

Item 4b **11/00993/OUTMAJ**

Case Officer **Mrs Nicola Hopkins**

Ward **Coppull**

Proposal **Outline application for the demolition of 47 Clancutt Lane (and associated outbuildings) and erection of up to 29 residential dwellings (all matters reserved except for access)**

Location **47 Clancutt Lane Coppull Chorley PR7 4NR**

Applicant **Redrock Limited**

Consultation expiry: **4 January 2012**

Application expiry: **14 February 2012**

Proposal

1. The application relates to the erection of 29 dwellings on land at the end of Clancutt Lane, Coppull. The application is outline in nature with only the principle of developing the site and the access arrangements being assessed at this time.
2. The proposals incorporate 30% affordable housing which equates to 8.7 units (based on the current layout). The existing dwelling on the site, 47 Clancutt Lane, will be demolished as part of the proposals and replaced with 29 new build dwellinghouses.

Recommendation

3. It is recommended that this application is refused.

Main Issues

4. The main issues for consideration in respect of this planning application are:
 - 1) Principle Of The Development
 - 2) Affordable Housing
 - 3) Details Of The Development, including:
 - Housing Development
 - Density
 - Levels
 - Impact on the neighbours
 - Design
 - Open Space
 - Trees and Landscape
 - Ecology
 - Flood Risk
 - Traffic and Transport
 - Public Right of Way
 - Contamination and Coal Mines
 - Drainage and Sewers
 - 47 Clancutt Lane
 - Archaeology
 - Crime and Safety
 - Noise
 - S106 Agreement
 - 4) Overall Conclusion

Representations

5. 25 letters of objection have been received raising the following concerns:

Traffic and Highways

- Problems caused by extra traffic
- Disruption by HGVs during construction
- The addition of another potential 60+ car traffic at the small (and already dangerous) roundabout at the end of Clancutt lane and Spendmore lane
- Would cause serious traffic issues and accidents.
- Health and safety implications- extra traffic along Clancutt Lane
- Residents along Clancutt Lane have on street parking which will restrict visibility into the site and create highway safety issues if the development is permitted.
- Tandem parking spaces result in a car being parked on the highway which would result in accessibility issues

New Houses

- Too many houses- area is already overpopulated- sufficient houses in the area including a number for sale
- All of the Local people are against this development and all strongly object to this development
- Local MP's are against this development
- If there must be housing on this site, there should be a significantly lower number of units
- There are a number of more suitable sites for this type of development around the borough which should be given priority as housing sites because they are brownfield.

Impact on neighbours

- Loss of privacy- overlooking directly into existing gardens
- Noise

Ecological/ Open Space Concerns

- Loss of green belt land
- Adverse impact on natural habitat. The Land is home to a number of species of wildlife and this development would lose their habitat.
- This development would reduce separation between the Charnock Richard and Coppull and cause over intensification of the area (paragraph 12 of PPS9 states that development should maintain biodiversity networks).
- Proposals result in loss of trees and hedgerows

Other

- Concerns about the pre-application public consultation notification
- Extra pressure on an already low water pressure
- The sewerage system is already overloaded we have had a number of blockage at the end of Pear Tree Ave and have to unblock ourselves further housing would cause no end of difficulties.
- There is already a major problem with youths in the lane at the end of Clancutt lane and the Derelict House at the bottom has been set alight several times over the last few years this develop. This development would greatly increase this problem.
- Planning permission has already been submitted earlier in the year for this site and was rejected this should be the case again.
- Impact on the character of the area
- Schools in the area are already oversubscribed.
- Loss of a historic building- 47 Clancutt Lane
- No information on the design of the properties
- Access may try to be achieved to the rear of the properties which should be restricted.
- Relates to safeguarded land which should not be considered for applications of this type. The Council should not accept any planning applications for this land until any changes to site allocations in the local development framework are finalised and adopted which is scheduled for December 2012 following central government review.
- Coppull needs to be kept as a village not a town
- There are insufficient facilities in the immediate area for the number of children that a development of 29 units would bring.

6. **Councillor Crow** has confirmed that this application has caused quite a concern locally and as a result would not be able to support this application.
7. **Coppull Parish Council** objects to this application on the following grounds:
 - Highway grounds: The access onto Spendmore lane is already serving a large number of houses.
 - The site would be bordering/encroaching into the green belt.
 - This development would also reduce the 'separation' between villages
 - The site is safeguarded land.

Consultations

8. **Planning Policy** have commented on the proposals which is incorporated into the report. The following conclusions are reached:
 - Whilst the July 2011 Appeal decision relating to the residential development of Safeguarded Land in Clayton-le-Woods is a material consideration, this application should be treated on its own merits; The application site has different characteristics and the settlement context is different. In addition changes have occurred in terms of local and national planning policy since that decision. All of these factors need to be considered in the planning assessment.
 - This application proposes small scale residential development on land that is Safeguarded under Policy DC3 of the Chorley Local Plan. Such residential development is not permissible under either Policy DC1 or DC3 and as such this proposal is contrary to Policy DC3. However, in the July 2011 decision on the proposed residential development of Safeguarded Land in Clayton-le-Woods both the Inspector and Secretary of State took the view that Policy DC3 must be read in the context of other material considerations which could be afforded greater weight. This approach should be followed in the consideration of this application.
 - Chorley Borough has a deliverable five-year housing supply; the January 2012 Annual Monitoring Report indicates approximately 6 years of deliverable housing supply. Therefore, there is no requirement to consider this application favourably in line with paragraph 71 of PPS3.
 - The draft NPPF requires local planning authorities to identify a five-year supply of housing with an additional allowance of at least 20% to ensure choice and competition in the market for land but can only be given limited weight due to its current draft status. Nevertheless Chorley has an identified 5.7 year deliverable housing supply, which provides sufficient choice and competition in the market. In addition to the identified deliverable housing supply there are further housing units with permission, where there is currently little evidence as to their deliverability, but which may well come forward over the five-year period, providing further choice and competition in the market for land.
 - The latest published evidence indicates that housing construction and completions levels remain high in the Borough. Housing completion levels have exceeded RSS requirements for the past two years. National housebuilding data identifies Chorley Borough as a district that saw high rates 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.
 - Nevertheless the determination of need should take account of more than the five-year supply and should take account of wider issues. Coppull is identified as an Urban Local Service Centre that is appropriate for some housing growth in Policy 1 of the emerging Core Strategy; significant weight can be given to this policy.
 - 42 dwellings were completed in Coppull from April 2010 – October 2011 which go towards meeting Core Strategy housing requirements. A further 27 units currently have permission and 49 units with permission subject to the signing of a S106 agreement at Coppull Enterprise Centre. Therefore, housing construction is actively taking place in Coppull on small/medium sites.
 - The application site is a preferred proposed housing allocation in the Site Allocations and Development Management Policies DPD Preferred Option Document. 21

objections have been received to this housing allocation, with 2 representations in support. Representations have also been received from landowners/developers that have interests in other areas of the Safeguarded Land in Coppull that are not proposed for housing development in the Preferred Option Paper. These representations support the allocation of alternative sites in Coppull and set out arguments in their favour. It is considered that the housing allocations in the Preferred Option Paper can only carry limited weight at this stage.

