

**Item 4b**                    **12/00941/OUTMAJ**

**Case Officer**            **Hannah Roper**

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

**Proposal**                **Outline planning application for the development of land to the east of Wigan Road for the erection of up to 160 dwellings and associated open space with all matters reserved, save for access. (Resubmission of Application: 11/01093/OUTMAJ).**

**Location**                **Land North Of Lancaster Lane And Bounded By Wigan Road And Shady Lane Lancaster Lane Clayton-Le-Woods Lancashire**

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

**Consultation expiry: 31 October 2012**

**Application expiry: 1 January 2013**

**Proposal**

1. The application proposal is described as:  
*Outline application for the development of land to the east of Wigan Road for the erection of up to 160 dwellings and associated open space with all matters reserved save for access.*
2. The site is 8.48 hectares and is located to the north of Clayton-le-Woods outside of the defined settlement boundary. The site is characterised by trees and hedgerows within and around the perimeter of the site which delineate the existing field boundaries. On the southern boundary there is a pond and Woodcocks Farm is located to the north. Directly to the south of the application site is the site that was granted outline planning permission for up to 300 dwellings on appeal in July 2011. The land along the western and southern boundary is allocated as a Biological Heritage Site within the Local plan.
3. There is a public right of way which runs from Wigan Road along the western boundary of the site and through the application site. This is proposed to be retained as part of the development.
4. The site is relatively flat with a rise in land levels from the west towards Shady Lane.
5. Within Circular 01/2006 Guidance in Changes to the Development Control System Section 2: Outline Planning permission and Reserved Matters, it states that a minimum amount of information is required to be submitted with outline planning applications, this proposal is accompanied by an illustrative masterplan and Design and Access Statement showing how the development might be accommodated on the site. The proposal includes for the following:
  - ☐ Up to 160 dwellings including 30% affordable units
  - ☐ Full planning permission from a single access point on Wigan Road
  - ☐ Retention of the public right of way which runs through the site
  - ☐ Retention of the existing pond (which will be incorporated into the open space).
6. The applicant advises that the development would consist of a mix of housing from 1 to 4 bed homes which will reflect the market demand for larger market homes.

**Recommendation**

7. It is recommended that this application is granted conditional outline planning approval subject to the associated Section 106 Agreement

## **Background**

8. The background to this application forms an important consideration in the determination of this application.
9. The application represents a resubmission of application number: 11/01093/OUTMAJ that was refused at committee on the 6<sup>th</sup> June 2012. The reason for refusal was as follows:

*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 Council has a five year housing supply, and there is no need to favourably consider this application. 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 Clayton-le-Woods and the Borough, there is not an urgent need to increase growth and there are a significant number of sites that could deliver the level of growth that will be determined by the SADM DPD process. This site has been assessed as having a sustainability score of B, that when compared to the existing, proposed and potential sites within Clayton le Woods is not any more sustainable than the other options and 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.'*

The Committee Report for Application 11/01093/OUTMAJ forms Appendix A to this Report.

## **The Resubmission Application**

10. The previous reason for refusal related solely to the status of housing policy at the time of the applications determination. No other technical issues were raised in the reason for refusal.
11. This scheme is identical in nature to that that was refused, however identical resubmission application seeks to overcome this reason for refusal in light of new and emerging policy and in light of the Inspectors conclusions on the Lucas Lane appeal which was the subject of an almost identical reason for refusal. Furthermore, the applicant's case has been update and the applicant has indicated their willingness to accept a condition that prevents any development being brought forward until 2016 in accordance with the phasing schedule as set out within the emerging Local Plan.
12. The committee report from the original submission is attached at Appendix A for convenience. This committee report outlines the representations and consultation responses raised as part of the previous application as they remain pertinent to the current application.

## Representations

13. At the time of the original application 136 representations were received. These can be viewed at paragraph 9 of the original committee report. The representations received to the current application are in then paragraph below.
14. 35 letters of objection have been received raising the following issues:
- ☐ The proposals are contrary to 'safeguarded land' policy
  - ☐ The application is premature as the Site Allocations document is still being prepared. Approval now would render the preparation of this document a waste of time and money
  - ☐ Resubmission does not result in democracy and is contrary to the Localism Act
  - ☐ No requirement for large development in Clayton-le-Woods when 300 homes already have approval and further developments at Buckshaw. The Inspector dismissing the relevance of this at Lucas Lane is nonsense.
  - ☐ This application represents more than the 'some' development stated in the CLPCS
  - ☐ There are empty employment premises nearby
  - ☐ Development on a large greenfield agricultural site is not sustainable
  - ☐ The extra traffic will be detrimental to the quality of life of people living in the vicinity
  - ☐ The land is a BHS and therefore the development is not appropriate
  - ☐ Nell Lane and Shady Lane cannot cope with the extra traffic
  - ☐ Loss of light to existing residents
  - ☐ The emerging policies should not be discounted nor should the existence of a five year supply
  - ☐ Development should not be permitted just to solve the problems of the recession
  - ☐ Provision of open space not proportionate to what is being used to replace it
  - ☐ The site should be returned to greenbelt
  - ☐ The impact on wildlife is unfathomable
  - ☐ Intolerable burden on local infrastructure
  - ☐ The scale of the building is out of keeping with the area and the appearance of the building is likely to be in keeping with the local area
  - ☐ There will be an increase in noise and disturbance during the construction phase
  - ☐ The roads are already busy and the situation will be worsened.
  - ☐ If approved wooded areas should break up the houses
  - ☐ Services should be considered as there are already low gas pressures
  - ☐ There is plenty of land available at Buckshaw village
  - ☐ The land will be contaminated for generations
  - ☐ There will too much noise from children
  - ☐ Offices and industry should not be built near homes
  - ☐ The roads are already in a terrible state
  - ☐ There will be an increased flood risk
  - ☐ The proposed density will take away from the rural feel
  - ☐ The land supports wildlife
  - ☐ The Shady Lane access is dangerous and difficult for more than one vehicle to navigate
  - ☐ The borough is becoming overdeveloped which is changing the nature and aspect from semi-rural to built up
  - ☐ There is an oversupply of housing with many new sites unoccupied
  - ☐ Good access to motorways and rail but this is not enough to sustain a viable community
  - ☐ There should be no rented houses/rented homes will cause problems
  - ☐ The railway is overused and local roads and motorway network overstretched
  - ☐ Loss of privacy to existing residents
  - ☐ Peace and quiet of the country footpaths used by walkers will be lost
  - ☐ Detrimental impact on house prices
  - ☐ Established hedgerows and wildflower meadows will be lost with devastating effects on wildlife
  - ☐ Sufficient five year supply of housing
  - ☐ No Great Crested Newt Survey
  - ☐ Minor highway improvements will not result in ability of road junctions to cope

## Parish Council

15. The Parish Council have objected to the proposals stating that their reasons from the original application relating to traffic, over development of the area and the close proximity to other housing developments still stand.

## Consultations

16. **Lancashire County Council (Ecology)** – no comments received to date, however they raised no objection to the previous identical application.

17. **The Environment Agency** - no comments received to date however they raised no objection to the previous application and advised of appropriate conditions
18. **The Architectural Design and Crime Reduction Advisor** – has commented on the application and recommends that Secure by Design principles are adopted
19. **Director People and Places** - no comments received to date, however they raised no objection to the previous identical application
20. **United Utilities** – no comments received to date. No comments were received on the previous identical application.
21. **Lancashire County Council (Highways)** – Comments have been received that suggest that the proposal is acceptable subject to a number of conditions, the applicant entering into an s278 agreement and s106 agreement.
22. **Chorley's Waste & Contaminated Land Officer** – Comments have been received and suggest the use of a condition.
23. **Lancashire County Council (Education)** – have requested a contribution to assist in the provision of primary school places.
24. **Lancashire County Council (Planning Contributions)** – no comments received to date
25. **Chorley's Housing Manager** – no comments received to date, however no objections were raised to the previous identical application.
26. **Highways Agency** – have raised no objection to the application subject to the addition of appropriate conditions. They have also signed up to a joint statement for the appeal on the site raised no objection to the package of highway works proposed.
27. **LCC Archaeology** – have replied outlining that they wish to make the same comments as on the original application.
28. **Planning Policy** – no comments received to date.

#### **Applicants Case**

29. The applicants case remains as previously presented at Paragraphs 30 and 31 of the original committee report, however their case has been updated to represent changes in policy since the previous refusal. The updated arguments are as follows:

☒ It is clear at all levels of policy and strategic thinking that housing development is recognised as a key component of economic growth contributing to the Framework objective of building a strong, competitive economy. In Central Lancashire where there is a vision for economic growth stimulated by accelerated rates of housing delivery, the release of the application site at Wigan Road is an essential component to fulfilling that objective.

