

Planning Committee

Tuesday, 11th October 2022, 6.30 pm

Council Chamber, Town Hall, Chorley and [YouTube](#)

I am now able to enclose, for consideration at the above meeting of the Planning Committee, the following reports that were unavailable when the agenda was published.

Agenda No Item

3 Planning applications to be determined

The Director (Planning and Development) has submitted eight items for planning applications to be determined (enclosed).

Plans to be considered will be displayed at the meeting or may be viewed in advance by following the links to the current planning applications on our website.

<https://planning.chorley.gov.uk/online-applications/search.do?action=simple&searchType=Application>

**3b) 22/00576/FULMAJ - Land Bounded By Parkhurst Avenue
East Of Wigan Road, Clayton-Le-Woods**

(Pages 81 -
102)

**3c) 22/00692/FULMAJ - Cuerden Farm, Wigan Road, Clayton-Le-
Woods, Leyland**

(Pages 103 -
124)

Gary Hall
Chief Executive

Electronic agendas sent to Members of the Planning Committee

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APPLICATION REPORT – 22/00576/FULMAJ

Validation Date: 24 May 2022

Ward: Clayton West And Cuerden

Type of Application: Major Full Planning

Proposal: Erection of 70no. market and affordable dwellings with associated access, pumping station and open space

Location: Land Bounded By Parkhurst Avenue East Of Wigan Road Clayton-Le-Woods

Case Officer: Mr Iain Crossland

Applicant: Mr Anthony Blackwell Mr E Carus and Mrs S Carus, and Redrow Homes Ltd

Agent: Mrs Samantha Ryan Ryan & May Ltd

Consultation expiry: 30 June 2022

Decision due by: 23 August 2022

RECOMMENDATION

1. It is recommended that Members be minded to grant planning permission subject to conditions, a S106 agreement and that the decision be delegated to the Director of Planning and Development in consultation with Chair and Vice Chair subject to the Lead Local Flood Authority being satisfied with the drainage details.

SITE DESCRIPTION

2. The application site comprises an irregular shaped plot of land approximately 2.7ha in area located to the east of Wigan Road (A49) to the north of Clayton-le-Woods. The site is located on part of a wider mixed use allocation as defined in the Chorley Local Plan 2012 – 2026, and is positioned to the north of a major development site that continues to be developed for housing. The character of the area is one of urban rural fringe, however, the immediate area has become increasingly suburban following its allocation within the local plan and subsequent phased residential development.
3. The land is in use as pasture land associated with an equestrian centre comprising stables and storage buildings, sand paddocks and associated hardstanding used as car parking. The majority of the land is open and divided into a number of field parcels separated by timber fences, whilst the site is framed by mature hedgerows to the perimeter. The site is generally flat, with a slight fall towards the south western corner. There is a residential caravan park to the north of the site and to the south and east are recent housing developments.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. This application seeks full planning permission for the erection of 70no. market and affordable dwellings with an associated pumping station, access and open space. The majority of dwellings would be detached with either integral or detached garages included. Some short terraces of up to 6no. dwellings would be provided at the northern and western boundaries of the site. The dwellings would be of a traditional design style and would comprise a variety of property types.

5. The principal access into the site would be via Parkhurst Avenue from Wigan Road. This would be a continuation of the residential distributor road serving the Hedgerows development to the south and east. The new road would have a 5.5m wide carriageway with 2m wide footways on either side.

REPRESENTATIONS

6. Representations have been received from the occupiers of 3no. addresses citing the following grounds of objection:
 - Adverse impact on the landscape.
 - Social housing occupiers will increase existing antisocial behaviour and criminal activity.
 - Lack of school places and supporting infrastructure to support further housing development.
 - Highway safety impact from the development taking access from the existing estate road.
 - The new development should be segregated.
 - Impact on wildlife and habitat.
 - Construction works impacting on amenity of residents.
 - Unsafe to access to the site via Parkhurst Avenue.
 - The condition of Parkhurst Avenue requires consideration in addition to traffic calming measures.
 - Highway safety and capacity impacts.
 - Noise and disturbance for existing residents
 - Existing hedges require trimming and maintaining if retained.
 - Concerns about the use of appropriate boundary treatments.
7. Cllr Mark Clifford has commented as follows:
It is my view that it is vital Redrow retain the mature boundary hedgerows on site especially on the northern boundary with Cuerden Residential Park. Retired Residents of the Park enjoy a quiet lifestyle within the park and the boundary hedgerows to this proposal offer high amenity value to them as a visual barrier and from noise that will emanate from the new houses. The high hedgerows are also important habitat and a corridor for wildlife and should not be just replaced with wooden fencing.

To aid active travel there should be easy access for pedestrians and cyclists onto the A49 Wigan Road, the boundary of the site shows a narrow strip to Wigan Road and this should be a direct path rather than expecting residents to walk or cycle around the full site to exit onto the main road.

Wheelie bin storage for the affordable housing needs addressing as the bins will be left outside on the front of the properties meaning without protection around them, they will blow over in strong winds leaving rubbish to blow all over the proposed estate. This already happens on similar properties on nearby Dallington Avenue and this mistake must be addressed on this development.

Whilst the Government has forced the Borough to accept a ridiculously high number of houses built per year I would hope Redrow understand that local residents are fed up with losing our countryside and nature to housing and as a responsible developer will mitigate loss as much as possible and actually strive to increase biodiversity now and not wait until BNG (Biodiversity Net Gain) becomes

CONSULTATIONS

8. Environment Agency: No comments have been received.
9. Greater Manchester Ecology Unit: Have no objection subject to conditions.
10. Lancashire County Council (Education): Have commented that an education contribution is not required at this stage in regards to this development.

11. Lancashire County Council Archaeology Service: Have no objection subject to condition.
12. Waste & Contaminated Land: Have commented that they are satisfied with the contents of the report with respect to ground contamination, which indicates a low risk and, therefore, have no objections to the development.
13. Lancashire County Council Highway Services: Do not have any objections to the proposal and support the application.
14. Lead Local Flood Authority: Have objected on the basis that the submitted surface water sustainable drainage strategy fails to provide a sustainable drainage system that will be adequately maintained to an acceptable standard of operation for the lifetime of the development.
15. United Utilities: Have confirmed that the proposal is acceptable in principle subject to conditions.
16. Regulatory Services - Environmental Health: Have confirmed that they have considered the proposal and the documentation provided in support of the application, in particularly the acoustic report (Report No: P22-023-R02v1 February 2022) prepared by Hepworth Acoustics. They agree with the findings of the report and recommend that the suggested mitigation measures within are implemented for those properties that have been deemed likely to be affected.

PLANNING CONSIDERATIONS

Principle of the development

17. The National Planning Policy Framework (The Framework) states that housing applications should be considered in the context of the presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved without delay.
18. The application site forms part of an allocated mixed use site for housing and employment covered by policies HS1.31 and EP1.15 of the Chorley Local Plan 2012 - 2026. The total area of the mixed use site allocation is approximately 38Ha and the proportion that is estimated for employment development is 15Ha under policy EP1.15. This suggests that the remaining 23Ha is available for housing development under allocation HS1.31.
19. To date a number of housing developments have been approved across the area of the site allocated as mixed use, whilst there have been no proposals for employment development. These have been largely built out to the extent that the character of the locality is now overwhelmingly residential.
20. The housing allocation HS1.31, that includes the application site, estimates that the whole allocation will provide 699 dwellings in total. The planning permissions that have been approved within the allocation to date already exceed this figure. It should be noted, however, that the housing allocation numbers detailed in policy HS1 are indicative and that the housing requirement is a minimum to ensure enough housing is provided through the Local Plan period. It is considered that in this case, the greater level of housing cannot fail to comply with the Development Plan given that there is no express limitation upon the number of dwellings as allocated in the site-specific policy and within the wider plan (as is the case with all Development Plans) housing figures are not to function as ceilings. However, the development of the site for housing would reduce the available employment land to a level below that which was anticipated through policy EP1.15 of the Local Plan as part of this mixed use allocation and is, therefore, contrary to this policy.

Other material considerations

21. The Framework is a key material consideration. The purpose of the planning system is to contribute to the achievement of sustainable development. There are three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). There are three objectives to sustainable development set out at paragraph 8 and it is fundamental that development strikes the correct balance between:
1. Environmental - the protection of our natural, built and historic environment
 2. Economic - the contribution to building a strong and competitive economy
 3. Social - supporting strong, vibrant and healthy communities
22. Paragraph 10 of the Framework states that; so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).
23. Paragraph 11 of the Framework states that for decision-taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - a. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - b. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
24. The Footnote (6) to paragraph 11 sets out examples of the type of policies that may indicate development should be refused. Footnote 7 makes clear that the tilted presumption in favour of sustainable development will apply where a Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites.
25. Paragraph 59 of the Framework confirms the Government's objective of significantly boosting the supply of homes.
26. Paragraph 60 of the Framework reinforces that requirements represent the minimum number of homes needed.
27. Paragraph 73 of the Framework requires Local Planning Authorities to maintain a supply of deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategies or against their local housing need where the strategic policies are more than five years old. Footnote 37 states in circumstances where strategic policies are more than five years old, five year housing land supply should be calculated against Local Housing Need calculated using the Government standard methodology, unless those strategic policies have been reviewed and found not to need updating.
28. Paragraph 120c of the Framework states that planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.

Housing land supply

29. At 1st April 2022 there was a total supply of 1,890 (net) deliverable dwellings, which is a 3.3 year deliverable housing supply over the period 2022 – 2027 based on the annual housing requirement of 569 dwellings, which includes a 5% buffer.
30. Recent appeal decisions concluded that it is appropriate to calculate the housing requirement against local housing need using the standard method, as such the Council can no longer demonstrate a 5-year supply of housing land meaning that the tilted balance, and

presumption in favour of sustainable development is, therefore, engaged under paragraph 11(d) of the Framework.