- Therefore, whilst the principle of some housing growth in Coppull is accepted and is in line with Policy 1 of the Core Strategy, there are a range of options for the location of that growth. There is choice of potential locations for housing development in Coppull. In Coppull the situation is markedly different from that in Clayton-le-Woods. Growth should be properly planned through the Site Allocations DPD process, rather than via the submission of a planning application. Chorley Council are actively working on their Site Allocations and Development Management Policies DPD and have undertaken consultation on Issues and Options and on a Preferred Option.

9. **Lancashire County Council (Archaeology)** have commented that the 1st Edition Ordnance Survey shows the site to have been occupied by a building, whose function and date of construction is unknown, in the area of proposed plots 3-6. The 1:2500 1st Edition OS surveyed in 1893 shows the site to be occupied by further small buildings. By 1910 they appear to have been subdivided into a small terrace. These buildings were demolished sometime between 1939 and the mid-1960s. The site however is still considered to have the potential to contain structural remains of the mid-late 19th century buildings, as well as evidence for possible earlier use of the site. Lancashire County Archaeology Service would therefore recommend that a condition is attached to the recommendation securing the implementation of a programme of archaeological work
10. **The Environment Agency** have no objection in principle to the proposed development subject to the inclusion of conditions
11. **The Architectural Design and Crime Reduction Advisor** has commented that the development is going to be constructed for accreditation by Secured by Design. The footbridge over the railway line continues to be a focal point for anti-social behaviour which should be taken into consideration in respect of designing out this problem.
12. **Chorley's Conservation Officer** has commented in respect of PPS5
13. **United Utilities** have no objection subject to conditions
14. **Lancashire County Council (Highways)** has no objection to the proposals. The specific comments are addressed below
15. **Chorley's Waste & Contaminated Land Officer** has commented that he has no objection to development, subject to completion of (and our approval upon completion) the further work as identified in section 9 of the BSL's Geo-environmental Assessment report dated June 2010 Ref: DNC/C1701/2133. Validation sampling will be expected in order to demonstrate adequate removal of contaminated made ground. This can be addressed by condition.
16. **Lancashire County Council (Education)** have commented in respect of primary school places which is addressed below.
17. **Lancashire County Council (Planning Obligations)** have requested a contribution to waste management.
18. **Housing Manager (Strategy):** has commented In terms of tenure that the split will be as follows: 6 for Affordable Rent and 2 for Shared Ownership .This proposal meets with our policy of requiring a 70/30 split in terms of affordable rent and sale. It is understood that the developer has had discussions with New Progress Housing Association concerning the above 8 affordable homes. New Progress are a suitable Registered Provider to be involved with this scheme and to purchase and manage these properties.

19. **Environmental Health Officer (Noise)** has commented that the previous application (11/00074/FULMAJ) came with an acoustic consultants report. Their concern is the proximity of the railway line to the proposed development.
20. Following the receipt of the submitted Environmental Noise Impact Assessment Acoustic Consultancy Report the Environmental Health Officer has no objections to the proposals as long as the applicant is fully aware of the previous report and fully implements the noise mitigation measures recommended within it. This can be addressed via condition.
21. **The Council's Policy and Design Team Leader** has commented on the proposals which are addressed below.

Applicants Case

22. The agent for the application has made the following statements in support of the application:
 - It has recently been confirmed by the SoS and Inspectorate that Policy DC3 is out of date and delays in the preparation of the LDF have left the Council with no up to date policy on safeguarded land and no policy for implementing or managing the growth for Coppull advocated by the Core Strategy. The weight that can be attributed to Policy DC3 is therefore limited and the saving of this policy does not represent a review of its appropriateness, which may be outweighed by other considerations.
 - In terms of these considerations it has been demonstrated that the calculation of housing need goes far beyond the 5 year land position, which should, in line with DCLG guidance not be seen as a ceiling, or maximum requirement. PPS3 encourages LPAs to treat applications favourably where they do not have a 5 year supply, but does not state application must be treated favourably where there is one. A view also shared by the Inspector and SoS at the recent Wigan Road inquiry.
 - There is clearly a need for additional new housing in Coppull to facilitate and deliver the sustainable growth of the area and the aspirations of the Core Strategy, which is almost at adoption. This is shown through the emergence of the Site Allocations DPD and simply waiting for this to be adopted is not considered to be reasonable grounds for refusing planning permission when the site is now identified to actually come forward between 2011-16. Granting planning permission within a reduced timescale for implementation would ensure these objectives are expediently and appropriately met.
 - The need for housing, the progression of the CS, which has Coppull as a principal location for housing development, the progression of the Site Allocations DPD which identifies the application site as delivering housing after 2011, the issues of timing which have been addressed in full by the Inspectorate only very recently, and the emergence of the NPPF which places much greater weight on the need to deliver sustainable development, all represent key changes in circumstances with regard to the safeguarded land since the refusal of permission in May 2011. All of these considerations clearly outweigh the outdated Policy DC3 which can only be given limited weight in the planning balance. On this basis, it has been demonstrated that planning permission should be granted in relation to this proposal.
 - My client is willing to accept a condition accepting a reduced timescale for implementation in order to ensure the proposal delivers the objectives of the plan.
 - All of these considerations, in addition to the other benefits of the scheme including much needed new affordable housing and over £38,000 towards the provision of new play equipment at Longfield Avenue clearly outweigh the outdated Policy DC3 which can only be given limited weight in the planning balance.
 - On this basis, it is considered that the application site should be released for development at this time and is therefore acceptable in principle.

POLICY BACKGROUND

The Development Plan

23. 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)).

24. 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.
25. 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. In considering this matter, the Court of Appeal suggested that there would be many situations in which only very limited weight could be given to the intention to revoke, and that the number of cases in which the forthcoming abolition might tip the balance would be limited. It was thought that the situation was likely to be confined to large housing developments where housing targets were a principal part of the argument in favour of development.
26. 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 the end of April 2012.
27. 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

28. 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)

29. 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 covered by the Safeguarded Land DC3.9 designation. The site was allocated as

safeguarded in the 1997 Local Plan, with its allocation rolled forward into 2003 Local Plan.

- Policy DC3 states that development other than that permissible in the countryside under policies DC1 (Development in the Green Belt) and DC2 (Development in the Area of Other Open Countryside) will not be permitted. The 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. Following the establishment of the Local Development Framework process Chorley Council applied for and obtained a direction from the Government Office for the North West to save a number of policies including DC3, DC1 & DC2 for on-going use after 27 September 2007.
- 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-amble 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. Other areas including Adlington, Coppull and Euxton are considered suitable for development within or by way of rounding off their built up areas.
- **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.
- **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

30. 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). There is also a companion SPD to this policy.

National Planning Policy

31. 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.

In respect of the criterion relating to achieving high quality housing the scheme is in outline with all matters reserved, apart from access. The applicant proposes 29 dwellings delivering a range of 2, 3 and 4 bedroom family housing with a mix of detached, semi detached and smaller townhouses. The mix of housing with the provision of affordable housing on this site would provide a better mix of housing within Coppull 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, and there is already a reasonable supply of suitable and available previously developed land in Coppull, although the expectation is that some of Coppull's will take place on Greenfield land.

Using land efficiently is a key PPS3 consideration. This application is in outline only, but the Design and Access Statement highlights some of the constraints and opportunities to the development of this site. These need to be assessed on site taking account of the views of other consultees.

