that the proposals will create loss of amenity to the detriment of the existing residents.

129. 1/ 2 Nell Lane are located on the opposite side of Nell Lane. These properties are separated from the proposed park homes by the existing highway and vegetation. It is considered that the proposed park homes, by virtue of their single storey design and distance retained between the existing and proposed properties, ensures that the development will not adversely impact on the existing or future residents.

130. It is noted that the layout of the proposed and existing park homes is relatively tight and not in accordance with the Council's Spacing Standards however this is a very specific design feature for this type of accommodation and the future residents will be aware of the relatively restricted curtilages when purchasing the properties. In this case it would not be considered appropriate to impose the standard spacing distances as this would not reflect the character of the existing park.

Proposed Community Building

131. The existing site accommodates an existing community building. The proposals incorporate demolishing this building and erecting a replacement community building. The existing building accommodates the on-site post office, bar and entertainment area and office accommodation for the site owners and is a single storey construction with some living accommodation within the roof space.

132. The proposed new building will accommodate a bar, entertainment area, office accommodation, post office, hairdresser and health care accommodation for visiting chiropractors etc. The proposed building is a modern construction which is part single storey, part two storey constructed out of timber cladding with a grass/ sedum roof.

133. The current building has a floor area of 477 sqm whereas the proposed building has a floor area of 580 sqm. The main consideration is the fact that this site is located within an area designated as safeguarded land. Within these areas 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. Policy DC1 of the Local Plan (which is derived from national guidance in PPG2) sets out appropriate development and includes:

- agriculture and forestry;

- essential facilities for outdoor sport and outdoor recreation, for cemeteries or other uses of land which preserve the openness of the Green Belt and do not conflict with its purposes;
- limited extension, alteration or replacement of existing dwellings providing it is in accordance with Policy DC8A;
- the re-use of existing buildings providing it is in accordance with Policy DC7A;
- limited infilling in accordance with Policy DC4;
- to provide affordable housing for local needs in accordance with Policy DC5;
- the re-use, infilling or redevelopment of Major Developed Sites in accordance with policy DC6.

134. As set out above the erection of a community building does not fall within any of the criteria which is considered appropriate development within the Green Belt however the fact that there is an existing building on the site is a material consideration in this case.
135. Notwithstanding the existence of an existing community building on the site no justification is submitted by the applicant in support of the erection of a larger new community building on the site. As the development is not considered to be appropriate development within this rural area this element of the proposals is contrary to Policy DC3 and advice contained in PPG2.

Open Space and Proposed Pavilion

136. Part of the site is allocated under Policy LT13.12 of the Adopted Chorley Borough Local Plan Review. This Policy allocates part of the site for the provision of playspace. It is proposed as part of the Site Allocations & Development Management Policies Preferred Option DPD to continue this playspace allocation under Policy HW1.12.
137. It is proposed on the part of the site allocated under this Policy to locate the proposed allotments, bowling green and pavilion building/ equipment store. In respect of the allotments it has been established in case law (Crowborough Parish Council v Secretary of State for the Environment and Wealden District Council [1981]) that the use of land as an allotment (including growing food, flowers, fruit, seeds and for the breeding and keeping of livestock) is an agricultural use. The existing use of the land is agricultural land and as such planning permission is not required to use the land for allotments.
138. In respect of the proposed bowling green the allocation within the Local Plan for Playing Fields/ Casual Playspace ensures that this element of the proposal is appropriate development.
139. This element of the scheme also incorporates a pavilion building/ equipment store. This building is a single storey which will accommodate equipment stores, a clubhouse and open side shelters facing the proposed bowling green. It is understood that this building would be utilised for some of the on-site activities currently undertaken within the community building whilst the community building is rebuilt, as addressed above.
140. As set out earlier this site is located within an area designated as safeguarded land. Essential facilities for outdoor sport and outdoor recreation does fall within the definition of appropriate development which is expanded upon within PPG2. PPG2 states that possible examples of such facilities include small changing rooms or unobtrusive spectator accommodation for outdoor sport.
141. The proposed building occupies a floor area of approximately 350 sqm which include open sided shelters facing the bowling green. The building is single storey constructed of timber cladding and areas of glazing. It is considered that certain elements of this building fall within the PPG2 definition of essential facilities, including the stores and spectator shelters however the clubhouse does not fall within the definition of essential facilities and results in a larger building than is justified within this rural area. As the development is not considered to be appropriate development within this rural area this element of the proposals is contrary to Policy DC3 and advice contained in PPG2.