☒ In addition to the inherent economic benefits that the housing development will bring, the scheme will also deliver direct economic benefits in the form of the New Homes Bonus (estimated to be in the region of c. £1.2M), construction-related jobs and indirect employment.

☒ The identification of Clayton-le-Woods as a component of the 'centralised urban part' of the Borough in the CBLPR, and a 'Main Place' and Urban Local Service Centre in the Core Strategy and emerging Site Allocations DPDs (categorising the site as a 'Band B' site) recognises the sustainable location of the settlement and its public transport accessibility.

☒ Specifically, the site is capable of offering a range of opportunities to encourage sustainable transport modes to be taken up by future residents, in preference to the use of the private car. This is consistent with Paragraph 37 of The Framework.

☒ In accordance with paragraphs 32 and 36 of The Framework, the application is supported by a detailed Transport Assessment (TA) and Interim Travel Plan (ITP). The submitted documents demonstrate that the transport impacts of development on the site would not be 'severe', which meets the relevant test set out at paragraph 32 of the Framework.

☒ The council is encouraged to adopt a pro-active approach to securing new permissions for housing in accordance with the policies of The Framework. A grant of consent for the application proposals will enable the Council to meet the forecast uplift in housing delivery between Phases 1 and 2 of the Core Strategy and deliver a range and mix of new dwellings to meet objectively assessed needs in Clayton le-

Woods and the borough.

☐ There is limited scope for the LPA to significantly increase the supply of affordable housing units in the borough without granting further planning consents. The proposed development would deliver 30% affordable units (up to 48 dwellings). This is a significant material consideration and positive benefit of the scheme; a factor that weighed significantly in favour of the appeal for the adjacent site at Clayton-le-Woods (see paragraph 14.73 of the Inspector's Report) and the Lucas Lane Appeal.

☐ It is reasonable to conclude that a high quality design for the site could be achieved at the Reserved Matters stage. Consequently, the scheme is compliant with paragraphs 56 – 68 of the Framework, as far as is reasonable for an application of this type.

☐ The Lucas Lane appeal decision (and others at Wigan Road, Clayton-Le-Woods and Clancutt Lane, Coppull) clearly establish that the Safeguarded Land policy of the CBLPR (Policy DC3) is out-of-date and was due to be reviewed in, or before, 2006. It was also accepted by the LPA in respect of the earlier application on this site that policy DC3 needs to be considered in the light of other material considerations including The Framework and the development strategy of the Development Plan (RS and Core Strategy). In light of this, Chapter 9 of The Framework is not directly relevant to the determination of this application and the release of Safeguarded Land is justified.

☐ There are no large-scale brownfield sites in the settlement of Clayton-le-Woods that could accommodate the future development needs of the settlement and it is clear that a number of greenfield housing sites will be generally required across the borough. Paragraph 110 of the Framework does not preclude the development of sustainable greenfield sites particularly where there are no suitable alternatives. The agricultural land at Wigan Road is not the best and most versatile and therefore utilising this area to meet development needs rather than higher quality land is entirely concordant with paragraph 112 of the Framework. The majority of trees and hedgerows will be retained, along with the pond on the southern boundary, which could form part of an area of open space.

☐ However, the draft SADPD sets out a suggested phasing of HS1.31 to provide 90 dwellings in the period up to 2016, then 305 between 2016 – 2021, and 304 between 2021 and 2026. Due to the need to provide infrastructure improvements and market conditions the likely phasing of built development across the wider site is likely to reflect that set out in the SADPD. Indeed, Redrow is willing to agree, without prejudice, that a condition can be imposed on a grant of planning permission preventing the development of any of the dwellings on the appeal site prior to 2016. Notwithstanding the above, it is important to grant planning permission for this development now, to allow for an appropriate lead-in time, and maintain a momentum of housing building across the overall site in the short-medium term.

## Policy Background

### **National Planning Policy:**

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

#### ☐ **National Planning Policy Framework (NPPF) ('The Framework')**

The Framework states:

*'Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions. Planning policies and decisions must reflect and where appropriate promote relevant EU and statutory requirements.'*

31. The Framework confirms that for 12 months from the day of publication (27th March 2012), decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the Framework.

32. 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).

33. From the day of publication, decision-takers may also give weight 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).

34. At the heart of the Framework is the presumption in favour of sustainable development which is established as the 'golden thread' running through the plan and decision making processes. For decision making this means:

- ☐ 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 planning permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- Specific policies in the Framework indicate development should be restricted.

35. The Framework states that local authorities should:

- ☐ identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. 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;
- ☐ To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.

36. Paragraph 48 of the Framework states:

*'Local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.'*

37. Paragraph 49 of the Framework states:

*'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.'*

38. Paragraph 50 states:

*'to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:*

- ☐ *Plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community;*
- ☐ *Identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and*
- ☐ *Where they have identified that affordable housing is needed, set policies for meeting this need on-site unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.'*

39. One of the core principles of the Framework is to proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Another of the core principles is to promote mixed use developments.

40. Paragraph 19 states that significant weight should be placed on the need to support economic growth through the planning system. Paragraph 37 also states that planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, training and emergency service needs.

- ☐ **The Planning System General Principles and its supplement Planning and Climate Change**

Annex 3 of the Framework lists the revoked guidance documents. The Planning System: General Principles is not listed as a document which is revoked and as such the Council's view is that the guidance contained within this document is extant. This position has been supported at appeal.

### **The Development Plan**

41. The development plan comprises the Central Lancashire Joint Core Strategy, 2012 and the saved policies of the Adopted Chorley Borough Local Plan Review 2003 and the North West of England Regional Strategy 2008 (RS).
42. The starting point for assessment of the application is Section 38 of the Planning and Compulsory Purchase Act 2004 that states if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

### **Regional Strategy (RS)**

43. At the current time the Regional Strategy (RS) for the North West is still in force. The Secretary of State's indicated his intention to revoke RS. However further Strategic Environmental Assessment on the proposal is still anticipated and as such RS remains part of the development plan at the current time.
44. 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 indicated that it intended to revoke RSS by April 2012 however at the time of writing this report this had not happened.
45. The relevant policies of the RS are as follows:
  - ☐ DP1: Spatial Principles
  - ☐ DP2: Promote Sustainable Communities
  - ☐ DP4: Make the Best Use of Existing Resources and Infrastructure
  - ☐ Policy DP5: Manage Travel Demand; Reduce the Need to Travel and Increase Accessibility
  - ☐ DP7: Promote Environmental Quality.
  - ☐ DP9: Reduce Emissions and Reduce Climate Change.
  - ☐ RDF1: Spatial Priorities
  - ☐ RDF2: Rural Areas
  - ☐ L4: Regional Housing Provision
  - ☐ L5: Affordable Housing
  - ☐ RT2: Managing Travel Demand
  - ☐ RT9: Walking and Cycling
  - ☐ EM1: Integrated Enhancement and Protection of the Region's Environmental Assets
  - ☐ EM5: Integrated Water Management
  - ☐ EM15: A Framework for Sustainable Energy in the North West
  - ☐ EM16: Energy Conservation and Efficiency
  - ☐ EM17: Renewable Energy
  - ☐ CLCR1: Central Lancashire City Region Priorities
  - ☐ L4: Regional Housing Provision

### **Adopted Chorley Borough Local Plan Review**

46. The Framework confirms that for 12 months from the day of publication of the Framework (27th March 2012), decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the Framework. The Local Plan Policies were adopted in 2003 and saved by the Secretary of State in 2007 which was in accordance with the Planning and Compulsory Purchase Act 2004. The Framework also confirms that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans. The emerging plan is addressed below.
47. The relevant policies of the Local Plan are as follows:
  - ☐ GN1- Settlement Policy – Main Settlements
  - ☐ GN5 - Building Design and Retaining Existing Landscape Features and Natural Habitats
  - ☐ GN9 – Transport Accessibility and Mixed Uses
  - ☐ DC1- Green Belt
  - ☐ DC3 – Safeguarded Land
  - ☐ EP2 – County Heritage Sites and Local Nature Reserves
  - ☐ EP4 - Species Protection
  - ☐ EP9 - Trees and Woodlands

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

48. The Local Plan Review has a number of employment objectives. Although this site is allocated as Safeguarded Land in the Local Plan, of most relevance to this application is the objective relating to providing an adequate supply of land which is suitable for a range of employment purposes and capable of being developed in the plan period, and to ensure where possible major employment sites are located in transport choice locations and that all sites are easily accessible by both the road network and by other means other than the private car. This objective is consistent with the Framework.