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.

30% affordable housing is proposed as part of this application and this is also considered in more detail later in this 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

32. **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.
33. The eighth report of the Communities and Local Government Committee of the House of Commons if 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’.*
34. 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.

35. 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.
36. As the NPPF is only in draft at the present time and it is likely that changes are to be made to it before the final version is released, it is considered it can be afforded limited weight in decision making and the current set of national guidance remains in force.
37. **Central Lancashire Core Strategy – Publication Version December 2010:** Chorley Council is preparing a Core Strategy jointly with Preston City and South Ribble Councils which was submitted for examination in March 2011 and an Examination in Public took place in June 2011. In July 2011, the examining Inspector expressed doubts whether the document in its December 2010 published form could be found sound in providing for sufficient new housing (Policy 4). The examination was suspended and in November 2011 the three Councils produced a Proposed Housing Related Changes document. This was subject to public consultation during November and December 2011. The consultation period ended on 13th December 2011. The examination is scheduled to re-open on 6th March 2012
38. As a whole the Core Strategy as a document is at an advanced stage, in respect of Policy 4 the examination process it yet to be completed.
39. The following Core Strategy Policies are of relevance to this scheme:
 - **Policy 1** in the Core Strategy relates to Locating Growth. Coppull is identified in the December 2010 Publication Core Strategy in strategic land terms as an Urban Local Service Centre in Policy 1 where some growth (authors emphasis) and investment will be encouraged to help meet housing and employment needs. Therefore, it is a settlement where some housing and employment growth is considered appropriate.
 - **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 improving public transport by providing new railway stations at Buckshaw Village, Cottam, Midge Hall and Coppull, and improving Preston and Leyland stations.
 - **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 7** relates to affordable housing and states that 30% affordable housing will be sought from market housing schemes.
 - **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.

40. This document includes table 1 which represents a prediction that 9% of Central Lancashire's housing development will take place in Urban Local Service Centres, including Coppull, over the period 2010 – 2026. Approximately 2100 dwellings are predicted in total in the 6 Urban Local Service Centres based upon:
- existing housing commitments (sites that already have planning permission for housing)
 - proposed allocations in the Sites for Chorley Preferred Option Paper
 - dwellings already completed in the 6 Urban Local Service Centres during the first year of the Core Strategy housing requirement period (2010 – 2011).
41. However, the document highlights 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.
42. ***Chorley Site Allocations & Development Management Policies – Preferred Option, September 2011:*** Chorley Council is preparing this DPD, and it is at Preferred Option stage, and as such can be afforded limited weight. Consultation ended 18 November 2011, and over 2,200 comments were received. Adoption remains scheduled for the end of 2012. The Core Strategy sets out a predicted distribution of housing based on the potential in each place and are not proportions that are required to be met and as such the Site Allocations document does not set out that Coppull needs to plan for 322 houses up to 2026. This DPD does identify a predicted Core Strategy Housing Target for 2010-2026 with upto 197 dwellings identified as part of the suggested allocations and existing commitments. The DPD also envisages that this site will be delivered between 2011 to 2016.
43. 9% of the central Lancashire housing requirement equates to the development of approximately 2000 dwellings to be developed in the 6 Urban Local Service Centres in Chorley over the period 2010 – 2026. Table 1 of the Site Allocations DPD shows Coppull's target if there was an equal split of 322 dwellings between each ULSC. However in practice when identifying sites this cannot equate to an equal split between settlements as they have differing amounts of available and suitable developable land for housing. 78 dwellings were developed in these settlements during 2010 – 2011.
44. Table 1 actually identifies 2069 dwellings comprising existing housing commitments and proposed housing sites on land in the 6 Urban Local Service Centre settlements, which together with the 78 dwellings already completed marginally exceeds the Core Strategy predicted proportions over the plan period, to take allowance for any slippage (non-delivery or reduced delivery of housing) on sites.
45. In Coppull sites are proposed to be allocated for 178 dwellings set out within the Preferred Option Site Allocations and Development Management Policies DPD on five sites:
- HS1.40 Clancutt Lane – 30 dwellings
 - HS1.36 Discover Leisure, Chapel Lane – 59 dwellings
 - HS1.37 Regent Street – 15 dwellings
 - HS1.38 Land at Northenden Road – 25 dwellings (planning permission has recently been granted for 25 dwellings (ref: 11/00865/FULMAJ) at this site.)
 - HS1.39 Coppull Enterprise Centre, Mill Lane- 49 dwellings (planning permission has recently (10/00735/OUTMAJ) been granted by Members, subject to the S106 Agreement, at Development Control Committee for upto 51 dwellings at this site.
46. In addition Table 1 of the Preferred Option document identifies a further 19 units on other sites in Coppull that have planning permission for housing, equating to 197 dwellings in total over the plan period 2011-2026.
47. The land that is the subject of this application forms HS1.40 Clancutt Lane residential allocation where approximately 30 dwellings are proposed over the period 2011 – 2026. The proposal is therefore in conformity with the Council's Preferred Options document. The Housing Development Phasing Schedule in the Preferred Option Paper identifies this land for development in the first phase of the plan period (2011 - 2016). Therefore, this land is proposed for housing as part of the Site Allocations Process.

48. However, this DPD is at a relatively early stage of preparation and 19 representations objecting to this housing allocation have been received. In addition we have received 2 representations of support. Representations have also been received from landowners/developers that have interests in other areas of the Safeguarded Land in Coppull that are not proposed for housing development in the Preferred Option Paper. These representations support the allocation of alternative sites in Coppull and set out arguments in their favour. For example, representations have been received stating that land at Blainscough Hall and Hewlit Avenue, which are not allocated in the Preferred Option, but remains as Safeguarded Land (BN32.8) and (BNE2.7) respectively are available and suitable for housing development. Further representations have also been received for the other 6 ULSCs and elsewhere in the Borough. It is considered that the housing allocations in the Preferred Option Paper can only carry limited weight at this stage and as representations have been received both in support and objecting to the proposals this issue is still contentious.
49. Therefore, whilst the principle of some growth in the 6 ULSCs including Coppull is accepted and is in line with Policy 1 of the Core Strategy, there are a range of options for the location of that growth. There are 11.47 hectares of Safeguarded Land in Coppull and there are a choice of potential locations for housing development.

Other Material Considerations

50. **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.
51. **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).
52. 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.
53. **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.

54. 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.
55. It is therefore considered that allowing applications on Safeguarded Land without going through the LDF process would cumulative undermine the Governments Localism Agenda which is an expression of the Government's intentions on how decisions should be made. Granting planning permission for schemes now would undermine the wider policy objectives of PPS3 paragraph 69.
56. **The Community Infrastructure Levy (CIL)**- 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.
57. 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.
58. In relation to Coppull, a new station is identified, and a cycling scheme. 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.
59. **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:

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).

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).

