APPENDIX A

Original Committee Report
On Application: 11/01093/OUTMAJ
Development Control Committee 12 June 2012

Item	**11/01093/OUTMAJ**
Case Officer	**Mrs Nicola Hopkins**
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.**
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: 30 April 2012

Application expiry: 15 March 2012

Proposal

1. The application is described as:
   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.

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 which was granted permission 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 west to east towards Shady Lane.

5. Within Circular 01/2006 Guidance on Changes to the Development Control System Section 2: Outline Planning Permission and Reserved Matters, it states that a minimum amount of information is required to be submitted with outline planning applications. This proposal is accompanied by an illustrative Masterplan and Design and Access Statement showing how the development might be accommodated on the site. The proposal includes for the following:
   - Up to 160 dwellings including affordable units;
   - It applies for full planning permission for one access point off 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 bed to 4 bed homes which will reflect the market demand for larger market homes.

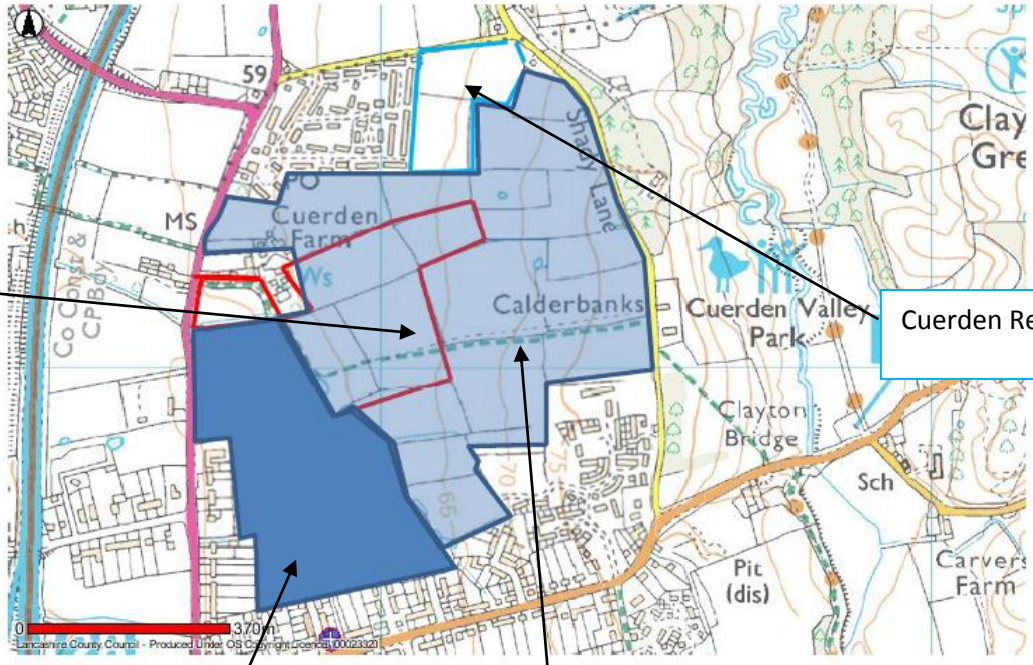
7. This site is included within the Site Allocations and Development Management Policies DPD as a proposed allocation. The land that is the subject of this application forms part of the wider HS1.35 Land to east of Wigan Road (A49) residential allocation and the wider EP1.19 Land east of Wigan Road employment allocation. The DPD allocates this area of Safeguarded Land as a preferred mixed use housing and employment allocation for 600 dwellings (300 of which already have outline planning permission) and 20ha of employment land. The land that is the subject of this application falls within this mixed use allocation.

Recommendation

8. It is recommended that this application is refused.

Other Applications at this Site

9. Members should note that there is another application at this site which has been submitted by Fox Land and Property (11/01004/OUTMAJ). To put the site into context the following plan details the various planning applications at this site:



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Cuerden Residential Park

Appeal Site for 300 houses

ox, Land & Property Application
11/01004/OUTMAJ)

Assessment

10. The assessment of these proposals is split up as follows

1) Policy Assessment

(a) Principle of the Development (paras 57-75)
(b) Adopted Chorley Borough Local Plan Review (paras 76-77)
(c) Core Strategy (paras 78-81)
(d) Site Allocations and Development Plan Policies DP (Preferred Option Paper) (paras 82-90)
(e) Masterplanning Approach (paras 91-98)
(f) Prejudice (paras 99-108)
(g) Assessment of Proposal Against Final Criterion of NPPF Paragraph 159 (paras 109-111)

2) Other Material Policy Considerations

(a) Urgency (paras 112-135)
(b) Ministerial Statement- Planning for Growth (paras 136-139)
(c) Localism (paras 140-141)
(d) The Community Infrastructure Levy (paras 142-149)

3) Affordable Housing (paras 150-162)

4) Policy Conclusion (paras 163-171)

5) Other Issues

(a) Housing Development (para 172)
(b) Density (paras 173-174)
(c) Design (paras 175-176)

(d) Open space (paras 177-186)
(e) Trees (paras 187-189)
(f) Landscape (paras 190-203)
(g) Ecology (paras 204-219)
(h) Flood risk and Drainage (paras 220-225)
(i) Traffic and Transport (paras 226-251)
(j) Public Right of Way (paras 252-254)
(k) Contamination (para 255)
(l) Air Quality (paras 256-257)
(m) Section 106 Agreement (paras 258-264)
(n) Crime and Safety (paras 265-267)
(o) Archaeology (paras 268-269)
(p) Sustainability (para 270)

6) Overall Conclusion (paras 271-294)

Representations

11. 136 letters of objection have been received raising the following points:

Highways and Traffic objection

- The extra traffic from the proposed developments would have a severe detrimental effect on the quality of life on people living along the existing narrow estate roads in terms of safety, noise, air pollution and sheer weight of traffic. It would also impact on the already very busy Lancaster Lane and Wigan Road, especially taking into account the many other existing permissions yet to be implemented in Clayton-le- Woods and surrounding area. No doubt solutions can be found from a highway engineering point of view, but that is no consolation to existing residents and the effect on their lives.
- This project will increase traffic through Shady Lane- what plans are in place to control the volume and management of Shady Lane?
- Local residents using Shady Lane & Nell Lane, bypassing the traffic lights at the hayrick junction. This junction needs complete re-design to cater for traffic turning left from Wigan road into Lancaster Lane and Lancaster Lane left into Wigan Road.
- Pathways need to be incorporated for both existing and this new development to make access to Cuerden Valley safer and get pedestrians off Shady Lane.
- The roads will link through the estates so there will be access to the A49 and also Lancaster Lane. There is no doubt that these roads will be used as 'cut throughs' therefore increasing the traffic on the roads and risk to residents and in particular their children.
- Will Shady Lane be one of the access roads to the proposed developments and if not why not? What traffic calming measures are to be put in place for Shady Lane which will definitely be used as a short cut and it would be naive to argue this will not be the case or that there will be no increase in traffic as a result of any development

Planning Policy objection

- The proposals are contrary to the Safeguarded Land "saved" policy in the statutory Chorley Local Plan Review.
- If you no longer use the statutory plan to gauge proposals of this scale, due to the Inspector's decision on the Fox application 10/00414/OUTMAJ, then you should refuse the applications on grounds of prematurity. You are currently preparing the Central Lancashire Core Strategy and the Chorley Site Allocations and Development Management Policies documents to replace the Local Plan Review. We have recently been consulted on the new housing figures in the former and the draft site allocations for Clayton-le-Woods in the latter. The consultation responses will have to be taken into account at the Inquiries into these documents in February 2012 and October 2012 respectively. If permission is granted for these applications at this time, the public consultations exercises, if not the Inquiries themselves, will be rendered meaningless and a complete waste of time and Council tax payers' money.
- Due to recent implementation of the Localism Act, the Government's intention is to give more power to local people. Any further development in Clayton Le Woods is necessary and possible not lawful considering the public consultation that is still yet to be considered and decided in the Local Development Framework.
- There is presently no need for these large developments. Fox Developments already has permission for 300 dwellings in the area; there are permissions for over 2000 more dwellings a mile away at Buckshaw Village; many smaller sites, such as the backland housing along Lancaster Lane and elsewhere, have recently received permission or are being built; and there are other small sites in the pipeline, as, for example, at Burrows Grass Machinery and Cuerden

Residential Park. The wider picture, taking into account our neighbours in South Ribble, is a far greater number of proposed new housing than already mentioned.

- The CLPCS state that Clayton Le Woods, as a ULSC, is an area where "some growth and investment will be encouraged to help meet housing and employment" I would suggest that the 300 already approved is "some" and that another 700 homes is "more than some". The point should be given serious consideration along with my other listed reasons for objection:
- In terms of employment uses, there is substantial land available at Buckshaw and in the Cuerden strategic employment area without having to mix offices amongst the housing at Clayton-le-Woods.
- Whilst the Government clearly wishes to boost house building and employment development throughout the country, it also requires this to be "sustainable." It is not sustainable to take a very large area of greenfield agricultural land out of production when brownfield sites, like Buckshaw, are still available.

Open Space objection

- The site should be returned to green belt. It is adjacent to a Biological Heritage Site and provides a valuable amenity for local residents to enjoy the natural environment. This area is greatly valued by local people as open space.
- In August 2010 Bill Oddie, Lindsay Hoyle MP and hundreds of local people carried out a Bioblitz survey in Cuerden Park. They counted over 850 separate species. This data is recorded and should be considered by the Committee, as it is there to protect Biologically Sensitive Areas such as this. Cuerden Park is only one roads width away from the proposed site – the impact on wildlife is unfathomable
- Loss of recreational open space
- The loss of productive agricultural land would not create a 'sustainable' development

Other objections

- There would be an intolerable burden on the local infrastructure. Based on a family of 2.2 children, we could possibly have 1500 additional people accessing services, which will be detrimental to the quality of life for existing and new residents.
- Not all neighbours have been consulted
- Not enough time given to comment
- Impact on local house prices
- Adverse impact on wildlife
- Out of character with the area
- Noise and disturbance
- There are other sustainable brownfield sites available
- Loss of protected trees
- Will lead to lots of extra cars and congestion, more litter, more groups of kids, pollution, crime. disruption etc.
- There will be a high percentage of low cost/shared ownership housing where problem families may be located. Unsold houses will be rented out to DSS? and empty businesses plots at risk from vandals.
- Loss of public footpaths
- Chorley Council itself says on its website "we are committed to promoting and preserving the environment" If this is the case, please do not allow this area to be built on and lost forever.

12. **Fox Strategic Land and Property** have raised the following objections:

- The proposal has been designed in isolation and fails to demonstrate a comprehensive solution to the delivery of a sustainable and cohesive community in line with preferred options identified as HS1.35, EP1.19 and EP10 in the 'Sites for Chorley Preferred Option Paper'.
- The proposal is a piecemeal development which, by reason of the amount of dwellings proposed, will undermine the policy requirement of further provision of support services required to create "vibrant local communities" under policy 1 (d) iii 'Clayton-le-Woods (Lancaster Lane)'.
- The 'Sites for Chorley Preferred Option Paper' requires at Policy HS1 (page 24) and EP1 (page 38) that sites HS1.35 and EP1.19 (respectively) be developed according to a "master plan or development brief".
- The illustrative 'Wider Composite Masterplan' at section five of the D&A does not address the need to comprehensively masterplan these sites by reason of the lack of:
    - Primary school provision as required by CS Policy 14 (b) 'Education' and CS Policy 2 'Infrastructure', and identified in 'Preferred Option' Policy EP10;
    - Demonstrable delivery of, or genuine connection with, a bus route to achieve transport connections necessary to create a sustainable community at the Clayton-le-Woods ULSC in accordance Policy 1 and related Policy 3 (d) iii;

- Delivery of essential community facilities such as health facilities (CS Policy 23 (c) and CS Policy 25 (d)), local shops and community buildings required to support the sustainable growth of the ULSC, as per CS Policies 1 and 25 (d).

- The Sketch Masterplan which accompanies the proposal demonstrates the deficiency of the scheme in accessibility terms. It indicates an access to Phase 1 to the west/southwest (planning permission granted for 300 dwellings). The location of such a link is still in outline but by the terms of the Applicant's Transport Assessment is required to link to the bus route. When this link is delivered unsatisfactory consequences will arise:
  - Such a link open to all traffic would exceed the planned safe capacity of the proposed new Redrow Homes junction at its exit on the A49 Wigan Road. Conversely if the link is restricted to bus use only it would give rise to environmentally unsustainable and unnecessary vehicular journeys from the application site via the A49 to essential community facilities on the wider SL (school, health facilities, community centre, shops). This would be particularly evident for less able bodied people or in inclement weather.
  - The link into Phase 1 would make the T-junction with A49 Wigan Road at the western edge of the application site a much less desirable route in comparison to the Phase 1 link road roundabout access/egress. There is one consented and one planned junction south and north (respectively) of this proposed third access. Thus the T-junction connection is superfluous, will unnecessarily hinder traffic flows on the A49 and is inefficient in land use terms.
- It is noted that the proposed T-Junction onto the A49 Wigan Road is illustrated by means of 'Promap' as opposed to the more accurate map base of Topographical survey. The revised access layout in this plan form does not appear to have been accurately designed and independently audited.
- Fox Strategic Land and Property and Homes and Communities Agency are committed to delivery of a comprehensive access strategy to ensure access by bus, car and foot to all of the future developments on the SL. In contrast the Redrow Homes scheme is fatally compromised by its inability to provide a safe and desirable access on the A49 Wigan Road that is capable of accommodating approximately half of the development traffic flows from the total SL.
- The application as submitted will either be unsafe or isolated.
- The proposal is contrary to the following paragraphs of the Government's National Planning Policy Framework
- Para.52: *'The supply of new homes can sometimes be best achieved through planning for larger scale development, such as new settlements or extensions to existing villages and towns that follow the principles of Garden Cities'.* National policy endorses larger scale development such as new settlements or extensions to existing villages or towns as an appropriate mechanism for the delivery of new homes. This proposal does not accord with this approach advocated by National Policy as it represents small scale and piecemeal development where a larger scale comprehensive masterplan approach is required to meet the goals of local and national policy.
- Para.57: *'It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes'.* This proposal is contrary to National Policy in that it will produce an isolated development that fails to be inclusive in its design as it does not address the wider area development scheme set out in the objectives of local policy.
- Para.58: *'Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics. Planning policies and decisions should aim to ensure that developments:*
  - *optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks';*
- The development of the application site in a piecemeal fashion will fail to optimise the potential to deliver and support local facilities and transport networks across the wider site contrary to local policy.
- Para.64: *'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.* National Policy requires that permission should be refused where poor design fails to take opportunities available to improve the way an area functions. In this case the proposal is dysfunctional in the context of the lost opportunity to comprehensively masterplan a sustainable urban extension at Clayton-le-Woods (Lancaster Lane), as mandated by local policy.
- Para.70 *'To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*

- *plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
- *…; and*
- *ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.* The failure of the proposal to meet the requirements of the National Policy at this paragraph is manifest. The proposal, even at the *Wider Composite Masterplan*, fails to engage with the requirement to plan positively as part of an integrated approach to the provision of shared community facilities as identified above and as mandated in CS Policy 1.

