

## **APPLICATION REPORT – 18/00863/OUTMAJ**

**Validation Date: 12 September 2018**

**Ward: Adlington And Anderton**

**Type of Application: Outline Planning**

**Proposal: Outline application for residential development for up to 25 dwellings with all matters reserved save for access from Carrington Road.**

**Location: Land At Carrington Road Adlington**

**Case Officer: Mr Iain Crossland**

**Applicant: Hollins Strategic Land**

**Agent: Paul Sedgwick**

**Consultation expiry: 8 October 2018**

**Decision due by: 7 November 2018**

---

### **RECOMMENDATION**

1. It is recommended that outline planning permission is refused for refusal for the following reason:

The proposed development would be located within an area of Safeguarded Land as defined by the Chorley Local Plan 2012 – 2026. The Council has a five year housing land supply as required by the National Planning Policy Framework. The proposal therefore conflicts with policy BNE3 of the Chorley Local Plan 2012 – 2026. It is not considered that the material considerations put forward in favour of the development are sufficient to outweigh the presumption against it.

### **SITE DESCRIPTION**

2. The application site forms part of an area designated as Safeguarded Land within the Chorley Council Local Plan. The site is relatively flat, is previously undeveloped and consists of grassland with trees and shrubs around the perimeter and scrub is beginning to colonise the land. The site is relatively well contained, bordered by allotment gardens to the north east, residential properties to the south east and south west and there is a sand quarry present off the north western site boundary.

### **DESCRIPTION OF PROPOSED DEVELOPMENT**

3. The applicant is seeking outline planning permission for erection of 25 dwellings with all matters reserved apart from a new access from Carrington Road. The indicative layout plan and planning statement suggest a range of dwelling types and sizes, including larger homes and smaller dwellings which would include both market and affordable homes. The access strategy is to utilise Carrington Road, which currently runs up to the boundary of the site with the creation of two internal cul-de-sacs to access the dwellings. Open space provision is included in the development to the north west corner of the site and additional tree planting is also proposed. The existing hedgerow would be maintained where possible.

4. The application is a resubmission of a previous application for the same development (ref. 17/00411/OUTMAJ), which was refused in September 2017.

## **REPRESENTATIONS**

5. 25 representations in objection have been received. These relate to the following issues:
  - Additional vehicles using Park Road and Carrington Road which are already congested
  - Access is near a school which is a safety concern
  - Green Belt land should be preserved along with the wildlife it supports
  - The land is safeguarded until 2026
  - One exit is not sufficient for 25 houses
  - There are other more suitable sites in Adlington
  - Noise, dust, highways and vibration impacts during construction work
  - Structural integrity of the bridge over the canal, including heavy trucks during construction works
  - Pressure will be added to local infrastructure, such as the schools and health services
  - Loss of pasture land and trees
  - There is a pipeline running through the site which requires a stand-off meaning a section of the site will not be able to be developed
  - Inadequate water infrastructure
  - Impact on wildlife
  - The information in the Transport Statement is misleading with regards to level of movements and public transport
  - Impacts upon privacy and overshadowing
  - Visual impact
  - Surface water drainage

## **CONSULTATIONS**

6. The Coal Authority: Have no objection.
7. Canal & River Trust: Have no objection.
8. Environment Agency: Have no objection.
9. Greater Manchester Ecology Unit: Have no objection.
10. Regulatory Services - Environmental Health: Have no objection.
11. Waste & Contaminated Land: Have no objection subject to a suitable condition.
12. Lancashire Highway Services: Comment that the development is considered acceptable in principle from a highways perspective.
13. Lead Local Flood Authority: Have no objection subject to conditions.
14. United Utilities: Have no objection subject to a suitable condition.
15. Lancashire County Council (Education): Have no objection subject to a contribution to primary school places in the local area.
16. Adlington Town Council: objects to this application for the following reasons:
  - The site is allocated as Safeguarded Land in the Chorley Local Plan
  - The only access to the site is via Park Road. All traffic to the lower end of Adlington uses this route in addition to the vehicles accessing Adlington Primary School. As a result there are often problems with access and parking along much of the road.
  - All traffic using Park Road must use the canal bridge. Residents have previously raised concerns that the bridge is at its full capacity and is showing signs of stress related

damage near to the Bridge Inn, however Lancashire County Council reports that this has now been checked for safety. The Town Council has recently raised concerns with the Highways Authority regarding emergency access to this section of the village as any incident near to the bridge can block off access completely.