31. Chorley Council is working with Preston and South Ribble Councils to produce a Central Lancashire Local Plan (CLLP). Once adopted, this will replace the existing joint Core Strategy and Chorley Local Plan. The CLLP is at an early stage of preparation and consultation on Issues and Options closed in February 2020.
32. The existing Core Strategy Policy 1: Locating Growth sets out the locations where growth and investment will be concentrated across Central Lancashire. The emerging CLLP will look at the distribution of new homes and the CLLP will be informed by an evidence base including a Housing Need and Demand Study, the results of which will also help to inform the future distribution of housing across the Plan area.
33. Three call for sites exercises have been completed to date for the Central Lancashire Local Plan. The results from Call for sites 1 and 2 were consulted on as part of the Issues and Options Consultation which ran between November 2019 and Feb 2020, during this time, a further window was opened for addition site suggestions (Call for sites 3).
34. Work to assess the sites commenced in February 2021 following completion of Level 1 Strategic Flood Risk Assessment (SFRA). This was undertaken in line with Strategic Housing and Economic Land Availability Assessment (SHELAA) methodology.
35. Officers in Chorley, South Ribble and Preston Councils finished their initial assessment of the sites in January 2021, and their findings were collated by the Central Lancashire Local Plan (CLLP) Team into the SHELAA database. This work will also include undertaking Integrated Assessment (IA) and Habitats Regulation assessment (HRA) and viability assessment of the sites, and will bring in findings of the SFRA as well as consultation responses on the specific sites from Statutory Consultees and local residents.
36. The direction of growth and development of a spatial strategy for the area is also in early development, with the Councils starting to look at the level of growth likely to be needed over the plan period and how the plan should look to direct this. There is still work to be done on this, including testing the emerging options in terms of transport and other infrastructure needs as they develop.
37. It is important to note that until all these stages of work have been completed, no decision on sites to be taken forward through the CLLP can be made.

Summary - the tilted balance

38. Paragraph 11 d (ii) of The Framework essentially comes into play whereby the most important policies for determining an application are out of date, then 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.
39. Core Strategy Policy 4 and policies EP1 and HS1 of the Chorley Local Plan 2012-2026 represent the most important policies in the determination of this application.
40. At 1st April 2022 there was a total supply of 1,890 (net) deliverable dwellings, which is a 3.3 year deliverable housing supply over the period 2022 – 2027 based on the annual housing requirement of 569 dwellings, which includes a 5% buffer. Chorley does not have a five-year deliverable supply of housing plus 5% buffer and the shortfall is significant. Significant weight should therefore be attached to the delivery of housing provided by this proposal and 30% of which would be affordable housing.
41. In light of the above, Policy 4 of the Core Strategy is out of date and the tilted balance is, therefore, engaged.

42. The High Court decision [Gladman Developments Limited v Sec of State for Housing, Communities and Local Government and Corby Borough Council and Uttlesford District Council [2021 EWCA Civ 104] concerned the application of para 11d of the Framework and the tilted balance. In particular, the effect of footnote 7 in this case, where there was not a five year housing land supply, was simply to trigger paragraph 11(d) and that it did not necessarily render all policies out of date. It was noted that where 11(d) is triggered due to the housing land supply position it is for the decision maker to decide how much weight should be given to the policies of the development plan including the most important policies and involve consideration whether or not the policies are in substance out of date and if so for what reasons.
43. Policies EP1 and HS1 of the Chorley Local Plan 2012-2026 are not considered out of date because their respective purposes are to ensure a sufficient range of sites are available for employment and housing purposes and there remains an employment land supply in line with policy 10 of the Central Lancashire Core Strategy, which is also not out of date and is assessed later in this report. These policies can be given full weight in the planning balance.
44. As one of the most important policies for determining this appeal is out-of-date, the tilted balance applies.
45. In accordance with the Framework, planning permission should be granted for the proposal, unless:
- the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Loss of an employment site

46. In assessing the loss of the employment land that was allocated as part of the Local Plan mixed use allocation, the Chorley Local Plan 2012-2026 expresses an expectation that the development of such allocated sites is covered by an assessment against Policy 10 of the Central Lancashire Core Strategy, which seeks to protect employment sites from non-employment uses unless they meet specific criteria. There is a presumption that 'Best Urban' and 'Good Urban' sites will be retained for B use class employment use.
47. The application site is largely greenfield and is surrounded by residential land uses with housing estates having been built out across the allocation and housing immediately adjacent to the site to the south and east. There is also a residential caravan park to the north of the site. Access to the site is through a residential estate road. As such the site is not particularly suitable for employment development given its proximity to and relationship with residential uses.
48. Policy 10: Employment Premises and Sites states that all existing premises and sites last used for employment will be protected for employment use. Consideration will only be given to alternative uses where an applicant has clearly demonstrated that the criteria in the policy have been met in full, including proposals for change of use. These criteria are as follows:
- there would not be an unacceptable reduction of the type, quality or quantity of employment land supply;*
- the provision and need for the proposed use;*
- the relative suitability of the site for employment and for the alternative use;*
- the location of the site and its relationship to other uses;*
- whether the ability to accommodate smaller scale requirements would be compromised;*
- there would be a net improvement in amenity.*
- Any proposals for housing use on all employment sites/premises will need to accommodate criteria a) – f) and also be subject to:*
- Convincing evidence of land of demand through a rigorous and active 12 month marketing period for employment re-use and employment redevelopment;*
- An assessment of the viability of employment development including employment re-use and employment redevelopment.*

49. The adopted SPD 'Controlling Re-Use of Employment Premises' expands on the policy criteria, and provides guidance on information that needs to be submitted in relation to these criteria. The SPD emphasises the Council's starting point that employment sites should be retained unless an applicant wishing to change the use can demonstrate that the criteria in Policy 10 have been addressed. The proposal is assessed against these criteria below.

(a) there would not be an unacceptable reduction of the type, quality or quantity of employment land supply;

50. The range of employment sites allocated in the Local Plan include a variety of sites with the aim of providing choice and to meet a range of needs and uses of different types of employer. At 1 April 2022 71.79 hectares of employment land was available in the borough for employment uses. This includes 65.18ha of Local Plan allocations remaining (out of a total of 88.74ha allocated in the Local Plan comprising 15 employment sites), 15.14ha of which has planning permission for employment use. In addition, 6.61 hectares of non-allocated land has planning permission for employment development.

51. A Central Lancashire Employment Land Study was prepared in 2017 by BE Group and updated in February 2022. The update identified a need of 76.34ha of employment land to 2038 in Chorley Borough, with a realistic supply of 56.28ha. This results in an undersupply of 20.06ha. The Study states that Chorley needs to protect its existing supply of employment land and identify another 20.06ha of new employment land to 2038 to meet the undersupply. It identifies that of the 20.06ha of employment land needed, there is an anticipated need of 7.62ha for office uses.

52. In August 2022 a Chorley Market Update was prepared by BE Group, which provides an updated picture of need and demand for employment land and premises in the borough. It builds upon the Central Lancashire Employment Land Study 2022 and updates the research particularly in relation to the office market. The key findings of the Update are that demand for offices remains strong, with a limited amount of supply, and that there is strong demand for logistics and storage space.

53. The proposed development would reduce the available employment land supply in the borough, and although it would appear that much of the land allocated for employment use has not been developed out to date, there is demand particularly in relation to logistics and storage.

(b) the provision and need for the proposed use;

54. As explained earlier within this report, the site is allocated for mixed use, which includes housing as proposed. The greater level of housing cannot fail to comply with the Development Plan given that there is no express limitation upon the number of dwellings as allocated in the site-specific policy and within the wider plan (as is the case with all Development Plans) housing figures are not to function as ceilings. Furthermore, the Council cannot currently demonstrate a 5-year supply of housing land and this proposal would provide a significant level of additional housing demonstrating a clear need for the proposed use.

(c) the relative suitability of the site for employment and for the alternative use;

55. Whilst the site is currently allocated for a mix of both employment and residential uses, no employment development has been proposed or brought forward on any part of the allocation despite the land having been allocated for mixed use development since 2015. Residential development has on the other hand developed out rapidly across the site displaying strong demand and uptake. As a result the locality, covering the allocated land and beyond, has become overwhelmingly residential in character, to the extent that it would no longer be suitable for logistical and storage uses, which are the employment land types of highest demand within the borough. The suitability of the site for housing is demonstrated to be acceptable throughout the later sections of this report, however, the site is considered

to be unsuitable for employment uses given the proximity of surrounding residential development, residential character of the area and access to the site being through residential estate roads.

(d) the location of the site and its relationship to other uses;

56. Where consideration is being given to alternative uses of employment land, any such proposals must demonstrate that the alternative use would be better suited to the location of the site and its relationship to other uses than employment use. It must also ensure that the proposed use does not conflict with the character of the surrounding area and other policies and proposals within the Central Lancashire Core Strategy, or any other material considerations.

57. The proposed development would be a logical extension to the existing residential development and would assimilate seamlessly within the area. Moreover, it would aid the Council in gaining a 5 year housing land supply, something which it cannot currently demonstrate. There are a range of amenities in the locality that would support further housing development and it is also planned that a new school will be developed on another part of the allocation.

(e) whether the ability to accommodate smaller scale requirements would be compromised;

58. As noted earlier within this report, there are other available allocated sites for employment development in the borough.

(f) there would be a net improvement in amenity.

59. The amenity impacts of the development would be neutral given the absence of any existing harms, and the nature and design of the proposed development.

(g) convincing evidence of lack of demand through rigorous and active 12 month marketing period for employment re-use and employment redevelopment;

60. The site has not been marketed for employment re-use or redevelopment.

(h) an assessment of the viability of employment development including employment re-use and employment redevelopment.

61. It is not known if the site is viable for employment re-use or redevelopment.

62. In overall conclusion it is considered that the proposal has failed to demonstrate compliance with policy 10 of the Core Strategy because a lack of demand through a rigorous and active 12 month marketing period for employment re-use and employment redevelopment has not been demonstrated. However, it is noted that no proposals for employment development have been received since the allocation was made in the Chorley Local Plan 2012 - 2026. Furthermore this part of the allocated site is no longer suitable for employment land development, particularly in relation to logistics and storage, given the residential character that has evolved, proximity to residential occupiers and access via a residential estate road. It is also considered that there are adequate alternative employment sites within the Borough in more suitable locations. The proposal would deliver much needed housing and the approval of the application would show the Council is dynamic in responding to changes in the demand for land.