Other elements of the Proposal

142. The proposed scheme also includes an activity trail, balancing ponds and footpaths. It is considered that these elements of the proposal are in accordance with the objectives of providing opportunities for outdoor sport and outdoor recreation and retaining and enhancing landscapes in accordance with advice contained in PPG2. As such these elements of the proposal are considered to be acceptable.

Trees and Landscape

143. The application site is very rural in character and bordered by mature trees, a hedgerow and vegetation. As such the application is supported by a Tree Survey and Arboricultural Constraints Assessment. In total 40 individual trees, 3 groups of trees and 7 areas of hedgerow have been assessed as part of the application.

144. The assessment identifies 15 trees with high quality value, 8 trees with moderate quality value and 16 trees with low quality value. It is proposed to retain these trees as part of the development proposals. The only trees which are identified for removal are a Leylands Cypress Tree which is classed as having low amenity value to ensure the health of the adjacent Oak Tree which has a high value and Sallow (Willow) tree with a low amenity value.
145. Group 1, which includes Sallow trees, is also identified for removal, as this is in a central location on the site, to accommodate the development. These trees are identified as having low quality value.
146. In respect of the hedgerows on site a section of the hedgerow along Nell Lane are identified for removal to accommodate the proposed access.
147. As it is proposed to incorporate the majority of the trees and hedgerows into the overall development it is considered that the scheme will not adversely impact on the character of the area. To ensure the most valuable trees are protected TPO (Clayton le Woods) 2012 has been placed on the trees. Replacement hedgerows can be addressed by condition.
148. The landscaping plans include tree planting and the creation of two new water bodies within the site area. Areas of the site have been set aside for use as a bowling green and an allotment.

Ecology

149. In terms of the Ecological implications of the scheme the application is supported by a Phase 1 Walk-Over Ecology Assessment and a Japanese Knotweed Eradication Method Statement. The assessment concludes that the proposed development will result in the change of an area of improved grassland. The loss of an area of improved grassland in the context of the wider surrounding habitat presents only a minor loss of habitat quality for local species of wildlife. There will be no negative effect on the hedgerows surrounding the development and no trees will be affected.
150. The small overflow pond is unlikely to support protected species of amphibians such as the great crested newt. No statutorily or non-statutorily protected sites will be affected by the development. No further bat survey work is currently considered necessary.
151. Japanese knotweed has been found in the northern section of the site and has been cut / flailed in 2011. A Japanese knotweed method statement has been produced which details the procedures for removal and containment of the knotweed.
152. These documents have been forwarded to the Ecologist at Lancashire County Council however to date no response has been received. The Ecologists comments will be reported on the addendum.
153. Following a high court decision (R (on the application of Simon Woolley) v Cheshire East Borough Council, June 2009) the Local Planning Authority have a legal duty to determine whether the three 'derogation tests' of the Habitats Directive implemented by the Conservation (Natural Habitats &c.) Regulations 1994 have been met when determining whether to grant planning permission for a development which could harm a European Protected Species. The three tests include:
 - (a) the activity must be for imperative reasons of overriding public interest or for public health and safety;
 - (b) there must be no satisfactory alternative and
 - (c) favourable conservation status of the species must be maintained.
154. This requirement does not negate the need for a Licence from Natural England in respect of Protected Species and the Local Planning Authority are required to engage with the Directive.
155. Clarification in respect of the impact on protected species is awaited from the Ecologist.

Flood Risk

156. Due to the size of the application site the application is supported by a Flood Risk Assessment (FRA) which has been reviewed by both the Environment Agency and United Utilities. Additionally concerns have been raised by the immediate neighbour in respect of excess surface water over loading the drainage system and causing flooding of the highway at the bottom of Nell Lane.
157. The proposals incorporate the following features:
 - All roadways (including driveways) to be porous paved or run-off directed to adjacent landscaped areas.
 - Bowling green / allotment storage shed to be fitted with green roof system

- A large balancing pond, to work in tandem to the existing balancing pond.
158. Therefore, the only surface water run-off that will be positively collected on the site will be clean roof water run-off from the park homes.
 159. The Environment Agency originally objected to the application in respect of the contents of the FRA and the lack of foul drainage information however following receipt of this objection the agent for the application confirmed that the site will be on mains drains in respect of foul sewage. The agent also confirmed that the final drainage solution will be subject to detailed design which can be subject to planning conditions.
 160. Following receipt of this clarification the Environment Agency withdrew their objection subject to conditions.
 161. United Utilities also initially objected to the proposals due to the fact that Leyland Waste water Treatment Works is currently at capacity and cannot accept any additional flows. Additionally United Utilities have noted that the submitted FRA confirms that the existing site illegally discharges land drainage into the public sewer network and have requested that any future proposals make provision for the disposal of surface water in a responsible & sustainable manner by incorporating soakaways/SUDS or by draining surface water directly to nearby watercourses.
 162. Following further discussions with the applicant's appointed consultants United Utilities have removed their objection subject to various conditions similar to those requested by the Environment Agency along with a condition requiring the developer to agree discharge rates prior to commencement on site.
 163. As such it is considered that the drainage elements of the site can be adequately addressed by condition.