- Adlington Primary schools are already reaching capacity and the Lancashire County Council Draft School Place Provision Strategy now predicts a shortfall of 94 primary school places in the Adlington/Rivington area in the next five years. All secondary schools are outside Adlington.
- Serious flooding problems were experienced by residents of Lower Adlington in winter 2015 and the building of additional houses is likely to exacerbate the existing drainage problems
- Residents adjacent to the site report the use of its old and thick hedgerows by a variety of bird species and hedgehogs. They also report that the nearby sand quarry has used “newt nets” indicating the presence of one or more species of newt, and bats have been seen in the area. The ecological survey included with the application took place in October, which is out of season for many of these animals, and is now over two years old, giving time for new species to have moved in.
- The location of the site is not well served by public transport, as there is no regular bus service to Lower Adlington
- Any building work in this location would cause serious disruption to existing residents as the access roads are unsuitable for heavy vehicles.

In addition, residents attending a meeting of the Town Council where the previous application was discussed highlighted some major inaccuracies included in the application as follows:

- Traffic measurements given assume that there would be traffic movement only at “peak time” and that each household would have only one car. Existing houses in the area often have 2 or more cars, and the assessment does not take into account the lack of public transport, or the journeys which would need to be taken by local residents to access secondary schools or youth facilities.
- The report overstates the availability of public transport, quoting figures for bus and train services which relate only to a short time each day. The regular train service provides only one train per hour in each direction, and the bus service is occasional.
- The Flood Risk Assessment gives a “low probability” of flooding on the site although it is described in the Ecological Survey as including marsh and a pond which has not always been a feature of the field.
- A mains water pipe runs through the site which residents are aware is subject to a 5m building exclusion zone. The plans show houses built directly over this pipe.

## **PLANNING CONSIDERATIONS**

17. The northern tip of the site identified as being within the Green Belt. The remainder of the site is located on land safeguarded for future development needs, as defined in policy BNE3 ‘Areas of Land Safeguarded for Future Development Needs’ of the Chorley Local Plan 2012 – 2026. This application site forms part of a wider parcel known as ‘North of Bond’s Lane, Adlington’, policy BNE3.3.
18. Policy BNE3 the Chorley Local Plan 2012 – 2026 states that development other than that permissible in the Green Belt or Area of Other Open Countryside (under policy BNE2) will not be permitted on Safeguarded Land. The proposal is, therefore, contrary to policy BNE3.
19. Policy BNE3 the Chorley Local Plan 2012 – 2026 is in accordance with paragraph 139 of the National Planning Policy Framework (the Framework) which states that local planning authorities should “where necessary identify in their plans areas of safeguarded land between the urban area and the Green Belt, in order to meet longer term development needs stretching well beyond the plan period” and “make clear that the 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.”

20. National Planning Policy Framework (the Framework) provides clear details on the importance of the Green Belt and paragraph 143 states that:

*“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”*

21. Paragraph 144 of the Framework goes on to say ‘*When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.*’
22. The application does not propose any built development within the Green Belt with this section of the site being proposed as an ecological enhancement area / open space. As such, there would be no impact upon the openness of the Green Belt and so this part of the proposal is not considered to be inappropriate in the Green Belt.
23. The acceptability of the principle of developing the section of the site within the area of Safeguarded Land is not established by the development plan and the consideration is, therefore, whether there are any other material considerations that would outweigh the weight afforded to the development plan that is considered to carry significant weight.

#### Housing need

##### *The Applicant’s initial case*

24. The applicant’s case argues that the Council’s housing requirement is based on out of date information and the Council do not have a Framework compliant housing requirement. As a result they argue that the Council are unable to demonstrate a five year supply of deliverable housing sites and the application should fall to be considered under paragraph 11 of the Framework, which sets out a presumption in favour of sustainable development. It states that where the development plan is absent, silent or relevant policies are 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 Council’s case*

25. The Council do not believe that the adopted housing land supply policies set out in Core Strategy Policy 1: Locating Growth, Core Strategy Policy 4: Housing Delivery and Local Plan Policy HS1: Housing Site Allocations are out of date.
26. The Core Strategy was adopted in July 2012 and is framework compliant. The housing requirement in policy 4 was based on Regional Strategy housing figures, however, the Core Strategy Inspector considered the requirement sound and stated in his report “The amount of housing proposed, together with the policies, which seek suitable densities and high quality design and other relevant policies, accord with the Government’s policy, set out in the Framework, of delivering a sufficient amount and wide choice of high quality homes, widening opportunities for home ownership and creating sustainable, inclusive and mixed communities. As a result, everybody should have the opportunity of living in a decent home which they can afford in a community where they want to live. In these respects the Local Plan is sound.”
27. The Chorley Local Plan 2012-2026 was adopted in July 2015. Representations were received during preparation of the Local Plan that the housing requirement is not based on a robust, up to date objective assessment of need as required by the Framework. The Inspector concluded in her report that the Core Strategy target for 417 dwellings remained appropriate. She also stated “The Regional Strategy for the North West (RS) was revoked by the Secretary of State during the examination period. The impact of this on the soundness of the Plan, particularly regarding the justification for retaining the RS housing

and employment targets, was consulted upon and discussed at the hearing sessions. I conclude that no soundness issues have arisen as a consequence.”