Technical matters

Design and impact on the character of the area

63. The proposed development would be located to the north and west of the recent housing developments located to the south and to the south of a caravan park located to the north. There would be equestrian land and buildings between the site and Wigan Road to the west. As such the site is well enclosed from public vantage points.

64. The access into the site would be via Parkhurst Avenue from Wigan Road. This would be a continuation of the residential distributor road serving the Hedgerows development. A looped road arrangement is proposed with short cul-de-sacs leading off it. Bollards across the northern part of the loop, prevent a circular route for motorised vehicles, while maintaining full permeability for those on foot / cycle.
65. The majority of existing trees and hedgerows would be retained, although those centrally located within the site would need to be removed to facilitate the development. New tree planting in the front gardens of properties would help to create attractive avenues, and new hedgerow planting would supplement that currently existing at the site boundaries.
66. The terraced properties would have rather circuitous fenced alleys providing access to rear gardens, which is not ideal for future occupiers, as regards safety, maintenance and convenience. It was requested that internal ginnels be used through the terraces instead, however, this was not accepted by the developer. Although this is regrettable and is a missed opportunity it would result in only limited harm, particularly given the positive design qualities demonstrated throughout the development proposal as a whole.
67. A range of different house types of traditional design, influenced in some respects by an arts and crafts aesthetic, would help to create a development that has variety and is visually interesting and attractive, while providing an over-arching and coherent theme that also reflects the adjacent Hedgerows development. This would help to achieve a sense of place for future residents.
68. The majority of dwellings would be detached with either integral or detached garages. Some short terraces of up to 6no. dwellings would be provided at the northern and western boundaries of the site. A mix of red, orange and buff brick and white render would be used, with elements of timber, brick and render detailing. Roof styles would be varied comprising a mix of gables and hipped roofs adding further variety and interest to the street-scene.
69. A mix of boundary treatments is proposed including 1.8m high rear and side garden fences, 1.8m high brick walls where a more robust boundary is required for rear gardens abutting the adjacent farmstead, and 0.6m high knee rails to protect the areas of public open space maintaining openness. Formal hedgerow planting is also proposed throughout the development to delineate front gardens. Where boundaries adjoin existing hedgerows to be retained 1.2m high hit and miss fencing would be utilised to provide protection, whilst enabling growth and maintenance.
70. Overall, the layout and design of the proposed housing and landscaping would result in an appropriately high quality form of development that would be a logical extension of the Hedgerows development. It is, therefore, considered that the proposed development would comply with policy BNE1 of the Chorley Local Plan 2012-2026.

Impact on neighbour amenity

71. There is a sufficient degree of separation between the proposed development and the existing dwellings at Parkhurst Avenue and the Hedgerows estate to ensure that the Council's spacing guidelines are met. As such it is considered that the proposal would not result in any loss of amenity for existing residents or the future residents within the development.
72. There is a series of caravans / mobile homes along the northern boundary of the site. The proposed development would generally comprise rear gardens to dwellings bounding with the caravan park, which is a compatible land use and would enable a good degree of separation between the proposed dwellings and the caravan plots. It is noted that the proposed dwellings at plots 343, 325 and 326 would be positioned very close to the caravan park boundary, however, there would be no windows to habitable rooms in the elevations of those dwelling facing onto the caravan plots. There would be a degree of impact on outlook and light in relation to the occupiers of the caravan plots nearest to these proposed dwellings. There are no standards set in relation to the interface between dwellings and

caravan plots and in this instance the impact is considered to be acceptable, given the limited impact of three closely positioned dwellings that are spaced apart from one another.

73. In general the relative positioning and degree of separation between the proposed dwellings and the mobile homes is such that there would be no unacceptable impacts on outlook, light or privacy and that the amenity of existing residents of the mobile homes and future residents of the proposed dwellings would not be harmed to an unacceptable degree.
74. In terms of the interface distances between the proposed properties themselves, these are considered to be acceptable in relation to the Council's guidelines being in general conformity. The proposal is, therefore, considered acceptable in terms of the relationship with the existing surrounding properties and between the proposed dwellings themselves.
75. Overall, therefore, the proposed housing would have no adverse impact on the amenity of any existing or future residential occupiers.

Impact on highway safety

76. Lancashire County Council (LCC) as the Local Highway Authority (LHA) is responsible for providing and maintaining a safe and reliable highway network. With this in mind, the present and proposed highway systems have been considered by them and areas of concern that potentially could cause problems for the public, cyclists, public transport, motorists and other vehicles in and around the area have been identified.
77. LCC embraces appropriate development within Lancashire in line with local and national policies / frameworks and that which is emerging. This involves working closely with planning authorities, in this case officers of Chorley Council, developers and their representatives and also with National Highways. This approach supports the delivery of high quality, sustainable development and an appropriate scale of development that can be accommodated both locally and strategically.
78. The submitted application is a full application for residential development specifying access mostly from Parkhurst Avenue. The plans submitted indicate that the site would create 70no. residential dwellings (market and affordable). There is a single proposed vehicle access onto Parkhurst Avenue (with a proposed emergency access route) and two proposed pedestrian accesses (Parkhurst Avenue and proposed emergency access route). It is proposed for the majority of the internal highway layout to be adopted by LCC as part of a section 38 agreement.
79. The proposed emergency access route itself is acceptable and LCC Highway Services do not have any objections to its alignment. LCC Highway Services do have concerns to the proposal in regard to the proposed shared private drive that links the proposed emergency access route with the proposed main internal highway layout. There is a risk that this private driveway would be used for private car parking which could impede the use of the emergency access route.
80. As currently proposed LCC Highway Services as the LHA would have no powers if the route is obstructed in the future as the current private shared drive is not suitable for highway adoption. This could be alleviated by either modifying the shared private drive so that it could be adopted or alternatively appropriate planning conditions would need to be drafted to ensure the route is not obstructed at any time.
81. Overall, the proposed private car parking provisions are acceptable and would provide car parking spaces in line with the standards set out in the Chorley Local Plan 2012-2026. Plots with private car parking provision below that recommended was identified which was due to the dimensions of parking spaces not meeting the required standards. These were subsequently altered to meet the required standards and, therefore, the development would meet the parking standards.
82. Given the sensitive nature of the existing residential properties along Parkhurst Avenue, which is now an estate road, care will be needed regarding the planning and management of

construction traffic were the proposal to go ahead. As such it is considered that a Traffic Management Plan will need to be prepared that considers the amenity of existing residents and how to mitigate the impacts of construction traffic. It is recommended that these details be secured by condition.

83. The application site is within the settlement area of Clayton-le-Woods and as such has reasonable sustainable transport links available. There is also access to a range of amenities within the wider locality. The proposal is not in LCC Highway Services' opinion a solely car-based development and, therefore, it is reasonable for promoting sustainable development to be required in terms of sustainable transport. Electric charging points would be provided for all dwellings as standard, and each property would have cycle storage space within garages, private rear gardens or communal areas.
84. The proposal provides adequate pedestrian and cycle links to the main highway network and public transport links. The proposed emergency access route will normally only be available to pedestrians and cyclists and is a more direct route to Wigan Road than the available vehicle and pedestrian access via Parkhurst Avenue. The proposed emergency access route itself is acceptable for pedestrian and cycle access.
85. It is LCC Highway Services' opinion that the proposed development would not generate a significant increase in traffic volumes that would cause an unacceptable impact on the adopted highway network in the vicinity of the site.
86. An assessment of recorded collisions was made on the 22nd July 2022 on Crashmap and LCC's internal mapping system "Mapzone". From the assessment the following collisions were identified:
 - 3 collisions at the junction of Lydiate Lane and Wigan Road (2 serious, 1 slight)
 - 2 collisions south of the junction of Lydiate Lane and Wigan Road (2 slight)
 - 2 collisions at the roundabout of Wigan Road and Wychwood Grove (1 serious, 1 slight)
87. Whilst any collision on the highway network is regrettable, it is LCC Highway Services' opinion that the proposed development would not increase highway safety risks. There were no collisions recorded at the junction of Wigan Road and Parkhurst Avenue.
88. As proposed in the Section 38 highway adoption plan submitted as part of the planning application the proposed sections for adoption would meet LCC Highway Services' current requirements in terms of dimensions.
89. The principle of the submitted interim travel plan is in LCC Highway Services' opinion acceptable. It is recommended that prior to the first occupation of the development, a Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. The Travel Plan shall be implemented within the timescale set out in the approved plan and will be audited and updated at intervals not greater than 18 months to ensure that the approved Plan is carried out.
90. In conclusion no highway objections are raised subject to conditions being imposed.

Archaeology

91. The Framework states at paragraph 205 that "Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible [Copies of evidence should be deposited with the relevant historic environment record, and any archives with a local museum or other public depository]".
92. The archaeological desk-based assessment (DBA) and walkover survey of the site that was submitted with the application suggests that the archaeological potential of the site is relatively low and a pre-determination evaluation would be disproportionate, although an archaeological watching brief on site stripping works etc in the early stages of development

would be appropriate and could be secured by a planning condition. An assessment of the results

93. of previous investigative work in areas close to this development site supports this conclusion.
94. It is, therefore, recommended that a condition be attached to any grant of planning permission requiring that the implementation of a programme of archaeological work be secured.

