

Item 4b **12/00362/OUTMAJ**

Case Officer **Caron Taylor**

Ward **Pennine**

Proposal **Outline planning application for the development of land to the north and west of Lucas Lane for the erection of up to no. 135 dwellings with all matters reserved, save for access (resubmission of previous application 11/00992/OUTMAJ)**

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

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

Consultation expiry: 16 May 2012

Application expiry: 2 July 2012

Proposal

1. The application is described as:
'Outline planning application for the development of land to the north and west of Lucas Lane for the erection of up to no. 135 dwellings with all matters reserved, save for access'.
2. This application is a resubmission of application reference 11/00992/OUTMAJ. Members will recall that this application was refused by Development Control Committee on 14th February 2012. The applicant has appealed against the Council's refusal and a Public Inquiry is scheduled to take place in July.
3. This application submitted is an identical application (with an updated planning statement and updated technical information) to that which is currently the subject of the appeal. It has been submitted following the publication of the National Planning Policy Framework (NPPF) which replaces most of the previous National Planning Policy Guidance Notes/Statements plus a number of Letters to Chief Planning Officers and Circulars.

Recommendation

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

Main Issues

5. This application has been submitted in light of the publication of the National Planning Policy Framework. The proposal has been reassessed against the provision of the NPPF and this report will therefore focus on this issue.
6. The application proposal remains as per the previously refused application. A copy of the previous report that also discussed the technical issues of the proposal can be found at the following link:
<http://democracy.chorley.gov.uk/documents/g3103/Public%20reports%20pack%2014th-Feb-2012%2018.30%20Development%20Control%20Committee.pdf?T=10>

7. The Council's view on the technical issues remains as per the previous report.

Representations

8. 322 letters of objection have been received on the following grounds:

- Traffic - Contrary to Chorley Local Plan Review TR1 - Will result in an unacceptable increase in traffic flows through residential areas. Furthermore, both site access points are used as informal play areas due to inadequate play provision. The existing small Play area directly next to a proposed site access will be subject to passing traffic with obvious risk to children;
- The existing (Orchard Drive) S106 provision is unusable due to inadequate drainage and lack of maintenance - clear evidence that Redrow cannot be trusted to fulfil the spirit of their obligations;
- Need - there is no reliable evidence that forecast demand for housing is not satisfied by the as yet undeveloped local provision - i.e. Buckshaw and the untouched areas of the former ROF site. The housing market is flat and there are numerous unsold properties on all recent developments - Buckshaw as an example. Indeed on the Redrow and Bellway estates, properties have been on sale for a many months. Who are going to purchase these properties?;
- Contrary to Gov't policy to reduce car usage, no school, doctor, dentist provision available within walking/cycling distance!;
- The issues with additional traffic, pressure on the one local primary school and doctors surgery will clearly cause a decline in these services;
- A proposed link through from this proposed new estate to adjoining estates will clearly impact of the safety and security of both children and property. Finally there is clearly the environmental issue both in terms of local wildlife and traffic volumes;
- All the same reasons as to why planning was originally declined;
- There are not the facilities and the road structure to cope with any further development within the Whittle-le Woods area. The road network would not cope with the extra demand;
- In addition, it would remove a respected environmental resource in the local area causing massive environmental damage to wildlife;
- What is the environmental impact as a consequence of the development?;
- Very frustrating that the Residents Action Group have got to put a another case forward to prevent this development proceeding;
- Chorley has been massively developed on Green Belt land over the last 10 years, the huge Buckshaw development is still unfinished. Brownfield sites exist all around Chorley and these could be used for low cost housing in particular;