28. It is noted that a recent appeal decision dated 30th November 2017 (Appeal Ref: APP/D2320/W/17/3173275) at Land at Pear Tree Lane, Euxton, dismissed an appeal against the decision of Chorley Council to refuse planning permission for outline planning permission for up to 165 dwellings on Safeguarded Land. The Inspector carried out an assessment of the Council's five year deliverable supply of housing and concluded that the 5 year housing requirement is 2037 dwellings, leading to a supply of 6.1 years. As such the Council could demonstrate a supply of housing land in excess of 5 years and relevant development plan policies for the supply of housing could be considered up to date as recently as 30th November 2017.
29. Chorley Council believes that the Core Strategy policies are not out of date and comply with paragraph 67 of the Framework, however, it is accepted that it is timely to review the objectively assessed housing needs and housing requirements set out in the Core Strategy. The Central Lancashire authorities have undertaken a review of the objectively assessed housing needs and housing requirements set out in the Core Strategy – Central Lancashire Strategic Housing Market Assessment Sept 2017. A Memorandum of Understanding (MOU Sept 2017) between the Central Lancashire authorities confirms the apportionment of the OAN between the local authorities in the Housing Market Area on the basis of housing requirements on the joint Core Strategy is also provided.
30. As it is considered that the Core Strategy housing requirement is not out of date the Council can demonstrate a five year supply. The September 2017 Five Year Supply Statement for Chorley indicates a 8.6 year deliverable housing supply over the period 2017 – 2022. Therefore, there is no urgent requirement to release additional land for housing in the Borough. However, housing requirements are not a maximum and the Government requires local planning authorities to boost significantly the supply of housing. Proposals for additional housing will be determined in accordance with the development plan unless material considerations indicate otherwise.
31. The Council considers that the adopted housing land supply policies are up to date, therefore, the proposal is contrary to the development plan. Paragraph 12 of the Framework states “Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.”
32. The applicant has identified a number of planning benefits of the proposed development. They have identified several social benefits including provision of market and affordable housing and public open space. They argue that the proposal will boost the supply of land for housing, make a valuable contribution to the five year housing supply and provide a balanced mix of dwellings. However, the Council considers that sufficient land has been allocated for housing in Adlington in the Local Plan in accordance with Core Strategy policies 1 and 4. In the Local Plan Inspector's Report the Inspector stated “I conclude that the allocations are consistent with the development strategy of the Core Strategy and that they reflect the most sustainable locations for growth.” The Council is also able to demonstrate a five year supply.
33. With regards to affordable housing, the applicant argues that the provision of 35% (the policy requirement for this area is 30%) affordable homes should be regarded as a significant material benefit of the application. In accordance with Core Strategy policy 7, all residential developments in Adlington would be required to provide a minimum of 30% affordable homes, therefore, this is not considered a significant benefit especially given that affordable housing will be provided as part of development on other sites in Adlington that are allocated for housing in the Local Plan. There is no need for this development to come forward for affordable housing to be provided.
34. The applicant is proposing some on site amenity green space within the Green Belt portion of the site which they also claim is a significant material planning benefit. It is not clear how much they are proposing. However, this open space is outside the development area within

the Green Belt and is not suitable in this location and will mainly serve the needs of the development itself, therefore, it is not considered a significant benefit. The requirement for the development is 0.04ha, and this would be required to be provided on-site.

35. The applicants also claim that the proposal will have economic benefits as housing development is a key component of economic growth. Benefits include the employment created during construction and the spending power of the additional residents. Consideration needs to be given to whether these benefits are significant given the existing amount of proposed housebuilding in Adlington.
36. Overall, it is not considered that these benefits are material considerations that outweigh the presumption against the proposal. The adopted housing land supply policies are up to date and the Council can demonstrate a five year supply. Therefore the proposal is contrary to the development plan.