BACKGROUND INFORMATION

60. Planning permission was refused at this site in May 2011 for the erection of 10 two bedroom dwellings and 20 three bedroom dwellings. This was a full planning application which included details of access, car parking and landscaping and included the refurbishment and reconfiguration of garden and fencing of 47 Clancutt Lane. It was intended that this scheme would be 100% affordable housing.
61. This application was refused at Development Control Committee on 24th May for the following reason:
The application site is within safeguarded land (site DC3.9), where development other than that permissible in the countryside under saved Policy DC1 of the Chorley Local Plan Review and PPG2 will not be permitted. A five year land supply is available and it has not been demonstrated that this development is needed at this time. The provision of 100% affordable housing does not constitute sufficient justification to release the land at this time. As such the proposal is contrary to Policy DC3 of the Chorley Local Plan Review, The Planning System: General Principles (paras 17-19), Planning Policy Guidance Note 2 and Planning Policy Statement 3.
62. It should also be noted that within Coppull planning permission was granted in November 2009 (ref: 09/00696/FULMAJ) for 40 dwellings at the Waggon and Horses site. This site was safeguarded land however the residential redevelopment of this site was considered appropriate as The Waggon and Horses had large curtilage which could have been developed in isolation by way of a change of use to residential purposes. It was considered that this would represent piecemeal development and sterilise a corner of the site. As such it was considered appropriate to apply a comprehensive approach to the development of the whole of the land rather than wait for the Local Development Framework (LDF) to be adopted. The application site is different to the Waggon and Horses site by virtue of the fact that the existing dwelling has a limited curtilage and that notwithstanding the changes to PPS3 no longer result in the curtilage of the dwellinghouse falling within the definition of previously developed land. As such piecemeal development of the application site is not considered to be an issue.

1) PRINCIPLE OF THE DEVELOPMENT

63. 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*
64. The site is located at the edge of the Coppull settlement boundary and is allocated within the Adopted Local Plan under Policy DC3.9 as safeguarded land. Coppull is one of the settlements of Chorley identified within Policy GN1 although, as set out above it is not identified within the spatial vision for Chorley where future housing development will be concentrated. The pre-ambles to Policy GN1 of the Local Plan identified Coppull as suitable for development within or by way of rounding off the built up area.
65. 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. 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.”*

The draft NPPF carries forward PPG2 provisions in regard to safeguarded land, and it is therefore considered that in this particular regard, the NPPF can be afforded significant weight.

66. 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.
67. 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.
68. The supporting information submitted with the application considers that Policy DC3 is out of date and as such it can only be afforded limited weight in the overall planning balance. This is on the basis that since the previous refusal of planning permission at this site the Inspector and Secretary of State with the appeal decision at the Wigan Road site (ref:10/00414/OUTMAJ) agreed that the LP and Policy DC3 are out of date.
69. The supporting information also cites the Central Lancashire LDF Joint Advisory Committee (JAC) report dated 1st September 2011 as recognising the need to have an up to date plan put in place as a matter of priority. The supporting information particularly cites paragraph 12 of this report which states: *also give the Councils the confidence to operate plan-led development management with up to date policies and proposals in the Core Strategy. (Members should note that an appeal for 300 units on an existing safeguarded site in Chorley has recently been allowed at appeal, on the basis that the local plan (adopted in 2003) was out of date, and in the light of the ministerial statement "Planning for Growth", and despite a proven five year supply).*
70. 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.
71. Paragraph 71 of PPS3 states *Where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites, for example, where Local Development Documents have not been reviewed to take into account policies in this PPS or there is less than five years supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the policies in this PPS including the considerations in paragraph 69.*
72. In accordance with paragraph 54 of PPS3 the Council have identified in excess of 5 years supply of housing. It is not the applicants 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 information in the 2010-2011 Annual Monitoring Report 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.
73. 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.

74. In accordance with PPS3 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 requirement 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.
75. The Secretary of State's appeal decision at Clayton le Woods is a material consideration in respect of this site as this related to safeguarded land. The Secretary of State considered to meet planned growth in the area there would need to be a steep increase in housing delivery. It is acknowledged that the Inspector for the Wigan Road appeal took the view that in relation to safeguarded land, the local plan could be regarded as out of date, and that the Council did have a five year supply of housing land. However it should be noted that the inspector also drew attention to certain matters about that particular proposal which justified its release. For example - she regarded the site as the only realistic opportunity for growth at that settlement, that the proposal was in keeping with the emerging core strategy, and she also considered the nature of supply at that settlement.
76. The site lies on the edge of Coppull, and is a greenfield site. The emerging Core Strategy identifies Coppull as an Urban Local Service Centre where some growth and investment will be encouraged to help meet housing and employment needs. The applicant considers that Coppull is a 'principal location' for housing development as set out within the Core Strategy however the Core Strategy confirms that the focus for growth and investment will be brownfield sites, the strategic location of Central Preston, the Key Service Centres of Chorley and Leyland and the other main urban areas in South Ribble. The Core Strategy does identify that some greenfield development will be required on the fringes of the main urban areas and an appropriate scale of growth and investment will be encouraged in identified Local Service Centres.
77. Coppull is identified as a Local Service Centre within the Core Strategy where some growth will be encouraged however it is not considered that this constitutes a principal location for housing development.
78. In this case there has been growth within Coppull over recent years. From April 2003 (when the Regional Spatial Strategy (RSS) housing requirements began) to April 2010, 93 dwellings were completed in the Coppull settlement. From April 2010 (start date of the Core Strategy housing period) to April 2011, 42 dwellings were completed (including the erection of 40 dwellings at the Waggon and Horses site (09/00696/FULMAJ) and there are other sites within Coppull, including brownfield sites, which are available for housing delivery.
79. The site is also proposed for allocation (HS1.40) in the emerging Site Allocations DPD, now at an early stage. However, there are other sites within and adjacent to the settlement of Coppull that were also considered for allocation, HS1.36 (Discover Leisure, Chapel Lane- this site was assessed as "band B" in the Council's sustainability assessments), HS1.37 (Regent Street- This site was assessed as "band B" in the Council's sustainability assessments), HS1.38 (Land at Northenden Road) and HS1.39 (Coppull Enterprise Centre, Mill Lane).
80. Planning permission was permitted in November 2011 (11/00865/FULMAJ) for the erection of 25 dwellings at Northenden Road which included 20% affordable houses and planning permission (10/00735/OUTMAJ) was granted by Members, subject to the S106 Agreement, at Development Control Committee on 29th March 2011 for residential development at Coppull Enterprise Centre for upto 51 dwellings including 20% affordable housing.