- The overdevelopment of green field sites in the area when there are numerous brown field sites still to be used (let alone Buckshaw Village - where is the need?);
- Chorley has destroyed a lot of amenity land in recent years and Redrow have had more than their fair share. The land to the North and West of Lucas Lane should be stay as it is;
- The addition of 135 new homes to the area is likely to increase the number of cars in use by at least 200, if not 300. All these will be channelled down Dunham Drive, a small road, surely not designed for such a volume of traffic, to reach the A6. The A6 is already congested at peak times, and will soon be worse with hundreds of vans and lorries from the proposed Royal Mail facility. The traffic already causes difficulty for residents of other side roads to get out and join the flow, and danger to school children making their way to and from bus stops without adequate pedestrian refuges. There is also the question of pollution; at present there is a large green area, a 'green lung' to counteract the pollution from the A6 and M61, and the extra cars in this space instead of greenery will also increase pollution;
- Redrow's own commissioned ecological report emphasised the diversity of the flora and fauna on the site, and states that development should not take place within 10m of the natural features such as streams and ponds. They have still only surveyed the site in spring and late autumn, not summer when most species would be present. On Redrow's Masterplan document, they mention a field drain on the western edge of the site. It should be noted that at least for the Harvest Drive area, this ditch is within the curtilage of the existing properties and not part of the development site;
- The many oaks with preservation orders already must certainly be preserved, as should the remnants of ancient hedge, and the rather decayed pond at the south west end of the plot, much used by wildfowl and herons, which suggests the presence of amphibians (the local conservation officer considers that excavation of this pond to 'clean it up' could be detrimental to the wildlife currently using it as their habitat). They are also aware of the presence of hedgehogs, which are now an endangered species with diminishing resources, and perhaps the developers should look into providing a 'hedgehog highway' among their new gardens, should they obtain planning permission. We know there are numerous voles, wood mice, rabbits, the occasional hare and rarely deer, as well as a huge variety of birds, which also visit their garden and have been recorded with Garden Birdwatch (no.78448) over the past 7 years, the usual commoner species of blackbirds, song thrush, mistle thrush, woodpigeon, collared dove, blue tit, great tit, coal tit, robin, dunnock, starling, long-tailed-tit, wren, crow, magpie and jay, chaffinch, goldfinch, greenfinch (rare these days), bullfinch, nuthatch, tree-creeper, great spotted woodpecker, grey wagtail, pied wagtail, and in the winter brambling, redwing, siskin, the occasional pheasant and lesser redpoll, and to scare them all off, the sparrowhawk. They also know of tawny owls, occasionally seen, more often heard, and feeding on the healthy population of voles; along with pipistrelle bats whose roosting area is unknown but may be the large old trees, and who may hibernate in the old pill-box, (which incidentally is not an air raid shelter!) and whose feeding area is chiefly over the pond and stream and among the trees. All these creatures rely on the rough grass, the hedges, shrubby areas and the large trees, which must be safeguarded for the future to enhance the experience of all local residents;
- They cannot see how the present small GP surgery can realistically support 135 more families, as the appointment system is already overstretched. The local schools are a

long walk away, and car journeys will just increase congestion. Some of the schools are faith based and thus quite selective, and families who do not wish to use faith schools will have much further to go, inevitably by car. The distance to bus stops is probably too much for small children. Secondary schools are simply not accessible by public transport, though there are a few school buses, but these will require children to cross the A6 at busy times without school crossing keepers or pedestrian refuges to protect them. The catchment for secondary schools needs to be revised, as Whittle is no longer within the catchment for the nearest school, Balshaws in Leyland. The next is Parklands on Southport Road, which is a long distance away, and the rest are even further. Shopping opportunities are few; Redrow's plan shows shops in several places within their very optimistic 'five minute walk'. In fact there are no useful shops, only the convenience store at a petrol station, which is good for emergency purchases, but out of the question for the weekly family shop. There is another convenience store on Chorley Old Road, but it is a long walk uphill, which is not attractive when needing to carry shopping. Apart from the very small Post Office and possibly the pharmacy, there is no other shop within reasonable walking distance from the development site;