#### Affordable housing

37. Core Strategy policy 7 sets down the approach to the delivery of affordable and special needs housing:

*“Subject to such site and development considerations as financial viability and contributions to community services, to achieve a target from market housing schemes of 30% in the urban parts of Preston, South Ribble and Chorley ...”*

*“Aside from rural exception sites the minimum site size threshold will be 15 dwellings (0.5 hectares or part thereof) but a lower threshold of 5 dwellings (0.15 hectares or part therefore) is required in rural areas.”*

38. The adopted Central Lancashire Affordable Housing Supplementary Planning Document provides additional information on the delivery of affordable housing, with paragraph 34 stating:

*“The size of development should not be artificially reduced to reduce or eliminate the affordable housing requirement as set out in the Core Strategy and at page 5 of this document, for example by sub-dividing sites or reducing the density of all of part of a site.”*

39. This proposal should contribute towards the policy target of 30% of affordable housing (though it is noted that 35% is proposed as a material consideration in favour of the development) with 8 of the 25 proposed units being delivered as affordable units on site to meet this target requirement, and ensuring conformity with paragraph 49 of the SPD. This affordable housing would need to be secured through a Section 106 legal agreement if the application was approved.

#### Design and amenity

40. Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials.
41. The appearance, scale, layout and landscaping aspects of the proposal do not form part of this outline application and would follow at any Reserved Matters stage. From the indicative layout plan submitted, it is considered that adequate residential curtilage would be provided with adequate space for parking and general amenity. It is considered that the dwellings could be designed without detriment to the appearance of the site, the character of the street scene or residential amenity from privacy, light or outlook. Nevertheless, this could only be fully assessed at Reserved Matters stage.
42. With regards to amenity, during the construction phase, the Council's Environmental Health Team has responded to state that it has no objection to the proposed development, however

if the application is approved the construction phase should comply with the Chorley Council document "Code of Practice for Construction and Demolition" which covers acceptable working hours, noise, vibration, dust and air pollution. Any impacts during the construction phase would be temporary and suitable mitigation measures could be imposed by planning condition.

43. In light of the above, it is considered that the proposed development complies with policy BNE1 of the Local Plan.

#### Highway safety

44. Policy ST4 'Parking Standards' of the Chorley Local Plan 2012-2026 requires that proposals for development will need to make parking provision in accordance with the standards set out in Appendix A of the Local Plan. Appendix A identifies the Council's minimum parking standards for new development. It is not currently known how many bedrooms would be provided within each dwelling. It is considered that there is sufficient room on-site for the provision of parking spaces to accord with policy ST4 at Reserved Matters stage and their provision could be required by planning condition.
45. Highways and access issues have been the main concern expressed by residents during the consultation period. Lancashire County Council is the Local Highway Authority that manages and maintains the highway network in Lancashire and promotes safe travel and developments in accessible and sustainable locations within the county. As such, at certain stages in the planning process Chorley Council formally seeks the views of the County Council as a statutory consultee to assist in making an informed decision about proposed development. Lancashire Highway Services have noted that there are very few changes from the previously refused application. Apart from the proposal to reduce the widths of the footways along the extended section of Carrington Road from 2.0m to 1.8m, which LCC Highways would find unacceptable, there are no major changes as to warrant further highways response to that provided for the refused application. As such, the highways response dated 09/06/2017 to the refused application is still valid and should be used for the current proposal including the suggested conditions and the development is considered acceptable in principle from a highways perspective.
46. The current application is, however, seeking approval for access. As the proposed footways are less than the required standard width, an amended drawing should be submitted requiring widening of the footways to 2.0m. Without this it is not considered that satisfactory access can be achieved, an approval of the application in its current form is, therefore, not recommended by LCC Highways.

#### Public open Space

47. Policy HS4A of the Chorley Local Plan 2012 – 2026 - Open Space Requirements in New Housing Developments explains that all new housing developments will be required to make provision for open space and recreation facilities, where there are identified local deficiencies in the quantity, accessibility or quality and/or value of open space and recreation facilities. The requirements for the proposed development are as follows:

##### Amenity Greenspace

Local Plan Policy HS4A sets a standard of 0.73 hectares per 1,000 population.

There is currently a deficit of provision in Adlington in relation to this standard, a contribution towards new provision in the settlement is, therefore, required from this development. As the development is 10 or more dwellings the required amenity greenspace should be provided on-site. The amount required is 0.04 hectares. A maintenance cost of £17,500 is also required for a 10 year period if private maintenance is not proposed.

##### Provision for children/young people

Local Plan Policy HS4A sets a standard of 0.08 hectares per 1,000 population.