- Para.72: '*The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*
  - *give great weight to the need to create, expand or alter schools; and.* This proposal once again fails to engage with this requirement of policy (both national and local) to proactively plan for the future needs of residents of this site and the wider community.
- The land on which the application relates is part of a wider area of land designated within the 2003 Chorley Local Plan as Safeguarded Land (SL) (Policy DC3). This designation is to accommodate development pressures in the Borough in the period up to 2016 if necessary. The use of Safeguarded Land as proposed in this application is wasteful in several ways as identified above. As a consequence of the piecemeal development approach the sustainable development of the wider SL is jeopardised.
- The proposal fails to accord with Regional Spatial Strategy in the following ways:
- DP 2 – Promote Sustainable Communities: The proposal fails to accord with Policy DP2 in so far as it fails to foster a sustainable relationship between the proposed homes, work places and other concentrations of regularly used services and facilities. This failure arises from a number of factors;
  i. The proposals fail to make adequate provision of public transport infrastructure necessary to serve this site (this is also contrary to DP5 Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility).
  ii. The planning permission granted on land immediately adjacent to the application site for 300 dwellings provides for such necessary public transport infrastructure and thus provides for a financial contribution to be made toward the upgrade of bus services in the area via S106. The level of contribution is commensurate with the level of need arising from the 300 dwellings.
  iii. This application does not propose any financial contribution toward the further necessary upgrade of the public transport infrastructure (this is also contrary to DP5 Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility).
  iv. The scheme with the benefit of planning permission for 300 dwellings facilities vehicular access to the wider area of SL. That scheme was carefully designed to ensure that access would be facilitated to the wider area of SL in order to ensure the most efficient and effective use of the resource and importantly avoid 'piecemeal' development.
  v. In contrast the approach taken by Redrow Homes Limited in its planning application demonstrates that, as 'piecemeal' development, the site lacks the physical capacity in access terms to deliver the necessary grade of junction to deliver adequate public transport provision to the wider SL (also contrary to DP4 Make the Best Use of Existing Resources and Infrastructure).
  vi. For these reasons it fails to foster a sustainable relationship between the proposed homes, work places and other concentrations of regularly used services and facilities.
  vii. Evidently the proposals fail this key policy test as they do not facilitate genuine integration between the two sites and the wider SL.
- The Council had advanced a single putative reason for refusal a component of which was cited as follows:
  The proposal has been designed in isolation and is piecemeal development therefore not contributing to sustainable development. As such the proposal is contrary to saved Policy DC3 of the Chorley Local Plan Review, The Planning System: General Principles (paras. 17-19), Planning Policy Guidance Note 2 and Planning Policy Statement 3."
- The planning appeal by Fox Strategic Land and Property related to a scheme for 300 dwellings on part of the Safeguarded Land (SL) designation DC3.8. The scheme had been designed to ensure that the development of the whole of the DC.8 site would, in the first instance, not prejudice the comprehensive development of the wider area DC3.8 SL. Further, the proposals as presented demonstrated that they had been designed having regard to facilitating the future

comprehensive development of the remaining DC3.8 land by reference to an illustrative masterplan.

- The Inspector accepted this notion noting that the proposal legitimately represented the first phase of the wider master plan thus facilitating delivery of the Council's long term aspirations for the site and the building of Clayton le- Woods as a sustainable community.
- By contrast this proposal constitutes piecemeal development which does not facilitate the wider development of SL and will prejudice the effective and efficient development of the DC3.8 SL by disproportionately burdening future development with community contributions.

13. **Cuerden Valley Park Trust** have made the following comments:
    - It is considered that it would be preferable to have a new path leading from Shady Lane down into the Valley and across the River Lostock to enable residents of the development to access Cuerden Valley Park
    - The further maintenance costs associated with the increased number of visitors to the park generated by the development, e.g. emptying litter bins etc., cannot be covered by the Trust. Therefore a S106 contribution is requested to deal with future maintenance and improvement costs.

14. **Clayton le Woods Parish Council** would like to reiterate their original objections to development east of Wigan Road- object on grounds of increased traffic from Buckshaw Village and the prospect of yet another housing estate in a rural area and the effect of same to nearby residents. If this application is approved the Parish Council request that the primary school is substituted by a high school as there are no higher education facilities but 5 primary schools.

Consultations

15. **Lancashire County Council (Ecology)** have commented on the proposals which are addressed below.

16. **Lancashire County Council (Archaeology)** have commented on the application which is addressed within the body of the report

17. **The Environment Agency** initially objected to the application. Following the receipt of the Flood Risk Assessment (FRA) they maintained their objection however further consideration the EA have withdrawn their objection subject to various conditions.

18. **The Architectural Design and Crime Reduction Advisor** has commented on the application which is addressed within the body of the report

19. **Chorley's Housing Manager (Strategy)** has commented on the affordable housing elements of the scheme

20. **Lancashire County Council (Highways)** have commented on the application which is addressed below

21. **Chorley's Waste & Contaminated Land Officer** has no objection subject to conditions in respect of contamination.

22. **Lancashire County Council (Education)** have made the following comments:

    - Latest projections for the local primary schools indicate that there will be 158 places available in 5 years' time. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document, which has already had planning permission.
    - However, approval has been given to the following developments: Wheelton Lane, 54 Lancaster Lane, Farington Lodge, Phase 3 Clayton Business Centre, Swallow Court, Marland Bros, South View Terrace, Burrows Grass Machinery, Goldcrest Drive/Kingfisher Way, Northolme Nursing Home, Claytongate Drive, Former St Joseph's School, Hornbeam Close
    - The combined yield of these developments is 54 primary pupils. Therefore, the number of remaining places would be 158 less 53 = 105 places. Therefore, we would not be seeking a contribution from the developer in respect of the full pupil yield of this development, i.e. 56 places.
    - Other developments pending approval or appeal decision which will impact upon these secondary schools. There are also a number of additional housing developments which will impact upon this group of schools which are pending a decision or are pending appeal as follows: Station Road &

Club Street, Town Lane/Lucas Lane, Wateringpool Lane, Former Textile Services, Vernon Carus, Long Moss Lane, Grasmere Avenue, Wigan Road (700 Dwellings FLP)

- The proportion of the expected yield from these developments which is expected to impact upon this group of primary schools is 325 pupils. Therefore, should a decision be made on any of these developments (including the outcome of any appeal) before agreement is sealed on this contribution, our position will need to be reassessed, taking into account the likely impact of such decisions.
- Latest projections for the local secondary schools indicate that there will be 1436 places available in 5 years' time. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document, which has already had planning permission.
- Therefore, we would not be seeking a contribution from the developer in respect of pupil yield of this development, i.e. 40 places.
- Based upon the latest assessment, LCC would not be seeking a contribution for primary school or secondary school places.
- If any of the pending applications listed above are approved prior to a decision being made on this development the claim for primary school places could increase to a maximum of 56 places (the full pupil yield of this development). Calculated at 2011 rates, this would result in a maximum primary claim of Primary places: 56 @ (£12,257 x 0.9) x 1.055 = £651,729. The total of the claim would therefore increase to a maximum of: £651,729

23. **Highways Agency** have issued an Article 25 direction which ensured that this application shall not be determined in favour of the applicant until such time as the Secretary of State for Transport is satisfied that the impact of this development on the motorway network has been adequately assessed and that any appropriate mitigation will be provided.

24. **The CTC** have made representations in respect of cycling however these appear to relate wholly to the larger scheme submitted by Fox Land and Property on the site.

25. **Planning Policy** have made the following conclusions:
    - The land is allocated as Safeguarded Land in the Local Plan and development of the site is not in accordance with Policy DC3. However, at a recent appeal for 300 houses on another part of the Safeguarded Land, the Inspector concluded that there were material considerations that outweighed the breach of Policy DC3.
    - The site is allocated as a preferred mixed use (housing and employment) allocation in the Site Allocations and Development Management Policies DPD Preferred Option paper. However, the DPD is at an early stage of preparation and this allocation received a large number of objections. Growth in the Borough should be properly planned through the DPD process. Granting planning permission would prevent decisions being made through the LDF and without full public consultation on all options
    - The amount of land allocated for housing in Clayton-le-Woods is by no means certain. The Core Strategy does not specify how the predicted housing requirement for the Urban Local Service Centres should be distributed. This is a decision to be made as part of the preparation of the Site Allocations DPD.
    - Chorley Borough has in line with the NPPF a deliverable five-year housing supply plus additional 5% ; the January 2012 Annual Monitoring Report indicates approximately 5.7 years of deliverable housing supply. 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.
    - Chorley's 5.7 year deliverable housing supply, provides sufficient choice and competition in the market. In addition to the identified deliverable housing supply there are further housing units with permission, which may well come forward over the five-year period, providing further choice and competition in the market for land.
    - There is also active housebuilding currently taking place in Clayton-le-Woods with 22 dwellings completed in Clayton-le-Woods between April 2010 and October 2011. A further 17 dwellings have full planning permission and 300 dwellings have outline planning permission.
    - The latest published evidence indicates that housing construction and completions levels remain high in the Borough. Housing completion levels have exceeded RSS requirements for the past two years. National housebuilding data identifies Chorley Borough as a district that saw high rates of house building in terms of both starts per 1000 dwellings and completions per dwellings in the 12 months to September 2011. There is not an urgent 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 Site Allocations process.

- This is one of a number of current planning applications on Safeguarded Land in the Borough and if approved would set a precedent leading to cumulative effects that would undermine the spatial vision of the Local Plan and emerging LDF policies.
- 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 Central Lancashire authorities are currently consulting on a Community Infrastructure Levy which sets out a proposed CIL charge £70 per square metre for new residential development and £0-£10 for other uses. The infrastructure delivery schedules for Chorley and Central Lancashire detail infrastructure projects required to meet the overall spatial vision, aims and objectives of the Core Strategy and so achieve sustainable development.
- At the recent appeal decision the main material consideration was that the growth provisions in the Core Strategy for Urban Local Service Centres indicate a current need for additional housing in Clayton-le-Woods and waiting for adoption of the Core Strategy would risk not meeting its growth targets. This site is also considered to be the only possible location for achieving the proposed growth in Clayton-le-Woods. It can now be argued that the granting of outline planning permission at appeal for 300 houses on this area of Safeguarded Land will help achieve the growth targets within the Core Strategy, therefore this is no longer a material consideration that outweighs the breach of Policy DC3.

26. **The Council's Policy and Design Team Leader** has commented on the proposals which are addressed below.

27. **Lancashire Wildlife Trust** have made the following comments:
    - The Wildlife Trust for Lancashire, Manchester & North Merseyside conditionally objects. The main points of concern are as follows:
        - The Ecological Appraisal and the Planning Statement, combined with the overall Masterplan, provide a good starting point that gives some confidence that a high quality development with valuable green infrastructure (open spaces / habitats / linkages) might be achieved. However, planning conditions and Section 106 Agreement(s) need to ensure that the details, when submitted, meet clearly stated objectives in accordance with the submitted Masterplan.
        - A part of the Cuerden Farm Ponds Local Wildlife Site (Biological Heritage Site) equivalent to about 0.5ha lies within the proposed development site. The biodiversity resources for which this is identified will need to be safeguarded.
        - There would need to be provision of increased and improved pedestrian and cycling access routes and facilities (and associated maintenance) to and from the proposed developments into the western edge of Cuerden Valley Park.
        - Chorley Council should adopt the open space shown on the masterplan or to subcontract part or all of that adoption.
        - We welcome the intent of mitigation proposals in the ecological assessments relating to specially protected species populations, Cuerden Farm Biological Heritage Site, hedgerows and water bodies on site.
        - The tree survey doesn't indicate that any trees are proposed for removal, although there is a notation for this.
        - The applicant is proposing that details of the open space and its management be submitted before development starts but that no houses be occupied before the proposals have been approved. We would prefer to see no development start until the proposals have been approved.
        - We would prefer to see a specific block of land set aside and appropriately landscaped for amphibian conservation and related habitat creation (including excavation of new ponds) rather than the proposed attempt to integrate the existing network of breeding ponds and terrestrial feeding and hibernation habitat into and through a suburban residential development.
        - The existing ponds on site should be protected from the negative impacts of development.
        - No development approved by this permission should be commenced until a scheme for the retention and protection of all the ponds (both wet and dry) on site has been submitted to and approved by Chorley Council.
        - We recommend that none of the ponds be stocked with fishes as this would further reduce the viability of the site for amphibians through the impact of predation on their larvae

28. **The Homes and Community Agency** have made the following comments:

- The HCA support the principle of development in this location and are keen to continue working with the Council to assist in achieving their development aspirations for the emerging allocation.
- Historically the HCA worked with neighbouring land owners to provide a comprehensive masterplan- this position has been superseded and complicated by the granting of outline planning consent for 300 houses on part of the emerging allocation site.
- The HCA support the development of the site in principle but consider that a holistic approach would be the preferred solution, allowing for an appropriate balance and mix of uses as well as an equitable approach to apportioning developer contributions.
- The FLP consent has restricted the ability to achieve a holistic approach and avoid piecemeal development. However, in terms of providing a context to future development the HCA considers that, whilst not currently adopted policy, the emerging policy framework provides a guide to what the Council would like to achieve and the HCA supports the Council in wishing to see the masterplan evolve through the LDF process.
- The Council may wish to consider the following issues:
    - Developer Contributions- the Council needs to satisfy itself that all technical issues can be both quantified and addressed across the complete project in a manner so as not to prejudice comprehensive development over the whole emerging allocation.
    - Phasing- the HCA agree with the concept of a phased approach to the development of the allocation, and the need to understand impacts of both the early and the later phases of development. The ability to condition and control development in the normal way does not appear to be achievable based on this planning application as the wider composite masterplan within the supporting information extends beyond the planning application boundary.
    - The Council will need to assess whether the application boundary represents a clear, well defined and appropriate potential phase of development for the wider allocation, as well as taking a view on the masterplanning rationale which underpins the boundaries.
    - Viability- full consideration needs to be given to the deliverability of the wider composite masterplan proposals, specifically the impact of the proposed application on the viability of all the emerging allocation. If consent is granted for the above application, in the context of the emerging site allocation for mixed use, this could give rise to the possibility of residential development being delivered on the western part of the site in advance of potential employment development to the east.
    - Wider composite masterplan- the applicant has included a wider masterplan for the area beyond their red line application boundary which includes HCA owned land- it is not clear what status this could have?
    - The masterplan appears to identify employment on HCA land. We consider that the most appropriate way to ensure the even distribution of uses across the site is through the emerging DPD. The eastern part of the allocation is an attractive and elevated area, immediately adjoin and overlooking Cuerden Valley.
    - Access- the Council should consider the wider aspirations of the emerging allocation, including securing permeability to the wider allocation.

29. **Lancashire County Council (Public Rights of Way)** have commented on the application which is addressed below.