#### **Central Lancashire Local Development Framework: Joint Core Strategy**

49. Central Lancashire Core Strategy – The Central Lancashire Core Strategy has been prepared jointly by Chorley, Preston and South Ribble Councils and was adopted by all three authorities in July 2012.

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

- ☐ **Policy 1** Locating Growth identifies locations that are appropriate for growth and investment. Clayton-le-Woods is identified as an Urban Local Service Centre where some growth and investment will be encouraged there to help meet housing and employment needs. Therefore, it is a settlement where some housing and employment growth is considered appropriate.
- ☐ 9% of Central Lancashire's housing development is predicted to take place in Urban Local Service Centres, including Clayton-le-Woods, over the period 2010 – 2026. Approximately 2100 dwellings are predicted in total in the 6 Urban Local Service Centres based upon:
  - o existing housing commitments (sites that already have planning permission for housing)
  - o proposed allocations in the Sites for Chorley Preferred Option Paper
  - o dwellings already completed in the 6 Urban Local Service Centres during the first year of the Core Strategy housing requirement period (2010 – 2011).
- ☐ 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.
- ☐ **Policy 2** of the Core Strategy relates to infrastructure. The Policy 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."
- ☐ **Policy 3** encompasses increasing accessibility and promoting sustainable travel as a key theme within chapter 7 Catering for Sustainable Travel. Travel includes measures to reduce the need to travel by improving public transport
- ☐ **Policy 4** Housing Delivery sets out housing requirements of 417 dwellings per annum for the two-year period 2010-2012.
- ☐ **Policy 5** relates to housing density which is an important consideration in any proposed housing scheme. The key objective is to achieve high quality design that responds to the character of the area in terms of existing density, siting, layout, massing, scale, design and landscaping etc.
- ☐ **Policy 7** relates to affordable housing and states that 30% affordable housing will be sought from market housing schemes.



- ❑ **Policy 14** Education provides for educational requirements by enabling new schools to be built in locations where they are accessible by the communities they serve using sustainable modes of transport.
- ❑ **Policy 17** relates to the design of new buildings which will be expected to take account of the character and appearance of the local area.
- ❑ **Policy 22** looks to conserve, protect and seek opportunities to enhance and manage the biodiversity and geodiversity assets of the area through a number of measures. Measures a) and b) promote the conservation and enhancement of biological diversity and seek opportunities to enhance and expand ecological networks.
- ❑ **Policy 27** relates to incorporating sustainable resources into new developments. Objections related to its implementation and its relationship with other guidance and regulations.

### **Emerging Policy Considerations**

#### **Local Plan (Previously the Site Allocations & Development Management Policies DPD (Publication Version))**

51. Consultation on the publication version of this document, referred to as the emerging Local Plan commenced on the 19<sup>th</sup> October 2012 and will continue until the 30<sup>th</sup> November 2012. This document will accord with the broad content of the Central Lancashire Core Strategy but will provide more site-specific and policy details. The purpose of this document is to help deliver the aims of the Central Lancashire Core Strategy by setting out development management policies and allocating or protecting land for specific uses. The emerging document is at a relatively advanced stage of preparation, and can be afforded limited weight. At a recent appeal, the Inspector referred to the document that was then at Preferred Stage, as being afforded limited weight and the document is now at an even further advanced stage.
52. The land that is the subject of this application forms the HS1.31 Land to the East of Wigan Road under Policy HS1: Housing Site Allocations and policy EMP1: Employment Site Allocations. The emerging Local Plan safeguards this land for 699 dwellings and 20 hectares of B1, B2 and B8 use.
53. Policy HS2: Phasing of Housing Development sets out the phasing that should take place on allocated sites over the plan period. The following phasing applies to this site:
  - ❑ 90 dwellings in phase 1 (2012 – 2016)
  - ❑ 305 dwellings in phase 2 (2016 – 2021)
  - ❑ 304 dwellings in phase 3 (2021 – 2026)
54. Policy EP10 states that land is reserved for a number of sites for school purposes including land within the overall safeguarded land to which this application relates.

### **Other Material Considerations**

55. In July 2011 an appeal decision relating to a proposal for 300 dwellings on a Safeguarded Land site in Clayton-le-Woods (appeal ref: APP/D2320/A/10/2140873) was allowed even though the Inspector concluded that the development of Safeguarded Land for housing was contrary to Local Plan Policy DC3, and that there was a proven 5.4 years supply of land for housing. The Secretary of State stated that:
  - ❑ Clayton-le-Woods is a main place for growth as it is identified as an Urban Local Service Centre where 'some growth and investment will be encouraged';
  - ❑ there would need to be a steep increase in housing delivery from now onwards, and that the area of strategic land that includes the appeal site is realistically the only land available in Clayton-le-Woods for delivering this growth;
  - ❑ that given the extensive consultation which has occurred on this proposed designation since November 2006, the area's consistent identification for growth, and the relatively advanced stage of the Core Strategy, this part of the Core Strategy should be afforded significant weight.
56. The Planning Inspector and the Secretary of State both agreed that there was a five-year supply of housing in the Borough they also took the view that the determination of need involves a consideration of more than the five-year housing supply and that it should take account of wider issues, particularly the planned growth within the emerging Core Strategy and this was a material consideration in determining the appeal.

57. In July 2012 an appeal for development of up to 135 dwellings on land to the north and west of Lucas Lane, Whittle-le-Woods was upheld by the Inspector even though it was concluded that the Council had a small oversupply of houses and therefore a five year + 5% supply could be demonstrated.
58. The Inspector concluded that the (then unadopted) Core Strategy identified Whittle-le-Woods as an area for some degree of development and whilst the Site Allocations DPD was at an early stage it was clear that some safeguarded land would need to be released to provide for the necessary growth. As the appeal site represented the Council's preferred option in the emerging Local Plan and as there were no infrastructure constraints prohibiting it being brought forward, then the release of the land now would not undermine the Development Plan process or set a harmful precedent.
59. The decision also emphasised that in the case of Whittle-le-Woods there was some development being undertaken, however if the approval of sites for the development of future sites awaited the Site Allocation document then there would be a gap in delivery.

**60. 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. The principles of this document have now been enshrined within the Framework which has superseded this statement.

**Policy Assessment**

**61. (A) Chorley Local Plan Review, 2003**

- i. Chorley Local Plan Policy DC3 allocates the land as Safeguarded Land under Policy DC3.2 in the Local Plan. Safeguarded Land comprises areas and sites which may be required to serve development needs in the longer term, i.e. well beyond the plan period, in line with the Framework (paragraph 85). 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.
- ii. Policy DC3 states that development other than that permissible in the countryside under policies DC1 (Development in the Green Belt) and DC2 (Development in the Area of Other Open Countryside) will not be permitted. The proposal is not for development permissible under either Policy DC1 or DC2 and it is therefore contrary to policy DC3.
- iii. The Adopted Local Plan at 1.4 states '*A key feature of the 1997 adopted Plan is that for the first time, it established precise Green Belt boundaries. It was the intention that the overall extent of the Green Belt in Chorley Borough will not be changed until at least the year 2016. To help achieve this Areas of Safeguarded Land were identified in the 1997 Plan, and are with one exception retained in this Plan, to accommodate development pressure in the period up to 2016 if necessary*'. It was therefore intended the extent of the Green Belt to remain until at least 2016, however it was expected that there would be a review before the end of the plan period, which extended to 2006.
- iv. The current Local Plan Review was adopted in 2003. However The Planning and Compulsory Purchase Act 2004 introduced the Local Development Framework process which replaced the local plan-making process. Safeguarded Land was protected until 2006, but following the establishment of the Local Development Framework process Chorley Borough Council applied for and obtained a Direction from the Government Office for the North West to save a number of policies including DC3, for on-going use after 27 September 2007. As part of that letter from the Government Office it provides the following guidance:

*'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.'*

- v. The Framework confirms that there is an ongoing requirement that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is a material consideration which may justify determining an application against the provisions of the development plan, depending on the extent to which the plan is inconsistent with the Framework. For the first 12 months following the publication of the Framework this applies only to those development plan policies adopted before 2004 (as is the case with the Chorley Local Plan). The implication of this provision is that reduced weight may be given to a development plan where it is inconsistent with the Framework. Conversely where a development plan is consistent with the

Framework (even where adopted before 2004); it follows that applications should continue to be determined in accordance with the development plan.