Ecology

95. Due to the nature of the application site, the application is supported by an ecological survey and assessment, as well as supplementary reports. These have been reviewed by the Council's ecology advisors Greater Manchester Ecology Unit (GMEU) who confirm that the ecology survey and assessment provided to inform the application has been carried out by suitably qualified ecologists and was to appropriate standards.
96. The buildings and trees on site were assessed for bat roosting potential. Two buildings and three trees were assessed as having bat roosting potential. The trees are identified as being retained in the proposed site layout.
97. With regards to great crested newts five ponds were identified within 250m of the development site, one of which has been discounted due to distance and the presence of the A49 Wigan Rd, which is a major barrier. Surveys of the other four ponds has been recommended, however, this would be unreasonable for ponds 2 and 4 which are both a significant distance from the development and separated from the site by housing. Even if great crested newts were present in these ponds, which they were historically, though surveys in 2010 and 2014 found no evidence, when run through Natural England's Rapid risk assessment, the likelihood of an offence as unlikely. The only land within 250m of these ponds is also hardstanding.
98. For the other two ponds (1 & 3) there are both within 200m of the site and not separated by houses. As such there would be the risk of an offence if great crested newts were present, though both are SUDs ponds, created within the last 10 years and as noted above surveys for the adjacent developments found no evidence of great crested newts in existing ponds.
99. Historically the area to the south, now built on was important for great crested newts, however, eDNA surveys of the four ponds found no evidence of great crested newts. There is no reason to doubt the findings of the report and, therefore, no further information or measures are required.
100. No evidence of any other protected species was identified, with only badger regarded as theoretically having potential to forage across the site. All other species were reasonably discounted and there is no reason to doubt these conclusions.
101. The site was assessed as low risk for ground nesting birds, due to the level of grazing and likely levels of disturbance. Whilst the survey was carried out at a sub-optimal time of year, it is considered that whilst some ground nesting cannot be ruled out, it is very unlikely to be an important site and could potentially have negative impacts on ground nesting birds due to failed attempts because of disturbance and trampling by livestock.
102. The boundary hedges, sections of which are to be removed, and the buildings will provide potential bird nesting opportunities. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. It is, therefore, recommended that a condition be attached to any grant of planning permission preventing works or clearance during the nesting season.
103. Whilst the site itself is low risk for species such as badger, hedgehog and other amphibians such as common toad, there are risks during construction of harm if any such species attempt to cross the site from adjacent land. It is, therefore, considered that reasonable avoidance measures are justified in this instance. It is, therefore, recommended

that a condition be attached to any grant of planning permission requiring a reasonable avoidance measures method statement for mammals including hedgehog and badger and amphibians to be provided to prior to any earthworks or vegetation clearance.

104. Section 174 of the Framework 2021 states that planning policies and decisions should contribute to and enhance the natural and local environment. A summary of a biodiversity metric has been provided that has calculated a net loss of habitat, as a consequence of the loss of grassland to development. A gain in terms of linear habitats through enhancement of the retained hedges is, however, predicted although an overall net loss in biodiversity value would occur. In order to ensure that the retained hedges can be maintained and so that their health is not compromised it is proposed that 1.2m high timber hit and miss fencing would be used along those boundaries adjacent to hedgerows. This would allow growth through and above the fencing, would provide permeability for mammals and birds, and the fencing would be of a height that maintenance is possible, whilst providing some protection to the hedges themselves.
105. Policy BNE9 of the Chorley Local Plan 2012-2026 requires the production of a net gain in biodiversity where possible by designing in wildlife and by ensuring that any adverse impacts are avoided or if unavoidable are reduced or appropriately mitigated and/or compensated. Given that the current direction of travel with a +10% net gain in biodiversity to become mandatory, it is considered that a scheme for offsetting the identified biodiversity impacts to achieve net gain should be provided that reflects this. This should identify the net biodiversity impact of the development, which shall be measured in accordance with the DEFRA biodiversity offsetting metric (Updated to reflect changes to the landscape scheme and to include a BNG Assessment Report) and the scheme shall include:
1. Proposals for on-site mitigation and/or for off-site offsetting;
 2. A methodology for the identification of any receptor site(s) for offsetting measures (if required);
 3. The identification of any such receptor site (if required);
 4. The provision of arrangements to secure the delivery of any offsetting measures if required (including a timetable for their delivery); and
 5. A management and monitoring plan (to include for the provision and maintenance of any offsetting measures in perpetuity).
106. The applicant has indicated that they would seek to provide such a scheme the details of which would be provided in response to an appropriate condition. It is recommended that this scheme, its implementation and future monitoring and management are secured via a condition attached to any grant of planning permission.
107. In terms of species, it is recommended that a bird and bat box strategy is provided and that permeability through the site is maintained for mammals such as hedgehog, by ensuring fences have gaps. It is recommended that mitigation and enhancement details for these species be secured by condition.
108. Overall, it is considered that the proposed landscaping and mitigation measures are adequate on site compensatory measures for the impact on biodiversity from the proposed development in consideration of making an efficient use of an allocated development site. This is subject to the provision of a scheme to provide off site enhancement to achieve a net gain in biodiversity. It is considered that the ecological impacts of the proposal have been fully considered and that the Council has discharged its obligations in consideration of biodiversity mitigation and any potential impact on protected species.

Drainage

109. The applicant has provided a flood risk assessment (FRA) and drainage strategy with the planning submission. This demonstrates that the site is at low risk of flooding from all sources. A residual risk of flooding arises from surcharge of the public combined sewer that crosses the western extent of the site. Site levels have been designed so that any potential flood flows are contained within proposed site access roads.
110. The proposed development would result in an increase in impermeable drainage area through the introduction of buildings and the access road. This would result in an increase in surface water runoff. In order to ensure the increase in surface water runoff does not increase flood risk elsewhere, flow control would be used and attenuation provided on site to accommodate storm events up to and including the 1 in 100 year plus 40% climate change event.
111. All methods of surface water discharge have been assessed. Shallow depth infiltration techniques including individual property soakaways and permeable paved driveways would be used where practical. Where infiltration is not feasible, discharge of surface water would be made to the unnamed watercourse 105m south of the site at the 1 in 1 year greenfield runoff rate of 16.5 l/s. To achieve this attenuation would be provided in the form of attenuation tanks and oversized pipes.
112. Foul flows would be discharged to a 150mm foul sewer located immediately east of the site within the adjacent Redrow development. A pumped solution would be required to enable this.
113. The Lead Local Flood Authority have considered the proposed drainage strategy and object to the application on the basis of the absence of an acceptable surface water sustainable drainage strategy to assess the principle of surface water sustainable drainage associated with the proposed development. In particular, the submitted surface water sustainable drainage strategy fails to provide a sustainable drainage system that would be adequately maintained to an acceptable standard of operation for the lifetime of the development, therefore, is contrary to paragraph 169 of the Framework. The proposed surface water sustainable drainage system locates numerous SuDS components, namely soakaways and geocellular storage tanks, within the curtilage of individual or shared property boundaries, meaning these would be privately owned assets.
114. The proposed drainage strategy involves an off-site connection to the ordinary watercourse through third party land, however, no evidence of an agreement in principle with the landowner and asset owner has been provided to the Local Planning Authority. Should no agreement be reached, it may not be possible to drain the site, hence the Lead Local Flood Authority are currently unable to agree to the principle of development and recommend the refusal of planning permission, until evidence of an agreement in principle with the appropriate parties, or robust evidence of a 'plan b' outfall location, should a connection to the ordinary watercourse not be possible, has been submitted to and approved in writing by the Local Planning Authority.
115. The Planning Practice Guidance requires applicants for planning permission to discharge surface water runoff according to a hierarchy of runoff destinations, where the aim should be to discharge surface runoff as high up the hierarchy of drainage options as reasonably practicable.
116. The Lead Local Flood Authority has examined the evidence provided and does not consider the reasons given sufficient to justify non-use of infiltration. The evidence provided demonstrates that infiltration rates and groundwater levels are favourable to manage surface water via infiltration, and should be used in combination with other options within the hierarchy of runoff destinations.
117. The applicant is seeking to address these technical matters with the LLFA so that the objection may be lifted. It is recommended that the Committee make a decision subject to the resolution of all drainage matters to the satisfaction of the LLFA. Should the matter not

be resolved to the satisfaction of the LLFA, or other changes were required to reach a resolution then the application would need to be reported back to Committee.

Affordable housing

118. Paragraph 64 of the Framework states that where major housing development is proposed, planning policies and decisions should expect at least 10% of the homes to be made available for affordable home ownership. Policy 7 of the Central Lancashire Core Strategy requires 30% affordable housing to be provided on sites of 15 or more dwellings, or 0.5 hectares in size (which this is), in urban areas such as this.
119. The proposed development would provide 21no. affordable dwellings on site, 15no. of which would be social rented, whilst 6no. would be in shared ownership. The social rented properties would comprise a mixture of two bedroomed houses and one bedroomed apartments, whilst the shared ownership properties would be a mixture of two and three bedroomed houses. The affordable dwellings would be split into two clusters at the northern and western boundary of the site, which would reflect the approach advocated by the Central Lancashire Affordable Housing SPD and would support a varied form of development.
120. Chorley Council introduced a Registered Provider Partnership Framework on 1 April 2022. This is a strategic partnership between the Council and the Registered Providers selected by the Council to deliver affordable housing in the borough secured through Section 106 Agreements.
121. The delivery of high quality affordable housing is a key objective of the Council's Corporate Strategy. This Framework allows careful selection of Registered Provider partners to ensure that those Registered Providers delivering affordable housing in the borough meet the objectives of the Council and benefit residents by providing high quality and well managed affordable homes.
122. The provision of the identified affordable housing on site would need to be secured through a Section 106 Agreement, which should meet the requirements of the Registered Provider Framework.

Public open space

123. Central Lancashire Core Strategy policy 24 seeks to ensure that all communities have access to sports facilities. Chorley Local Plan 2012 – 2026 policy HS4A stipulates that all new housing developments will be required to make provision for open space, and recreation facilities where there is an identified deficiency in the area. Where there is an identified local deficiency in quantity and/or accessibility, open space provision will be required on-site. Where on-site provision is not appropriate, off-site financial contributions are required. Chorley Local Plan 2012 – 2026 policy HS4B stipulates that all new housing development will be required to pay financial contributions towards new playing pitch provision.
124. The proposed development would generate a requirement for the provision of public open space in line with policies HS4a and HS4b of the Chorley Local Plan 2012 – 2026 and the Open Space and Playing Pitch SPD.
125. In relation to policy HS4a there is currently a surplus of provision in Clayton West and Cuerden in relation to amenity greenspace and the site is within the accessibility catchment (800m) of an area of amenity greenspace. A contribution towards new provision in the ward is, therefore, not required from this development. It is noted that there are areas of amenity greenspace within the accessibility catchment that are identified as being low quality and/or low value in the Open Space Assessment Report (February 2019)/Open Space Study Paper (February 2019) (site 2048 Bradfield Close, Clayton-le-Woods). However, at the time of the Open Space Assessment Report and Open Space Study Paper in 2019, that land was part of an on-going construction site and had not been laid out. Therefore, at that time the report classified the space as low / poor quality. Subsequent to this the Redrow development at Bradfield Close has been completed and the amenity greenspace is now fully implemented

in accordance with the approved details, and can no longer be considered low quality and/or low value.