30. **The Council's Parks and Open Spaces Officer** has commented on the application

31. **The Council's Environment and Neighbourhoods Manager** has commented in respect of air quality

Applicants Case

32. The applicant has forwarded the following points in support of the application:
    - The application proposals are in accordance with the policies and objectives of the development plan when considered as a whole.
    - While there is conflict with the specific allocation of the site as Safeguarded Land in the Local Plan, the allocation is out-of-date when considered against the strategic policies of RSS and the emerging development plan; particularly the Core Strategy which is at an advanced stage of preparation.
    - Overall, the application fully accords with the existing and emerging strategic policies and priorities for development. In particular, the site forms part of the only area capable of making any significant and deliverable contribution towards the development plan strategy of prioritising some housing growth in Clayton-le- Woods.
    - The proposed development would meet all of the relevant PPS3 criteria for new housing and accord with emerging national planning priorities which recognise the importance of new housing development for economic growth and provide strong support for sustainable development. Indeed,

housing delivery on the application site is likely to stimulate the delivery of employment development on the remainder of the wider masterplan area.

- Development of the site wholly accords with the principles of development established at the recent appeal. Even with the potential delivery of 90 houses within the first five years of the plan period, there is still a clear need to bring forward sites to meet need strategic needs of the forthcoming Core Strategy and thus it is not considered that there has been a material change in planning circumstances that would preclude the application from being approved.
- In the circumstances, and on balance, there are material considerations that support the principle of residential development on the site and a grant of planning permission contrary to the site specific allocation in the adopted local plan.

33. Following the publication of the National Planning Policy Framework (NPPF) the following points have been submitted in support of the application:
    - The National Planning Policy Framework (NPPF) supersedes all national planning policy guidance in former Planning Policy Guidance notes (PPG) and Planning Policy Statements (PPS).
    - The NPPF is clearly a material consideration in the determination of this planning application.
    - The NPPF sets out broad policy in terms of the design of development, technical considerations and making adequate provision for housing. Those policies are generally consistent with the themes of previous national planning policy guidance as set out in the submitted Planning Statement.
    - Chapter 7of the statement demonstrates that the application accords with national planning policy for residential development; given that the NPPF contains very similar broad policy themes the analysis contained in the planning statement remains valid in that sense.
    - In terms of the development plan, it is notable that the NPPF confirms while RSS remains part of the development plan until formally revoked, the Chorley Borough Local Plan Review (CBLPR), which was adopted in 2003, is out-of-date and should only be afforded limited weight in the determination of this application. Indeed, weight can only be afforded to the CBLPR where it accords with NPPF.
    - Paragraph 218 of the Annex to the NPPF also confirms Local Authorities can continue to draw on evidence that informed the preparation of regional strategies to support Local Plan policies.
    - Therefore, the Regional policies highlighted in the submitted planning statement, including the strategic housing land requirement, remain relevant to the determination of the application.
    - Paragraph 14 of NPPF sets out the Presumption in Favour of Sustainable Development which is the 'Golden Thread' running throughout the document. This confirms that sustainable developments that are in accordance with the development plan should be approved without delay and where a plan is absent, silent or out-of-date, planning permission should be granted, 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. The presumption is supported by various references in the document advising LPA's to take a positive and pro-active approach to development that is solution and not problem driven.
    - In this case the scheme would comprise sustainable development and there are no adverse impacts that would outweigh the economic, social and environmental benefits delivered by the scheme. In the circumstances, it should be approved without delay in accordance with the overriding presumption set out in NPPF.

Policy Background

National Planning Policy:

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

- **National Planning Policy Framework (NPPF)**

The NPPF 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.'

35. The NPPF 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.

36. 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).

37. 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).

38. At the heart of NPPF 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 NPPF taken as a whole; or
- Specific policies in the NPPF indicate development should be restricted.

39. The NPPF 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.

40. Paragraph 48 of the NPPF 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.

41. Paragraph 49 of the NPPF 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.

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

Annex 3 of the NPPF 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.

The Development Plan

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

43. 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 Spatial Strategy (RSS)

44. At the current time the Regional Spatial Strategy (RSS) for the North West is still in force. The Secretary of State's intention to revoke RSS, and how that intention should be considered has been a matter for

the courts, with the outcome that RSS remains part of the development plan, and that the intention to revoke can be regarded as a material consideration in the determination of planning applications.

45. 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.

46. The relevant policies of the RSS are as follows:
    - DP1: Spatial Principles
    - DP2: Promote Sustainable Communities
    - DP4: Make the Best Use of Existing Resources and Infrastructure
    - Policy DP5: Manage Travel Demand; Reduce the Need to Travel and Increase Accessibility
    - DP7: Promote Environmental Quality.
    - DP9: Reduce Emissions and Reduce Climate Change.
    - RDF1: Spatial Priorities
    - RDF2: Rural Areas
    - L4: Regional Housing Provision
    - L5: Affordable Housing
    - RT2: Managing Travel Demand
    - RT9: Walking and Cycling
    - EM1: Integrated Enhancement and Protection of the Region's Environmental Assets
    - EM5: Integrated Water Management
    - EM15: A Framework for Sustainable Energy in the North West
    - EM16: Energy Conservation and Efficiency
    - EM17: Renewable Energy
    - CLCR1: Central Lancashire City Region Priorities
    - L4: Regional Housing Provision

Adopted Chorley Borough Local Plan Review

47. The NPPF confirms that for 12 months from the day of publication of the NPPF (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 NPPF also confirms that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans. The emerging plan is later in this report.

48. 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

Sustainable Resources DPD:

- Policy SR1 – Incorporating Sustainable Resources into New Development

Emerging Policy Considerations

Central Lancashire Local Development Framework Joint Core Strategy

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

50. As a whole the Core Strategy as a document is at an advanced stage.

51. 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 and states that 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.
    - In relation to the Proposed Housing Related Changes Document there has been both support and objection to the general approach to growth proposed in Policy 1 and to Table 1 which sets out the predicted distribution of growth. Therefore, whilst there is some support for the ULSC designations and the overall approach to growth, there also remain outstanding objections, and no certainty that the policy will be adopted as currently drafted.
    - This policy position is not changed in the November 2011 Proposed Housing Related Changes document. This document predicts that 9% of Central Lancashire's housing development will take place in Urban Local Service Centres, including Clayton-le-Woods, over the period 2010 – 2026. Approximately 2100 dwellings are predicted in total in in the 6 Urban Local Service Centres based upon:
        - existing housing commitments (sites that already have planning permission for housing)
        - proposed allocations in the Sites for Chorley Preferred Option Paper
        - dwellings already completed in the 6 Urban Local Service Centres during the first year of the Core Strategy housing requirement period (2010 – 2011).
    - 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** in the emerging 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 334 dwellings per annum for the two-year period 2010-2012. However following the Inspector's comments, the proposed changes to the Core Strategy now propose an annual net requirement of 1341 dwellings across Central Lancashire with 417 for Chorley. To date 43 representations have been received to the Proposed Housing Related This demonstrates that matter remains uncertain/unsettled of the role of ULSCs and the distributions within Table 1.
    - **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. A number of representations have been received. Objections mainly relate to the proportion of affordable proposed and the viability of providing affordable and the lack of recognition of difference in viability across Central Lancashire.
- **Policy 9** identifies that 501 hectares of land for employment development will be allocated in Central Lancashire between 2009 and 2026. Table 5 identifies the proposed provision of employment land in Central Lancashire with a total supply of 129ha in Chorley Borough. As stated in Policy 1 some of this employment development will take place in the Urban Local Service Centres although the amount is not specified.
- **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. The policy was not the subject of major objections.
- **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.

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

52. Local Development Framework: Site Allocations and Development Management Policies Development Plan Document. The Council has recently completed consultation on the Preferred Option Paper for the Chorley Site Allocations and Development Management Policies Development Plan Document (DPD). This document will accord with the broad content of the Central Lancashire Core Strategy but will provide more site-specific and policy details. The purpose of this document is to help deliver the aims of the Central Lancashire Core Strategy by setting out development management policies and allocating or protecting land for specific uses. This DPD is at a relatively early stage of preparation, and can be afforded limited weight. Following the recent consultation period over 2000 representations were received in respect of the proposed allocations.

Other Material Considerations

53. 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.

54. 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.

55. ***Ministerial Statement – Planning for Growth***

On the 23rd March 2011 The Minister of State for Decentralisation and Cities, Greg Clark MP, issued a written parliamentary statement in which he said that ministers will work quickly to reform the planning system to ensure that the sustainable development needed to support economic growth is able to proceed as easily as possible. It states that the Government expects the answer to development and growth wherever possible to be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy. In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably

(consistent with policy in PPS4), and that they can give clear reasons for their decisions. The Secretary of State will take the principles in this statement into account when determining applications that come before him for decision. In particular it states the Government will attach significant weight to the need to secure economic growth and employment.

56. ***Economic Regeneration Strategy for Chorley (2006 – 2021) adopted 2006.***
This site is fundamental to the delivery of the Economic Regeneration Strategy for Chorley (2006 – 2021). This site is one of Chorley's best employment sites over the long term to attract big named employers, support a strong local business base and provide residents with greater opportunity to gain well paid employment locally. The site is in a sustainable location, well positioned in relation to walking, cycling and public transport, with access to bus services, and within a walking distance of Leyland rail station. The site is also well positioned for access to the M6, M65 and M61.

The Economic Regeneration Strategy includes the following priorities:

- Priority 1 is about promoting knowledge-based inward investment.
- Priority 3 is about supporting a strong indigenous business base.
- Priority 4 is about ensuring residents and communities reach their full economic potential.

The proposed allocation has the potential for achieving these priorities.

Policy Assessment

1a) Principle of the development

57. Chorley Local Plan Policy DC3 allocates the land as Safeguarded Land as part of a larger site which is allocated under Policy DC3.8 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 NPPF (para 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.

58. 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.

59. 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.

60. 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.'

61. The NPPF confirms that there is an ongoing requirement that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. NPPF is a material consideration which may justify determining an application against the provisions of the development plan and due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework. For the first 12 months following the publication of NPPF, 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 NPPF. Conversely where a development plan is consistent with NPPF (even where adopted before 2004), it follows that applications should continue to be determined in accordance with the development plan.

62. It is considered that Policy DC3 is in accordance with the NPPF 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 (para 85).* It is considered that significant weight should continue to be attached to the development plan policies and that, in this instance, the publication of NPPF does not reduce the weight to be attached on the basis that they are in general conformity with NPPF.

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

64. Paragraph 47 of the NPPF 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;*

65. In accordance with paragraph 47 of the NPPF the Council have identified in excess of 5 years supply of housing. It is not the applicant's case that the Council does not have a 5 year supply. The last published figure within the Annual Monitoring Report 2009-10 was a 5.8 year supply. The proven figure identified at the Clayton le Woods appeal was 5.4 years supply and the 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.

66. The NPPF 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*.

67. As the Council have identified in excess of 5.25 years supply of deliverable housing sites (the NPPF requires five years worth of housing with an additional buffer of 5%) there is no requirement to consider this application favourably in line with paragraph 49 of the NPPF.

68. In addition to the sites identified in the deliverable five year housing supply a large number of further dwellings have planning permission. At October 2011 housing land monitoring indicated that 3,498 units had planning permission. Therefore, there is more than sufficient overall supply to ensure choice and competition in the market for land. Housing construction is actively taking place on a range of sites throughout Chorley and housing completion levels have exceeded Regional Spatial Strategy (RSS) requirements for the past two years. 392 completions were recorded for the period 1st April 2011 – 30th September 2011. Completions are again likely to exceed RSS requirements for 2011 – 2012. The Communities and Local Government House Building: September Quarter 2011 England Data identifies Chorley Borough as one of a number of districts seeing the highest rate of house building in terms of both starts per 1000 dwellings and completions per dwellings in the 12 months to September 2011.There is not an urgent requirement to significantly increase the supply of housing in Chorley in numerical terms at this time.

69. Retaining this land for future development needs at this time is consistent with the purposes of allocating the site as safeguarded within the Local Plan, in accordance with the NPPF.

70. Paragraph 159 of the NPPF 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.

71. The site is on Safeguarded Land that the Local Plan identifies for future development needs. Therefore, it has already been assessed as being genuinely capable of development as part of the Local Plan process.

72. The sustainability of the whole DC3.8 site was assessed as part of the Sustainability Appraisal of the Site Allocations and Development Management Policies DPD Preferred Option paper. Overall, the site scores a Band B (Band A being the most sustainable and Band E the least sustainable). The site scores well in relation to its accessibility by bus and its links to the road and motorway network. It does not however have good access to a number of facilities and services such as a secondary schools and doctors. Its sustainability score is further reduced by the fact that the site is greenfield. However it should be noted that the sustainability of the site subject to this application has not been assessed in isolation of the entire site. The sustainability of the site is discussed later within the traffic and transport section.

73. An objective of the NPPF is to make 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. However it should be noted that outline planning permission has been granted on Clayton le Woods for 300 houses on greenfield land (the adjacent site) which could be argued accounts for the planned growth within this settlement.

74. 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.

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

1b) Adopted Chorley Borough Local Plan Review

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

77. Policy GN1- Settlement Policy – Main Settlements states that within the areas of Adlington, Chorley Town, Clayton Brook/Green, Clayton-le-Woods, Coppull, Euxton and Whittle-le-Woods, as well as land adjoining Feniscowles and Horwich, excluded from the Green Belt there is a presumption in favour of appropriate development, subject to normal considerations and the other Policies and Proposals of this Plan. The pre-amble to this Policy states that the main urban areas where most new development is to take place are Chorley town, Clayton Brook/Green and Whittle-le-Woods. Clayton-le-Woods (the settlement built around Lancaster Lane) is categorised as being appropriate for consolidation and expansion. Subject to other Policies and Proposals of the Local Plan appropriate development is acceptable inside the defined boundaries of these settlements.

1c) Core Strategy

78. In terms of the emerging LDF Policy 1 of the Publication Version Core Strategy identifies 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. This position is not changed in the Proposed Housing Related Changes document which predicts that 9% (in Table 1) of Central Lancashire's housing development will take place in the six ULSCs over the period 2010-2026.

79. 9% equates to approximately 2100 dwellings in total that are predicted to be provided across the six ULSCs. This prediction is based on existing commitments (sites that already have planning permission),

proposed allocations in the Sites for Chorley Preferred Option Paper and dwellings already completed in the six ULSCs during the first year of the Core Strategy housing requirement period (2010-2011).

80. 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.

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

1d) Site Allocations & Development Management Policies DPD (Preferred Option Paper)

82. The Preferred Option DPD allocates this area of Safeguarded Land as a preferred mixed use housing and employment allocation (HS1.35/EP1.19) for 600 dwellings (300 of which already have outline planning permission) and 20ha of employment land. The land that is the subject of this application falls within this mixed use allocation.