- vi. The Council consider that Policy DC3 is in accordance with the Framework which confirms 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 and consider that significant weight should continue to be attached to the development plan policies and that, in this instance, the publication of the Framework does not reduce the weight to be attached on the basis that they are in general conformity with the Framework, this is not the conclusion drawn by the Inspectors at the most recent appeal on safeguarded land at Wigan Road and Lucas Lane as outlined above. Both Inspectors concluded that Policy DC3 should be considered out of date and afforded limited weight.
- vii. The Council consider that the proposal would be in breach of saved Policy DC3; however this policy must be read in the context of other material considerations that may be more up to date. The issue is therefore whether there are other material considerations that outweigh policy DC3 to justify releasing the application site now.
- viii. Paragraph 47 of the Framework states that local planning authorities should *identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. 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;*
- ix. In accordance with paragraph 47 of the Framework the Council have identified in excess of 5 years supply of housing. It is not the applicant's case that the Council does not have a 5 year supply. The issue of five year supply was debated at the recent Lucas Lane Inquiry. However the Inspector concluded that there was a 5.45 years supply was available, exceeding the 5 year plus 5% buffer required. 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.
- x. The Framework goes on the state (para 49) 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.*
- xi. As the Council have identified in excess of 5.25 years (5 years + 5%) supply of deliverable housing sites there is no requirement to consider this application favourably in line with paragraph 49 of the Framework.

#### **(B) National Planning Policy Framework**

62. Paragraph 159 of the Framework states Local planning authorities should have a clear understanding of housing needs in their area. Local planning authorities should:

- ☐ prepare a Strategic Housing Market Assessment to assess their full housing needs, working with neighbouring authorities where housing market areas cross administrative boundaries. The Strategic Housing Market Assessment should identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period which:

-meets household and population projections, taking account of migration and demographic change;  
-addresses the need for all types of housing, including affordable housing and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);and  
-caters for housing demand and the scale of housing supply necessary to meet this demand;

- ☐ prepare a Strategic Housing Land Availability Assessment to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period.

63. In accordance with the Framework, the proposed development should seek to provide a mix of high quality housing reflecting local demand. The scheme is in outline with all matters reserved apart from access, therefore details are not provided about the design or layout. These matters will need to be addressed at the reserved matters stage if outline planning permission is granted.

64. In terms of the suitability of the site for housing, the application is located on Land that the emerging Local Plan identifies for future development needs. This allocation is proposed within the Local Plan Publication Version. Therefore, it has been recently assessed as being genuinely capable of

development as part of the Local Plan process, in line with guidance in the Framework. The site has also been assessed as part of the Sustainability Appraisal of the Site Allocations and Development Management Policies DPD Preferred Option. Overall the site scores a B (Band A being the most sustainable and Band E the least sustainable). The site scores well in relation to its accessibility by bus and its links to the road and motorway network. Its sustainability score is further reduced by the fact that the site is greenfield.

65. A core principle of the Framework is to encourage the effective use of land by re-using land that has been previously developed. This is not a previously developed site, but there is a limited supply of suitable and available previously developed land in Clayton-le-Woods, so the expectation is that some of the planned growth for the settlement will take place on Greenfield land.
66. The Local Plan Review has a number of housing objectives. Of most relevance to this application, and consistent with the Framework, 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.
67. In the adopted Core Strategy there are 5 themes for All Strategic Objectives. Of particular relevance to this application are Objectives SO5 and SO8 which are consistent with the Framework:

*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.'*

68. However, it is considered that the best way of achieving the Local Plan Review objective of meeting the housing requirements of the whole community and the Core Strategy objective of making available a ready supply of residential land is through the Development Plan process. This process gives supporters and objectors to all proposed housing allocations the opportunity to debate and determine future housing sites in the Borough. The emerging Local Plan has already been through significant consultation and is at an advance stage and therefore, in accordance with the Framework it should be afforded limited weight.
69. The emerging Local Plan Publication Version identifies the overall safeguarded land site to be brought forward in phases 1, 2 and 3. It is anticipated that 90 dwellings will be brought forward within phase 1, 305 in phase 2 and 304 in phase 3. The dwellings approved at the south of the site will form phase 1 and the proposed dwellings will fall into phase 2
70. The final criterion in paragraph 159 relates to ensuring that housing need within the Borough caters for housing demand and the scale of housing supply necessary to meet this demand.

### **(C) Core Strategy**

71. In terms of the Core Strategy, Policy 1 supersedes Policy GN12 of the Local Plan but continues to identify Clayton-le-Woods in strategic land terms as one of six Urban Local Service Centres (ULSCs) where some [author's emphasis] growth and investment will be encouraged to help meet housing and employment needs in Central Lancashire.
72. The policy does not specify how much development should go in each ULSC. It has no housing requirement for individual settlements and there is no requirement for the split between settlements to be equal. It is considered the growth and investment cannot equate to an equal split between the ULSCs settlements as they have differing amounts of available and suitable developable land for housing.
73. Therefore the fact that Clayton-le-Woods is a location for some growth in broad spatial terms is acknowledged as a material consideration. The Core Strategy does not determine how growth is to be distributed between the six ULSCs; this is for the emerging Local Plan.

### **(D) Local Plan (Previously Site Allocations & Development Management Policies DPD (Publication Version))**

74. The 'Local Plan Publication Version' will be the subject of consultation commencing in October 2012. In accordance with the Core Strategy, the DPD allocates preferred sites for housing in Urban Local Service Centres.

75. As stated above, the Core Strategy predicts that 9% of dwellings will be provided in the 6 Urban Local Service Centres in the Borough between 2010 and 2026 (amounting to 2,100 units) but states that these are predictions and not proportions that are required to be met. This figure is not intended to be split equally between the 6 Urban Local Service Centres as they all have a different amount of available and suitable land for housing development.
76. Between 2010 and 2011, 78 dwellings were developed in the Urban Local Service Centres, leaving a remaining 2,022 predicted dwellings to be provided in these areas. The Site Allocations DPD allocates a number of preferred housing sites in these areas, which in total will provide for approximately 1,906 dwellings (613 of which have planning permission). An additional 163 dwellings have planning permission on other windfall sites in the Borough. This is a total of 2,069 dwellings which marginally exceeds the predicted Core Strategy provision to allow for any slippage such as non-delivery or reduced housing delivery on sites.
77. The Local Plan Publication Version allocates land for 712 dwellings in Clayton-le-Woods. The area of Safeguarded Land (covered by this application along with the adjoining sites) for 699 dwellings.
78. Policy HS2 of the Publication Version of the DPD sets out a phasing schedule for the housing development on the overall allocated site. 300 dwellings have already been approved on the area of the safeguarded land to the south of the site. It is anticipated that these dwellings will be brought forward first and will contribute to phase 1 and 2. The dwellings proposed as part of this application will fall into phase two. A reserved matters application has not yet been submitted on the land to the south and it is possible that this site will not contribute the full 300 houses within phase 1 and 2.
79. The principle of housing development at this location is accepted through its continued allocation in the emerging Local Plan. The document is at an advanced stage, and therefore should be afforded limited weight.

#### **(E) Masterplanning Approach**

80. The Council has set out its desire to see the development of this site take place as part of a master planned approach with the surrounding sites that make up the overall safeguarded land allocation. An application for 300 dwellings at the southern part of the safeguarded land has already been approved. The current application would provide a further 160 dwellings of the 699 allocation. A concern during the previously refused application was the provision of transport routes through the site, namely a bus route to link to existing bus provision on Wigan Road. Whilst the application would be self-contained in nature the applicant has indicated the willingness to make provision for this bus route via bus-only access point into this part of the overall development. A suitable condition could be used to secure this, and a condition can be imposed to match the Inspectors condition on the south requiring a masterplan to be agreed prior to the commencement of the site.
81. A further point raised was the need to secure footpath and cycle routes in the surrounding area to ensure the overall sustainability of the scheme. Guaranteeing these links relies on the application to the south of the site for 300 properties that has already been approved, being brought forward first to allow linkage from this part of the site. The applicants have agreed to a condition restricting development until these connections have been implemented. The two developments therefore cannot start at the same time and will this development will therefore form a natural second phase. Highways are satisfied with this approach to the development of the site.
82. The final concern was the ability of the site to support the wider strategic elements of the allocation, namely the employment land and a new school. It would fall to the remainder of the site to support the remaining 239 dwellings proposed on the site, 20 hectares of employment land and the new school. There is no reason to consider that this could not be provided on the remaining sector of the site and the main land owner (HCA) of this parcel of the site has not indicated otherwise. This development would also contribute £651,000 towards the provision of school places.