Traffic and Transport

164. The existing residential park is accessed via Nell Lane, and as part of the development it will include for a new site access. Nell Lane is a 'C' classified distributor road which is rural in character. It is a single carriageway between 4.0 - 4.5m wide with a soft verge on both sides flanked by trees and hedgerow. The road is subject to the national speed limit of 60mph however speeds are likely to be much lower at around 30-35mph.
165. The Highway Engineer has confirmed that there have been no recorded traffic accidents along Nell Lane in the last 5 years and that in terms of traffic generation the site should generate up to 100 vehicle trips per day including a max of 11 vehicle trips at peak traffic hours. The Engineer considers that this will have a negligible material impact on the existing highway network.
166. The site has a low accessibility score (13) and it is outside walking distance to most destinations which will inevitably lead to an increase in car use. However the site is well located in respect of bus stops, which are available on Wigan Road, and there is a direct pedestrian link to the stops through the community building car park.
167. It is also proposed as part of the travel plan that a twice daily mini-bus service will be provided for use by all residents. This will be provided by the park owners and managed/ operated by the residents. The site is also close to the national cycle network (route 55 through Cuerden Valley).
168. The development will be served by a new access off Nell Lane and will be linked internally with the existing Park. The internal highway will not be to adoptable standards and will remain privately maintained however the general layout of the roads is in keeping with the existing arrangements on site and is considered to be acceptable for these proposals. Additionally the application site also incorporates separate footpath links through the site for walking/dog walking etc. which is something that is not apparent on the main Park site.
169. The new access will be sited approximately 150m west of Shady Lane and it is considered that the provision of this new access closer to Shady Lane may encourage residents on the Park site to walk to Cuerden Valley Park.
170. A new footpath link is proposed on the inside of the hedge along Nell Lane. The Highway Engineer considers that it would be beneficial to continue this footpath to provide a cycle /pedestrian link on to Shady Lane so that residents can safely walk to the park.

171. The new vehicular access to the site will be in the form of a simple priority junction 5.5m wide with 6mR radii (although there are some inconsistencies as the plan detailing the vehicle tracking actually indicates 10mR radii). It is also proposed to widen the carriageway on Nell Lane to 5.5m for a distance of 30m on both sides of the new access. Nell Lane at the locality is approximately 7m wide (1m wide verge on the north side, a 4m wide carriageway and a 2m wide verge on the south side) therefore the Highway Engineer considers that the above proposed highway improvements are feasible.
172. Nell Lane is 60mph speed road however the Highway Engineer considers that speeds are likely to be subjectively much lower and as such a visibility sightline of 65m is required in each direction.
173. When the application was original submitted a detailed layout plan showing the proposed access arrangements was not provided. Following receipt of the Highway Engineer comments set out above a plan detailing the suggested highway improvements and visibility splay requirements was requested.
174. The access arrangement plans detail a 2.4m x 65m visibility splay in accordance with the Highway Engineers comments. The proposals include the planting of a new hedge, to replace the hedge that requires removal to achieve the visibility splay, and railings at the site entrance. A pedestrian access is also provided onto Nell Lane in close proximity to Cuerden Residential Park.
175. On receipt of these plans the Highway Engineer has confirmed that *the proposals for the main entrance and the proposed pedestrian link onto Nell Lane would be acceptable. The visibility sightlines at the entrance have been satisfied , and the proposed pedestrian link north of the site onto Nell Lane along existing field gate, although not quite all the way up to the junction with Shady Lane (approx 25m away), is also acceptable.*
176. Nell Lane is very rural in character and the proposals to achieve the proposed secondary access include removing a section of the existing hedge and widening the carriageway which has the potential to adversely impact on the character of the area. The proposed treatment of the access however is very rural in character and it is proposed to replace the hedge along this boundary as such, from a character perspective, it is not considered that the proposals will adversely impact on the character of Nell Lane.
177. Subsequent to receipt of these comments the Highway Engineer has made the following comments *It has been brought to my attention that as part of the residential development on Wigan Rd site there is likely to be a request for footway provision on Shady Lane. In which case I would prefer to see a direct pedestrian link onto Shady Lane from the Cuerden site to link up with the above footway.*
178. The Wigan Road site referred to by the Highway Engineer is subject to two other planning applications (11/01093/OUTMAJ and 11/01004/OUTMAJ) which are still pending consideration. This application site forms part of the wider safeguarded land allocation which these two other applications are proposed on. It is proposed within the Site Allocations DPD (Preferred Options) to allocate the whole of the safeguarded land allocation for housing/ employment uses including this application site. The Council's preferred way forward for this suggested allocation is for the production of a masterplan or development brief for this site which is supported by the Highway Engineers comments above. By masterplanning the whole site this would ensure a comprehensive development and secure necessary linkages as suggested by the Highway Engineer. Any positive recommendation of this application would undermine this approach.