126. There is currently a deficit of provision in Clayton West and Cuerden in relation to provision for children/young people, and a contribution towards new provision in the ward is therefore required from this development. The amount required is £134 per dwelling. It is envisaged that this money could be spent on enhancement/extension to existing provision within the locality, which may already be in the ownership of the applicant, which amounts to £13,802 in this instance.
127. In relation to policy HS4b the Playing Pitch Strategy and Action Plan (December 2018) identifies a Borough wide 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, with borough-level detail provided in the Chorley Open Space, Sports and Recreation Strategy (OSSR) Action Plan 2020 to 2036. The amount required is £1,599 per dwelling, which in this instance amounts to £111,930.
128. The applicant has agreed to enter into a Section 106 agreement to secure a contribution towards the provision of public open space for children and young people and a contribution towards the requirement for the provision of playing pitches in line with policies HS4a and HS4b of the Chorley Local Plan 2012 – 2026.

Education

129. Lancashire County Council (LCC) have carried out an education contribution assessment and have identified that an education contribution is not required at this stage in regards to this development. However, LCC have highlighted that the Local Plan specifies that education mitigation should be provided through the provision of a primary school site on the Wigan Road strategic site, within which the application site is located. As such LCC have sought clarity as to school land provision within this strategic site to serve the proposed development and other developments that have already been implemented. LCC are concerned that there is currently no detail provided in any application regarding how the school site will be secured and provided, whilst LCC require that this land is transferred at nil cost. Without confirmation of the mechanism for the provision of the required school land LCC are not clear that the proposed development is sustainable and, therefore, are not in a position to support the application at this time.
130. The Council's Strategic Lead for Future Investments has confirmed that Chorley Council has been in dialogue with LCC to identify the land required for a school on Chorley Council owned land at Shady Lane (within the strategic site). It has been confirmed that there is enough land for a two form entry primary school and the preferred location for the school on the site has been agreed. It is understood that the Council will seek to progress the delivery of the school site imminently.
131. It is also noted that this and other previous developments on the allocated site are subject to a Community Infrastructure Levy charge, which can be used towards to provision of education facilities, and that previous residential development schemes on the site have been supported without the requirement for a S106 contribution on the basis that a school would be delivered.

Sustainability

132. Policy 27 of the Core Strategy requires all new dwellings to be constructed to Level 4 of the Code for Sustainable Homes or Level 6 if they are commenced from 1st January 2016. It also requires sites of five or more dwellings to have either additional building fabric insulation measures or reduce the carbon dioxide emissions of predicted energy use by at least 15% through decentralised, renewable or low carbon energy sources. The 2015 Deregulation Bill received Royal Assent on Thursday 26th March 2015, which effectively removes Code for Sustainable Homes. The Bill does include transitional provisions which include:

133. *“For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015. This is expected to happen alongside the introduction of zero carbon homes policy in late 2016. The government has stated that, from then, the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the government’s intention into account in applying existing policies and not set conditions with requirements above a Code Level 4 equivalent.”*
134. *“Where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard, or in the case of energy a standard consistent with the policy set out in the earlier paragraph in this statement, concerning energy performance.”*
135. Given this change, instead of meeting the code level, the Local Planning Authority required that dwellings should achieve a minimum dwelling emission rate of 19% above 2013 Building Regulations in accordance with the transitional provisions. Building Regulations 2022 have now been brought into force and under Part L require a 31% improvement above 2013 Building Regulations. This exceeds the Council’s previous requirement and now supersedes the requirement for a planning condition.

Employment skills provision

136. The Central Lancashire Employment Skills Supplementary Planning Document (SPD) was adopted in September 2017. The SPD introduces Employment Skills Statements and provides clarity as to how this requirement relates to the relevant policies set out in the Core Strategy and Local Plan as well as the guidance set out in the Framework. The SPD goes on to state that one of Central Lancashire’s priorities is to encourage economic growth within Central Lancashire that benefits the people and businesses in the three boroughs. The SPD seeks to;

Increase employment opportunities by helping local businesses to improve, grow and take on more staff help businesses to find suitable staff and suppliers, especially local ones improve the skills of local people to enable them to take advantage of the resulting employment opportunities help businesses already located in Central Lancashire to grow and attract new businesses into the area

The SPD requires development over certain thresholds to be accompanied by an Employment and Skills Statement to ensure the right skills and employment opportunities are provided at the right time. This is to the benefit of both the developer and local population and covers the following areas:

- Creation of apprenticeships/new entrants/graduates/traineeships
- Recruitment through Job Hub and Jobcentre plus and other local employment vehicles.
- Work trials and interview guarantees
- Vocational training (NVQ)
- Work experience (14-16 years, 16-19 years and 19+ years) (5 working days minimum)
- Links with schools, colleges and university
- Use of local suppliers
- Supervisor Training
- Management and Leadership Training
- In house training schemes
- Construction Skills Certification Scheme (CSCS) Cards

- Support with transport, childcare and work equipment
- Community based projects

137. A condition is recommended requiring an employment and skills plan.

Community Infrastructure Levy (CIL)

138. 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 would be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

Planning balance

139. Paragraph 11. d) ii. of the Framework indicates that, where the most important development plan policies for determining the application 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 tilted balance.

140. The housing allocation reference HS1.31 identifies that the overall allocation could deliver 699 units. This estimation has already been exceeded and the current proposal would further increase this number. It should be noted that the housing allocation numbers detailed in policy HS1 are indicative and the housing requirement is a minimum to ensure enough housing is provided through the Local Plan. It is considered that in this case the greater level of housing cannot fail to comply with the Development Plan given that there is no express limitation upon the number of dwellings as allocated in the site-specific policy and within the wider plan (as is the case with all Development Plan) housing figures are not to function as ceilings.

141. The adverse impacts of the development relate primarily to its conflict with the mixed-use allocation of the site, namely policy EP1 of the Chorley Council Local Plan. In relation to policy 10 of the Central Lancashire Core Strategy the applicant has not provided any evidence to demonstrate that there is a lack of demand for the use of the site for employment purposes or its redevelopment for such purposes, however, in this instance the application site is no longer considered suitable for employment development following the evolution of the wider allocation and surrounding area for residential purposes. Furthermore, it must be noted that no proposals for employment development have been permitted since the site was allocated. As such any conflict with policy EP1 of the Local Plan or policy 10 of the Core Strategy is only given limited weight in the planning balance.

142. In terms of benefits, the provision of 70no. dwellings in the context of an under supply of housing is a significant benefit. The inclusion of 30% of those dwellings as affordable housing would help to meet a significant shortfall in the supply of such homes across the Borough and represents a significant benefit in its own right.

143. In terms of benefits, the provision of new housing would bring construction and supply chain jobs, places for the economically active to live, increased local spend and greater choice in the local market. These benefits have not been quantified and would apply to any housing development of this scale but are still considerable.

144. The proposal would boost the supply of housing in a situation where there is no five-year supply and an under-provision of affordable housing and, as a result, moderate weight can be given to the economic benefits and significant weight to the social benefits of the development.

145. The adverse impacts of the proposed development relating to the conflict with policy EP1 of the Local Plan and policy 10 of the Core Strategy are limited and would not significantly and demonstrably outweigh the considerable economic and significant social benefits associated with the proposed development. As such, the proposal is recommended for approval.

CONCLUSION

146. The proposal is recommended for approval as the adverse impacts of the proposal do not significantly and demonstrably outweigh the considerable economic and significant social benefits it would deliver. This is subject to the technical drainage matters being addressed to the satisfaction of the Lead Local Flood Authority.

RELEVANT HISTORY OF THE SITE

Ref: 19/00792/ADV **Decision:** PERADV **Decision Date:** 8 October 2019
Description: Advertisement consent for the erection of one non-illuminated sign board along Wigan Road in front of the hedge.

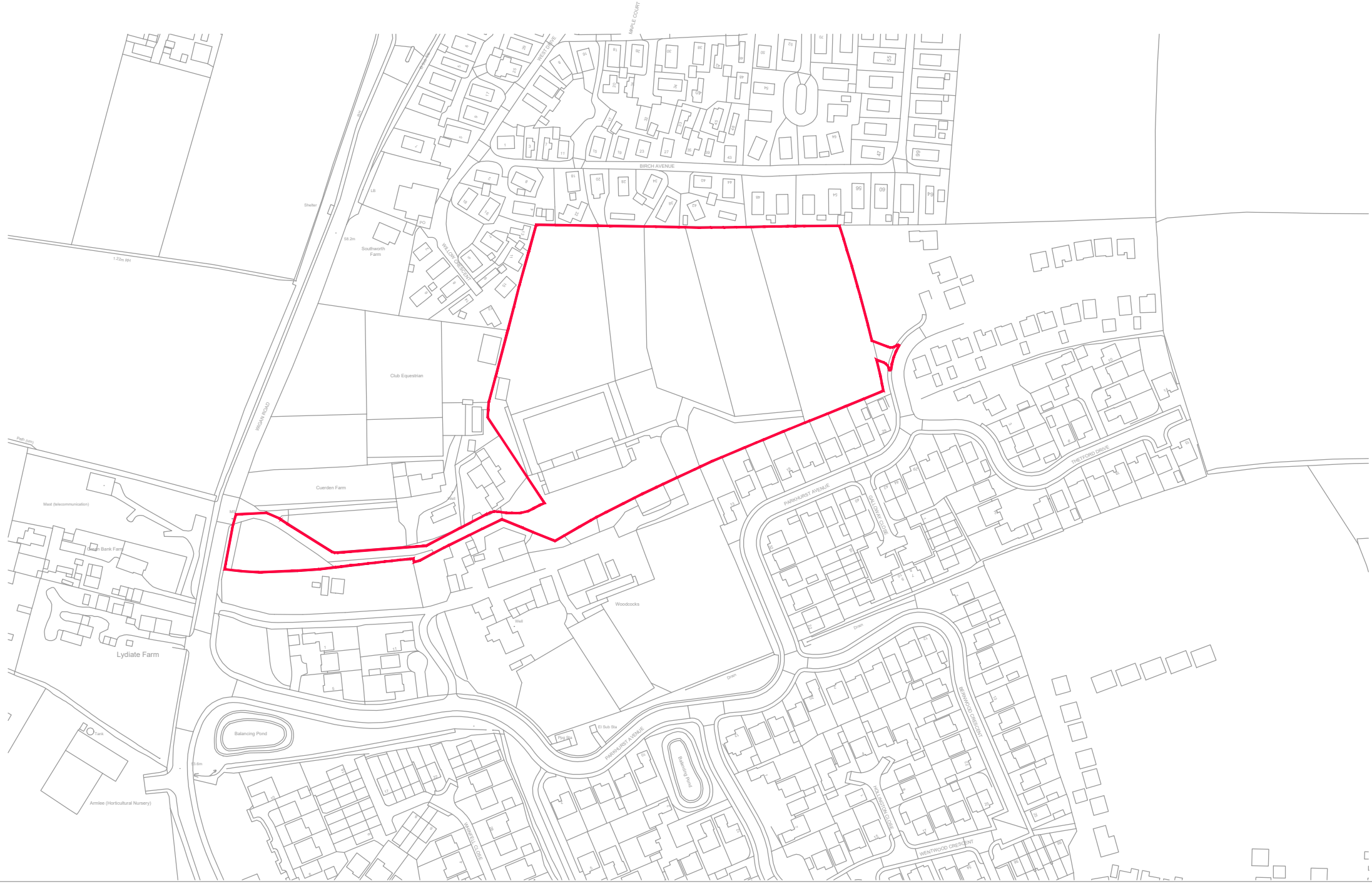
Ref: 22/00692/FULMAJ **Decision:** PCO **Decision Date:** Pending
Description: Erection of 103no. market and affordable dwellings with associated pumping station, access and open space