#### **(F) Prejudice**

83. Whilst the Framework is silent on the issue of prematurity, Annex 3 of the Framework lists the revoked guidance documents. The Planning System: General Principles is not listed as a document which is revoked and as such the Council's view is that the guidance contained within this document is extant.
84. Paragraphs 17-19 of The Planning System: General Principles 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.'* [Authors own emphasis]

85. In recent appeal decisions at Clayton-le-Woods and Whittle-le-Woods, the issues of prejudice/prematurity were considered by the Inspector who concluded that the release of these sites at the current time would not prejudice the delivery of the strategic aims and objectives of the Local Plan/Core Strategy. The site to which this application relates is allocated within Phases 1, 2 and 3 for release in the Emerging Local Plan. This document is at an advanced stage and it can be concluded that this site will both be allocated for development and brought forward at some point in the future.

#### **(G) Assessment of Proposal Against Final Criterion of Framework, Paragraph 159**

87. Relating this back to the Framework the final criterion in paragraph 159 relates to ensuring that housing need within the Borough caters for housing demand and the scale of housing supply necessary to meet this demand.
88. The emerging Local Plan is at an advanced stage. The site of this application has been carried forward as an allocation from the Local Plan. It is therefore considered that at some point the site will come forward as for development. Should outline approval be granted, the developer will have three years in which to submit a full reserved matters approval and then a further 2 years in which to start the overall development. Conditions applied relating to phasing will ensure that the developments come forward on this site in a steady and phased manner.

#### **(H) Other Material Policy Considerations**

##### **i) Urgency**

89. It has also been assessed whether there is an urgent need to release this site. The Local Plan allows appropriate development within the Urban Local Service Centres however it does not specify housing targets for settlements within Chorley Borough and housing completion levels overall have been broadly in line with RSS (acknowledging a small undersupply at April 2011) and therefore there was no need for higher completion levels in the ULSCs.
90. In terms of 'steep increase' the Clayton-le-Woods appeal Inspector stated (with which the SoS agreed): *'Therefore, over the plan period 1810 [now 2100 new dwellings] new dwellings will be required in these ULSCs, all but one of which is in Chorley. In order to meet this planned growth, there would need to be a steep increase in housing delivery from now onwards. The area of Safeguarded Land that includes the appeal site is realistically the only land available in Clayton-le-Woods for delivering this growth'*. It should be noted that in fact all six ULSCs are in Chorley Borough, not all but one as stated by the Inspector.
91. In order to meet the predicted proportion of housing development in the ULSCs it is acknowledged that higher levels of house building will be required as a whole in the future in the six ULSCs as a whole than may have taken place in the past.
92. At the time of the Clayton-le-Woods appeal decision (21<sup>st</sup> July 2011) and the original application for this site, the Site Allocations DPD was at an early stage. Consultation had taken place on the Issues and Options but the Council had not reached Preferred Option Stage. The Council has now consulted on its Preferred Option so the DPD and has formally agreed the wording of the Local Plan Publication Version publication Document on which consultation will commence in October 2012 is at a more advanced stage and can be given more weight, although it still has limited weight. As well as identifying sites for allocation then publication document sets out a housing development phasing schedule at policy HS2 which had not been produced at the time of the Clayton-le-Woods appeal. This phasing schedule shows that the required number of dwellings can be achieved over then plan period and that the release for development of this site forms an important part of achieving the required dwelling numbers.
93. This shows that the sites proposed to be allocated have been properly considered and that they can be realistically built out over the plan period to achieve the level of housing required across the Borough to achieve the planned level of growth as required by the Core Strategy. The dwellings proposed and already completed since 2010 in the six ULSC settlements marginally exceed the Core Strategy predicted proportions over the plan period to make allowance for any slippage (non-delivery or reduced delivery of housing) on sites.

94. Therefore, whilst it is considered that there is no urgent need to release this site for development now, the developer has indicated their willingness, if planning permission is granted now, to bring the site forward for development in accordance with the phasing schedule as set out in the emerging Local Plan through the addition of a condition that phases development.

ii) Ministerial Statement – Planning for Growth:

95. The principles of this document have been enshrined within the Framework. Whilst this is supportive of growth and it states that the Government expects the answer to development and growth wherever possible to be 'yes', it had a caveat to it that states '*except where this would compromise the key sustainable development principles set out in national planning policy*'. The Secretary of State will take the principles in this statement into account when determining applications that come before him for decision. In particular it states the Government will attach significant weight to the need to secure economic growth and employment.
96. As has already been explored Chorley has good housing delivery performance which has not been as negatively affected by the economic climate. The general presumption of poor delivery nationally and therefore the need to stimulate the economy through housing delivery is not considered to apply with the same weight in Chorley as it may in other Boroughs. At recent appeals the Inspector has accepted that the Council has a 5year + 5% supply of housing and is a good performer.
97. 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. However the site is allocated for housing development and it is realistically considered that development will be brought forward on the site during the plan period. Therefore, in assuring that the necessary infrastructure is brought forward to accommodate this and future development, it is not considered that the proposal will compromise the principles of sustainable development.

iii) Localism

98. The Localism Agenda is being introduced through the Localism Act 2011 and post-dates the draft Framework 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.
99. The proposed allocation has been consulted upon during the production of the emerging Local Plan and the document is now at an advanced stage. The protection of the land for housing development has remained throughout the plan making process.

iv) The Community Infrastructure Levy (CIL)

100. The Localism Act received royal assent on 15 November 2011. Some of its provisions came into force on 16th January including Section 143 which brings in provisions that where local finance considerations are material to a planning application they should be taken into account in the determination of that planning application.
101. 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.
102. 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.”

103. On 31st January 2012, the Central Lancashire authorities began preliminary draft consultation on a Central Lancashire CIL, which ran until March 2012. A further period of consultation commenced on the 19<sup>th</sup> October.
104. 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.]
105. The applicant has expressed an intention to provide up to 160 dwellings on the site. If the homes provided had an average size of 90 square metres this would equate to a CIL contribution of £6,300 per dwelling calculated at a rate of £70 per square metre. If 112 market houses were built on this site (allowing for 38 affordable homes) this would equate to a CIL contribution of £705,600.
106. The Local Plan Publication Draft anticipates the release of an area of land somewhere on the wider safeguarded site for the provision of a new school. The provision of this school is set out within the CIL schedule for Central Lancashire. The applicant has agreed in to a contribution of up to £651,000 towards meeting the shortfall in school places that will result from this development should it be approved. This sum can potentially be utilised to bring forward the new school.

#### v) Affordable Housing

107. The Core Strategy, Policy 7 seeks 30% affordable housing on this site and has been adopted since the original application was determined. This would equate to up to 48 houses on this site. Policy 7 seeks that affordable housing should be delivered on site but that financial contributions may be acceptable where the development location is unsuitable for affordable housing. This location is considered suitable for affordable housing and therefore the provision should be delivered on site.
108. Since the original application the developer has provided an updated Planning Statement that proposes 30% affordable housing on the site in accordance with Policy 7.
109. The Councils Affordable Housing Manager provided comments in relation to the split of any affordable housing provided at Paragraph 50 of the original report. No comments have been received on the current application; however these can be reported on the Addendum.
110. Additionally, as this application is outline in nature and proposes up to 160 dwellings an affordable housing contribution will be included within the s106 in the event that the affordable housing percentage does not equate to a whole number.
111. The provision of the affordable housing will be secured through a suitably worded condition or through the s106 agreement.

#### vi) Policy Conclusions

112. On the basis of all of the evidence provided an assessment needs to be made.
113. During consideration of the first application the Core Strategy had yet to be adopted and the emerging Local Plan was only at Preferred Option stage. Furthermore, the Lucas Lane decision had also not been issued.
114. The Core Strategy identifies that Urban Local Service Centre of Clayton-le-Woods is suitable for some growth during the plan period. The extent of that growth is a matter for the emerging Local Plan which is now at an advanced stage and includes a phasing schedule for the development of this site.
115. The site proposed forms part of a larger Safeguarded Land allocation, part of which already has permission for 300 houses. It is therefore clear that it is intended that the site be brought forward for development at some point in the future and it is clear that some safeguarded sites will be required to meet the required growth in the borough.



116. The original application was refused over concerns regarding prematurity and precedent should the application be approved at that time. At the Lucas Lane Inquiry, where the application had an almost identical reason for refusal, the Inspector concluded that that there would be no precedent set by the release of that site.
117. The Developer has indicated their agreement to accept conditions that relate to the phasing of the development, to ensure that it proceeds in accordance with the phasing schedule set out in the emerging DPD therefore the release of the site cannot be considered as being premature.
118. These phasing conditions have alleviated concerns relating to the masterplanning of the site by ensuring that the appropriate infrastructure to ensure the sustainability of the site can be utilised.
119. No reason has been identified why the proposal would jeopardise the remainder of the allocation for the delivery of employment and education uses. A contribution towards school places has been secured.
120. It is therefore considered that whilst the proposal is not in accordance with Policy DC3, there are other material considerations that outweigh this policy.