83. Policy HS2 of the Preferred Option DPD sets out a phasing schedule for the housing development on the site. In total 600 houses are proposed on the site with 90 dwellings proposed in the first 5 years (2011-16), 255 dwellings in the period 2016-21 and 255 dwellings in the period 2021-26. Earlier this year planning permission was granted on appeal on part of this Safeguarded Land for 300 dwellings, which is half of the planned housing provision for this site.

84. Policy EP1 allocates 113.55 ha of employment land in the Borough on 22 sites. With employment completions since 2009 and commitments on unallocated sites the employment land supply requirements conform with the Core Strategy Chorley employment requirement of 129ha. The EP1.19 designation is for 20ha on the Clayton-le-Woods site, land east of Wigan Road covering a range of uses B1, B2 and B8 uses. The site at Clayton- le- Woods is not identified as a strategic site, this role in the Borough is taken by Buckshaw Village and the proposed site at Cuerden, in South Ribble. The site is also not allocated as an employment site for sub-regionally significant developments in the DPD, this role in the Borough is taken by the sites at Botany/Great Knowley/M61.

85. The DPD is at a relatively early stage of preparation and the preferred housing allocation at this site (HS1.35) received a large number of objections during the recent preferred option consultation. In total 84 objections were received, 1 of which was a petition signed by 403 people. Only 6 representations in support of this preferred allocation were received.

86. The preferred employment allocation at this site also received a large number of objections during the preferred option consultation. In total 71 objections were received, 1 of which was a petition signed by 403 people. Only 1 representation in support of this preferred allocation was received.

87. The applicant's Transport Assessment at Appendix 4 shows a wider masterplan area with a proposed business park to the north east of but not within the applicant's site accessed by a discrete access from Wigan Road. The application site (8.48ha) does not propose any employment use and although the application site is only part of the preferred mixed use allocation, the employment element needs to be addressed to include land for employment use. The Council have indicated the need to have a masterplan or development brief on the land identified in this location for mixed use, taking on board the most suitable location for employment use on the overall site.

88. The education authority has specified the requirement for a new primary school in Clayton–Le–Woods. In the Chorley Preferred Options Site Allocations and Development Management DPD, this proposal is included in the infrastructure requirements section and at Policy EP10.3 Primary School Allocations, the Council have indicated land is reserved for school purposes at land east of Wigan Road of the Chorley Preferred Options Site Allocations and Development Management DPD. There needs to be consideration on the best location for the school site to serve the local community. It should be in a central location and should not be considered in isolation, but through the plan process. Land for a new primary school would amount to a minimum of 1.1 hectares.

89. Growth in the Borough should be properly planned through the Site Allocations DPD process rather than via the submission of a planning application prior to adoption of the DPD. The Site Allocations and Development Management Policies DPD is currently only at the preferred options stage and is not due to be adopted until December 2012.

90. The Core Strategy does not specify how the predicted housing requirement and employment requirement for the Urban Local Service Centres should be distributed. This is a decision to be made as part of the preparation of the Site Allocations DPD. As part of the preferred option consultation several new site suggestions were received for sites in Urban Local Service Centres which will be considered. It may be decided that some of these sites are more suitable and deliverable for housing and they may therefore be allocated and some existing sites de-allocated or reduced.

1e) Masterplanning Approach

91. As set out earlier the preferred way forward for this area of safeguarded land is via a masterplan or development brief approach for a mixed use development. In this regard Redrow have provided an indicative layout plan for the application site along with an indicative Composite Masterplan for the remainder of the safeguarded land allocation.

92. Redrow's Indicative Composite Masterplan includes the following:

- Residential areas
- Employment areas
- Greenspace areas

However it would not be possible to approve the plan as it involves land outside the applicants control bringing into question the effectiveness of this plan.

93. As set out previously Fox, Land & Property have also submitted an application on this site which includes a Masterplan. Their Masterplan includes the following:

- Proposed employment/ pub restaurant
- Proposed local centre
- Proposed primary school
- Residential areas (split in low, high and medium density)
- Existing retained features
- Proposed cycleways/ footpaths
- Public open space
- Proposed sports pitches
- Proposed planting
- Proposed bus routes

94. The extensive variations between the 2 Masterplans demonstrates that the various interested parties are not working together on this site to develop a composite Masterplan and subsequent design brief for the site as a whole. The two Masterplans will be available for Members to view at Committee.

95. In respect of the Redrow Masterplan all of the employment land is outside of the application site on land owned by the Homes and Community Agency. Redrow's agents have made the following points in support of the suggested Composite Masterplan:
    - *The majority of this is greenfield and relatively unconstrained agricultural land, so I think it's reasonable to assert that it's economically viable. There would be market demand for the residential units due to the need for larger family houses, as demonstrated by the Council's SHMA. The viability of the site is also evidenced by housebuilders seeking planning permission.*
    - *In relation to employment uses, the draft Site Allocations document only proposes B2 and B8 uses; however, we have suggested in our representations to the consultation that the Wigan Road site would more suit a high quality business park. In terms of market demand, the Matrix Office Park (at Buckshaw) is now largely built out, so there would appear to be a demand for high quality office space in the area. The proposed locations for the employment uses would be in a strategic position near 3 motorways and would therefore be an equally attractive location to potential business park investors.*

96. The Homes and Community Agency (HCA) have been consulted on the application as an adjacent land owner and their comments are set out above. The HCA have confirmed that they do not object to the principle of development proposed by this planning application however they consider that a holistic approach would be the preferred solution.

97. In respect of the suggested Masterplan submitted by Redrow, which details all of the potential employment allocation on the land owned by the HCA, the HCA have confirmed that they aren't currently in a position to assess the viability of this suggested approach for two main reasons. Firstly there is no certainty about the future land uses which could come forward on our site, the emerging DPD allocation has yet to be adopted, and the Redrow and Fox application both have masterplans which include the HCA land and show different potential end uses. Secondly there is no clarity on either the scale of developer contributions or the potential trigger points at which infrastructure contributions are required. Therefore until the Site Allocation DPD is adopted, and infrastructure requirements are defined, the HCA are not able to assess viability.

98. It is clear that the Masterplanning approach for this site is the preferred way forward however until further confirmation of land uses, distribution of uses etc. is established the viability of Redrow's Masterplan is not clear. This issue further reinforces that view that the best (and only) mechanism to resolve the appropriate scale and spatial distribution of development is through a polycentric consideration of sites through the Core Strategy and Site Allocations process.

1f) Prejudice

99. Annex 3 of the NPPF 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 notwithstanding prematurity/prejudice is material to this application by virtue of land-use planning and effective comprehensive development which the Council considers should be properly addressed via the Core Strategy/ Site Allocations DPD.

100. 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]

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

App ref:	Location:	Scale of Proposal:	Date Validated:
11/01004/OUTMAJ	Land North Of Lancaster Lane And Bounded By Wigan Road And Shady Lane	Outline for a mixed use development, of up to 700 dwellings, 40,000sqft of B1 office space, public house/restaurant, convenience store, community building, primary school, etc.	16th December 2011
12/00082/OUTMAJ	Land Surrounding Huyton Terrace Previously Baly Place Farm Bolton Road, Adlington	Outline for up to 300 dwellings	25th January 2012
12/00362/OUTMAJ	Land Bounded By Town Lane (To The North) And	Outline planning application for the development of land	2nd April 2012

	Lucas Lane (To The East) Town Lane Whittle-Le-Woods	to the north and west of Lucas Lane for the erection of up to no. 135 dwellings with all matters reserved, save for access (resubmission of previous application 11/00992/OUTMAJ)	

102. All of these applications propose that the sites should be released for development now, before the Site Allocations process concludes. It is acknowledged that Redrow Homes consider that this site would form phase 2 of the development of this site (with phase 1 being the adjacent scheme for 300 houses allowed on appeal) and have suggested phasing conditions as set out below. However Redrow Homes also acknowledge that phase 1 may stall and that their site may be delivered in isolation.

103. Members will also recall that residential planning applications on safeguarded land have recently been refused at Lucas Lane (11/00992/OUTMAJ), Cuerden Residential Park (11/00941/FULMAJ) and Clancutt Lane (11/00993/OUTMAJ).

104. This application is for 160 units. Together, the sites above including this application (it should be noted that the above application for 700 dwellings (11/01004/OUTMAJ) incorporates this application site) cumulatively represent a total of up to 1000 units which equates to 2.4 years housing supply. This would equate to nearly 16% of the Borough's 15 year housing requirement.

105. It is considered that any substantial release on the above sites will set a precedent and the prematurity of that release in the Borough as a whole and Clayton-le-Woods as a settlement it is considered it would cumulatively cause prejudice to the Site Allocations DPD in respect of scale, location and phasing of new development.

106. The Council already has a deliverable five-year supply and if these applications are permitted a significant proportion of future housing growth is likely to be delivered in the early years of the plan period. There is also no mechanism in place to decide which, if any of these should come forward first and why.

107. Given the scale of the current applications it is considered the potential cumulative effect is significant enough to prejudice decisions that should be properly be taken in the Site Allocations DPD and potentially undermine the growth ambitions and therefore objectives of the Core Strategy.

108. The NPPF is silent in matters of prematurity but the NPPF does not replace Planning System General Principles, ensuring that this guidance is still extant. It is considered that the scale of development if the precedent were to be set, together with a 5.7 year housing supply and the current plan making position a positive recommendation could potentially undermine the growth ambitions and therefore objectives of the Core Strategy.

<u>1g) Assessment of Proposal Against Final Criterion of NPPF Paragraph 159</u>

109. Relating this back to the NPPF 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.

110. As has been established, at the broadest level there is support in both the Local Plan and the emerging Local Development Framework for some growth in Clayton-le-Woods, but at both Borough and settlement level there are still choices to be made over the amount, timing and specific location of that development. At the heart of good planning is ensuring that we get the right development, in the right place, at the right time. This can only be ascertained in this case via the Site Allocations Process.

111. Although alone it is not considered that the site is of a scale so substantial that allowing it could prejudice the LDF process, it is considered that cumulatively the applications that the Council is currently considering are substantial enough to prejudice the LDF by predetermining decisions about the scale, location and phasing of new development.

1) **Other Material Policy Considerations**

2 a) Urgency

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

113. Within the supporting statement submitted with the application Redrow Homes envisage that the adjacent housing development, which was granted planning permission at appeal, will be phase 1 of the development of this area of safeguarded land whilst this development will constitute phase 2.

114. Redrow anticipate that this phase 2 will commence once the construction of phase 1 is underway and will start delivering housing completions in 2015. To ensure that the development of phase 1 precedes phase 2 and the necessary pedestrian infrastructure is in place Redrow have suggested the following conditions:

(1) No dwellings shall be constructed on the development hereby permitted until construction of the site access has been completed in accordance with drawing SCP/11171/SK106 and a footpath link has been provided along the eastern side of Wigan Road from the site entrance to Lancaster Lane

Reason: In order to improve the accessibility of the site and ensure that residents of the development have satisfactory access to services and facilities.

(2) Development shall not begin until a phasing programme for the whole of the development and for the highways works referred to in conditions X and Y below 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.

115. However it is not clear why there is an urgent need to release the land now. Due to the estimated delivery of housing on this site suggested by the applicant it is considered that this site can be properly assessed as part of the Site Allocations DPD.

116. The development of the land allowed at appeal is restricted in terms of housing occupations to require the improvements to the Hayrick junction prior to the occupation of the 51st dwelling on site. Redrow Homes have confirmed that should phase 1 stall for any reason they are willing to accept a similar condition as follows:

No more than 51 of the residential units hereby approved shall be first occupied until commencement of the improvements to the signal controlled junction of the A49 and B5256 Hayrick junction (see Singleton Clamp drawing no. SCP/11171/SK101 dated 27 March 2012) and as it interacts with the offslip sections of junction 28 of the M6, as detailed below:
i) junction geometry improvement scheme with incorporating lane realignments and additions
ii) upgrade of signal control systems for the Hayrick junction with bus priority
iii) upgrade of signal timings and related queue detection as necessary on both of the offslips to junction 28.

Reason: In order to ensure that these two closely situated junctions can operate in an efficient and safe manner and in order to reasonably minimise the potential impact of additional vehicle flows generated by the proposed development upon the strategic highway network and in particular Junction 28 of the M6 motorway.

117. The improvements to the Hayrick junction are addressed within the Traffic and Transport Section however in respect of the proposed condition it has been noted that the wording of the condition as suggested could result in both phases commencing and both developers constructing 50 units (cumulatively totalling 100 units) without any works to the Hayrick junction being triggered. The cumulative highway impacts would justify the commencement of the highway works, but the planning trigger would not be met. As such in this case the wording of any condition would be different to that attached to the adjacent site to address this issue.

118. This acknowledgement by Redrow Homes that phase 1 could stall further adds to the concerns about their suggested phasing.

119. Redrow have stated that *It is clear that the emerging development plan strategy is one of supporting economic growth and development; including significant new house building, in accordance with national objectives. Despite its currently constrained status with limited development opportunities within the*

existing settlement boundary, Clayton-le- Woods is specifically identified as a priority location to assist in meeting that strategic objective.

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

121. Redrow also argue that housing completions in the combined ULSCs have been low and that in order to meet planned growth and the spatial strategy of the LDF there would need to be a steep increase in housing delivery from now onwards. However it is noted that the Core Strategy only sets out some growth within the ULSCs with significant growth aimed at the Key Service Centres. Redrow go on to state that this has been acknowledged in the Core Strategy EiP Inspector's letter (15th July 2011), which highlights the backlog of housing completions across the area as a whole and indicates that such shortfall should be made good as soon as possible. However it should be noted that as Chorley is doing a joint Core Strategy with Preston and South Ribble Boroughs the backlog referred to by the Inspector relates to the whole of Central Lancashire, not just Chorley. The situation differs between the three Authorities.

122. . The Core Strategy EIP Inspector in his letter (15th July 2011) said that *'several participants refer to a backlog of housing completions. Ideally, this should be made good as soon as possible. Owing to the present state of the economy, however, I doubt that this can be rectified during the early stage of the plan period. I think that it would be more realistic to expect this to take place fairly steadily throughout the plan period.'*

123. As such the Inspector considered that the shortfall should *ideally* be made good as soon as possible. The Housing Land Monitoring Report (April 1st 2010 – March 31st 2011) indicates that at April 2011 Chorley had a small deficit of 52 dwellings in relation to RSS requirements over the period 2003 – 2011. The Council is confident that no deficit will exist at all in Chorley at April 2012 due to the high level of housing construction activity currently taken place on a range of sites throughout Chorley. The completions figure for this period exceeds 500 dwellings and the Housing Land Monitoring Report for the last year will be published imminently. Housing completion levels have exceeded RSS requirements for the past two years. The Communities and Local Government House Building: September Quarter 2011 England Data identifies Chorley Borough as the district within the North West with the highest rate of house building in terms of both starts and completions per 1000 dwellings in the 12 months to September 2011. Therefore, the situation in Chorley is very different to other Boroughs where house building has been more negatively affected by the current economic climate. There is not therefore an urgent requirement to significantly increase the supply of housing in Chorley to address the small backlog or to meet future needs.