- No supermarket is on a frequent bus route, the only bus that goes to Asda is the 114 which runs twice an hour, and takes a roundabout route. No bus goes to Tesco or Sainsbury's, but the 125 goes near Morrison's, and to Booth's in Chorley, which is somewhat dearer than the others, and possibly out of some people's economic reach. Most people will consider that they need to use their car for the main shopping, and even for top-up visits;
- The Fire Brigade stated last year that it would require two entry points to the proposed estate, but both would be off Dunham Drive, so if there were obstruction of that small road, the fire engines would have difficulty accessing the area;
- It should be noted that more car use will increase the carbon footprint of the Chorley area, and the proposal for this site is not apparently taking into account its environmental impact, because under the rules the number of new homes is lower than the threshold where an assessment is required. Will the Council press Redrow to install solar panels and water recycling systems for toilet flushing, to reduce the development's carbon footprint (and thus the Council's)?;
- The proposed site is currently subject to flooding as covering Lucas Lane after heavy rain. The consequential increase in water draining into the river in Whittle will be blocked at the narrow bridge under the A6 giving rise to flooding within the village. Insurance rates will rise accordingly affecting all within the PR6 postcode. It would be irresponsible for developers and planners to consider this development;
- There are insufficient public services and utilities within the parish to cater for an increase in population;
- The development will bring no evident economic benefit to the area.
- Sufficient housing for Chorley has already been identified/planned for the next 10 years. This provides an extra 5 years supply.
- Redrow have used the argument that there are no brown field sites left in Whittle-le-Woods. The NPPF should apply to the whole of Chorley not just Whittle-le-Woods;

- The Localism Bill proposes to abolish Regional Spatial Strategy housing figures;
- The site is in Pennine Ward and should be treated in line with the Rural Housing Needs Survey;
- The proposed housing will be too near to the Biological Heritage Site;
- It will be visually prominent with very little screening;
- There is an old landfill tip on the land;
- The phasing schedule in the preferred options document indicated that this site would not start until 2016, the development therefore falls outside the planned housing needs of the area;
- There has been potential mining activity in the area to which no consideration has been given;
- The main sewer would need to be upgraded which would cause further disruption;
- Affordable housing should be pepper potted through the development and be tenure neutral;
- The properties should be built to a high level of sustainability;
- The green placement should be retained;
- It is unclear who will maintain the site on an on-going basis;
- It will impose on the properties on The Ridings as it will be at a higher level;
- It will change the character of existing cul-de-sacs;
- All mature trees should be protected;
- The proposal will destroy significant and essential open separation land and increase the number of houses without any provision of proper public recreational open space;
- The footpath is proposed to be upgraded to a cycleway. It is part of a country way and a last part of a country wildlife habitat and should remain undisturbed;
- Empty/derelict properties should be used;
- The Environment Agency is asked to consider the effect on 44-48 Town Lane. They ask for a flood risk assessment specific to their properties;
- It will spoil the view from existing properties;

9. **Whittle-le-Woods Parish Council** state their previous comments still stand:

They feel very strongly that the application should be refused. There are already plans in store for adequate housing throughout Chorley for the next 10 years and this would be an unnecessary development for Whittle-le-Woods. If development of housing was to take place on this land, it is likely that a footpath and World War II bunker would be lost. The necessary access would increase traffic enormously. Whether taking a left or right turn from this proposed development area, it would make the already difficult junction worse. This is also a rain catchment area and an increase to the number of buildings would potentially cause problems with flooding. The flood water would be directed into the culvert on Town Lane but it would not be big enough to deal with the increased flow. This is an area which is liable to flooding, as in 1987. There is inadequate infrastructure in this area for a housing development of this size. The Parish Council therefore do not accept that this site is appropriate for the proposed use. They reiterate that we should not be building on this type of land at this stage - this land shouldn't be released for development within the next ten years. It is too early, and pre-empts the need. It is a purely green field site, and brown field sites should obviously be prioritised.

Consultations

10. Lancashire County Council (Ecology)

Have no further comments and that those they made last time remain valid and applicable

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11. They originally objected to the application on the grounds that it has not been adequately demonstrated that the biodiversity value of the BHS would be maintained and there does not seem to be any guarantee that biodiversity and a site of importance at the County level will not be further degraded as a result of the development.
12. Redrow have agreed to a detailed habitat management plan for the Biological Heritage Site to be part of any legal agreement that will provide for appropriate management measures to maintain and enhance the biodiversity value of the Biological Heritage Site (management of recreational pressure and mechanisms for detailed monitoring of vegetation, reporting and review). The County Ecologist confirms that this addresses any area of concern.
13. The applicant supplied further information on whether the trees proposed to be removed at the access points may support bats or not and the County Ecologist advised that the trees currently have negligible potential to support bats. However, tree condition can change (becoming more or less suitable) so they recommended a precautionary pre-commencement check.