## **Assessment**

### Housing Development

121. The development relates to the erection of up to 160 dwellings on the site. 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 an illustrative master plan has been submitted that demonstrates that the proposed development can be accommodated on the site.

### Density

122. The site covers 8.48 hectares and therefore the erection of 160 dwellings would equate to a density of 19 dwellings per hectare. Core Strategy Policy 5 relates to housing density and states that the three authorities will secure densities of development which are in keeping with local areas and which have no detrimental on the amenity, character ,appearance, distinctiveness and environmental quality of an area. Consideration will also need to be made to making efficient use of the land.
123. The adjacent site secured development of approximately 22 dwellings per hectare. It is not considered that development at this level will preclude the rest of the proposed allocation coming forward then it is not considered that development at this density would be harmful to the surrounding area taking into account the retention of the natural features of the site which would constrain higher densities.

### Design

124. The Design of the proposal is not being considered as part of this application. The Councils Design and Policy Team Leader made comments on the original submission but has provided no further comments relating to the current application.

### Open Space

125. The area of open space that permission is sought through the application remains as originally sought at 1.37 hectares, including a large area of open space at the southern end of the site. The Biological Heritage Site on the land will be unaffected by the proposals. A Section 106 Agreement would still be used to ensure the maintenance in the long term or the agreement of the transfer of the land to the Local Authority with a commuted sum. This application still does not provide specific details of the open space, that this issue can be dealt with at Reserved Matters Stage.

### Trees and Landscape

126. As per the original application, a tree survey has been carried out and no trees are identified for removal at the current time. Should this position change any tree removal can be dealt with at the Reserved Matters stage.

### Landscape

127. The Councils Parks and Open Spaces Officer made significant comments on the proposal at paragraph 185 of the original report. He identified that the following would be desirable in considering the landscaping of the site at the Reserved Matters stage:
  - ☐ The creation of a useable and meaningful east-west linear green space incorporating the public right of way (along the existing PROW alignment or along a diverted route around the development) which would help to mitigate the damage to landscape character and be of real value to local residents, pedestrians and cyclists

- ☐ A bolder and more robust landscape Framework extending the strong positive landscape character of Cuerden Park across the site
- ☐ Clear connections from Phase 2 open space and footpaths to the public open space provided on the adjacent site
- ☐ Improved mitigation of visual effects for local visual receptors in existing residential areas and those of the public right of way
- ☐ The retention of key hedges within a robust landscape Framework for public open space
- ☐ An attractive green connection to Cuerden Park and National Cycle Route 55 to encourage walking and cycling.

128. These are matters that a reserved matters application and detailed masterplan as required by condition can cover.

#### Ecology

129. The County Councils Ecologist undertook a detailed review of the original supporting application documentation relating to Ecology which can be viewed at paragraph 199 onwards of the original report. The main findings and recommendations are summarised below:
- ☐ That a planning condition or obligation will be necessary to secure appropriate and long term (in perpetuity) habitat creation, enhancement and management for the maintenance of features of biodiversity value (including the BHS that lies within the site), ponds, hedgerows and habitat or protected and priority species) and for which standard amenity landscape management will not be appropriate.
  - ☐ The site does not support Great Crested Newts and as the trees with potential for bat roosting will remain no conditions relating to these issues are required.
  - ☐ The reports identify that further investigation of some trees will be required. Therefore further surveys will be required if any of these trees are likely to be felled.
  - ☐ A condition will be required to ensure that a landscaping scheme/habitat creation and management plan addresses maintenance and enhancement of bat habitat.
  - ☐ A contribution will be required to mitigate the loss of habitat that can support ground nesting species such as Curlew and Skylark as it is considered unlikely that this could be retained. The impact on ground nesting birds should be confirmed by survey.
  - ☐ A 'Reasonable Avoidance Measures Method Statement' should be conditioned.'
  - ☐ A condition is required that further details of measures that will be implemented for the avoidance of impacts of Species of Principle Importance be submitted at Reserved Matters stage.

#### Flood Risk and Drainage

130. At the time of the original application issues relating to flood risk and drainage were raised by the Highways Agency. Further work was undertaken and all objections were removed subject to the addition of a condition to any approval that further hydraulic assessments be undertaken. This condition has been added.
131. In terms of foul drainage, concerns were raised regarding the capacity of the waste treatment works up until 2013. A condition has been added to the approval to ensure that this is investigated further. However, in reality the development is not likely to proceed until well beyond the 2013 upgrade has taken place.

#### Traffic and Transport

132. Issues relating to traffic and transport have been discussed at significant length during the course of both the original application and the current application. At the time of the first application further work was required to make the vehicular access proposed acceptable and the site sustainable with regard to the wider locality.
133. The applicant has now carried out further work and the following package of measures are now proposed:
- ☐ A priority controlled junction with a ghost island type right turning lane in Wigan Road.
  - ☐ Provision of new bus stops on Wigan Road to Quality Bus Standard, incorporating real time bus information, pending the completion of a bus link through to the Phase 1 development when these would be relocated to the new estate road within the development.
  - ☐ Provision of a footway/cycleway along the site frontage to connect to the Phase 1 footway/cycleway to the south and future provision of pedestrian and cycle facilities to the north

- ☐ A reduction in the speed limit to 30mph from the Lydiate Lane traffic signals to the north, including the provision of new signs, road markings, street lighting and any required TRO.
- ☐ Financial contribution to increase the frequency of bus services with a target of providing a 20 minute service from Chorley and Preston.
- ☐ Financial contribution towards a cycle route provision/improvement from Leyland Way towards Balshaw High School to improve the attractiveness of the route to the school and other destinations to the south of Leyland Way.
- ☐ Financial contribution towards a cycle route provision/improvement from Lydiate Lane towards Cuerden Valley Park. This would tie-in to the existing cycle route that leads from the park entrance towards the employment area at Bamber Bridge.
- ☐ Financial contribution for the provision of cycle parking at Leyland rail station. This would complement the enhancement of the cycle route from the eastern side of Wigan Road, along the Moss Lane cycle route and onwards to the rail station. The provision of the secure parking would further encourage the use of these sustainable modes of travel.

134. LCC Highways have confirmed that subject to the works outlined above taking place and a suite of recommended conditions being added to any permission that secures the bus route through the site and that the proposals not being implemented prior to the cycle, pedestrian and highways works required as part of the development of the land to the south that they have no concerns regarding the development.

#### Contamination and Coal Mines

135. No concerns have been raised regarding contamination at the site subject to a suitable worded condition being applied.

#### Air Quality

136. No concerns were raised regarding Air Quality at the time of the original application. No comments have been received on the current application, Should further comments be received then they will be reported on the Addendum Report.

#### Archaeology

137. Lancashire County Council Archaeology assessed the proposals at the time of the original application. No further comments have been received. At the time of the original application a condition was suggested relating to a scheme of Archaeological works. This has been applied.

#### Public Right of Way

138. At the original application stage the Public Rights of Way officer made a number of comments relating to the incorporation of the Public Right of Way into the scheme and the requirement on the landowner with relation to the public right of way. This issue will be considered at the Reserved Matters stage.

#### Sustainability

139. At the time of the original application the 'Sustainable Resources and Renewable Energy DPD' was in force. This has been superseded by Core Strategy Policy 27. A condition has been applied in accordance with this Policy and the requirements for Code for Sustainable Homes and can be addressed at Reserved Matter stage.

#### Crime and Safety

140. The current application has been reassessed by the Council's Architectural Liaison Officer who has confirmed that a number of the original suggestions have now been dealt with in the Design and Access Statement, A number of further suggestions have also been put forward to prevent opportunities for criminal activity, these are as follows:
- ☐ Openings, eg doorways and windows are the main weakness in any buildings to unauthorised entry, therefore it is recommended that Doorsets and Windows should be certified to Secured by Design standards particularly those at the rear eg – PAS 24 Doorsets and laminated glazing
  - ☐ Lighting should illuminate all external doors, car parking and garage doors
  - ☐ Rear boundaries of properties should be protected with a 1.8m boundary fencing arrangement
  - ☐ Should formal Secured by Design accreditation be required at the site, further detailed security advice and checklists can be obtained from the Police Architectural Liaison Officer.

#### Section 106 agreement

141. Due to the nature of the development a section 106 Agreement will be required to secure the necessary planning obligations resulting from the development in accordance with the tests set out within the Framework as follows. Planning obligations should only be sought where they meet all 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
142. In respect of this current application this would include:
- Up to 30% affordable housing
  - On site play space
  - Transport contributions including sustainable/public transport improvements
143. Lancashire County Council School Planning have commented in respect of school places education. Latest projections indicate that there will be a deficit of school places and as such a contribution has been requested for £651,596. The developer has agreed in principle to the provision of this contribution as a maximum and this will be secured through the s106.