124. Redrow do acknowledge that the predominant source of housing supply in the area is the 300 dwellings approved on the adjacent site however consider that that site will only deliver 90 units within the first 5 years of the Core Strategy. Redrow consider that even with an estimated 30 delivered from this application site this will only result in rate of delivery in the settlement equivalent to 24 dwellings per annum, well below that required to address the backlog referred to by the EIP Inspector. Notwithstanding Redrow's assertions in respect of this site it is expected that the housing figures which will be published imminently will show that there is no longer a backlog in Chorley and the figures suggested by Redrow could be defined as some growth within this ULSC.

125. Redrow consider that planning approval on this site would boost the potential supply of deliverable housing in Clayton le Woods which would assist in the delivery of the steady 120 dwellings per annum envisaged by the Publication Core Strategy.

126. The Local Plan allows appropriate development within these locations however it does not specify housing targets for settlements within Chorley Borough and housing completion levels overall have been broadly in line with RSS (acknowledging a small undersupply at April 2011 which is expected to have been addressed within the 2012 figures) and therefore there was no need for higher completion levels in the ULSCs.

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

'Therefore, over the plan period 1810 [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.

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

129. At the time of the Clayton-le-Woods appeal decision (21st July 2011) the Site Allocations DPD was at an early stage. Consultation had taken place on the Issues and Options but the Council had not reached Preferred Option Stage. The Council has now consulted on its Preferred Option so the DPD is at a more advanced stage and can be given more weight, although it still has limited weight. As well as identifying preferred sites the Preferred Option Paper sets out a housing development phasing schedule at policy HS2 which had not been produced at the time of the Clayton-le-Woods appeal. This shows that the sites proposed to be allocated have been properly considered and that they can be realistically built out over the plan period to achieve the level of housing required across the Borough to achieve the planned level of growth as required by the Core Strategy. The dwellings proposed and already completed since 2010 in the six ULSC settlements marginally exceed the Core Strategy predicted proportions over the plan period to make allowance for any slippage (non-delivery or reduced delivery of housing) on sites. Therefore, there is no urgency to release this site now to meet an increase in housing requirements as there is no evidence to show that the required growth will not be achieved through the LDF process.

130. There have been representations to policy HS2 (phasing), however these do not relate to the achievability of the sites being brought forward in the plan period.

131. Chorley Borough has a deliverable five-year housing supply. In addition to the sites identified in the deliverable five-year housing supply a large number of further dwellings have planning permission in the Borough. Therefore, there is more than sufficient overall supply to ensure choice and competition in the market for land in accordance with the National Planning Policy Framework (NPPF) and its requirement for a five-year supply plus 5% so there is no urgency for release in this sense.

132. From April 2010 (the start date of the housing period) to April, 11 dwellings were completed within the Clayton-le-Woods settlement and a further 16 dwellings with planning permission were yet to be completed. In the following 6 month period from April to October 2011 a further 11 of the remaining 16 dwellings were completed, leaving 5 with planning permission not constructed.

133. In the 6 month period from April to October 2011, 300 dwellings were granted outline permission on appeal on part of the DC3.8 area of Safeguarded Land and 12 dwellings were granted planning permission at Burrows Limited on Wigan Road (the application was for 13 dwellings but included the demolition of an existing bungalow resulting in a gain of 12 dwellings).

134. There remain 317 dwellings with planning permission to be constructed at October 2011 which demonstrates that there is significant development planned for this area.

135. The Council are actively working on their Site Allocations and Development Management Policies DPD and have undertaken consultation on Issues and Options and on Preferred Option. The published Central Lancashire Local Development Scheme (LDS) schedules adoption of the DPD for December 2012 however this is expected to slip to Spring for adoption.

2 b) Ministerial Statement – Planning for Growth:

136. 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.

137. 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.

138. 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.

139. Allowing housing outside the proper LDF process in Chorley would compromise the key sustainable principles set out in national guidance and Planning for Growth it is not therefore considered that sufficient weight can be applied to it that would justify allowing the application.

2 c) Localism

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

141. It is therefore considered that allowing applications on Safeguarded Land without going through the LDF process would undermine the Governments Localism Agenda which is an expression of the Government's intentions on how decisions should be made.

2 d) The Community Infrastructure Levy (CIL)

142. 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.

143. 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.

144. 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."

145. On 31st January 2012, the Central Lancashire authorities began preliminary draft consultation on a Central Lancashire CIL, which ran until March 2012. The programme in respect of the CIL includes submission in September 2012 with an anticipated adoption of December 2012.

146. 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.

147. In relation to Clayton-le-Woods, the infrastructure delivery schedule identifies cycling improvements on Lancaster Lane/ Moss Lane/Lydiate Lane and Town Brow to cycle links to Cuerden Valley Park,

including toucan crossings on A49 by Moss Lane, Lancaster Lane and also on Bryning Brook Bridge. Also identified is a 1 form entry primary school at Clayton-le –Woods. In addition, there are significant strategic projects including new stations, and transport related projects for example that are considered necessary at this time to meet planned development over the plan period within Chorley & within Central Lancashire. Also in relation to waste water treatment there are constraints relating to United Utilities treatment works at Walton-le-Dale and Leyland (these serve parts of Chorley Borough as well as South Ribble).

148. While it is not argued here that the absence of a CIL contribution should be a reason for refusal per se, the CIL infrastructure delivery schedules demonstrate the wider infrastructure needs that arise from the planned growth for Central Lancashire. In approving applications on safeguarded land, prior to decisions on scale, location and phasing of development - as the Core Strategy and Site Allocations DPD seek to do - it is considered that the overall aims and objectives of the existing development plan and the emerging plan are under minded, and in turn the achievement of sustainable development.

149. Furthermore, it is considered that to do so would set a precedent, and were other application sites on safeguarded land approved, this would cumulatively impact upon the ability to deliver sustainable development, and would therefore be premature.

2) <u>Affordable Housing</u>

150. Policy HS5 of the Adopted Local Plan Review requires 20% of affordable housing on suitable sites over 15 dwellings. The reasoned justification to the policy highlights that the policy aims to achieve direct on-site provision of affordable housing, unless this proves to be impractical following detailed negotiations. This would equate to 32 affordable houses on this site.

151. The Local Plan affordable housing requirement of 20% is less than that proposed in Core Strategy Policy 7, which proposes 30% affordable housing on market schemes in non-rural areas of Chorley. It is considered that the Core Strategy Policy has significant weight and the evidence base which supports this Policy confirms that 30% affordable housing is viable and achievable.

152. The Core Strategy Policy 7 states that affordable housing should be delivered on site, but financial contributions instead of on site affordable housing are acceptable where the development location is unsuitable for affordable housing. It is considered that this location is suitable for affordable housing and that it should be provided on site. No evidence has been put forward by the applicant that the site is unsuitable for affordable housing.

153. The application states, in the draft Heads of Terms submitted with the application, that the developer will provide up to 30% (precise contribution TBA) of the dwellings to be constructed on the land as Affordable Housing (subject to further discussions a proportion of the affordable units may be provided off-site).

154. Following consultation with the Housing Manager it is considered that any affordable housing on this site should be split as follows:

- 70% Social rent
- 30% Intermediate

- Types :

Social rent: 10% 1bed 2 person flats/ 70% 2bed 4 person houses/ 20% 3bed 5person houses
Intermediate: 25% 2bed 4 person houses/ 75% 3bed 5 person houses

155. Additionally as this application is outline in nature and proposes upto 160 dwellings an affordable housing contribution will be include within the Section 106 Agreement in the event that the affordable housing percentage does not equate to a whole number (the residual proportion will be calculated as a commuted sum to be spent on off site affordable housing)

156. However, anything less than 30% (which would equate to up to 48 affordable houses on the site) is below the Core Strategy requirement. Therefore, by submitting this application now, if less than 30% affordable housing is proposed, the applicants are proposing to provide less affordable housing than would be required if this site were allocated via the Local Development Framework process, under Core Strategy Policy 7 (if adopted), which is considered unacceptable. They are also not proposing the level of affordable housing that was considered beneficial at the Clayton-le-Woods appeal, if they propose less than 30% and the Council therefore do not give this weight in favour of approving the application.

157. The applicants did not make objection to Core Strategy Policy 7 during the Core Strategy preparation process, in terms of viability of providing 30% affordable housing or on any other aspect of the proposed policy. However, a number of other planning consultants/house builders did raise concerns about the policy and the proportion of affordable hosing required. A number of objectors wanted greater recognition of the impact on site specific viability issues in the policy and others considered that the 30% target did not reflect the results of the Central Lancashire Housing Viability Study (part of the evidence base) and the differences between the different centres in terms of scheme viability. The applicant's case does not take into account the evidence on housing viability, and has not provided evidence as to whether 30% is unviable for this particular site.

158. Notwithstanding the applicants statement within the draft Heads of Terms regarding the location of the affordable housing the Council consider that 30% affordable housing should be provided on site. The applicants have not provided any robust evidence to suggest that this level of affordable housing is unviable on this site. In fact by the agents own admissions, where evidenced or not, *I think it's reasonable to assert that it's economically viable* and *The viability of the site is also evidenced by housebuilders seeking planning permission.*

159. The 2009 Strategic Housing Market Assessment (SHMA) estimated that there is an annual shortfall of 723 affordable properties a year Borough wide in Chorley, but it does not set out the levels of need in different settlements. It should also be noted that in excess of 100 affordable units were provided in Chorley last year. It is considered important to seek 30% affordable housing on appropriate sites, which also accords with emerging Core Strategy Strategic Objective SO8 which aims to significantly increase the supply of affordable and special needs housing particularly in places of greatest need such as more rural areas.

160. If the application site were to be developed, the site would provide a significant proportion of the future housing supply for Clayton-le-Woods over the Core strategy period. As such, it is considered affordable housing should be provided on site in order to help deliver a sustainable mixed community. The site provides a realistic opportunity for the provision of affordable housing, unlike on some smaller sites, which are below the current and proposed affordable housing delivery size threshold.

161. At the Clayton-le-Woods appeal the appellants offered 30% affordable housing on site, which was in line with the emerging Core Strategy requirement. The Inspector considered that there was a considerable undersupply and pressing need for affordable housing and the Secretary of State stated that the provision of 30% affordable housing was beneficial in the face of this need. Therefore, the provision of 30% affordable housing was a material consideration in favour of allowing the Clayton-le-Woods appeal.

162. Without 30% affordable housing being provided on site, then notwithstanding other policy issues, the site would fail to provide the affordable housing for which there is a need and undersupply at present. If the site was ultimately allocated through the LDF process it is possible that a greater percentage of affordable housing would be achieved from the site for which there is a known need.

3) **Policy Conclusion**

163. On basis of all the information preceding a balancing exercise needs to be done.

164. The proposal would be in breach of the Safeguarded Land policy DC3, this Policy is consistent with the NPPF, however the Council acknowledge that this policy must be read in the context of other material considerations that may be more up to date.

165. Clayton-le-Woods, on a broad strategic level, is identified as a location for some growth which is acknowledged as a material consideration and given significant weight in decision making. However there are other issues that are undecided that relate to broader planning objectives. These are how growth is to be distributed between the six ULSCs and how much of the safeguarded land within Clayton-le-Woods will be allocated.

166. Although the appeal at Clayton-le-Woods in July 2011 relating to the development of Safeguarded Land for 300 houses is a material consideration this application the main consideration was that the growth provisions in the Core Strategy for Urban Local Service Centres indicated a need for additional housing in Clayton-le-Woods and waiting for adoption of the Core Strategy would risk not meeting its growth targets. This site was also considered to be the only possible location for achieving the proposed growth in Clayton-le-Woods.

167. It can now be argued that the granting of outline planning permission at appeal for 300 houses on this area of Safeguarded Land will help achieve the growth targets within the Core Strategy, therefore this is no longer a material consideration that outweighs the breach of Policy DC3. In addition there have been changes in terms of the weight of local and national planning policy since the appeal decision.

168. The Council has other applications on Safeguarded Land sites under consideration and the release of this site would create a precedent in favour of releasing the other sites. The scale of housing that would cumulatively result from those sites is considered so significant that it would prejudice the LDF process and harm the plan objectives and spatial vision for the area.

169. In terms of Localism the Government's clear direction of travel is that decisions should be made at local level so supports the Council's LDF process so it is considered it carries significant weight in favour of refusing the application.

170. Chorley's policy approach is in line with the aims of the NPPF which includes the need for a balanced approach to sustainable development (social, environmental and economic) and that it should be interpreted locally to meet local aspirations.

171. It has been accepted that this site will have to follow on from the 300 houses approved on the adjacent site and there is therefore no urgent need. Therefore in relation to the principle of the development in terms of policy the application considered unacceptable.

4) Other Issues

5a) Housing Development

172. The development relates to the erection of upto 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 plan has been submitted with the application.

5b) Density

173. The site covers an area of 8.48 hectares. The erection of upto 160 dwellings equates to 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 will have no detrimental impact on the amenity, character, appearance, distinctiveness and environmental quality of an area, consideration will also be given to making efficient use of land.

174. The adjacent site secured a density of approximately 22 dwellings per hectare however it must be note that this scheme incorporated other on site facilities which reduced the developable area. It is not considered that 19 dwellings per hectare results in the most efficient use of land and if this site was considered holistically as part of a Masterplan appropriate densities and siting of the dwellingshouses, infrastructure etc. could be assessed comprehensively.

5c) Design

175. The design of the proposed properties is not being assessed as part of this application and would be addressed as part of any future reserved matters application. This notwithstanding the Council's Policy and Design Team Leader has made the following comments:

- The Design and Access statement that has been submitted adequately covers all the key design principles such as retaining and protecting landscape features, enhancing pedestrian links, and creating public transport links etc. Ideally it should also tell the story of the layout and architectural design and demonstrate how these have evolved and include previous layouts/designs and how they were considered and refined or discounted to arrive at this proposal. In order to properly assess this proposal and demonstrate that the proposed scale and massing is appropriate, it should include sections, 3-d representations by way of axonometrics, photographs, streetscenes and perspectives. It should demonstrate how the final design can sit comfortably on this site and contribute to the local distinctiveness/character.
- The schematic layout submitted fails to deliver the design principles on a number of levels:
  - It appears to be highway dominated. That said the principle of perimeter block style development is commendable. It does, however, break down on the parcel to the north and still further on the north east parcel where a cul-de-sac is created. Another issue with these layouts relates to the land to the north. In the absence of a masterplan, and given that dwellings are pushed tight to the boundary, it is questionable whether the land to the north can be delivered in the future. It is reliant on a further access road along a relatively narrow strip of land to serve a relatively small parcel of land to the east.
  - The open space proposed is largely 'space left over' adjacent to the highways. It is difficult to envisage how it will function as usable open space. That identified to the south is not well

over-looked as there are hedgerows and roads separating it from the dwellings. This restricts the potential typology that can be realised and could therefore undermine identified open space needs in the area.

- I would like the applicant to explain the character of the local area and demonstrate how the architectural style and layout of the 'standard' dwellings highlighted in the design and access statement can be changed to create a distinctive character and a 'sense of place'.