14. Natural England

Advised that using their standing advice that the application is not within/close to a SSSI or SAC notified for bats and the survey report does not highlight that there are suitable features for roosting within the application site (e.g. buildings, trees or other structures) that are to be impacted by the proposal. Natural England therefore advises the Council to accept the findings, consider promoting biodiversity enhancements for bats (e.g. new roosting opportunities, creation of habitat linkages or species rich feeding areas) in accordance with in accordance with the NPPF and Section 40 of the NERC Act.

15. The Environment Agency

Have no objection subject to a condition being placed on any permission requiring a surface water drainage scheme (including a review of the greenfield run-off rate) and its future maintenance and management to be submitted and approved. They also state that surface water run-off from the development should be restricted to existing greenfield rates.

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

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

18. **The Highways Agency**

Do not raise any objection to the application.

19. **Strategic Housing**

In terms of affordable homes state they are looking for 30% affordable homes 40.5 houses on site, split as follows:

28, or 70% for social rent:

4x 1bed flats

19 x 2 bed houses

5x 3bed houses

12, (or 30% for Intermediate sale i.e. shared ownership:

3x 2bed houses

9x 3bed houses

The remaining 0.5 unit should be provided via commuted sum.

Strategic Housing point out that the affordable housing statement and draft heads of terms accompanying the application are incorrect in that they state the SHMA suggests a split of 26:74 social rent and intermediate tenures. The hard copy of the SHMA 2009 incorrectly contained these figures, this was subsequently recognised as an error and changed to 74:26 social rent/ intermediate tenure split – hence the above.

20. **United Utilities**

Have no objection provided the site is drained on a separate system, a condition should be imposed requiring a surface and foul water drainage scheme to be submitted and approved and that to reduce flooding and pollution build out rates are agreed.

They state United Utilities are currently upgrading Walton-Le-Dale Wastewater Treatment Works [where the site would ultimately discharge] to increase treatment capacity. These improvements are expected to be in service by the end of 2014. They would not object to the recent planning consultation on condition that there is no significant occupation of the site before autumn of 2014.

21. **Lancashire County Council (Highways)**

The application is a resubmission of application no 11/00992/OUTMAJ which was recently refused planning permission on the basis of development policies.

22. In accord with the Planning Statement the new application has been submitted on the basis of the NPPF in direct challenge to the above decision on policy matters. The application is again for outline permission for the erection of up to 135no new dwellings with all matters reserved saved the access. The overall proposals are identical and the submission is basically the same with the Planning Statement amended to reflect the above together with additional information with respect to agreed highway measures.

23. In terms of general highway it was adjudged by that, based on the information provided, the proposed access arrangements should prove satisfactory from a technical viewpoint however initial concern was expressed regarding the suitability of the site to promote sustainable development. This was owing to the fact that the proposed development was likely to lead to increase in car use because of its location as it was outside walking distance of most destinations and there was little possibility of public bus penetration into the area.

24. The key theme for any residential development is that they should support sustainable transport by ensuring there is good and easy access to public services and encourage non-car mode of transport.

25. Based on a score of 20 on the RSS accessibility questionnaire the site was regarded as having low end of medium accessibility, and in accord with Planning Obligations in Lancashire Policy: Transport it was subject to a maximum planning obligation contribution of £230,000 for specific network, public transport and sustainable transport initiatives to serve the development.

26. However in continued dialogue with the applicant's agent a level of agreement was reached for a series of highway measures in mitigation to make the development more acceptable from a highway viewpoint by encouraging and promoting sustainable transport. Details of the specific measures to be delivered by the development are contained in the Planning Statement and include for the following:-

Highway and sustainable travel obligations as part of any the S106 agreement:

Travel Plan (£6,000),

Improve bus stops (£16,000) and

Sustainable transport initiatives (£50,000) and

27. Other Highway improvements:

Upgrade public footpath through the site to cycle route (under S38 agreement),

Provision of a off-road cycle route alongside the A6 Preston Road from Royton Drive to link up to Buckshaw Avenue (under s278 agreement) and

Provision of mini roundabout at Royton Dr Dunham Dr junction (under s278 agreement).