81. The site was assessed as part of the Sustainability Appraisal of the Site Allocations and Development Management Policies DPD Preferred Option. Overall it scores reasonably well and it was given a banding of C (Banding from A – E, with A indicating the most sustainable sites), but the site did score poorly in a few areas. The site scores poorly in terms of its distance to a railway station and rail service frequency as there is no rail service in Coppull. Other areas highlighted as weaker within the Sustainability Appraisal include its distance to Chorley Town (which is the Borough's Key Service Centre), distance to a supermarket (over 3km) and the fact that the site is Greenfield and not Brownfield. The Sustainability Appraisal also indicates that the site is between 1.61 and 3.2 km of a secondary school, on Grade 3 agricultural land, and between 1.6 and 3.2 km from further/higher education facilities.
82. All of the site suggestions received in Coppull as part of the Site Allocations process have been given either a banding B or C in the Sustainability Appraisal. Coppull Enterprise Site (planning permission granted subject to the S106 Agreement); 293 Spendmore Lane; land at Northenden Road (planning permission granted), Discover Leisure (site allocation for housing) and Regent Street (site allocation for housing) have a B banding. The application site does not have a higher overall rating than these sites. Other site suggestions with a C banding are Blaincough Works sites (3 site suggestions); Mountain Road; Land at Hewitt Avenue and Orchards Hey Farm.
83. Therefore, the situation in Coppull is different from the situation in Clayton-le-Woods. In Clayton-le-Woods there was a very limited choice of potential housing sites for future growth. In the appeal decision, both the Secretary of State and Planning Inspector agreed that the area of Safeguarded Land that included the appeal site was realistically the only land available in Clayton-le-Woods for delivering the required growth. This is not the situation with regard to this application in Coppull.
84. In addition the Core Strategy does not specify how much development should go in each Urban Local Service Centre. It has no housing requirement for individual settlements and there is no requirement for the split between settlements to be equal. Therefore, as well as choices between sites within each settlement there are also choices to be made regarding the distribution between the 6 Urban Local Service Centres themselves.
85. Additionally as set out earlier there are other more sustainable opportunities for growth on brownfield land within the settlement of Coppull and as such this site is not the only realistic opportunity and there have been recent approvals and dwellings constructed within Coppull. As such this site is considered to be a different situation to the Wigan Road site.
86. The allocations within the DPD can only be afforded limited weight given the status of this document and as such the main consideration is whether there are material considerations which outweigh the Development Plan.
87. The other material considerations put forward by the applicant in respect of this application include:
 - The provision of 30% affordable housing in line with Core Strategy Policy 7 which the applicant has discussed with New Progress in respect of them being the Registered Provider.
 - The fact that the applicant is willing to accept a reduced timescale for implementation.
 - The need for housing.
 - The progression of the Core Strategy, which has Coppull as a principal location for housing development.
 - The progression of the Site Allocations DPD which identifies the application site as delivering housing after 2011
 - £38,000 towards the provision of new play equipment at Longfield Avenue
 - Will generate in the region of £200,000 'New Homes Bonus'

88. **Prematurity**

89. 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.'

90. Paragraph 72 of PPS3 (Housing) states that LPAs should not refuse applications solely on the grounds of prematurity.

91. 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.

92. 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	Outline up to 160 dwellings	15 December 2011

	Shady Lane		
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

93. 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.
94. This application is for 29 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.
95. 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.

96. 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."
97. 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.
98. This development only relates to 29 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. However the release of this site would set a precedent for the release of other safeguarded sites within the Borough. The cumulative effect of which, i.e. releasing all safeguarded sites within the Borough, would 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.
99. The cumulative issue has also been raised as a concern by the agent for this application in respect of the Redrow (Lucas Lane) safeguarded land application and this application being considered at the same DC Committee. The agent confirmed that his "*client and I are mindful that both sites, whilst identified in the current Chorley Local Plan as 'safeguarded' for development post 2006, are completely different in size, scale, and setting and have fundamentally different issues relevant to their determination.* The agent has requested *In order to avoid any confusion between the two, or potential suggestions of cumulative impacts, my client would be grateful if you could consider whether the above application may be taken to the earlier 17th January committee?*", further confirming that the cumulative impact of releasing the safeguarded sites within the Borough is a consideration in respect of this application.
100. 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.
101. 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 taken in the Site Allocations DPD.
102. 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

103. In conclusion 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 and the to promote attractive, high quality housing developments where people can move safely on foot or bicycle, and which have safe access to sufficient areas of play space and amenity.
104. As Coppull is not identified, spatially, within the Local Plan as a principal location for housing growth the release of this site undermines the objectives of the Local Plan as set out above.
105. 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.
106. As has been established at the broadest level the Local Plan does not identify Coppull as a principal location for housing development and as such does not accord with the final criterion of paragraph 69 of PPS3 is meet the spatial vision for the area.
107. 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”.

108. Coppull 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. It is acknowledged that there is support in the emerging Local Development Framework for some growth in Coppull, however 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 growth that will take place in Coppull 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. 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.
109. Additionally Objective SO2 seeks to ensure there is sufficient appropriate infrastructure to meet future needs, funded where necessary by developer contributions. 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.” Given the fact that even small developments create a need for new services, then 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.

110. The supporting documentation submitted with the application considers that there is a need for housing in Coppull and has cited various publications including:

- An appeal decision in Cornwall (Ref: APP/D0840/A/09/2115945),
- The draft NPPF (which suggests that LPAs should identify a 5 year housing supply and an additional 20%),
- The Wigan Road appeal decision and
- The Council's Site Allocation DPD.

The main thrust is that the 5 year housing land supply is not a threshold and the Site Allocations DPD sets out a requirement of 322 new houses in Coppull up to 2026.

111. It is considered that this site is different to the site at Clayton le Woods (Wigan Road appeal), subject to the recent appeal, on the following grounds:

- There are other opportunities for growth within the settlement
- The Core Strategy does not specify how much development should go in each Urban Local Service Centre including Coppull. It has no housing requirement for individual settlements and there is no requirement for the split between settlements to be equal. In addition, there are a range of options for the location of that growth once it has been decided how much development should go in Coppull.
- There has been recent planning approvals and housing completions within Coppull

112. 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.

113. 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.

114. The agent for the application has confirmed that his client is willing to accept a condition accepting a reduced timescale for implementation however has also confirmed that the houses would not be delivered until 2014/15.

115. There has been no determination yet in respect of which sites will be allocated for housing, when this housing would be brought forward or whether there will be an even distribution of housing delivery across the 6 identified Urban Service Centres. Prior to this determination any release of suggested sites has the potential to prejudice the plan-making process.

116. 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. On site delivery

would not be delivered until 2014/2015 and as such this site can be fully assessed as part of the plan-making process in accordance with Government guidance.

117. The best way of meeting the Local Plan Review objective 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 Coppull, granting permission now would prejudice decisions that ought properly be taken as part of the LDF process and undermine these objectives.

2) AFFORDABLE HOUSING

118. 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.
119. The Local Plan affordable housing requirement is less than that proposed in Core Strategy Policy 7. This site directly adjoins the settlement of Coppull, which the Core Strategy identifies as an Urban Local Service Centre, Policy 7 requires the provision of 30% affordable housing on market housing schemes. The affordable housing should be delivered on site, but financial contributions instead of on site affordable housing are acceptable where the development location is unsuitable for affordable housing. It is considered that this location is suitable for affordable housing and that it should be provided on site.
120. For policy purposes the site is on land safeguarded for future development needs directly adjoining the existing Coppull settlement, which gives scope for the urban settlement to grow without infringing on the Green Belt.
121. 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.
122. In this case the applicant is offering 30% on site affordable housing. It is noted that 30% of 29 equates to 8.7 units this would ensure the delivery of 8 units on site and the 0.7 would be calculated as a commuted sum (set out within the Council's Affordable Housing Framework using a base figure of £115,000 for a 2 bed house) to be used for affordable housing in Coppull. It is also understood that the applicant has been in discussion with New Progress as the potential Registered Provider for this site.
123. The 2009 Strategic Housing Market Assessment (SHMA) estimated that there is an annual shortfall of 723 affordable properties a year borough wide in Chorley, but it does not set out the levels of need in different settlements. However, it clearly indicates high levels of affordable housing need in the Borough as a whole. Therefore, it is considered important to seek 30% affordable housing on appropriate sites, which also accords with emerging Core Strategy Strategic Objective SO8, which aims to significantly increase the supply of affordable and special needs housing particularly in places of greatest need such as more rural areas.
124. In the Cuerden appeal decision the fact that the proposal would provide 30% affordable housing in line with the Core Strategy requirement was seen as a material consideration in the applications favour as *'the development would bring with it a significant proportion of much needed affordable housing'*.