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.

Suggested conditions

To follow

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Key

| | | |
|----------------|--------------|-------------------|
| Development | | Carus Land |
| Location | | CLAYTON-LE-WOODS |
| Marketing Name | | |
| Drawing Title | | Location Plan |
| Drawing Number | | LP-01 |
| Revision | Scale @ A3 | 1:2500 |
| Drawn By | Date Started | 20.04.22 |
| Checked by | Date | |

Redrow Homes Ltd - Lancs Division
 Redrow House, 14 Eaton Ave, Buckshaw Village, Chorley, Lancs PR7 7NA
 Tel: 01772 643700 Fax: 01772 643701 Web: www.redrow.co.uk

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 This layout has been designed after due consideration of our Context & Constraints Plan

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APPLICATION REPORT – 22/00692/FULMAJ**Validation Date: 19 June 2022****Ward: Clayton West And Cuerden****Type of Application: Major Full Planning****Proposal: Erection of 103no. market and affordable dwellings with associated pumping station, access and open space****Location: Cuerden Farm Wigan Road Clayton-Le-Woods Leyland PR25 5SB****Case Officer: Mr Iain Crossland****Applicant: Mr Anthony Blackwell Mr E Carus and Mrs S Carus, and Redrow Homes Ltd****Agent: Mrs Samantha Ryan Ryan & May Ltd****Consultation expiry: 13 July 2022****Decision due by: 18 September 2022**

RECOMMENDATION

1. It is recommended that Members be minded to grant planning permission subject to conditions, a S106 agreement and that the decision be delegated to the Director of Planning and Development in consultation with Chair and Vice Chair subject to the Lead Local Flood Authority being satisfied with the drainage details.

SITE DESCRIPTION

2. The application site comprises an irregular shaped plot of land approximately 3.9ha in area located to the east of Wigan Road (A49) to the north of Clayton-le-Woods. The site is located on part of a wider mixed use allocation as defined in the Chorley Local Plan 2012 – 2026, and is positioned to the north of a major development site that continues to be developed for housing. The character of the area is one of urban rural fringe, however, the immediate area has become increasingly suburban following its allocation within the local plan and subsequent phased residential development.
3. The land, which is currently in two separate ownerships, is in use as pasture land associated with an equestrian centre comprising stables and storage buildings, sand paddocks and associated hardstanding used as car parking. The majority of the land is open and divided into a number of field parcels separated by timber fences; a hedgerow and some agricultural buildings marks the boundary between the two land ownerships. The site is generally flat, with a slight fall towards the south western corner. There is a residential caravan park to the north of the site and to the south and east are recent housing developments.
4. The site is framed by mature hedgerows to the perimeter, whilst there are two trees that are protected by Tree Preservation Orders to the west of the site adjacent to Wigan Road. The western part of the site is immediately adjacent to the Wigan Road.

DESCRIPTION OF PROPOSED DEVELOPMENT

5. This application seeks full planning permission for the erection of 103no. market and affordable dwellings with an associated pumping station, access and open space. The majority of dwellings would be detached with either integral or detached garages included. Some short terraces of up to 6no. dwellings would be provided at the northern, western and south western boundaries of the site. The dwellings would be of a traditional design style and would comprise a variety of property types.
6. The principal access into the site would be via Parkhurst Avenue from Wigan Road. This would be a continuation of the residential distributor road serving the Hedgerows development to the south and east. The new road would have a 5.5m wide carriageway with 2m wide footways on either side. Five new dwellings to the west and the existing property at Cuerden Farm would be served by the existing driveway with an improved access to Wigan Road. This would also serve as an emergency access to the development.

REPRESENTATIONS

7. Representations been received from the occupiers of 5no. addresses citing the following grounds of objection:
 - Unsafe to access to the site via Parkhurst Avenue.
 - The condition of Parkhurst Avenue requires consideration in addition to traffic calming measures.
 - Highway safety and capacity impacts.
 - Noise and disturbance for existing residents
 - Existing hedges require trimming and maintaining if retained.
 - Concerns about the use of appropriate boundary treatments.
 - Impacts on surface water drainage and the waste water drainage network.
 - Potential for antisocial behaviour from occupiers of social housing.
 - Lack of school places and supporting infrastructure to support further housing development.
 - No need for further housing
 - Impact on wildlife and habitat.
8. Cllr Mark Clifford has commented as follows:
It is my view that it is vital Redrow retain the mature boundary hedgerows on site especially on the northern boundary with Cuerden Residential Park. Retired Residents of the Park enjoy a quiet lifestyle within the park and the boundary hedgerows to this proposal offer high amenity value to them as a visual barrier and from noise that will emanate from the new houses. The high hedgerows are also important habitat and a corridor for wildlife and should not be just replaced with wooden fencing. The boundary hedgerow along the A49 Wigan Road must also be kept as much as possible as it again proves a high amenity value to residents and will protect against noise and emissions from the busy A49 and M6 Motorway.

To aid active travel there should be easy access for pedestrians and cyclists onto the A49 Wigan Road. A direct path rather than expecting residents to walk or cycle around the full site to exit onto the main road should be built.

Wheelie bin storage for the affordable housing needs addressing as the bins will be left outside on the front of the properties meaning without protection around them, they will blow over in strong winds leaving rubbish to blow all over the proposed estate. This already happens on similar properties on nearby Dallington Avenue and this mistake must be addressed on this development.

Whilst the Government has forced the Borough to accept a ridiculously high number of houses built per year I would hope Redrow understand that local residents are fed up with losing our countryside and nature to housing and as a responsible developer will mitigate loss as much as possible and actually strive to increase biodiversity now and not wait until BNG (Biodiversity Net Gain) becomes law.

CONSULTATIONS

9. Cuerden Parish Council: Have the following concerns:.

Can the applicant show that this farmland is in the Local Plan and if not, should this farm land be used for such a development which will damage the biodiversity, hedgerows and habitat of this area?

There does not seem to have been a response from Lancashire Highways regarding the increase in traffic if this development goes ahead. An average of 2 cars per household accessing this development will make the A49 even busier. The traffic lights at the Woodsman are overloaded at the best of times but more houses will add to this. Will pedestrians, have sufficiently wide footpaths to access this estate and the local amenities such as the Co-op shop and the playground? Wouldn't a zebra crossing be required given the increase in residents coming in and out of this new development to the shop?

As with all the recent house building on this semi rural area, the local infrastructure does not seem to be able to keep up with the speed of house building. More houses will place even more pressure on the existing services, such as schools and surgeries, in the area of Cuerden and Clayton le Woods

10. Clayton le Woods Parish Council: Wish to table the following observations:

That on previous applications of this type the interconnectivity between estates via footpaths had not been considered which needed to be on this application. Also that hedgerows and wildlife corridors needed to be maintained as well as keeping as many mature trees as possible. There was also the suggestion that bin stores be added to the social housing design to stop the bins being blowing around in windy weather causing litter issues.

11. Lancashire County Council Archaeology Service: Have no objection subject to condition.
12. Environment Agency: No comments have been received.
13. Greater Manchester Ecology Unit: Have no objection subject to conditions.
14. Lancashire County Council (Education): Have commented that an education contribution is not required at this stage in regards to this development.
15. Regulatory Services - Environmental Health: Have no objections.
16. Waste & Contaminated Land: Have reviewed the A4172-21 CUERDEN FARM WIGAN ROAD SITE INVESTIGATION REPORT and are satisfied with the contents of report, which indicates a low risk of ground contamination. Have no objections to the development.
17. Lancashire County Council Highway Services: does not have any objections to the proposals and can support the application.
18. Lead Local Flood Authority: Have objected on the basis that the submitted surface water sustainable drainage strategy fails to provide a sustainable drainage system that will be adequately maintained to an acceptable standard of operation for the lifetime of the development.
19. United Utilities: Have confirmed that the proposal is acceptable in principle subject to conditions.

PLANNING CONSIDERATIONS

Principle of the development

20. The National Planning Policy Framework (The Framework) states that housing applications should be considered in the context of the presumption in favour of sustainable

development. This means that development proposals that accord with the development plan should be approved without delay.