28. In light of the agreement by the applicant to deliver the above package of highway measures there is no overriding highway objection to the proposed development.
29. Therefore, under the circumstances of the new application offering no new material highway change to the proposed development, there would be little reason for them to change their view at this point and they must advise their previous comments still stand, that they have no overriding highway objection to the proposed development subject to the above series of agreed measures with the applicant.
30. They request at this time that any grant of permission is conditioned such that the specific package of highway measures should be implemented before the development is completed. In the case of the new mini roundabout, it should be constructed before commencement of the development as an aid to traffic management during the construction process, and with respect to the improved bus stops and provision of the A6 cycle route they should be in place before the development is 50% completed to ensure the facilities are available from an early stage.

31. **Lancashire Fire and Rescue Service**

Lancashire Fire and Rescue Service have no objection in principle to the outline planning application. However at any detailed plans stage, provisions should be made to ensure that the emergency services can gain access to the whole development from more than one entry point and details of water supplies for fire fighting purposes should be forwarded to the Fire Authority for examination. Vehicle access for fire appliances should be in accordance with the Building Regulations Approved Document B, Part B5.

32. **The Ramblers Association**

There is no need to create a new footpath as Public Footpath number 44 already runs through the centre of the site. The rural character of the footpath will be completely changed. The site is in an elevated position above surrounding housing estates and therefore changes the whole area especially from the north where views are interrupted. Enhanced access is not required on the existing site. Lucas Lane is essentially a small country lane, this housing estate will greatly increase the amount of traffic.

33. **Director of People & Places (Chorley Council Contaminated Land)**

Reiterate their previous comments:

They are aware of a former landfill, the extent of which doesn't appear to correspond to the proposed development site, rather it is adjacent to the northern boundary of the development site (edged blue on location plan). Although they do not hold any detailed information on it, any potential impacts on the development site will be picked up by an environmental desk study and site investigation that can be required by an appropriate condition being attached.

34. **Director People and Places**

Environmental Services have no objection to the proposal in terms of noise issues and no comment to make.

35. **Chorley's Conservation Officer**

The application site is located to the north and north west of two heritage assets (and contains within it a third heritage asset). These are Lucas Green and Lucas House (which are both identified in the Chorley Council List of Locally Important Buildings) and a World War II

anti aircraft gun mounting and Pillbox/ammunition store, recorded on the Lancashire County Council Historic Environment Record (HER).

36. This application is therefore judged on the basis of paragraphs 128, 131, 135 and 136 of the NPPF. In short this equates to an assessment of the potential impact of the proposed development upon the significance of those heritage assets.
37. In terms of the impact of the proposed development on the significance of the heritage assets, these are now considered in turn:
38. Lucas Green is a modernist styled 1960s flat roofed bungalow set in a large plot. This Locally Important Building is located close to the southern boundary to the application site. Due to the prevailing topography in this location it is located at a slightly lower level than the application site. There is a line of trees along the site boundary at this point which will help to screen the new development from Lucas Green, but ultimately the success of this relationship will depend upon the proposed height of buildings in this part of the application site, which will be determined when the reserved matters application is submitted. Whilst a successful relationship can be achieved here, and the significance of this heritage asset sustained the provision of additional sections, as shown on the attached plan, would aid clarity in this respect.
39. Lucas House is an 18th Century stone cottage located on the southern side of Lucas Lane, to the south east of the application site and south east of Lucas Green. Given the separation distance between Lucas House and the application site, plus the position of other buildings in between, it is my opinion that the significance of this heritage asset will be sustained if proposed development were to be constructed.
40. The World War II anti-aircraft gun mounting and adjacent ammunition store/pillbox were probably erected to defend the Royal Ordnance Factory in Chorley. It is not known whether the site was ever required 'in anger' against enemy bomber aircraft attack against this strategic site. The loss of any heritage asset is regrettable and any possibility for retaining it should be considered. I suggest that the asset is the subject of an archaeological building record as a pre-commencement condition to any permission that may subsequently be granted.
41. The application is considered to be acceptable, subject to an archaeological recording condition for heritage asset 3 (above).

42. **Lancashire County Council (Archaeology)**

Reiterate their previous comments:

Centrally located within the application site are a WWII type FW3/24 pillbox and a separate gun mounting, with metal gun mountings still in place (Lancashire Historic Environment Record PRN 36036). The pillbox is therefore recognised to be a non-designated heritage asset, with local significance.