176. These concerns support the principle of the masterplanning approach for this area of land set out within the Site Allocations DPD. By masterplanning the whole of the suggested allocation these issues could be addressed and a comprehensive approach would be secured.

5d) Open Space

177. In accordance with Policy HS21 of the Adopted Local Plan proposals for new housing development will be required to include provision for outdoor play space. In appropriate developments of less than 1 hectare a commuted sum from the development may be secured for use in the provision or improvement of open space facilities in the locality.

178. The applicant has stated that a total of 1.37 ha of open space would be created on-site as a visual amenity and for casual recreation. This includes a large area of open space at the southern end of the site. The Biological Heritage Site on land to the south of the site will not be affected by the proposals. A S.106 Agreement will ensure the provision of on-site open space either its long term maintenance or transfer to the Local Authority, along with an agreed commuted sum.

179. This amount of open space, in terms of area, would meet the requirements of Local Plan Policy HS21 and its associated Interim Planning Guidelines for Equipped Play Areas Associated with Housing Developments. However, this would need to include provision for casual open space, an equipped play area, and playing fields in line with the standards set out in the Interim Guidelines. It is clear from the submitted information that the intention is to incorporate casual open space only and the submitted indicative layout does not incorporate either equipped play space or playing fields.

180. In accordance with the Interim guidelines a scheme of the size proposed would be required to provide:

- Casual/informal space = 0.18 hectares
- Equipped play area = 0.1 hectares
- Playing field = 0.68 hectares
- **TOTAL = 0.96 hectares**

181. The application includes 0.56 hectares of casual/informal open space (which is more than is required) and 0.81 hectares of formal open space. To accord with Policy HS21 this should be split into the required amounts of equipped play area and playing pitches.

182. The agent for the application has raised the following point, *the formal open space is located adjacent to planned formal open space within the FLP outline pp scheme and proposed open space to serve the wider masterplan area, so there is some scope/flexibility to create different sized pitches.*

183. It is noted that a NEAP, Multi-use games area and casual open space was indicatively included on the adjacent site which was allowed at appeal and secured via the S106 Agreement. However this provision was based on the size of scheme proposed and was calculated as follows:

- The playing pitch provision was calculated using the NPFA calculation (300 dwellings equates to 750 residents for which the proportionate hectare requirement is 1.2 – 1.35ha) and as such provides a 5 a side playing pitch (465sqm (0.0465ha)) and 'informal kickabout and training areas' (1.2395ha (12,395sqm)).
- The equipped play space provision was calculated using the NPFA calculation (300 dwellings equates to 750 residents for which the proportionate hectare requirement is 0.15 – 0.225ha) and as such provides a 1000sqm (0.1ha) NEAP and 4,860sqm (0.486ha) of children's casual or informal play.
- The casual open space was calculated using the NPFA calculation (300 dwellings equates to 750 residents for which the proportionate hectare requirement is 0.3 – 0.375ha) and the scheme incorporates 4,860sqm (0.486ha) of casual informal open space is provided on site.

184. As set out above Redrow Homes consider that the development of this site is linked to the adjacent site by virtue of this site being phase 2 and the adjacent site being phase 1. It is acknowledged that the indicative location of the proposed play space on the adjacent site is near to the boundary with this

application site however as set out above the play space provision was based on 300 houses and for additional houses, as proposed as part of this application, additional play space provision is required. It should be noted however that the open space provision on the adjacent site was only shown indicatively and will be set by the submission of reserved matters. The reserved matters application may result in the POS being sited in an alternative part of the site away from the common boundary with the application site.

185. It should be noted that within the Site Allocations DPD (Preferred Options) it is proposed to allocate the whole of this safeguarded land allocation for housing/ employment uses including this application site. The Council's preferred way forward for this suggested allocation is for the production of a masterplan or development brief for this site. By masterplanning the whole site this would ensure a comprehensive development and secure the necessary level of play space is provided within an appropriate location to serve the whole development. The submission of a number of schemes for this proposed allocation appears to be creating the situation which the Inspector and Secretary of State were keen to avoid in respect of the appeal on the adjacent site, i.e. piecemeal development. This underpins the view that further piece meal development of this area of land and a positive recommendation of this application would further undermine this masterplanning approach to the detriment of any potential comprehensive redevelopment of the site.

186. In respect of POS provision across the remainder of this area of safeguarded land, in the event that it is allocated for development within the adopted Site Allocations DPD, it is considered that a comprehensive masterplanning approach would secure the necessary infrastructure to support the development in a suitable location for the benefit of the future residents and Clayton le Woods as a whole. It is also noted that the Council will imminently be publishing its Open Space and Playing Pitch Strategy which will form the evidence base for open space provision within the Borough. This will enable deficits within provision to be identified and will ensure that the necessary infrastructure is provided in the most appropriate locations. The suggested piecemeal approach to developing this site has the potential to result in isolated pockets of POS which are not connected or provide the most appropriate solution for the site.

5e) Trees

187. The application is supported by a Tree Survey Report which identifies 43 individual trees, 8 groups of trees and 8 hedgerows. Of the trees surveyed 11 are identified as having high amenity value, 22 are identified as having moderate amenity value and 10 are identified as having low amenity value. Of the groups of trees surveyed 2 groups are identified as having moderate amenity value and 6 groups are identified as having low amenity value. Of the hedgerows surveyed 2 are identified as having moderate amenity value and 6 are identified as having low amenity value.

188. On the Tree Survey and Root Protection Plan accompanying the Tree Report no trees are identified for removal. The Ecologist has commented that *the application area supports a number of ecologically significant trees however it is not clear from the masterplan that these trees would be retained as part of the development proposals*. As none of the trees of identified for removal this is not considered to be an issue and any tree removal that may be identified as part of future reserved matters applications can be addressed by condition.

189. A Tree Preservation Order has been placed on the trees with high/ moderate amenity value.

5f) Landscape

190. The site itself is currently characterised by open agricultural fields defined by mature hedges and hedgerow trees. This agricultural character will inevitably be completely changed through the introduction of the development and would result in an adverse impact on the local landscape character. The NPPF sets out 12 core land use planning principles which includes *recognising the intrinsic character and beauty of the countryside.* The preference for development is brownfield sites with greenfield sites only coming forward where there is a demonstrable need.

191. The impact on the landscape character and visual amenity of the area was considered by the Inspector at the Clayton le Woods appeal who considered that *This is the inevitable consequence of residential development on a greenfield countryside site. Whilst the Council could accept such impacts if there was an identified need for residential development, this is not the case here. Accordingly, there is no planning policy imperative which justifies the harmful impact on the natural environment now.*

192. The impact of the current proposals is material to the consideration of this application. In this regard the Council's Open Space Team have assessed both Redrow's proposals for the application site and Redrow's submitted Composite Masterplan for the remaining area of Safeguarded Land.

193. Within the Lancashire County Council Landscape Character Assessment (SPG) the site falls within Character Area 5K Undulating Lowland Farmland, described as follows:

'The rural character of this landscape is largely obscured by built development which has taken place since the late 1970s. Motorways and motorway junctions dominate the northern sector. The principal landscape feature is Cuerden Valley Park, based upon the woodland and valley of the river Lostock. The park is managed for nature conservation and recreational use and is an important local resource. Pockets of farmland and vernacular buildings survive as a reminder of earlier land use and settlement pattern.'

194. The Parks and Open Spaces Officer considers that the concept of retaining all the historic layout of hedgerows described in the Design and Access Statement has merit however this in itself would not be effective in creating a high quality landscape setting and character to the development. The phase 2 illustrative masterplan shows that the hedgerows through the site will be disrupted and fragmented by the development and road layout. The arrangement of informal open space associated with the retention of these hedges would be of limited value to landscape character enhancement, recreational use or landscape and visual amenity in the context of an extensive new residential development.

195. It is acknowledged that the layouts provided are illustrative however the Parks and Open Spaces Officer does not consider that a robust landscape mitigation strategy can be achieved with the number of dwellings, density of development and the arrangement illustrated on the indicative masterplan. The Officer considers that in respect of the current greenfield status of the site the Phase 2 scheme should be delivering more in terms of a coherent and meaningful landscape and open space strategy to achieve improved recreational value, protected visual amenity for local people and the development of a strong and distinctive landscape character.

196. The LCC Landscape Strategy for the undulating lowland farmland area puts great emphasis on increasing the mixed woodland cover in order to achieve a continuous linked network of trees, hedgerows and woods as an integral part of new development. This supports the concept of a stronger landscape framework including new woodland plantations linking to existing hedgerows and to the wider context of Cuerden Valley Park.

197. In terms of landscape and visual assessment, users of roads (particularly fast moving traffic on A Roads and Motorways) are considered to be less sensitive than local residents and users of public rights of way. Therefore, it follows that the receptors whose visual amenity is likely to be damaged most are the existing residents at Clayton Le Woods and users of the public right of way which crosses the site in an east west direction.

198. The Phase 2 illustrative masterplan accommodates the public right of way into its road and footpath layout however the Parks and Open Spaces Officer does not consider that this layout protects the experience or visual amenity of those using the right of way. The footpath runs alongside a comprehensively developed estate road for its entire length which will damage the visual amenity of users and will not encourage use by cyclists or pedestrians seeking to use an attractive green route.

199. Local residents to the south and north of the phase 2 site are afforded some protection of views by the existing hedges around the boundaries of the site. However, the indicative development layout does not illustrate that any significant enhancement of the boundary hedgerows or incorporation within meaningful open spaces is achievable with the arrangement and number of dwellings proposed.

200. In order to mitigate the effects described above, a high quality landscape and open space enhancements scheme across the site would be required. In terms of surrounding character, the strongest positive influence in the locality is Cuerden Valley Park. To create a strong landscape character, the landscape strategy for the scheme needs to demonstrate that the character of Cuerden Valley Park is being drawn upon to create a stronger landscape framework across the site and help to integrate the development more sensitively into the landscape.

201. The Parks and Open Spaces Officer considers that, from a landscape perspective, it would be preferable for a phase 2 landscape strategy to be developed which achieves the following:

- 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 spaces and footpaths to the POS provided as part of Phase 1.
- Improved mitigation of visual effects for local visual receptors in existing residential areas and those using the public right of way.
- The retention of key hedges within a robust landscape framework of POS.
- An attractive green connection to Cuerden Park and National Cycle Route 55 to encourage walking and cycling.

202. In respect of the submitted composite masterplan the Parks and Open Spaces Officer has raised concerns over the proximity of the proposed employment land to existing residential areas and the impact this will have on the outlook from the residential properties. Concerns have been raised that the views of users of the footpath across the site will be changed and consideration needs to be given to the effects on views from within Cuerden Park itself. Protection of the views and character of Cuerden Park may mean that a broad landscape buffer is required along the boundary of the site with Shady Lane. The Parks and Open Spaces Officer considers that a strong landscape strategy incorporating the public right of way would help to mitigate the issues described above and extend the high quality of landscape character from Cuerden Park across the site. Sensitive and robust landscape treatment of boundaries to the south of the employment land and along Shady Lane would also be necessary.

203. The issues raised by the Parks and Open Spaces Officer reinforces the fact that a piecemeal approach to the development of this proposed allocation will adversely impact on a Masterplanning approach for the site, as advocated within the Core Strategy, which is the only way of ensuring that a strong landscape strategy for the entire site is achieved. Whilst an illustrative Masterplan has been submitted with the application it is not considered that this adequately demonstrates that a suitable landscape strategy could be achieved on the entire site to mitigate the landscape impacts of the redevelopment of this greenfield site.

5g) Ecology

204. The application is accompanied by an Ecological Appraisal which has been forwarded to the Ecologist at Lancashire County Council for comment. The Ecologist has reviewed this document.

205. Part of Cuerden Farm Ponds BHS lies within the application area. It will be important to ensure that the BHS is adequately protected from the adverse impacts of development and that appropriate management can be secured in the long-term to ensure no loss of biodiversity value as a result of this development. Particular concerns associated with increasing urbanisation, and which will need to be addressed, include increased recreational disturbance (people, dogs), the introduction/encouragement of inappropriate species (ducks, fish, non-native species, etc.), and pollution.

206. A further planning condition or obligation will also be necessary to secure appropriate and long-term (i.e. in perpetuity) habitat creation, enhancement and management for the maintenance of features of biodiversity value (including the BHS (part), ponds, hedgerows, and habitat of protected and priority species) and for which standard amenity landscape management will not be appropriate.

207. Following a high court decision (R (on the application of Simon Woolley) v Cheshire East Borough Council, June 2009) the Local Planning Authority have a legal duty to determine whether the three 'derogation tests' of the Habitats Directive implemented by the Conservation (Natural Habitats &c.) Regulations 1994 have been met when determining whether to grant planning permission for a development which could harm a European Protected Species. The three tests include:
(a) the activity must be for imperative reasons of overriding public interest of for public health and safety;
(b) there must be no satisfactory alternative and
(c) favourable conservation status of the species must be maintained.

208. This requirement does not negate the need for a Licence from Natural England in respect of Protected Species and the Local Planning Authority are required to engage with the Directive.

209. The Ecologist has assessed the proposals in respect of protected species. The pond on site is considered suitable to support great crested newts. This pond has been surveyed in connection with other development proposals in this area (11/01004/OUTMAJ) and great crested newts have not been recorded. As such the Ecologist is satisfied that great crested newts are not a constraint to the development of this site.

210. The originally submitted Ecological Appraisal did not include detailed information in respect of bat roosts as appendix E was not attached to the ecology report. However following the receipt of further

information the Ecologist has confirmed that as trees with bat roost potential will be retained within the scheme the proposed development should not result in any direct impacts upon bats or bat roosts. There is thus no need for mitigation for bats to be secured by planning condition.

211. This notwithstanding the report does identify that some trees need further investigation to establish bat roosting potential. If any mature trees with features suitable to support bat roosts would be felled to facilitate development, further inspections/surveys are required prior to determination of this application.

212. The submitted masterplan indicates that sufficient land would remain undeveloped such that effective mitigation and compensation for impacts on bat foraging and commuting habitat could be delivered as part of these proposals. It will therefore be important that development is in accordance with the submitted masterplan and that the landscaping scheme/habitat creation and management plan addresses maintenance and enhancement of bat habitat. This can be addressed via condition.

213. The ecology report noted a number of species on site, some of which are priority species, e.g. curlew, skylark, house sparrow and tree sparrow. The Ecologist considers that the avoidance of impacts on nesting birds during construction can be addressed by planning condition. However, in order to ensure that the proposals do not lead to declines in populations of priority species the Ecologist requires further information to clarify potential impacts on priority species. The Ecologist considers that it is unlikely that habitat suitable to support ground nesting species such as curlew and skylark could be retained and as such a commuted sum to deliver ground nesting bird habitat (offsite compensation) will be required.

214. The Ecologist considers that even if the development would affect only one pair of ground nesting species, such that the development in isolation would not result in a significant impact on the population, the loss of any breeding pair (of a species in decline) is a concern (and taken together with other developments could cumulatively contribute to further declines of these species). Surveys for birds were not carried out and the numbers of such species potentially affected are therefore unknown.