125. Similar to the Cuerden appeal the provision of 30% affordable housing is considered to be a material consideration in support of this application. The issue relates to whether this provision outweighs other considerations and in particular whether this justifies the release now.
126. It is not considered that the provision of a maximum of 8 units (which equates to approximately 1% of the current shortfall) represents a significant proportion of affordable housing when compared to the Cuerden site which will provide upto 90 affordable units . (which equates to approximately 12.5% of the current shortfall) It is also noted that other recent permissions within Coppull include a percentage of affordable housing, including 6 units on site at Northenden Road and upto 10 units on site at Coppull Enterprise Centre.
127. Additionally the other suitable and available sites within Coppull are located within more sustainable locations (assessed as sustainability band 'b' as opposed to this site which is band 'c') on brownfield land which would be preferable for the location of new affordable housing.
128. As such although it is considered that the provision of on site affordable housing in accordance with the emerging core strategy policy it is not considered that, in this case, this justified the urgent release of the land.

3) DETAILS OF THE DEVELOPMENT

Housing Development

129. The development relates to the erection of 29 dwellings on the site following the demolition of the existing dwelling on site, 47 Clancutt Lane. The application is outline in nature with all matters reserved save for access. The siting of the properties is not being considered as part of this application although a indicative layout plan has been submitted with the application.
130. Part of the surrounding area is residential in character with the properties on Pear Tree Avenue backing onto the application site. Their rear gardens extend upto the boundary with the access road which runs along the eastern boundary of the application site. Views of these properties are partly screened by existing vegetation along the road boundary.
131. 2, 4 and 6 Birchwood Drive are located to the south of the application site. The properties are 9, 13 and 2 metres away from the application site boundary, respectively, at their closest point. Number 24 Holly Crescent is a semi-detached bungalow located adjacent to the boundary. The property has a single storey side element which extends upto the boundary and a first floor window (serving the roof space) in the side elevation facing the application site. This window is located approximately 4.4 metres from the site boundary. Number 43 Holly Crescent is sited adjacent to the site boundary. Number 45 and 60 Clancutt Lane are located next to the access into the site.
132. Members will recall that an application at this site was considered at DC Committee in May 2011 (11/00074/FULMAJ). This application was a full application for 30 dwellings were siting was a consideration. It was established as part of this application that there would be no loss of amenity to the existing or future residents in respect of the siting. The submitted layout plan is indicative at this stage however as it has been established that 30 dwellings can be adequately accommodated on the site it is considered that upto 29 can also be accommodated on the site.

Density

133. The site covers an area of 0.83 hectares. The erection of 29 dwellings equates to 35 dwellings per hectare which is considered to be an appropriate density.

Levels

134. The site is relatively flat. The levels at the site entrance are approximately one metre higher than the western parts of the site however this difference is not apparent on site as the land gradually grades down within the site.

Design

135. The design of the proposed properties is not being assessed as part of this application and would be addressed as part of any future reserved matters application. This notwithstanding the Council's Policy and Design Team Leader has made the following comments:
- Overall there is too much space given over to front forecourt parking/highways.
 - Plots 15-21 are particularly poor in their relationship to the streetscene. This element of the scheme lends itself to the principles of home zone.
 - I would like to see more variation with the properties i.e. detached interspersed with the mews type houses in order to create a more interesting streetscene. The 21m separation distance seems to be dictating a fairly non-descript suburban style layout which is out of context with the character of the area. The layout previously submitted responded to the site and context more successfully.
 - Property 29 as a focal property/visual stop needs more design consideration. At the very least it should have habitable windows to the side elevation. However, ideally I would prefer to see it rotated to face onto the access road.
 - The applicant should ensure that any side elevations to the main street include habitable windows in order to create interest and also enhance safety and security.
 - Plot 14 could be angled into the street and the garage should be located more conveniently to the property.
 - I can see the trees to the north and eastern boundaries becoming an issue with residents given how close properties 8, 9 and 10 are to them.
136. As the layout plan is indicative at this stage it is considered that these issues should be addressed as part of the detailed design stage. The agent for the application has been advised of these comments.

Open Space

137. In accordance with Policy HS21 of the Adopted Local Plan proposals for new housing development will be required to include provision for outdoor play space. In appropriate developments of less than 1 hectare a commuted sum from the development may be secured for use in the provision or improvement of open space facilities in the locality.
138. This is considered to be appropriate in respect of this application and in accordance with the Council's Interim Planning Guidelines for New Equipped Play Areas Associated with Housing Developments. These guidelines state that where fewer than 100 dwellings are to be built in a housing development it is not normally expected that an equipped play area will be provided on-site.
139. The off site play space contribution is a tariff based approach and equate to £1,379 per dwelling which results in a contribution of £38,612 from this development. The Council's Parks and Open Spaces Manager confirmed, in respect of the previous application, that this contribution could be used towards the provision of new play space provision at Longfield Avenue, Coppull. As this application was determined within the last 12 months the provision of still considered appropriate in respect of this site. There is an existing play space on Longfield Avenue which it is proposed to relocate to the former garage site on Longfield Avenue. This proposed site is within 350 metres of the application site and the contribution will be utilised to part fund this enhanced facility to benefit the residents of Coppull and any future residents of this site.

Trees and Landscape

140. The majority of the site is not previously developed land and is characterised by scrubland. There are several trees within and along the boundary of the site. The application is supported by an Arboricultural Survey and Constraints Report in respect of the trees on/adjacent to the site.
141. 34 trees and 5 hedgerows were identified on the site. The proposed development incorporates the retention of some of these trees however some will be removed. The submitted report concludes that the trees, due to their location have a low/moderate visual amenity. The trees are poor specimens of little intrinsic value. The Constraints Plan identifies

a number of opportunities to develop the site. These can be increased slightly by the removal of C category trees. The removal of these trees would unlikely have any significant detriment on the treed character of the local area.

142. The Council's Arboricultural Officer assessed the site as part of the previous application. The site itself is mainly characterised by scrub growth although there are some young oak trees which are worthy of protection.
143. The Arboricultural Officer considered that some of the trees were worthy a TPO including an oak tree (no. 2599). Although this is off-site a section of canopy overhangs the site. The limes trees (no. 2597) are in poor condition and suppress the young oaks (no. 2596). Removal of these limes would enable the oaks to grow and as such the oak trees should be protected. The ash tree (no. 2595) and oak tree (no. 2590) are good examples of the species and as such are worthy of retention as they contribute to the visual amenities of the area.
144. The Arboricultural Officer did not consider that the other trees on the site are worthy of retention.
145. Concerns have been raised by local residents in respect of the loss of trees and hedgerows. However as set out above the trees worthy of retention have been protected by Tree Preservation Order 5 (Coppull) 2011 and the remainder can be removed as part of the redevelopment of the site without an adverse impact on the character and appearance of the area.