43. Although not explicitly stated in the application, they assume that the proposals do not envisage the retention of this structure. Lancashire County Archaeology Service would therefore recommend that the pillbox and gun mounting be recorded prior to their removal, and that such recording be secured by a condition which should be attached to any planning permission which may be granted.

44. **The Coal Authority**

The Council has checked the Coal Authority advice provided to them. The site is not within a Coal Mining Development Referral Area, therefore a Coal Mining Risk Assessment is not required. Coal Authority Standing Advice needs to be added as an informative note if permission is granted.

45. **Police Architectural Liaison Officer**

During the last 12 months 25/4/11 – 25/4/12 there have been incidents of crime in the immediate vicinity of the location including theft from a vehicle. As per their previous response they recommend that the principles of Secured By Design are incorporated into the development. They set out a number of features that should be incorporated into the design of the development.

Applicant's Case

46. The applicant has submitted an extensive case in favour of the application. In terms of the change in policy the applicant advises:
47. The current application has been submitted since there has been a material change in circumstances since the Council's earlier decision on the original application in that the Government has published the NPPF with its provision taking immediate effect from 27 March. Of particular relevance to the current application the NPPF makes clear that:
- Applications for sustainable development should be positively determined and without delay unless that would result in significant adverse impact that would demonstrably outweigh the benefits of a grant of planning permission;
 - There is a firm agenda for growth; Local Planning Authorities (LPAs) are advised to positively support development and take a 'solution' rather than 'problem-driven' approach to applications;
 - There is a continued requirement for LPAs to maintain at least a 5-year land supply (plus flexibility allowance between 5 and 20%, and no recommendation that maximum targets should be used);
 - Development plans adopted prior to 2004 should only be afforded limited weight, and only where the policies are consistent with the NPPF.
48. In light of this they consider that the NPPF comprises a significant material consideration requiring the LPA to reconsider its position on the application proposals for this site which comprise a sustainable development in accordance with the Regional Spatial Strategy and the emerging development plan strategy, and would make a meaningful contribution towards meeting the housing requirement and affordable housing needs of the Borough. There are no technical constraints to development, as confirmed by the Council's assessment of the earlier application, and there are no significant adverse impacts to demonstrably outweigh the benefits of a grant of planning permission in this instance.

Policy Background

49. The site is allocated as Safeguarded Land under policy DC3 of the Local Plan.
50. The proposal would be in breach of the Safeguarded Land policy DC3, which is acknowledged by the applicant. Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
51. The NPPF provides the most up-to-date guidance on how much weight should be given to relevant policies.

52. The applicant states that development plans adopted prior to 2004 should only be afforded limited weight, and only where the policies are consistent with the NPPF.
53. Paragraphs 214 and 215 of the NPPF state:
54. *214. For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework.*
55. *215. In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).*
56. *216. From the day of publication, decision-takers may also give weight⁴⁰ to relevant policies in emerging plans according to:*
- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
 - *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
 - *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*
57. The current Local Plan Review was adopted in August 2003. The land the subject of this application was protected as safeguarded land until 2006, but the policy was (amongst others) the subject of a Direction from the Government Office for the North West for on-going use after 27 September 2007.
58. Chorley's Local Plan was adopted in 2003 and therefore falls to be considered against paragraph 215. Therefore the weight to be given to policy DC3 depends on its consistency with the NPPF.
59. The NPPF (paragraph 85) states that *'safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development'*. Policy DC3 is therefore considered to be consistent with the NPPF and can be given significant weight.
60. Following the publication of the NPPF guidance it is not considered that development plans adopted prior to 2004 should only be afforded limited weight as stated by the by the applicant. This only applies when policies are inconsistent with the NPPF.
61. In addition the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The Council has a 5 year plus 5% of deliverable housing sites and therefore the policy is up-to-date.
62. The applicant states that *'applications for sustainable development should be positively determined and without delay unless that would result in significant adverse impact that*

would demonstrably outweigh the benefits of a grant of planning permission'. However paragraph 14 for the NPPF actually states that there:

63. *'is a presumption in favour of sustainable development. For decision this means (unless material consideration indicate otherwise):*
 - *approving development proposals that accord with the development plan without delay; and*
 - *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted*
64. It has already been established that the proposal is not in accordance with the development plan (the first bullet point).
65. The second bullet point states that permission should be granted where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole where the development plan is absent, silent or relevant policies are out-of-date.
66. There is a Local Plan which is not silent (policy DC3), and it has been demonstrated that Policy DC3 is not out-of-date in accordance with the latest guidance in the NPPF, therefore the Council is not required to grant permission in accordance with paragraph 14.
67. The NPPF states that the planning system has an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure. The Council consider that the proper process for delivering housing in the right place at the right time is via the LDF process.
68. Chorley has a 5 year plus required 5% buffer housing land supply. The NPPF states that where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land. Chorley is a high performer in housing terms with no record of persistent under delivery. However, if it was under delivering the NPPF states that the buffer should be increased to 20% by moving forward from later in the plan period. It does not say that this should be achieved by releasing safeguarded land sites.
69. The NPPF states that local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.
70. However the NPPF defines sustainable development for the planning system as the policies within paragraphs 18-210 taken as a whole and as outlined above it is considered that refusal of the application is in line with the NPPF.

71. Para 19 of The Planning System: General Principles states that the planning authority will need to demonstrate clearly how the grant of permission for the development concerned would prejudice the outcome of the DPD process.
72. The Planning System: General Principles has not been rescinded by the NPPF and although Whittle-le-Woods on a broad strategic level is proposed as location for some growth, which is acknowledged as a material consideration and given significant weight in decision making, there are other issues that are undecided that relate to broader planning objectives. These are how growth is to be distributed between the six ULSCs and which sites within Whittle-le-Woods will be allocated.
73. The Council have/have had a number of applications on Safeguarded Land sites under consideration and the release of this site would create a precedent in favour of releasing the other sites. The scale of housing that would cumulatively result from those sites is considered so significant that it would prejudice the LDF process by predetermining decisions about the scale, location and phasing of new development which are being addressed in the policy in the Site Allocations and Development Management DPD.
74. The Site Allocations and Development Management DPD Publication Version will be reported to Full Council in September 2012 and is intended to go out for consultation in October/November 2012.
75. The NPPF maintains the primacy of the plan-led system and states that a set of core land-use planning principles should underpin both plan-making and decision-taking. It lists 12 principles the first of which is that planning should:
'be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency'

Policy Conclusion

76. The proposal would be in breach of the Safeguarded Land policy DC3, which is in accordance with the guidance in the NPPF and therefore is up-to-date.
77. The proposal is therefore contrary to the Development Plan. The Council has a five-year deliverable housing supply plus the required 5% buffer and there is therefore no urgent need to release the site now. There are no other material considerations that that outweigh the conflict with the Development Plan.
78. Therefore in relation to the principle of the development the proposal remains unacceptable in light of the NPPF.
79. Allowing the proposal would undermine the LDF process.

Technical Issues

80. In terms of the site specific and technical aspects of the proposal these have been discussed in the previous report.
81. The Council does not consider that a reason for refusal could be sustained on technical issues as these are considered either satisfactory or could be overcome by conditions and a

legal agreement. The applicant is proposing to provide 30% affordable housing on the site as part of this application which is considered acceptable.

82. Planning History

A Screening Opinion was issued by the Council (ref: 11/00795/SCE), in relation to the previous application (11/00992/OUTMAJ) confirming that an Environmental Impact Assessment is not required.

11/00992/OUTMAJ 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. Refused 14th February 2012.

Recommendation: Refuse Full Planning Permission

Reasons

1. With reference to:

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

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

The proposal is contrary to the development plan. The development plan is not absent, silent and the relevant policies are not out-of-date as they accord with the NPPF and the Council has a five-year housing supply with an additional buffer of 5%. Therefore the presumption in favour of development contained in paragraph 14 of the NPPF does not apply.

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 Whittle-le-Woods and the Borough, there is not an urgent need to increase growth and there are a significant number of sites that could deliver the level of growth that will be determined by the SADM DPD process. This site has been assessed as having a sustainability score of C, that when compared to the existing, proposed and potential sites within Whittle le Woods is not any more sustainable than the other options and there is not a more urgent case to deliver growth over the Central Lancashire Core Strategy area. This site and this location does not represent an urgently needed solution or the most sustainable location to deliver growth, the level of which has not been determined.

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

It is not considered other material consideration outweigh the conflict with the development plan.