There is currently a deficit of provision in Adlington in relation to this standard; a contribution towards new provision in the settlement would normally be required from this development however there are no identified schemes for new provision, so no contribution is currently sought.

#### Parks and gardens

There are no parks/gardens within the accessibility catchment (1,000m) of this site identified as being low quality and/or low value in the Open Space Study, therefore, a contribution towards improving existing provision is not required.

#### Natural and semi-natural greenspace

There is no requirement to provide new natural/semi natural greenspace on-site within this development.

The site is within the accessibility catchment (800m) of an area of natural/semi-natural greenspace that is identified as being low quality and/or low value in the Open Space Study (site 1852 - Rear of Outterside Avenue), a contribution towards improving this site is, therefore, required. The amount required is £557 per dwelling.

#### Allotments

There is no requirement to provide allotment provision on site within this development.

The site is within the accessibility catchment (10 minutes' drive time) of a proposed new allotment site HW5.3 – Harrison Road, Adlington. A contribution towards new allotment provision is, therefore, required from this development. The amount required is £15 per dwelling.

#### Playing pitches

A Playing Pitch Strategy was published in June 2012 which identifies a Boroughwide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is, therefore, required from this development. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements. The amount required is £1,599 per dwelling.

THE TOTAL FINANCIAL CONTRIBUTION REQUIRED FROM THIS DEVELOPMENT IS AS FOLLOWS:

Amenity greenspace	= £17,500 if to be adopted by Council
Equipped play area	= £0
Parks/Gardens	= £0
Natural/semi-natural	= £13,925
Allotments	= £375
Playing Pitches	= £39,975
Total	= £71,775

49. This would need to be secured through a Section 106 legal agreement if the application was approved.

#### Mineral safeguarding



50. The site is located within a Mineral Safeguarding Area, covered by policy M2 of Lancashire County Council's Site Allocation and Development Management Policies document. Policy M2 explains that planning permission will not be supported for any form of development that is incompatible by reason of scale, proximity and permanence with working the minerals, unless the applicant can demonstrate one of a number of criteria, as follows:
- The mineral concerned is no longer of any value or has been fully extracted.
  - The full extent of the mineral can be extracted satisfactorily prior to the incompatible development taking place.
  - The incompatible development is of a temporary nature and can be completed and the site returned to its original condition prior to the minerals being worked.
  - There is an overarching need for the incompatible development that outweighs the need to avoid the sterilisation of the mineral resource.
  - That prior extraction of minerals is not feasible due to the depth of the deposit.
  - Extraction would lead to land stability problems.
51. The applicant has submitted a sufficiently detailed Minerals Resource Assessment which concludes the following:
- The sand and gravel deposits known to be present to the north at the existing sand and gravel quarry are not indicated to extend and be present at the proposed development site, which is shown to be underlain by glacial till/clay.
  - The site has no indicated viable coal seams present.
  - Sandstone extraction from depth is unlikely to be economically viable given the small nature of the site.
  - The entire site falls within a 100m environmental buffer zone from the existing houses to the south and west.
52. In light of the above, it is considered that the proposal meets the criteria of policy M2 by virtue of mineral extraction from beneath the site and adjoining land being not feasible due to the depth of deposit, particularly once sufficient buffers from residential receptors have been applied. There are also negative environmental impacts associated with mineral extraction which in this location would likely be significant and unacceptable.

#### Ecology

53. The Greater Manchester Ecological Unit (the Council's ecology advisor) has reviewed the applicant's ecological assessment and concluded that the proposal is acceptable, subject to conditions and submission of an Ecological Enhancement and Management Plan with any reserved matters application. These details should include measures for long term monitoring, funding and details of the responsible party. The proposal is, therefore, not anticipated to have any unacceptable impacts upon ecological receptors.

#### Community Infrastructure Levy

54. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development will be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

#### **CONCLUSION**

55. The proposed development would be located mostly within an area of Safeguarded Land as defined by the Chorley Local Plan 2012 – 2026. The Council has a five year housing land supply as required by the National Planning Policy Framework. The proposal, therefore, conflicts with policy BNE3 'Areas of Land Safeguarded for Future Development Needs' of the Chorley Local Plan 2012 – 2026. It is not considered that the material considerations put forward in favour of the development are sufficient to outweigh the presumption against it.

## **RELEVANT HISTORY OF THE SITE**

**Ref:** 17/00411/OUTMAJ    **Decision:** REFOPP    **Decision Date:** 13 September 2017

**Description:** Outline application for residential development for up to 25 dwellings with all matters reserved save for access from Carrington Road.

**RELEVANT POLICIES:** In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.