Ecology

146. The application is accompanied by an Ecological Assessment, a Great Crested Newt Survey and a Bat Survey all of which have been forwarded to the Ecologist at Lancashire County Council for comment.
147. 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) (c) favourable conservation status of the species must be maintained.
148. 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.

149. Clarification in respect of the impact on protected species is awaited from the Ecologist.

Flood Risk

150. The site is located within Flood Zone 1 however as the site is less than 1 hectare in size a Flood Risk Assessment is not required to accompany the application. The Environment Agency has assessed the application and confirmed that they have no objections subject to conditions in respect of the disposal of foul and surface waters and the provision and implementation of a surface water regulation system.

Traffic and Transport

151. The application is accompanied by a Transport Statement which has been assessed by the Highway Engineer at Lancashire County Council. He has confirmed that the proposed access arrangements into the site and the basis internal layout of the roads are already generally agreed (this reflects that indicated with the previous highway comments made for Application No 11/00074/FULMAJ). As such the Highway Engineer has no overriding objection to the proposed development in principle although his specific comments are addressed below.

152. As part of the previous application the highway engineer raised concerns in respect of forward visibility at the access and suggested some minor improvements. The Highway Engineer now considers that the proposed visibility of 16m, as detailed on the submitted plan (ref: 0134-03 Rev A), is acceptable. The Engineer has commented that the access will be in the form of a 70° bend which will ensure that vehicular speeds are subjectively low.
153. The Highway Engineer notes that concerns were raised in response to the public consultation exercise regarding additional traffic generation. However, the Engineer considers that the scale of the development is well within the recommended guideline of 80 units before requiring a transport assessment and as such the additional traffic will not have an adverse impact on operation of the adjacent highway network.
154. The Engineer has noted that this application proposes 30% affordable housing as opposed to 100% on the previous scheme and also includes the demolition of 47 Clancutt Lane. The Engineer has commented that an application for 100% affordable housing did not attract any planning obligations however following the proposed change to 30% affordable he is now seeking seek transport contributions as follows.
155. The accessibility questionnaire for residential development site has returned a score of 16. The accessibility of the development site is low end of medium and as such a level of transport obligation contributions is sought to aid transport. The Highway Engineer has used the LCC Planning Contributions Paper to seek a contribution of £38,950 from the scheme (based on the accessibility score and £2,050 per 3 bedroomed unit- 19 dwellings).
156. The Highway Engineer has confirmed that the contribution will be used toward the following cycling facility which is listed in the County's draft core cycling strategy for Chorley: Chorley South to Coppull via Bolton Road, Pilling Lane, Eaves Green Road, Lower Burgh Way and Burgh Hall Lane.
157. In respect of the internal road layout the Engineer has acknowledged that the site layout plan is illustrative only at this stage however he has commented that it is unlikely that the courtyard access and layout arrangement will prove acceptable from a point of operation facility for servicing vehicles and he has confirmed that the highway will be required to be built to adoptable standards.
158. The agent for the application has provided the following comments in respect of the Highway Engineer's response:
- In terms of the Travel Plan requirement the Chorley Council Validation Checklist clearly states that Travel Plans are not required for residential planning applications under 80 dwellings. This also reflects national guidance in the Department for Transport's 'Guidance on Transport Assessments'. Therefore based on the Council's, and the Government's Guidance it is not considered that a Travel Plan is required, nor is it necessary for the scale and nature of this development. The request therefore fails the tests set out in Circular 11/95 and a condition requiring completion of a Travel Plan is considered to be unreasonable in this regard.
 - From 6 April 2010 it is unlawful for a planning obligation to be taken into account when determining a planning application if the request fails to meet all three of the following tests:
 - Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development.
 - The latest national guidance on planning obligations and financial contributions is set out in the draft NPPF, which, as confirmed by the Planning Inspectorate in August 2010 is a material consideration in the planning balance. This clearly states at paragraphs 39-41 that Local Authorities should set out policy on local standards in the Local Plan

and use CIL to incentivise and support new development through an adopted plan process.

- The Highways Officer's request for £38,950 is based on the "County's draft Core Cycling Strategy for Chorley". This is still a draft document which is being progressed, has not been consulted upon, is not available to the public, and will supplement the Core Strategy upon adoption. Given the infancy of this document, and given its status within the Development Plan it is not considered that any weight can be reasonably attributed to the proposed method of calculation as part of the assessment of this application.
- Notwithstanding the position of this document, it is not considered that the request meets any of the three CIL tests which would constitute a lawful request for financial contributions.
- The County Council appear to suggest that 19 3-bedroom properties would be built and have used a calculation of £2,050 per dwelling in such instance. Again, notwithstanding this calculation is not set out in a properly tested and consulted Development Plan Document this application seeks permission for outline planning permission and the access only. Whilst the indicative layout shows new family housing the exact details are yet to be agreed. No provision is made for outline planning applications and simply applying the same methodology is clearly not considered to be fairly and reasonably related to the development.
- The sum requested by the County Council therefore fails all three tests of the CIL regulations and is not considered to be a lawful request which is either necessary to make this development acceptable, directly related to the application, or fairly and reasonably related in scale or kind.

159. Taking into account the Highway Engineers requests and the requirements to satisfy the CIL tests set out above it is not considered that this request is justified in this case and as such will not form part of the legal agreement for this site.

Public Right of Way

160. There is a public right of way (Footpath 19) which runs adjacent to the northern boundary of the site over the railway bridge. The footpath also connects in a north west direction along Pear Tree Avenue. The proposed development will not affect the route of this right of way.

Contamination and Coal Mines

161. In respect of contamination the Council's Waste & Contaminated Land Officer considers that there is a potential for ground contamination at this site however this can be addressed by a suitably worded condition.

Drainage and Sewers

162. In respect of drainage from the site the application is supported by a Drainage Strategy Report which has been forwarded to United Utilities for comment. To date comments have not been received, the comments will be reported on the addendum.

163. Concerns have been raised in respect of extra pressure on an already low water pressure and the capacity of the sewerage system is already overloaded. This will be addressed by United Utilities.

47 Clancutt Lane

164. Part of the site is occupied by 47 Clancutt Lane which is a detached dwellinghouse and is currently unoccupied. The property will be demolished as part of the development. As this property is not within the defined settlement of Coppull the Council's Interim Policy in respect of garden developments is not applicable. The demolition of the property to be replaced by residential properties as such is not considered to be an issue.

Archaeology

165. Lancashire County Council's Archaeologist has requested a programme of archaeological work in respect of the site. This is due to the fact that the site is considered to have the potential to contain structural remains of the mid-late 19th century buildings, as well as evidence for possible earlier use of the site.
166. The archaeologist considers that this is in accordance with PPS5, Policy HE12.3 (Where the loss of the whole or a material part of a heritage asset's significance is justified, local planning authorities should require the developer to record and advance understanding of the significance of the heritage asset before it is lost, using planning conditions or obligations as appropriate).
167. In response to this request the agent for the application has considered the implications and considers that as the buildings on site have long since been demolished, there is no evidence to suggest that they held any historic or archaeological significance, and are not within an area where it would be reasonable to conclude any archaeological assets remained the condition is not considered relevant, nor necessary in this instance. The proposal therefore fails to meet all the necessary criteria in Circular 11/95 which relates to conditions.
168. Following further consideration of this issue it is considered that the likely significance of any asset, given that it may or may not exist, would go beyond the requirements of PPS5 Policy HE12. To request a programme of archaeological recording where the potential significance of any heritage asset is uncertain and where even the very existence of a heritage asset is also uncertain is considered to be unreasonable.