21. The application site forms part of an allocated mixed use site for housing and employment covered by policies HS1.31 and EP1.15 of the Chorley Local Plan 2012 - 2026. The total area of the mixed use site allocation is approximately 38Ha and the proportion that is estimated for employment development is 15Ha under policy EP1.15. This suggests that the remaining 23Ha is available for housing development under allocation HS1.31.
22. To date a number of housing developments have been approved across the area of the site allocated as mixed use, whilst there have been no proposals for employment development. These have been largely built out to the extent that the character of the locality is now overwhelmingly residential.
23. The housing allocation HS1.31, that includes the application site, estimates that the whole allocation will provide 699 dwellings in total. The planning permissions that have been approved within the allocation to date already exceed this figure. It should be noted, however, that the housing allocation numbers detailed in policy HS1 are indicative and that the housing requirement is a minimum to ensure enough housing is provided through the Local Plan period. It is considered that in this case, the greater level of housing cannot fail to comply with the Development Plan given that there is no express limitation upon the number of dwellings as allocated in the site-specific policy and within the wider plan (as is the case with all Development Plans) housing figures are not to function as ceilings. However, the development of the site for housing would reduce the available employment land to a level below that which was anticipated through policy EP1.15 of the Local Plan as part of this mixed use allocation, and is therefore contrary to this policy.

Other material considerations

24. The Framework is a key material consideration. The purpose of the planning system is to contribute to the achievement of sustainable development. There are three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). There are three objectives to sustainable development set out at paragraph 8 and it is fundamental that development strikes the correct balance between:
 - Environmental - the protection of our natural, built and historic environment
 - Economic - the contribution to building a strong and competitive economy
 - Social - supporting strong, vibrant and healthy communities
25. Paragraph 10 of the Framework states that; so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).
26. Paragraph 11 of the Framework states that for decision-taking this means:
 - c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - a. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - b. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
27. The Footnote (6) to paragraph 11 sets out examples of the type of policies that may indicate development should be refused. Footnote 7 makes clear that the tilted presumption in favour of sustainable development will apply where a Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites.
28. Paragraph 59 of the Framework confirms the Government's objective of significantly boosting the supply of homes.

29. Paragraph 60 of the Framework reinforces that requirements represent the minimum number of homes needed.
30. Paragraph 73 of the Framework requires Local Planning Authorities to maintain a supply of deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategies or against their local housing need where the strategic policies are more than five years old. Footnote 37 states in circumstances where strategic policies are more than five years old, five year housing land supply should be calculated against Local Housing Need calculated using the Government standard methodology, unless those strategic policies have been reviewed and found not to need updating.
31. Paragraph 120c of the Framework states that planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate spoiled, degraded, derelict, contaminated or unstable land.

Housing land supply

32. At 1st April 2022 there was a total supply of 1,890 (net) deliverable dwellings, which is a 3.3 year deliverable housing supply over the period 2022 – 2027 based on the annual housing requirement of 569 dwellings, which includes a 5% buffer.
33. Recent appeal decisions concluded that it is appropriate to calculate the housing requirement against local housing need using the standard method, as such the Council can no longer demonstrate a 5-year supply of housing land meaning that the tilted balance, and presumption in favour of sustainable development is, therefore, engaged under paragraph 11(d) of the Framework.
34. Chorley Council is working with Preston and South Ribble Councils to produce a Central Lancashire Local Plan (CLLP). Once adopted, this will replace the existing joint Core Strategy and Chorley Local Plan. The CLLP is at an early stage of preparation and consultation on Issues and Options closed in February 2020.
35. The existing Core Strategy Policy 1: Locating Growth sets out the locations where growth and investment will be concentrated across Central Lancashire. The emerging CLLP will look at the distribution of new homes and the CLLP will be informed by an evidence base including a Housing Need and Demand Study, the results of which will also help to inform the future distribution of housing across the Plan area.
36. Three call for sites exercises have been completed to date for the Central Lancashire Local Plan. The results from Call for sites 1 and 2 were consulted on as part of the Issues and Options Consultation which ran between November 2019 and Feb 2020, during this time, a further window was opened for addition site suggestions (Call for sites 3).
37. Work to assess the sites commenced in February 2021 following completion of Level 1 Strategic Flood Risk Assessment (SFRA). This was undertaken in line with Strategic Housing and Economic Land Availability Assessment (SHELAA) methodology.
38. Officers in Chorley, South Ribble and Preston Councils finished their initial assessment of the sites in January 2021, and their findings were collated by the Central Lancashire Local Plan (CLLP) Team into the SHELAA database. This work will also include undertaking Integrated Assessment (IA) and Habitats Regulation assessment (HRA) and viability assessment of the sites, and will bring in findings of the SFRA as well as consultation responses on the specific sites from Statutory Consultees and local residents.
39. The direction of growth and development of a spatial strategy for the area is also in early development, with the Councils starting to look at the level of growth likely to be needed over the plan period and how the plan should look to direct this. There is still work to be done on this, including testing the emerging options in terms of transport and other infrastructure needs as they develop.

40. It is important to note that until all these stages of work have been completed, no decision on sites to be taken forward through the CLLP can be made.

Summary - the tilted balance

41. Paragraph 11 d (ii) of The Framework essentially comes into play whereby the most important policies for determining an application are out of date, then 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.
42. Core Strategy Policy 4 and policies EP1 and HS1 of the Chorley Local Plan 2012-2026 represent the most important policies in the determination of this application.
43. At 1st April 2022 there was a total supply of 1,890 (net) deliverable dwellings, which is a 3.3 year deliverable housing supply over the period 2022 – 2027 based on the annual housing requirement of 569 dwellings, which includes a 5% buffer. Chorley does not have a five-year deliverable supply of housing plus 5% buffer and the shortfall is significant. Significant weight should therefore be attached to the delivery of housing provided by this proposal and 30% of which would be affordable housing.
44. In light of the above, Policy 4 of the Core Strategy is out of date and the tilted balance is, therefore, engaged.
45. The High Court decision [Gladman Developments Limited v Sec of State for Housing, Communities and Local Government and Corby Borough Council and Uttlesford District Council [2021 EWCA Civ 104] concerned the application of para 11d of the Framework and the tilted balance. In particular, the effect of footnote 7 in this case, where there was not a five year housing land supply, was simply to trigger paragraph 11(d) and that it did not necessarily render all policies out of date. It was noted that where 11(d) is triggered due to the housing land supply position it is for the decision maker to decide how much weight should be given to the policies of the development plan including the most important policies and involve consideration whether or not the policies are in substance out of date and if so for what reasons.
46. Policies EP1 and HS1 of the Chorley Local Plan 2012-2026 are not considered out of date because their respective purposes are to ensure a sufficient range of sites are available for employment and housing purposes and there remains an employment land supply in line with policy 10 of the Central Lancashire Core Strategy, which is also not out of date and is assessed later in this report. These policies can be given full weight in the planning balance.
47. As one of the most important policies for determining this appeal is out-of-date, the tilted balance applies.
48. In accordance with the Framework, planning permission should be granted for the proposal, unless:
- a. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - b. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Loss of an employment site

49. In assessing the loss of the employment land that was allocated as part of the Local Plan mixed use allocation, the Chorley Local Plan 2012-2026 expresses an expectation that the development of such allocated sites is covered by an assessment against Policy 10 of the Central Lancashire Core Strategy seeks to protect employment sites from non-employment uses unless they meet specific criteria. There is a presumption that 'Best Urban' and 'Good Urban' sites will be retained for B use class employment use.

50. The application site is largely greenfield and is surrounded by residential land uses with housing estates having been built out across the allocation and housing immediately adjacent to the site to the south and east. There is also a residential caravan park to the north of the site. Access to the site is through a residential estate road. As such the site is not particularly suitable for employment development given its proximity to and relationship with residential uses.

51. Policy 10: Employment Premises and Sites states that all existing premises and sites last used for employment will be protected for employment use. Consideration will only be given to alternative uses where an applicant has clearly demonstrated that the criteria in the policy have been met in full, including proposals for change of use. These criteria are as follows:

there would not be an unacceptable reduction of the type, quality or quantity of employment land supply;

the provision and need for the proposed use;

the relative suitability of the site for employment and for the alternative use;

the location of the site and its relationship to other uses;

whether the ability to accommodate smaller scale requirements would be compromised;

there would be a net improvement in amenity.

Any proposals for housing use on all employment sites/premises will need to accommodate criteria a) – f) and also be subject to :

Convincing evidence of land of demand through a rigorous and active 12 month marketing period for employment re-use and employment redevelopment;

An assessment of the viability of employment development including employment re-use and employment redevelopment.

52. The adopted SPD 'Controlling Re-Use of Employment Premises' expands on the policy criteria, and provides guidance on information that needs to be submitted in relation to these criteria. The SPD emphasises the Council's starting point that employment sites should be retained unless an applicant wishing to change the use can demonstrate that the criteria in Policy 10 have been addressed. The proposed is assessed against these criteria below.

(a) there would not be an unacceptable reduction of the type, quality or quantity of employment land supply;

53. The range of employment sites allocated in the Local Plan include a variety of sites with the aim of providing choice and to meet a range of needs and uses of different types of employer. At 1 April 2022 71.79 hectares of employment land was available in the borough for employment uses. This includes 65.18ha of Local Plan allocations remaining (out of a total of 88.74ha allocated in the Local Plan comprising 15 employment sites), 15.14ha of which has planning permission for employment use. In addition, 6.61 hectares of non-allocated land has planning permission for employment development.

54. A Central Lancashire Employment Land Study was prepared in 2017 by BE Group and updated in February 2022. The update identified a need of 76.34ha of employment land to 2038 in Chorley Borough, with a realistic supply of 56.28ha. This results in an undersupply of 20.06ha. The Study states that Chorley needs to protect its existing supply of employment land and identify another 20.06ha of new employment land to 2038 to meet the undersupply. It identifies that of the 20.06ha of employment land needed, there is an anticipated need of 7.62ha for office uses.

55. In August 2022 a Chorley Market Update was prepared by BE Group, which provides an updated picture of need and demand for employment land and premises in the borough. It builds upon the Central Lancashire Employment Land Study 2022 and updates the research particularly in relation to the office market. The key findings of the Update are that demand for offices remains strong, with a limited amount of supply, and that there is strong demand for logistics and storage space.

56. The proposed development would reduce the available employment land supply in the borough, and although it would appear that much of the land allocated for employment use has not been developed out to date, there is demand particularly in relation to logistics and storage.