#### Waste Collection and Storage

144. No issues with regard to waste collection and storage have been raised. Detailed consideration can be given to this at reserved matters stage when the detailed proposals for the properties are brought forward.

#### **Overall Conclusion**

145. The proposal would be in breach of Safeguarded Land Policy DC3, which the Local Planning Authority considers is in accordance with the Framework. This was not however the conclusion that the Inspector drew at the most recent appeals on safeguarded land despite the presence of a five year deliverable supply of housing. As such the Council acknowledges that this policy must be read in the context of other material considerations that may be more up to date.
146. An identical application at this site was refused in early 2012 on the basis that its approval would be premature and would set a precedent in the area the results of which could cumulatively impact upon the delivery of housing across the borough and would prejudice the plan making process.
147. Since the previous refusal the Core Strategy has been adopted and the emerging Local Plan has progressed and can be afforded limited weight. The recent appeal decisions outlined above are also material considerations.
148. At the time of the first refusal there was concern that the proposal would be premature when considered against the proposed phasing schedule within the emerging local plan. It is anticipated that this site would be released for housing in 2016 within the proposed phasing schedule. The applicant has agreed to a number of conditions relating to the phasing of the development to ensure that it meets with the phasing schedule as set out in the emerging Local Plan. It is therefore not considered that the approval of this application at the current time would be considered to be premature
149. Further concerns were raised regarding the sustainability of the site and the requirements for wider highway, cycle pedestrian and bus routes that were required to secure necessary linkages in and out of the site. A number of these works were dependant on the application for 300 dwellings at the south of the site being brought forward first.
150. The developer has agreed to a suite of Highways related conditions that would ensure that these linkages are brought forward prior to the commencement of this development as well as a number of other conditions, contributions and s278 works that would secure adequate bus facilities through the overall safeguarded land site. This requirement would also ensure that the dwellings are brought forward in line with the phasing schedule set out in the Site Allocations DPD.
151. Furthermore, the developer has agreed to the provision of a Section 106 contribution for the development of a new school to address the short fall in school places that may result from the development.

#### **Planning Policies**

##### National Planning Policies:

National Planning Policy Framework

## Regional Strategy for the North West

### Adopted Chorley Borough Local Plan Review

Policies: GN1, GN5, GN9, DC1, DC3, EP2, EP4, EP9, EP10, EP17, EP18, EP21A, EP22, EP23, HS1, HS4, HS5, HS6, HS19, HS20, HS22, TR1, TR4, TR18 and TR19

### Supplementary Planning Guidance:

- ☑ Statement of Community Involvement
- ☑ Design Guide

### Chorley's Local Development Framework

Emerging Site Allocations and Development Management DPD – Local Plan Publication Version

### Joint Core Strategy

Policies: 1, 2, 3,5,7,14,17, 22, 27

## Planning History

**Ref:** 11/00981/SCE      **Decision:** PESCEZ      **Decision Date:** 8 December 2011

**Description:** Request for a screening opinion under the Town and Country Planning (EIA) regulations by Fox Land & Property for Land off Wigan Road, Clayton le Woods

**Ref:** 11/00990/SCE      **Decision:** PESCEZ      **Decision Date:** 7 December 2011

**Description:** Request for a screening opinion under the Town and Country Planning (EIA) regulations by Redrow Homes for Land off Wigan Road, Clayton le Woods

**Ref:** 11/01004/OUTMAJ      **Decision:** PCO      **Decision Date:**

**Description:** Outline application for a mixed use development incorporating upto 700 dwellings, 40,000sqft of B1 office space, public house/ restaurant, convenience store, community building, single form entry primary school, public open space, highway works and associated works. (All matters reserved save for access)

**Ref:** 11/01093/OUTMAJ      **Decision:** REFOPP      **Decision Date:** 13 June 2012

**Description:** Outline planning application for the development of land to the east of Wigan Road for the erection of up to 160 dwellings and associated open space with all matters reserved, save for access.

### **Recommendation: Permit subject to legal agreement Conditions**

1. Before the development hereby permitted is first commenced, full details of the reserved matters to be approved (namely the siting, design, landscaping of the site and the external appearance of the dwellings) shall be made to the Council before the expiration of five years from the date of this permission and the development hereby permitted shall be begun three years from the date of this permission. *Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.*

2. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme.

The scheme shall include:

- I. The numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of residential units;
- II. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of market housing;
- III. The arrangements for the transfer of affordable housing to an affordable housing provider [or the management of the affordable housing] (if no RSL involved);
- IV. The arrangements to ensure such provision is affordable in perpetuity; and
- V. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy shall be enforced.

*Reason: To make provision for affordable housing provision in accordance with Policy 7 of the Adopted Central Lancashire Core Strategy.*

3. Each dwelling hereby permitted shall be constructed to achieve the relevant code for Sustainable Homes level required by Policy 27 of the Adopted Central Lancashire Core Strategy or in accordance with national standard postdating the Core Strategy at the time of construction. The current requirements to be completed are as follows: Level 3 for all dwellings commenced from 1<sup>st</sup> January 2010, Level 4 for all dwellings commenced from 1<sup>st</sup> January 2013 and Level 6 for all dwellings commenced from 1<sup>st</sup> January 2016 and achieve 2 credits within Issue Ene7: Low or Zero Carbon Technologies. *Reason: To ensure that the development is in accordance with Policy 27 of the Adopted Central Lancashire Core Strategy.*

4. No development shall take place until a programme of archaeological work and investigation has been submitted to and approved in writing by the Local Planning Authority. The approved programme of works shall thereafter be implemented in accordance with the approved details. *Reason: To secure the appropriate excavation and recording of any archaeological deposits that may survive on the site.*

5. Full detail of the design, capacity and ability of the sewer network to accommodate the proposed programme of development and subsequent load shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of the development hereby permitted, the works shall be implemented in accordance with the approved details and programme. *Reason: To allow for adequate drainage of the site and capacity within the Walton-le-Dale Wastewater Treatment Works area.*

6. There shall not be any site clearance, site preparation or development work carried out until an Ecological Management Plan for the creation and enhancement of biodiversity has been submitted to and approved in writing by the Local Planning Authority.

The plan shall provide full details of measures that will be implemented during works for the avoidance of impacts on wildlife (e.g. bats, nesting birds, amphibians, reptiles, hedgehogs) and for the protection of features of biodiversity value (e.g. Biological Heritage Site, hedgerows, ponds, mature trees). *Reason: To ensure that habitats are suitable protected at all times during any works on site.*

7. During the construction period, all trees to be retained shall be protected by 1.2m high fencing as specified in paragraph 8.2.2 of the British Standard BS5837:2005 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within areas to be fenced. All excavations within the areas so fenced shall be carried out by hand. *Reason: to safeguard the trees to be retained and in accordance with policy Nos. EP9 and HT9 of the Adopted Chorley Local Plan Review.*

8. There shall not be any felling of trees, vegetation clearance works, demolition works or other works that may affect nesting birds between March and July (inclusive) unless the absence of nesting birds has been confirmed by further written surveys or inspections. *Reason: To ensure the protection of nesting birds during the construction period.*

9. There shall not be any site clearance, site preparation or development work carried out until a Construction Method Statement, including details of measures for protection during construction of retained habitats and associated species, has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall be implemented in full. *Reason: To ensure there is no disturbance to habitats by works on site.*

10. No development shall take place until a scheme of landscaping for each phase of the development has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail that may have previously been submitted. The scheme shall indicate all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of the development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail and change of ground level or landform. Thereafter, landscaping shall be carried out in accordance with the approved details. *Reason: In the interests of amenity of the area and in accordance with Policy GN5 of the Chorley Local Plan Review and Policy 17 of the Adopted Core Strategy.*

11. The development hereby permitted shall not commence until full details of the colour, form and texture of all hard ground surfacing materials has been submitted to and approved in writing by the Local Planning Authority, for each phase of the development. The development shall only be carried out in accordance with the approved details. *Reason: To ensure a satisfactory form of development in the interests of visual amenity of the area and in accordance with policies GN5 and HS4 of the Chorley Local Plan Review and Policy 17 of the Adopted Chorley Local Plan Review.*

12. All seeding, planting and turfing comprised in the approved details of landscaping as set out in condition 10 shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. *Reason: In the interests of the appearance of the locality, in accordance with Policy GN5 of the Chorley Borough Local Plan Review and Policy 17 of the Adopted Central Lancashire Core Strategy.*