Crime and Safety

169. The proposals have been assessed by the Council's Architectural Liaison Officer who confirmed that the scheme is intended to be constructed to achieve accreditation to Secured by Design. The footbridge over the railway has and continues to be a place where youths congregate resulting in anti-social behaviour. Potential to design out this issue needs to be considered at full design stage.

Noise

170. The main consideration from a noise perspective is the proximity of the railway line to the proposed development. The east of the site falls within NEC 'B' (ref: Planning Policy Guidance Note 24 '*Planning and Noise*' (PPG24)) and the west of the site falls within NEC 'C'.
171. The Environmental Health Officers have recommended that the developers closely follow the recommendations outlined within the submitted Environmental Noise Impact Assessment to ensure both garden and internal areas of proposed properties, which maybe subject to excessive noise from the railway line, are adequately protected from noise. The measures include standard thermal double glazing and trickle ventilation openings. Gardens on the western and north-western site boundaries should be protected by acoustic screening, for example a 2.4 metre high close boarded timber fence.
172. This can be adequately addressed by condition.

Section 106 Agreement

173. Due to the nature of the development a Section 106 Agreement will be required to secure:
- 30% affordable housing. On a 70/30 split in terms of affordable rent and sale
 - £38,612 for the provision of play space at the former garage site Longfield Avenue, Coppull
174. Lancashire County Council School Planning have commented in respect of school places education. The comments are based on the size of the proposal which could yield 10 primary school places. The School Planning Team have confirmed that there will be 75 projected places available in 5 years however due to other approvals in the Borough this is reduced to

22. As such LCC will not be seeking a contribution from the developer in respect of a proportion of the full pupil yield of this development.

175. However the School Planning Team have commented that if other pending planning applications in the Borough are approved prior to the determination of this application a claim for primary school provision could be made up to the maximum 10 places (£122,139).

176. However in accordance with the Community Infrastructure Levy Regulations the following tests need to be met in respect of S106 obligations:

- a) necessary to make the development acceptable in planning terms
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

177. It is considered that as there are 75 spare places in the local primary schools for the next 5 years and this scheme will yield 10 places this scheme can be adequately accommodated within the area. It is not considered that any request could be justified in respect of the above tests as taking into account other approvals ensures that the request is not directly related to the development.

178. In respect of secondary school places there is considered to be sufficient to meet the demands of this scheme

4) Overall Conclusion

179. 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.

180. 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.

181. 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.

182. On basis of all the material considerations forwarded in support of this application the determination of this application is a finely balanced decision. 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.

183. In terms of whether the site should be released for housing PPS3 is more up to date than the Local Plan. Chorley has a five-year housing supply, however although the Council accepts that the proposal meets the first four criteria of paragraph 69 of PPS3 it is not considered that it meets the final criterion:

Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues.

184. 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.

185. In terms of the site specific and technical aspects of the proposal the application is considered acceptable subject to appropriate conditions and a Section 106 Agreement.
186. The application is therefore recommended for refusal on the principle of the development being unacceptable.

Other Matters

Public Consultation

187. In accordance with the Council's Statement of Community the applicants, Redrock Ltd, held a pre-application public consultation even on 1st November 2011 at Coppull Village Hall. Approximately 30 residents attended the consultation event and 10 feedback forms were completed. From the 10 forms received, 6 expressed concerns over the potential for additional traffic generation along Clancutt Lane and highway safety/ access, 2 expressed a preference not to see any affordable housing and instead fewer/ larger houses, and 1 objected without any reason given. The final feedback form expressed concerns regarding the boundary of the site with the private drive to 84 Clancutt Lane with preference for a strong boundary treatment. Other issues discussed included the anti-social behaviour in the area.
188. In response to these concerns the submitted Design and Access Statement confirms that it is not considered that the current proposal would lead to any significant additional impact on the operation of Clancutt Lane that would warrant refusal of this planning application
189. The Design and Access Statement states that when properties on Holly Crescent and Birchwood Drive were built in the 1960s it appears that there was an intention to extend these roads onto the application site. To address concerns raised the proposals limit access to the proposed development via a single access to be taken directly off Clancutt Lane where the existing access is located.
190. In respect of affordable housing the need for affordable housing is set out in the Council's Corporate Strategy and is a policy requirement of planning applications under the Local Plan and Core Strategy.
191. The Design and Access Statement confirms that as part of the pre-application process discussions have been held with Progress Housing Group who have been identified as a registered provider. 8 affordable units will be provided, 6 will be offered as 'affordable rent' and 2 as intermediate (e.g. shared ownership).
192. Core Strategy Policy 5 states that all new housing developments must be at a density which reflects the surrounding area. The illustrative layout plan shows a mix of detached and semi-detached housing, reflective of the immediate area (which also contains much higher density terraced properties). The proposal will deliver 28 new houses on a site measuring 0.83ha, or a density of 34 dwellings per hectare. This complies with Core Strategy Policy 5 which supports a density of up to 35 dwellings per hectare which seeks to make the most efficient and effective use of land.
193. Concerns were raised regarding the boundary treatments to Plots 1 to 7. The Design and Access Statement confirms that at this stage the application is proposed in outline with only access for determination. This concern can be addressed at reserved matters stage.

Sustainability

194. In September 2008 the first policy document, Sustainable Resources DPD, within Chorley's new Local Development Framework (LDF), was adopted. The submitted Sustainable Resources Statement has been assessed by the Planning Policy Team who have confirmed that the references to sustainability are inadequate and the applicant is required to demonstrate compliance with Chorley's Sustainable Resources DPD.
195. 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). However it is considered that this can be addressed by suitably worded conditions.

Planning History

11/00074/FULMAJ: Application for the erection of 10 two bedroom dwellings and 20 three bedroom dwellings (incorporating four 2.5 storey three bedroom dwellings- plots 1, 7, 9 and 21) with associated access, car parking and landscaping. Including refurbishment and reconfiguration of garden and fencing of 47 Clancutt Lane. Refused May 2011 for the following reason:

The application site is within safeguarded land (site DC3.9), where development other than that permissible in the countryside under saved Policy DC1 of the Chorley Local Plan Review and PPG2 will not be permitted. A five year land supply is available and it has not been demonstrated that this development is needed at this time. The provision of 100% affordable housing does not constitute sufficient justification to release the land at this time. As such the proposal is contrary to Policy DC3 of the Chorley Local Plan Review, The Planning System: General Principles (paras 17-19), Planning Policy Guidance Note 2 and Planning Policy Statement 3.

Recommendation: Refuse Outline Planning Permission Reasons

1. With reference to:

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

Coppull is not identified within the Chorley Borough Local Plan Review as a location for growth and this proposal in the context of the Development Plan would not support its wider aims, vision and objectives.

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 within Coppull 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 C, that when compared to the existing, proposed and potential sites within Coppull is not the most sustainable of the options available 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.