215. The Ecologist has confirmed that if the proposals would displace priority species this should be compensated for off-site. If priority ground-nesting birds are not present within the application area (which could be established by survey), then it would not be reasonable to require compensation.

216. In this regard if an obligation is necessary the sum would need to be calculated based on the number of species displaced and the area of land/breeding requirements of those species. The sum would ideally be used to contribute towards the conservation of the particular species concerned (in this case, apparently curlew and skylark) at suitable sites elsewhere in Lancashire.

217. The Ecologist requires a 'Reasonable Avoidance Measures Method Statement' for reptiles should be produced detailing measures for the avoidance of impacts on the species and their habitat would be required. This could be addressed by condition.

218. The Ecologist considers that at reserved matters stage further details of measures that will be implemented for the avoidance of impacts on Species of Principal Importance and their habitat will be required. This could be addressed by condition.

219. From an ecological perspective the majority of the impacts and required mitigation can be addressed by suitable worded conditions however the outstanding issue relates to the potential impact on ground nesting birds and any necessary planning obligation resulting from the displacement of this priority species. Further information has been submitted to the Ecologist at LCC in respect of ground nesting birds which concludes that the Site and its surroundings are of negligible value for ground nesting birds. The Ecologists comments in this regard will be reported on the addendum.

5h) Flood Risk and Drainage

220. The application is accompanied by a Flood Risk Assessment and Drainage Strategy which has been assessed by the Environment Agency.

221. As set out above the Environment Agency originally objected to the proposals on the grounds that the FRA includes an incorrect value for the Greenfield runoff rate and hydraulic modelling is required. As such it was considered that insufficient information had been submitted in support of the application.

222. Following further consideration the EA removed their objection subject to a condition relating to surface water drainage and a condition requiring the Flood Risk Assessment & Detailed Drainage Strategy to be updated to include a hydraulic assessment to identify any flood risks from the watercourse

through the site and further downstream of it. As such in respect of flooding this can be addressed via condition.

223. In respect of foul drainage the application forms confirm that the development will be connected to the existing foul sewer. During the consideration of the adjacent site concerns were raised in respect of capacity problems that had been identified on the foul sewer network. As part of that application United Utilities confirmed that they had no objection provided that any subsequent approval included a Grampian condition restricting occupation of the site until after Autumn 2013 to accommodate proposals to increase treatment capacity at Walton Le Dale Wastewater Treatment Works.

224. This application was refused and allowed at appeal. To deal with the concern raised by United Utilities the following condition was attached by the Inspector:

Full details 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 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.

225. Although United Utilities have been consulted on the application no formal response has been received. Their formal comments will be reported on the addendum.

5i) Traffic and Transport

226. The application is accompanied by a Transport Assessment which has been assessed by the Highway Engineer at Lancashire County Council and the Highways Agency. It should be noted the Highways Agency have confirmed that due to the quantity of information submitted there is a need to ensure that adequate time is available to resolve any issues that may arise and as such have issued an Article 25 direction. The issuing of this direction ensures that the application cannot be determined in favour of the applicant until such time as the Secretary of State for Transport is satisfied that the impact of this development on the motorway network has been adequately assessed and that any appropriate mitigation will be provided.

227. The application on the adjacent site, allowed on appeal, incorporated a 'Future Vehicle Link' to the parcel of land subject to this planning application. The illustrative masterplan submitted with this application details a continuation of this vehicular link. However it should be noted that this vehicular link was only shown indicatively and it is possible that at reserved matters stage this link does not serve the land subject to this application.

228. There have been several meetings held with the applicants, their highway consultants, LCC Highways and the Highways Agency. The outcome of these meetings resulted in the submission of a Highways Technical Note which detailed the off site works required. This document has been reviewed by both the Highway Engineer at LCC and the Highways Agency.

229. The Highway Engineer at Lancashire County Council considers that the development proposal as submitted does not provide for an acceptable vehicular access and a sustainable transportation solution to the development needs further development.

230. The Engineer has made the following specific comments:

Hayrick Junction

231. The proposed improvement works to the Hayrick junction, with the installation of MOVA, with bus priority at the Hayrick junction and signal upgrades on the M6 slip roads accords with the conditioned works of the phase 1 development. This should be conditioned as part of the current application.

Bus Improvements

232. The original TA implied that bus stops are available close to the proposed site access junction, and the Highway Engineer requested that bus stops be included on the junction drawing in order to assess accessibility. The submitted plans detail proposed bus stop locations which bring most of the site within the max 400m walk distance however the Engineer has raised concerns that the bus stop locations raise safety concerns and are not acceptable.

233. The northern bus stop is the middle of the junction and presents a difficult situation for drivers on Wigan Road and those drivers turning north from the junction. While the junction appears to be able to cope with the bus manoeuvres in/out the proposed site access road the north bound bus is not able to turn out the site and halt at the proposed north bound stop without great difficulty. It would also appear that the Wigan Road western footway is too narrow to provide for a full Quality bus stop with shelter. The Highway Engineer has suggested that this potential stop is relocated north of the junction however this is then likely to impact on the Redrows suggested Phase 3 (commercial access) of the development of this land and would also be in close proximity to the existing stop south of Lydiate Lane. This demonstrates that consideration of separate proposals on the larger site without a comprehensive scheme will result in conflict and less sustainable solutions.

234. A bus stopped at the southbound bus stop will prevent forward visibility of the island and could encourage vehicles to try and overtake with poor visibility. Again the only location that would provide for a safe stop clear of the junction area would be north of the proposed junction location.

235. It is considered that the principal of providing good access by public transport is of paramount importance to any major development such as this site, the TA states that there are existing bus services which operate with around a 30 minute Monday to Saturday daytime service, however, the level of bus service (with development) has not been quantified and there are operational questions regarding delivery of a suitable service through the site that will be commercially sustainable. The Highway Engineer recommends that the provision of a minimum frequency of 20minutes weekday daytime and half-hourly evenings and weekends to Preston, Leyland and Chorley would be generated from these proposals.

236. The approval on the adjacent site provided funding to improve public transport, to enhance the existing bus network and providing additional journeys linking Chorley to Preston. The Highway Engineer considers that the proposed development should also provide funding should it a) go forward in advance of Phase 1, and b) to further improve bus services/frequency and provide additional capacity to serve the Phase 2 development.

Cycle Improvements

237. The Highway Engineer considers that the Masterplan access strategy proposals are limited to within the development site and do not form continuous external routes. The development requires off-site connections to form part of the wider network to provide serious commuter access links that promote modal switch from motorised transport and improve site sustainability. As submitted the proposed development is remote from nearby destinations, such as high schools, employment sites and shops, and likely to lead to an increase in car funding.

Sustainable Transport - Conclusion

238. There is no guaranteed developer commitment (nor mechanism) to delivering fully sustainable transport improvements to maximise the potential for transfer to transport modes that directly and indirectly (by reducing background flows) reduce the negative impact from development.

239. The Highway Engineer concludes that for the proposed development to be acceptable, measures must be secured satisfying the needs of all sustainable modes including cycling and pedestrians using direct desire lines to existing/proposed facilities that deliver modal switch. This is not an issue that can simply be addressed by travel planning post approval.

Proposed Site Access

240. In respect of the proposed site access (priority junction) the Highway Engineer has raised a number of concerns. In conclusion the Engineer considers that the proposed access does not provide for a safe or adequate means of access for the possible phase 2 development of the site.

Parking

241. As the plans are only indicative at this stage parking provision is not set out in detail in respect of the proposals. It is noted that reference is made to 1.5 spaces per property however this provision does not accord with the Council's current requirements of 2 spaces for 2/3 bedroom dwellings and 3 spaces for larger dwellings. This would need to be addressed as part of any reserved matters submission.

Central Lancashire Local Development Framework Inquiry

242. The Highway Engineer has confirmed that LCC have always had a concern with capacity on the wider strategic network and this has been formalised in their Participant Statement to the Inspector with regard to the Central Lancashire Local Development Framework Inquiry.

243. As part of the emerging Core Strategy process, the three Central Lancashire authorities have worked together with LCC and in consultation with the Highways Agency (HA) to establish a consistent position regarding the potential impact of development on the strategic highway network. The LCC position was presented at the recent Evidence in Public (EIP) inquiry and highlights the recognition of the existing capacity problems that exist in the Central Lancashire area.

Local Transport Plan

244. The LTP Implementation Plan for 2011/12 to 2013/14, approved in October 2011, commits to the delivery of a Highways and Transport Master Plan for Central Lancashire by March 2013. This will now be completed by September 2012. The Master Plan will set out a future highways and transport strategy linked to economic development and spatial planning priorities, including those set out in the Central Lancashire Core Strategy.

Central Lancashire Core Strategy Hearing (February 2012)

245. It was highlighted at the Core Strategy hearing that it would seem sensible for the Core Strategy to acknowledge the Highways and Transport Master Plan as a prerequisite to informing the production of detailed proposals for additional supporting infrastructure to come forward at these strategic locations, to be set out in the Site Allocations Development Plan Document. LCC consider that the transport network has reached the point where, without support from all parties for a strategic master planning approach, no further development can be accommodated at this time, on the existing transport network, in this location.

246. Consequently, there comes a point where support for further development, without the required infrastructure that needs to be identified through the master planning process, cannot be supported. Rather than promoting economic recovery, such an approach will lead to unacceptable levels of congestion that would have a negative impact on current transport users, local businesses and the local economy.

247. LCC and Chorley BC (as part of the Central Lancashire Core) have sought to set out a way forward in delivering long term economic development in the area. The approach aims to match potential future aspirations for development that meets the housing allocation needs of Chorley BC. As part of this process, there has been agreement on the need for a strategic master planning approach.

248. If further development is allowed to come forward in a piecemeal approach with developers coming forward in small packages, this cannot be supported by the LHA. Each and every small package of development could argue that in percentage terms of overall traffic their impact is small or that there will only be a small increase in the existing congestion in the peak periods. Such an approach, without any acceptance of a threshold on the existing transport network is totally unsustainable and would lead to significant transport congestion.

249. This approach by developers would prejudice the overall master planning approach and the delivery of the Central Lancashire Core Strategy, to be set out in the Site Allocations Development Plan Document.

250. The Highway Engineer has confirmed that Lancashire County Council takes its responsibility seriously with respect to the current and future use of the highway network whilst also giving a high priority to supporting growth in the key economic centres such as Chorley; including supporting private sector led economic growth, the creation of jobs and access to employment, education and training. A fundamental element to deliver this priority is the provision and implementation of the masterplan as identified above (and within the LTP) and support from all parties including developers, Chorley BC and the HA in its delivery. The approach being progressed does and must consider the potential influence of development proposals being progressed in advance of the masterplan, and it must be strongly noted that the existing network limitations and constraints will restrict support of these developments until suitable infrastructure changes are delivered. In this regard the Highway Engineers recommendation to Chorley BC is that the site allocation is only taken forward with reference to and in accordance with the formation and delivery of the strategic master plan.

251. Following receipt of these comments there have been further meetings and e-mail correspondence between the Highway Engineer and Singleton Clamp, who act on behalf of the applicants, and it is understood that the issues raised in respect of the highway implications have been addressed subject to conditions/ planning obligations however at the time of writing this report the final comments from the Highway Engineer had not been received. These therefore will be reported on the addendum.

5j) Public Right of Way

252. Public Right of Way 14 runs through the site. The illustrative masterplan details that this right of way will be retained as part of the development although it will be intersected by proposed roads. This is addressed above within the landscape section.

253. The Right of Way Officer at Lancashire County Council has made the following comments:

- The application area incorporates Public Footpath No. 14 Cuerden- it is not clear whether the application will affect the Public Footpath which outlines the development area. No diversion/extinguishment has been highlighted on the application form.
- Public Rights of Way must not be obstructed during the proposed development. It is the responsibility of the landowner to ensure that the necessary procedures are followed for the legal diversion of the Public Right of Way if this should be necessary.
- The development must not commence until the necessary procedures are in place, either allowing the development to take place without affecting the right of way as recorded on the Definitive Map of Public Rights of Way and subsequent diversion orders and side roads orders, or if it is necessary to divert the above listed Public Rights of Way

254. The applicant will be made aware of these requirements.

5k) Contamination

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

5l) Air Quality

256. The impact of the development on Air Quality is a consideration in respect of this application in regards to the cumulative impact of this additional proposed development as there are some air quality concerns in the area.

257. The Council's Environment and Neighbourhoods Manager has reviewed the air quality results for the last couple of years and confirmed that they are static. Calculations have been done and there is no strong evidence that there will be an exceedence of the air quality standards. As such the Environment and Neighbourhoods Manager has no objections in principle to the extended development.

5m) Section 106 Agreement

258. Due to the nature of the development a Section 106 Agreement will be required to secure the necessary planning obligations resulting from this development in accordance with the tests set out within the NPPF 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.

259. In respect of the current application this would include:

- Upto 30% affordable housing. On a 70/30 split in terms of social rent and sale
- On site play space
- Mitigation in respect of ecological impacts (still to be identified)
- Transport contributions including sustainable/ public transport improvements

260. Lancashire County Council School Planning have commented in respect of school places education. Latest projections for the local primary schools indicate that there will be 158 places available in 5 years' time. However, approval has been given to numerous developments within the area, the combined yield of these developments is 54 primary pupils. The number of remaining places is 105 places. Therefore, they are not seeking a contribution from the developer in respect of the full pupil yield of this development, i.e. 56 places.

261. However the School Planning Team have commented that if other pending planning applications in the Borough are approved prior to the determination of this application a claim for a maximum primary claim of Primary places: 56 @ (£12,257 x 0.9) x 1.055 = £651,729 will be sought.

262. It is considered that as there are 105 spare places in the local primary schools for the next 5 years and this scheme, assessed in isolation of the wider area of safeguarded land, will yield 56 places this scheme can be adequately accommodated within the area. It is not considered that any request could be

justified in respect of the above tests as taking into account other approvals ensures that the request is not directly related to the development.

263. It should be noted, however, that as part of the work being undertaken for the LDF process the education authority has specified the requirement for a new primary school in Clayton–Le–Woods and as such is included in the infrastructure requirements section of the Chorley Preferred Options Site Allocations and Development Management DPD. Policy EP10.3 (Primary School Allocations) indicates that land is reserved for school purposes at land east of Wigan Road. In order to achieve this suggestion consideration on the best location for the school site to serve the local community is required. It should be in a central location and should not be considered in isolation, but through the plan process. This further supports the preference for the masterplanning approach to this site which would ensure that the necessary infrastructure for the wider site is considered holistically.

264. Latest projections for the local secondary schools indicate that there will be 1436 places available in 5 years' time. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document, which has already had planning permission. Lancashire County Council Education are not seeking a contribution from the developer in respect of pupil yield of this development, i.e. 40 places.