13. The development shall be limited to no more than 160 properties and shall be carried out in accordance with the following plans and documents:

Title:	Reference:
I. Proposed Residential Master Plan	RED/MP/RMP/03
II. Location Plan	RED/LP/01
III. Design and Access Statement as submitted on the 4 <sup>th</sup> October 2012	

*Reason: To define the permission and in the interests of proper development.*

14. Development shall not begin until a Master plan and a Design Code for the whole of the site have been submitted to and approved in writing by the Local Planning Authority. Both shall subsequently accord with the Design and Access Statement submitted with the planning application. Any amendments to either shall also be submitted and approved in writing by the Local Planning Authority. The Design Code shall address the following:

- Architectural and sustainable construction principles;
- Character areas;
- Street types and street materials;
- Development bloc types and principles;
- Cycling provision;
- Pedestrian and cycle links to adjoining land;
- Public transport routes;

- Boundary treatments;
- Building types;
- Building heights;
- Building materials;
- Sustainable drainage systems;
- Public open spaces;
- Implementation, and
- Mechanisms for periodic review and necessary revision

Applications for the approval of reserved matters shall be in accordance with the Master plan and Design Code as approved. *Reason: To define the permission and in the interests of proper development.*

15. No development shall take place until details of the proposed surface water drainage and attenuation scheme for the site, based on sustainable urban drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. Details of the maintenance and management of the scheme shall be included. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. *Reason: To prevent an increased risk of flooding, to improve habitat and amenity and to ensure future maintenance of the surface water drainage system and to comply with Policy EP18 of the Chorley Local Plan Review and Policy 29 of the Adopted Central Lancashire Core Strategy.*

16. Development shall not begin until a phasing programme for the whole of the development and for the highways works referred to in conditions 17, 18 and 20 has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved phasing programme. *Reason: To define the permission and in the interests of the proper development of the site.*

17. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site highway improvement works referred to below have been submitted to, and approved by the Local Planning Authority in consultation with the Highway Authority.

Prior to first occupation of any part of the development hereby approved, the highway works should be constructed in accordance with the details approved.

The required highway improvement works to include:

- I. Construction of the site access based on Drawing No SCP/11171/SK006 revision E or variation as requested by the LPA in consultation with the HA.
- II. The provision of two bus stops (one in each direction) to Quality Bus Standard incorporating real time bus information, located close to the site access either on Wigan Road, or on the site access road as requested by the LPA in consultation with the HA.
- III. A footway/cycleway link has been provided along the eastern side of Wigan Road from the site entrance to Lancaster Lane.
- IV. The provision of a TOUCAN crossing to Moss Lane.



- V. Associated traffic calming measures (including gateway treatment, lines, signs and street lighting) to provide support for the reduction in speed limit to 30mph on Wigan Road between Lydiate Lane and Lancaster Lane to support the extended 30 mph zone

*Reason: In order to satisfy the Local Planning Authority and the Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site, and in order to improve the accessibility of the site and ensure that residents of the development have satisfactory access to services and facilities.*

18. Prior to the first occupation of any dwelling hereby permitted a scheme for the provision of a bus route(s) through the site shall first be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- I. The route(s) for the movement of buses between the site access, Phase 1 and the wider masterplan area,
- II. The specification of the estate roads carrying the bus route, including details of public transport infrastructure
- III. The vertical and horizontal alignment of a vehicular link between Phase 1 and 2.
- IV. The phasing and timing of provision of the bus route(s), including its adoption as a public highway.

*Reason: To ensure a seamless link for the movement of buses at an early stage.*

19. Reserved Matters submitted pursuant to Condition 1 shall include details to demonstrate how the development will provide vehicular and pedestrian connections through to adjacent land including the opportunity to provide a bus route through the site and footway/cycleway links to the east. *Reason: to ensure a comprehensive development of the area and satisfactory links to improve the accessibility of the site.*

20. No development shall commence until commencement of the improvements to the signal controlled junction of the A49 and B5256 (Hayrick Junction) including the improvements at and on the exit slip roads of Junction 28 of the M6 motorway as detailed below:

- I. Junction geometry improvement scheme incorporating lane realignments and additions;
- II. Upgrade of signal control systems for the Hayrick Junction with bus priority;
- III. Upgrade of signal timings and installation of queue detection on both exit slip roads at Junction 28 of the M6 motorway.

Details of the junction improvements shall be submitted to and approved in writing by the Local Planning Authority prior to any work commencing and all work shall be completed in accordance with the approved details. The works listed under i), ii) and iii) above shall broadly accord with the details shown in SCP drawing numbers SCP/11171/SK101 and SCP/11171/SK102. *Reason: to ensure that the closely related junctions of the motorway slip roads and the A49 can operate in an efficient and safe manner*

21. No part of the development shall be first occupied until the improvements detailed in Condition 20, (relating to Hayrick Junction) have been completed. *Reason: to ensure that the closely related junctions of the motorway slip roads and the A49 can operate in an efficient and safe manner.*

22. No part of the development hereby approved shall be brought into use unless and until a detailed travel plan is submitted to and approved in writing by the local planning authority in consultation with the Highways Agency and the local highway authority. The initiatives contained within the approved travel plan shall be implemented thereafter. *Reason: to ensure that the potential impact of additional vehicle flows generated by the development on the Trunk Road Network, in particular at Junction 28 of the M6 motorway, is minimised.*

23. Due to the size/scale of the development and sensitive end use (residential housing with gardens), no development shall take place until:

- V. A methodology for investigation and assessment of ground contamination has been submitted to and agreed in writing with the Local Planning Authority. The investigations and assessment shall be carried out in accordance with current best practice including British Standard 10175:2011 'Investigation of Potentially Contaminated Sites – Code of Practice.' The objectives of the investigations shall be, but not limited to, identifying the type(s, nature and extent of contamination present to the site, risks to receptors and potential for migration within and beyond the boundary of the site;
- VI. All testing specified in the approved scheme (submitted under a)) and the results of the investigation and risk assessment, together with remediation proposals to render the site capable of development have been submitted to the Local Planning Authority;
- VII. The Local Planning Authority has given written approval to any remediation proposals (submitted under b)), which shall include an implementation timetable and monitoring proposals. Upon completion of remediation works a Validation Report containing and validation sampling results shall be submitted to the Local Planning Authority.

Thereafter the development shall only be carried out in full accordance with the approved plans.

Should during the course of the development, any contaminated material other than that referred to in the Investigation and Risk Assessment Report and identified for treatment in the remediation proposals be discovered, then the development should cease until such time as further remediation proposals have been submitted to and approved in writing by the Local Planning Authority. *Reason: To protect the Environment and prevent harm to human health, by ensuring the site is suitable for the proposed end use in accordance with paragraph 121 of the National Planning Policy framework.*

24. Before the development hereby permitted is first commenced full details of the means of foul water drainage/disposal shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the works for foul water drainage/disposal have been completed in accordance with approved details, for each phase of the development. *Reason: To ensure proper drainage of the development and in accordance with Policy EP17 of the Chorley Local Plan Review and Policy 29 of the Adopted Central Lancashire Core Strategy.*

25. Before the development hereby permitted is first commenced, full details of the layout, phasing or provision and equipping of the public open space and play areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the provision and equipping of these areas is to be carried out in strict accordance with the approved details. *Reason: To ensure adequate provision for public open space and play areas within the development and in accordance with Policy HS21 of the Chorley Borough Local Plan Review.*

26. The development hereby permitted shall not commence until full details of the colour, form and texture of all external facing materials to the proposed buildings have been submitted to and approved in writing by the Local Planning Authority for each phase of the development. The development shall only be carried out using the approved external facing materials. *Reason: To ensure that the materials used are visually appropriate to the locality in accordance with Policies GN5 and HS4 of the Chorley Local Plan Review and Policy 17 of the Adopted Core Strategy.*

27. Before the development, hereby approved, is first commenced, full details of the position, height and appearance of all boundary fences and walls to be erected shall be submitted to and approved in writing by the Local Planning Authority, for each phase of the development. No dwelling shall be occupied until all of the fences and walls shown on the approved details to bound its plot have been erected in conformity with the approved details. *Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents and in accordance with Policy HS4 of the Chorley Local Plan Review.*

28. The development shall be brought forward in a manner that accords with the phasing schedule set out within Local Plan: Site Allocations and Development Management DPD, or any other policy which supersedes the schedule set out within this document, at the time that development commences. *Reason: To ensure the managed delivery of housing in accordance with Policy 4 of the Joint Lancashire Core Strategy and Policy HS2 of the Local Plan: Site Allocations and Development Management DPD.*