Crime and Safety

179. The proposals have been assessed by the Council's Architectural Liaison Officer who confirmed that this is a low crime area. During the period 16/11/2010 to 16/11/2011 there have not been any reported crimes on Nell Lane and Oaktree Avenue however there has been criminal activity in the immediate vicinity.
180. Due to this it is recommended that the perimeter boundary of the site is well secured with 1.8m fencing and lighting levels maximise the ability for natural surveillance. Individual dwellings should have well defined boundaries (e.g. 1m high fencing) at the front and 1.8m to the side and rear. The footpaths identified on the plans should be well lit with low level bollard lighting and landscaping maintained to low levels (e.g. pruned to 1m from ground level to ensure opportunities for surveillance and reducing areas of concealment for potential offenders). All of these elements can be addressed by suitably worded conditions.
181. The Architectural Liaison Officer considers that pedestrian and vehicular access routes should be restricted into the site such as one route in one route out as the addition of a new secondary entrance on Nell Lane reduces security of the perimeter.

182. In respect of the community building and Pavilion building flat roofs and velux windows have been incorporated. The Liaison Officer considers that it is important that the flat roofs are not easily accessible as these provide climbing aids for potential offenders.
183. These comments were forwarded to the agent for the application who confirmed that the pavilion building has a 1.2m overhang from the building wall this making extremely difficult access. In respect of the Community Building the building will be "Smart water" protected and will be fitted with surveillance cameras to detect unauthorised access.
184. Following receipt of this confirmation the Architectural Liaison Officer has confirmed that this satisfactorily addressed the concerns in respect of the community building. In respect of the Pavilion building any supporting posts to the 1.2m overhang should be recessed as if flush essential design in a climbing aid onto the flat roof. The elevations of the proposed pavilion building do not detail any supporting posts and could be addressed via condition. It is crucial that this building is alarmed. This can be addressed by condition.
- 4) Overall Conclusion**
185. 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.
186. 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.
187. 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 balanced approach to sustainable development (social, environmental and economic) and that it should be interpreted locally to meet local aspirations.
188. 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.
189. It is also noted that the site is shown in the proposed Site Applications Preferred Options Paper as a part of a wider proposed allocation known as Land to east of Wigan Road (A49) HS1.35 for both housing and employment uses. Policy HS1 also states that the Council will require a Masterplan or development brief. The release of this section of this wider allocation would undermine a comprehensive approach to this site.
190. The application is recommended for refusal on the principle of the development being unacceptable, the fact that both the community centre building and pavilion building are not considered to be appropriate development within this rural area, lack of affordable housing and insufficient information in respect of the requirements of adopted Policy SR1.

Other Matters

Public Consultation

191. In accordance with the Council's Statement of Community Involvement the applicants have undertake a public consultation exercise prior to submitting this application. This includes community consultation with the residents of the existing residential park and neighbouring properties.
192. On the 5th October 2011 a public exhibition was held for the existing residents of Cuerden Residential Park at which they were given a formal presentation of the plans and the background to the development. The exhibition was attended by 114 residents of the park (representing 81 homes) and all attendees were given a Comments Form and invited to outline whether they wished to support the proposed development, object or outline support with comments.
193. At the time of submission of the application 85 response forms had been received. 58 homes (76 people) supported the scheme, 30 homes (43 people) advised that they supported the development with comments and only 1 person/home advised that they objected to the development.