5n) Crime and Safety

265. The proposals have been assessed by the Council's Architectural Liaison Officer who confirmed that although this is a relatively low crime area there have been recorded crimes committed within the immediate vicinity of this location.

266. As a result of this crime and given that this is a large new build development it is recommended that Secured By Design principles are adhered to in order to reduce the opportunity for crime and the fear of crime as outlined below:

- The 1.5 parking spaces per dwelling should be located where the opportunity for natural surveillance is maximised e.g. from active rooms within the property.
- Footpaths/cycle paths indicated on the development should be incorporated into the scheme lighting plan.
- Design out alleyways at the rear and side of properties.
- Foliage and shrubbery should be low level e.g. maintained to 1m high so as to enhance natural surveillance.
- Properties should be secured with 1.8m high fencing at the side and rear (e.g. close boarded) and 1m gating/bow top railing arrangements at the front to provide defensible space.
- As this is a large development threshold markings should be incorporated into the estate e.g. change in road surface, pillars etc. to provide differentiation between public and private spaces. This contributes towards modifying potential offenders' behaviour.
- Openings e.g. Doorways and windows are the main weakness in any building to unauthorised entry therefore it is recommended that Doorsets and Windows should be certificated to Secured By Design standards particularly those at the rear.

267. This can be addressed at reserved matters stage via condition.

5o) Archaeology

268. Lancashire County Council Archaeology Service have assessed to proposals and made the following comments. An area immediately to the south-west of the application site was the subject of a desk-based assessed which identified the Roman road from Preston to Wigan which is projected to cross the proposal site either to the west or east of Woodcocks Farm however it is not considered that the identified heritage asset is of sufficient significance to require any further pre-determination site investigation.

269. Any surviving remains would be of local significance only and could be dealt with by means of an appropriate scheme of archaeological mitigation. As such the applicants would be required to undertake a phased programme of archaeological work which can be secured via condition.

5p) Sustainability

270. In September 2008 the first policy document, Sustainable Resources DPD, within Chorley's new Local Development Framework (LDF), was adopted. The applicant has submitted a 'Sustainable Resources and Renewable Energy Statement' which sets out information identifying how they intend to

meet the requirements of Policy SR1. The information they have submitted is sufficient at this stage as the application is in outline form with all matters reserved except access.

5) Overall Conclusion

271. The proposal would be in breach of the Safeguarded Land policy DC3, which as set out previously is consistent with the NPPF, however the Council acknowledge that this policy must be read in the context of other material considerations that may be more up to date.

272. The Green Belt in Chorley was first established in the Local Plan in 1997, when the appeal site was designated as safeguarded land under policy C3. In the Chorley Local Plan Review (2003) the appeal site is designated as Safeguarded Land (under policy DC3.9). This Policy was saved by the Secretary of State in 2007.

273. PPG2 was published in 1995 and was extant national guidance at the time of the promulgation of the Local Plan Review. PPG2 advised, amongst other advise, that:

- In order to ensure protection of Green Belts within this longer timescale, this will in some cases mean safeguarding land between the urban area and the Green Belt which may be required to meet longer term development needs
- Local Plans should make clear that land is not allocated for development at the present time
- Local plan policies should keep safeguarded land free to fulfil its purpose of meeting possible longer-term development needs
- Local plan policies should provide that planning permission for the permanent development of safeguarded land should only be granted following a local plan or UDP review which proposes the development of particular areas of safeguarded land. Making safeguarded land available for permanent development in other circumstances would thus be a departure from the local plan

274. The Local Plan Review was adopted in August 2003. It replaced the Local Plan and had a timescale to 2006. It was intended that the overall extent of the Green Belt would not change until at least 2016. To help achieve this, areas of Safeguarded Lane were identified to accommodate development pressures in the period up to 2016 if necessary.

275. The North West RSS post dates the Local Plan and, where conflict, greater weight should attach to the RSS. However the RSS does not propose any changes to the GB boundaries in Chorley and the RSS does not seek to change policy regarding safeguarding of land, whether in Chorley or elsewhere. As such policy DC3 is not, in anyway, inconsistent with the RSS. It is right that the RSS imposed materially different housing land supply targets for Chorley and post dated them to 2003. However, the RSS housing land supply targets form the basis of the 5 year land supply target, which has fully informed the LPAs conclusion that there is not a need to release the appeal site for residential development now.

276. The publication of the NPPF on 27th March resulted in the cancellation of PPG2 however the NPPF takes forward the principle of safeguarded land established within PPG2. The NPPF does not list the Planning System General Principles as a cancelled document as such the current position is that advice contained within this document still applies.

277. The message from the DCLG has been that now the NPPF has been published it is up to councils to define its meaning. Greg Clark said that the NPPF is a *"framework for local decision-taking"* and it is for councils to make judgments on its interpretation. Additionally chief planner Steve Quartermain described the framework as a *"control shift"* to local authorities. It is understood that the government helpline set up to advise local authorities on the NPPF is not intended to help them interpret the meaning of the policies contained in the document. Steve Quartermain said: *"The advice is not geared at telling you: 'This is what the policy means'."* Putting the onus on Local Authorities at a local level to interpret and implement the guidance contained within the NPPF at a local level.

278. In terms of Localism the Government's clear direction of travel is that decisions should be made at local level so supports the Council's LDF process so it is considered it carries significant weight in favour of refusing the application.

279. Whilst the application proposals may not be substantial on an individual basis, any substantial release on the safeguarded sites within the Borough will prejudice the production of the Site Allocations DPD in respect of scale, location and phasing of new development, will undermine the growth ambitions and objectives of the Core Strategy, will prejudice the development of the identified Key Service Centres, such as Chorley Town, and will undermine the Council's objectives in respect of developed previously developed sites.

280. The Council already has a deliverable five-year supply and if these areas of safeguarded land were released now a significant proportion of future housing growth is likely to be delivered in the early years of the plan period. There is also no mechanism in place to decide which, if any of these should come forward first and why.

281. It is considered that the material considerations in respect of the application proposals are:
- The presence of a five year supply,
- The fact that this site is a greenfield site
- The position in relation to the LDF including:
  - The growth ambitions and objectives of the Core Strategy
  - The undetermined position in respect of the Site Allocations in respect of distribution of housing within the ULSCs and across the Borough as a whole, the phasing of development within the ULSCs and the density of development on sites
- The impact on infrastructure provision if this site is released now
- The cumulative harm that will arise if a precedent is set
- The lack of a comprehensive Masterplanning approach for the whole site

282. The Local Plan Review has a number of housing objectives. Of most relevance to this application is the objective relating to meeting the housing requirements of the whole community in both rural and urban areas including those in need of affordable and special needs housing and the to promote attractive, high quality housing developments where people can move safely on foot or bicycle, and which have safe access to sufficient areas of play space and amenity.

283. The emerging Core Strategy sets out the Strategic Objectives for Central Lancashire. Of particular relevance to this application are Objectives SO2, SO5 and SO8 which are:
- Objective SO2: "To ensure there is sufficient and appropriate infrastructure to meet future needs, funded where necessary by developer contributions."
- Objective SO5: "To make available and maintain within Central Lancashire a ready supply of residential development land over the plan period, so as to help deliver sufficient new housing of appropriate types to meet future requirements. This should also be based on infrastructure provision, as well as ensuring that delivery does not compromise existing communities".
- Objective SO8: "To significantly increase the supply of affordable and special needs housing particularly in places of greatest need such as more rural areas".

284. Clayton le Woods is identified as a location for some growth within the Core Strategy, which is at an advanced stage, to assist in meeting the above objectives. It is acknowledged that there is support in the emerging Local Development Framework for some growth in Clayton le Woods, however at both Borough and settlement level the there are still choices to be made over amount, timing and specific location of that development.

285. Additionally Objective SO2 seeks to ensure there is sufficient appropriate infrastructure to meet future needs, funded where necessary by developer contributions. Policy 2 refers to the application of a levy/tariff based on standard charges as appropriate, noting that "This will ensure that all such development makes an appropriate and reasonable contribution to the costs of provision after taking account of economic/viability considerations." The policy also notes that LPAs "will set the broad priorities on the provision of infrastructure, which will be linked directly to the commencement and phasing of developments. This will ensure that enabling infrastructure is delivered in line with future growth, although some monies will be specifically collected and spent on the provision of more localised infrastructure." Given the fact that even small developments create a need for new services, then it is considered that to release this site now would undermine the spatial vision and objectives for the core strategy, particularly in this case in relation to infrastructure and tackling climate change. If the site were to be approved now, it would further set a precedent for other safeguarded sites, which in turn would not contribute to CIL, and so cumulatively, further harm to the overall spatial vision and objectives of the core strategy could occur.

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

287. It is considered that there is no justification to release this site for housing now particularly taking into account the other potential housing land options in the Borough.

288. On site delivery would not be delivered until 2014/2015 and as such this site can be fully assessed as part of the plan-making process.

289. The best way of meeting the Local Plan Review objective of meeting the housing requirements of the whole community and the emerging Core Strategy objective of making available a ready supply of residential land is through the Development Plan process, in this case via the emerging Site Allocations and Development Management Policies DPD. This process gives supporters and objectors to all proposed housing allocations the opportunity to debate and determine future housing sites in the Borough. Whilst these application proposals would provide housing on this particular site in Clayton le Woods, granting permission now would prejudice decisions that ought properly be taken as part of the LDF process and undermine these objectives.

290. The NPPF includes a 12-month grace period that councils have to bring plans into line with national policy. In this case the Development Plan is not absent or silent, the relevant housing policies are not out of date as the Council has a 5 year housing land supply. The thrust of the NPPF and Planning for Growth was to significantly boost the supply of housing not just in the abstract but by using an evidence base to identify key sites. In respect of the NPPF in the presence of a 5 year land supply there is no strong support for release of this site.

291. Given the stage reached in the preparation of the Core Strategy it is considered that there is an obvious disadvantage in planning terms to the release of this site now. The emerging Core Strategy does not identify:

- The appropriate scale of development at Clayton le Woods;
- The appropriate scale of development in the other ULSCs in Chorley;
- The appropriate scale of development elsewhere in Chorley Borough;
- the appropriate spatial distribution of new development sites across the ULSCs, the Rural Local Service Centres (RLSCs) and thereby the whole borough.

292. Whilst the Core Strategy does give some support to the development of this site greater weight should be afforded to the Development Plan. If outline planning permission was granted now expected on site delivery would be 2014/2015 by which time the Core Strategy and Site Allocations DPD will have been adopted and as such the submission of a full application following adoption of these documents would not result in any unnecessary delay to the applicant.

293. It has been established that the principle of the development is considered unacceptable in relation to current and emerging policy weighed against other material considerations. The site is shown in the proposed Site Applications Preferred Options Paper as a part of a wider proposed allocation known as Land to east of Wigan Road (A49) HS1.35 for both housing and employment uses. Policy HS1 also states that the Council will require a Masterplan or development brief. The release of this section of this wider allocation would undermine a comprehensive approach to this site.

294. It is considered that the best (and only) mechanism to resolve the appropriate scale and spatial distribution of development is through a polycentric consideration of sites through the Core Strategy and Site Allocations process.

Other Matters

Public Consultation

295. In accordance with the Council's Statement of Community Involvement the applicants, Redrow Homes, held a consultation event at Lancaster Lane CP School on Thursday 24 November between the hours of 4.30pm and 8.00pm. The notification of this event included leaflets distributed to neighbours, deposited at the local shops and at the Hayrick public house and sent to Clayton-le-Woods Parish Council. Electronic versions of the leaflet we emailed to Ward Councillors and Planning Committee members.

296. A public notice was published in the Chorley & Leyland Guardian on the 16 November and a separate press release appeared in 'The Citizen' (free newspaper) on the 23 November.

297. Approximately 50 people attended the event and 7 comment sheets were completed on the evening. A further 10 forms/letters/emails were received after the event (17 in total).

298. Only one response received supported the scheme the remainder raised the following concerns (including Redrow's response):

299. Illustrative plan may not represent the final scheme: The masterplan is purely illustrative at this stage and all detailed design matters, except access, are reserved for subsequent approval. However, the illustrative plan does give a firm idea as to how the land might be developed and the Design & Access statement accompanying the outline application sets out key development principles which will be taken forward into the detailed scheme.

300. No provision for affordable housing should be made: This is to be the subject of further negotiation, but the Council's adopted Local Plan policy does require a 20% affordable housing provision.

301. Concern about loss of greenfield or Green Belt land: The Central Lancashire Core Strategy identifies Clayton-le-Woods for some housing growth and there are no brownfield sites capable of accommodating that growth. The land is not within the Green Belt.

302. Concern about more traffic using Shady Lane: No vehicular access is proposed onto Shady Lane.

303. Concern about another access onto Wigan Road: The emerging Site Allocations DPD allocates the wider area for mixed use, including an additional 300 homes (600 in total), plus 20 hectares of employment land. Redrow consider that a development of 600 homes does require at least two accesses and the employment land should have a discrete access.

304. Concern about industrial development on adjoining land - the existing Cuerden Strategic Site is more appropriate: This will be determined through the emerging Site Allocations DPD.

305. Development should include affordable housing: The illustrative scheme doe include a proportion of smaller family homes which could provide on-site affordable housing.

306. Development here will not bring any jobs and services to local people: Evidence has shown that one new job is created for every dwelling which is constructed, plus up to 4 jobs in the supply chain. For example, a development of 160 homes will generate new expenditure in the area of £2.1m to support town centre shops and services.

307. Part of future employment land is the subject of a current application for an extension to the Cuerden Residential Park

308. Lack of landscape buffers to Cuerden Residential Park: This can be addressed through future planning applications in respect of that land.

309. Concern about increased traffic on Wigan Road and Lancaster Lane: Clearly the development will generate additional traffic movements and this is addressed in greater detail in the submitted Transport Assessment (TA). The TA concludes that a development of 160 dwellings will not result in any significant impact on the adjoining highway network.

310. All landowners/developers should work together to produce a comprehensive scheme: Redrow's proposal is set within the context of a comprehensive masterplan for the wider area and will deliver infrastructure to serve the wider area (i.e. bus route through the site).

311. Too many houses already for sale in the area, including at Buckshaw Village. Existing housing will be devalued: The housing target for Chorley is for 417 additional dwellings per annum (2010-2026) and there is a strong demand for family housing in Clayton-le- Woods. The devaluation of existing housing is highly unlikely and not a legitimate planning consideration.

312. Concern about loss of wildlife habitats: An ecological appraisal of the site accompanies the application. It identifies the existing trees, hedgerows and pond as being the only areas of ecological value- these will be retained and enhanced.

313. Brownfield sites should be developed instead: There are no significant brownfield sites in Clayton-le-Woods capable of accommodating the anticipated level of housing growth.

Planning History

Adjacent Site:
10/00414/OUTMAJ- Outline application for residential development of up to 300 dwellings (comprising 2, 2.5, & 3 storeys) with details of access and highway works and indicative proposals for open space, landscape and associated works. Allowed on appeal July 2011

Recommendation: **Refuse Outline Planning Permission**

Reasons

1. With reference to:

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

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

The 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.