194. Additionally the proposed plans of the development and comments forms were made available for viewing from Wednesday 5th October 2011 until 4pm on Monday 10th October 2011.
195. Letters were sent to 8 neighbouring residencies outside of the park to offer them the opportunity to meet with the applicant and discuss any personal queries they had with the development. The applicant has met/spoken with two of the residents, both of which were in support of the development.
196. To address comments made by the residents the following amendments were made to the proposals prior to submission. Residents of Oaktree Avenue requested the installation of a footpath bearing towards the bowling green from the existing site. This has been added to the masterplan. A resident of Beech Tree Close raised concerns that existing visitors to the community centre congregating in the car park and adjacent to her property boundary to smoke which impacts upon her amenity. In order to address the residents' concern without resulting in direct impacts on other properties the smoking shelter has been re-located to the Wigan Road side of the new community building within a designated enclosure which faces due West.
197. The objections received included need for CCTV exists now, the number of 'visitors' and 'cold callers' would greatly increase and maintenance on site at present is very poor. Increased 'attractions' i.e. water features, pathways by present standards would soon fall into disrepair.
198. In response the agent for the application has confirmed that the issue of CCTV is already being looked at on the park. There are already systems in place for addressing the issue of 'cold callers' and the extension to the park is not considered to result in any greater impact in this regard. The issue of on site maintenance is already being addressed with a programme of works having been drawn up by the applicant.
199. It is considered that the applicant has satisfactorily engaged with the residents in respect of the Council's Statement of Community Involvement.

Sustainability

200. In September 2008 the first policy document, Sustainable Resources DPD, within Chorley's new Local Development Framework (LDF), was adopted.
201. In accordance with Policy SR1 of the DPD the scheme will be required to achieve a 15% reduction in carbon emission through the use of low and zero carbon technologies and the relevant Code for Sustainable Homes Level will be required for each dwelling (Code Level 3 now, Code Level 4 after 2013).
202. The application is supported by an Energy Efficiency & Resources Conservation Statement. This document has been reviewed however this document does not refer to the requirements of Policy SR1.
203. This adopted Development Plan document requires the criteria of Policy SR1 to be addressed in respect of the proposed new dwellings. In particular criterion (b) requires renewable or low carbon energy sources to be installed to reduce the carbon emissions of the development by at least 15%.
204. The applicant states that the community building will achieve a BREEAM 'very good rating' which is in accordance with the requirements of Policy SR1 however criteria (b) also needs to be addressed for this part of the development.
205. As the submitted information does not address the requirements of Policy SR1 in respect of either the proposed residential dwellings or the proposed community building the proposals are considered to be contrary to the Sustainable Resources DPD.

Planning History

5/5/3015- Caravan Site. Approved January 1961

5/5/4631- Stationing of Caravans. Approved May 1964

5/5/6402- Extension to caravan site for 55 caravans and 13 garages. Approved April 1968

5/5/9714- Extension to caravan site for 50 caravans and 23 garages. Approved May 1973

9/76/0608- Extension to residential caravan park. Refused October 1976

9/80/1077- Extension to mobile home site. Refused January 1981. Appeal dismissed

9/83/0694- Extension to Leyland Mobile Homes Park by 1.8 acres (15 units and bowling green). Refused December 1983

9/87/0526- Extension to Existing Mobile Home Park by approximately 1.8 acres. Refused November 1987. Appeal allowed.

00/00073/COU- Change of use from redundant agricultural land to uses in connection with a mobile home site, including the siting of mobile homes. Refused September 2000. Appeal dismissed.

01/00291/COU- Change of use from agricultural land to uses in connection with a mobile home site, including allotments, footpaths, informal open space and tree planting. Approved August 2001

**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 – Clayton le Woods) 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 requirement to consider the application favourably 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 supply with Clayton le Woods and the Borough, 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 B, that when compared to the existing, proposed and potential sites within Clayton le Woods is not any more sustainable than the other options and so 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.

- 2. The proposed replacement community building and pavilion building would be located within an area of safeguarded land. Within these areas development other than that permissible in the countryside under Policy DC1 (Development in the Green Belt) of the Adopted Chorley Borough Local Plan Review will not be permitted. Policy DC1 of the Local Plan (which is derived from national guidance in PPG2) sets out appropriate development and includes essential facilities for outdoor sport and outdoor recreation, for cemeteries or other uses of land which preserve the openness of the Green Belt and do not conflict with its purposes. It is not considered that the proposals constitute essential facilities for outdoor sport and recreation in accordance with Planning Policy Guidance Note 2 and reiterated by Chorley Borough Local Plan Review Policy DC1.**
- 3. The application is not accompanied by sufficient information to demonstrate that the proposals accord with the requirements of adopted Policy SR1 in respect of either the proposed residential dwellings or the proposed community building. As such the proposal is contrary to Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 and Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.**
- 4. The proposed development does not incorporate a proportion of affordable housing in accordance with Policy HS5 of the Adopted Local Plan Review (supplemented by PPS3: Housing) or the emerging Core Strategy Policy 7. As such the proposals are considered to be contrary to Policy HS5 and Government advice contained in PPS3.**