(b) the provision and need for the proposed use;

57. As explained earlier within this report, the site is allocated for mixed use, which includes housing as proposed. The greater level of housing cannot fail to comply with the Development Plan given that there is no express limitation upon the number of dwellings as allocated in the site-specific policy and within the wider plan (as is the case with all Development Plans) housing figures are not to function as ceilings. Furthermore, the Council cannot currently demonstrate a 5-year supply of housing land and this proposal would provide a significant level of additional housing demonstrating a clear need for the proposed use.

(c) the relative suitability of the site for employment and for the alternative use;

58. Whilst the site is currently allocated for a mix of both employment and residential uses, no employment development has been proposed or brought forward on any part of the allocation despite the land having been allocated for mixed use development since 2015. Residential development has on the other hand developed out rapidly across the site displaying strong demand and uptake. As a result the locality, covering the allocated land and beyond, has become overwhelmingly residential in character, to the extent that it would no longer be suitable for logistical and storage uses, which are the employment land types of highest demand within the borough. The suitability of the site for housing is demonstrated to be acceptable throughout the later sections of this report, however, the site is considered to be unsuitable for employment uses given the proximity of surrounding residential development, residential character of the area and access to the site being through residential estate roads.

(d) the location of the site and its relationship to other uses;

59. Where consideration is being given to alternative uses of employment land, any such proposals must demonstrate that the alternative use would be better suited to the location of the site and its relationship to other uses than employment use. It must also ensure that the proposed use does not conflict with the character of the surrounding area and other policies and proposals within the Central Lancashire Core Strategy, or any other material considerations.

60. The proposed development would be a logical extension to the existing residential development and would assimilate seamlessly within the area. Moreover, it would aid the Council in gaining a 5 year housing land supply, something which it cannot currently demonstrate. There are a range of amenities in the locality that would support further housing development and it is also planned that a new school will be developed on another part of the allocation.

(e) whether the ability to accommodate smaller scale requirements would be compromised;

61. As noted earlier within this report, there are other available allocated sites for employment development in the borough.

(f) there would be a net improvement in amenity.

62. The amenity impacts of the development would be neutral given the absence of any existing harms, and the nature and design of the proposed development.

(g) convincing evidence of lack of demand through rigorous and active 12 month marketing period for employment re-use and employment redevelopment;

63. The site has not been marketed for employment re-use or redevelopment.
- (h) an assessment of the viability of employment development including employment re-use and employment redevelopment.*
64. It is not known if the site is viable for employment re-use or redevelopment.
65. In overall conclusion it is considered that the proposal has failed to demonstrate compliance with policy 10 of the Core Strategy because a lack of demand through a rigorous and active 12 month marketing period for employment re-use and employment redevelopment has not been demonstrated. However, it is noted that no proposals for employment development have been received since the allocation was made in the Chorley Local Plan 2012 - 2026. Furthermore this part of the allocated site is no longer suitable for employment land development, particularly in relation to logistics and storage, given the residential character that has evolved, proximity to residential occupiers and access via a residential estate road. It is also considered that there are adequate alternative employment sites within the Borough in more suitable locations. The proposal would deliver much needed housing and the approval of the application would show the Council is dynamic in responding to changes in the demand for land.

Technical matters

Design and impact on the character of the area

66. The proposed development would be located to the east of the A49 Wigan Road, with which it would provide a frontage and from where it would be most prominent. From there the development site would extend eastwards generally between new housing development to the south and a caravan park to the north. As such the site is well enclosed from public vantage points other than from Wigan Road. Of particular note are two mature oak trees at the western end of the site that are highly visible from Wigan Road and provide a high level of public amenity. These trees are protected by tree preservation orders and are to be retained as part of the development.
67. The principal access into the site would be via Parkhurst Avenue from Wigan Road. This would be a continuation of the residential distributor road serving the Hedgerows development. Five new dwellings and the existing property at Cuerden Farm would be served by an existing driveway with an improved access to Wigan Road. This would also serve as an emergency access to the development.
68. A looped road arrangement is proposed on the eastern part of the site with short cul-de-sacs leading off it serving up to 6no. dwellings via private drives. Bollards across the northern part of the loop, prevent a circular route for motorised vehicles, while maintaining full permeability for those on foot / cycle.
69. The majority of existing trees and hedgerows would be retained, although those centrally located within the site would need to be removed to facilitate the development. New tree planting in the front gardens of properties would help to create attractive avenues, and new hedgerow planting would supplement that currently existing at the site boundaries.
70. The western parcel nearest to Wigan Road would be served via an extended cul-de-sac from the eastern 'loop road', culminating in a turning head with a link to the emergency access via the existing driveway to Wigan Road. While bollards would prevent motorised vehicles (other than emergency vehicles) gaining access to the development via that route, it would form a pedestrian / cycle route to the new homes from Wigan Road, which would ensure adequate integration between the new estate and wider area. The terraced properties would have rather circuitous fenced alleys providing access to rear gardens, which is not ideal for future occupiers, as regards safety, maintenance and convenience. It was requested that internal ginnels be used through the terraces instead, however, this was not accepted by the developer. Although this is regrettable and is a missed opportunity it would result in only limited harm, particularly given the positive design qualities demonstrated throughout the development proposal as a whole.

71. A range of different house-types of traditional design, influenced in some respects by an arts and crafts aesthetic, would help to create a development that has variety and is visually interesting and attractive, while providing an over-arching and coherent theme that also reflects the adjacent Hedgerows development. This would help to achieve a sense of place for future residents.
72. The majority of dwellings would be detached with either integral or detached garages. Some short terraces of up to 6no. dwellings would be provided at the northern, western and south western boundaries of the site. A mix of red, orange and buff brick and white render would be used, with elements of timber, brick and render detailing. Roof styles would be varied comprising a mix of gables and hipped roofs adding further variety and interest to the street-scene.
73. A mix of boundary treatments is proposed including 1.8m high rear and side garden fences, 1.8m high brick walls where a more robust boundary is required for rear gardens abutting the adjacent farmstead, and 0.6m high knee rails to protect the areas of public open space maintaining openness. Formal hedgerow planting is also proposed throughout the development to delineate front gardens. Where boundaries adjoin existing hedgerows to be retained 1.2m high hit and miss fencing will be utilised to provide protection, whilst enabling growth and maintenance.
74. A public open space would be provided at the western end of the site between the development and Wigan Road. This would comprise an open area of grass and the two protected oak trees. Whilst an existing hawthorn hedge would need to be removed adjacent to the highway to enable visibility splays this would be replaced with a similar native hedgerow set further back from the highway. The inclusion of open space in this position would provide a soft edge to the site with Wigan Road. The open space would be overlooked by five dwellings and there would be eight dwellings facing towards Wigan Road in this location, which would help to provide natural surveillance and would contribute to an attractive new frontage and sense of place being created along that part of Wigan Road.
75. Overall, the layout and design of the proposed housing and landscaping would result in an appropriately high quality form of development with a link being created and between the wider site and Wigan Road, along with a new active frontage to Wigan Road. It is, therefore, considered that the proposed development would comply with policy BNE1 of the Chorley Local Plan 2012-2026.

Impact on neighbour amenity

76. There is a sufficient degree of separation between the proposed development and the existing dwellings at Parkhurst Avenue and the Hedgerows estate to ensure that the Council's spacing guidelines are met. As such it is considered that the proposal would not result in any loss of amenity for existing residents or the future residents within the development.
77. There is a series of caravans / mobile homes along the northern boundary of the site. The proposed development would generally comprise rear gardens to dwellings bounding with the caravan park, which is a compatible land use and would enable a good degree of separation between the proposed dwellings and the caravan plots. It is noted that the proposed dwellings at plots 344, 327 and 329 would be positioned very close to the caravan park boundary, however, there would be no windows to habitable rooms in the elevations of those dwelling facing onto the caravan plots. There would be a degree of impact on outlook and light in relation to the occupiers of the caravan plots nearest to these proposed dwellings. There are no standards set in relation to the interface between dwellings and caravan plots and in this instance the impact is considered to be acceptable, given the limited impact of three closely positioned dwellings that are spaced apart from one another.
78. In general the relative positioning and degree of separation between the proposed dwellings and the mobile homes is such that there would be no unacceptable impacts on

outlook, light or privacy and that the amenity of existing residents of the mobiles homes and future residents of the proposed dwellings would not be harmed to an unacceptable degree.

79. In terms of the interface distances between the proposed properties themselves, these are considered to be acceptable in relation to the Council's guidelines being in general conformity. The proposal is, therefore, considered acceptable in terms of the relationship with the existing surrounding properties and between the proposed dwellings themselves.
80. Overall, therefore, the proposed housing would have no adverse impact on the amenity of any existing or future residential occupiers.

Impact on highway safety

81. Lancashire County Council (LCC) as the Local Highway Authority (LHA) is responsible for providing and maintaining a safe and reliable highway network. With this in mind, the present and proposed highway systems have been considered by them and areas of concern that potentially could cause problems for the public, cyclists, public transport, motorists and other vehicles in and around the area have been identified.
82. LCC embraces appropriate development within Lancashire in line with local and national policies / frameworks and that which is emerging. This involves working closely with planning authorities, in this case officers of Chorley Council, developers and their representatives and also with National Highways. This approach supports the delivery of high quality, sustainable development and an appropriate scale of development that can be accommodated both locally and strategically.
83. The submitted application is a full application for residential development specifying access mostly from Parkhurst Avenue and a small number of dwellings from Wigan Road. The plans submitted indicate that the site would create 103no. residential dwellings (market and affordable). There are two proposed vehicle accesses, from Parkhurst Avenue and Wigan Road (with a proposed emergency access route that links to the proposed Wigan Road access). There are two proposed pedestrian accesses (Parkhurst Avenue and proposed emergency access route). It is proposed for the majority of the internal highway layout to be adopted by LCC as part of a section 38 agreement.
84. The proposed site access directly onto Wigan Road would utilise an existing access with enhancements as shown on drawing number: DSL-01 Rev E. LCC Highway Services are of the opinion that this proposed access is acceptable. The proposed emergency access route itself is acceptable and LCC Highway Services do not have any objections to its alignment. Any proposed bollards would need to be of a type that did not require electronic measures to remove and/or keys.
85. Overall, the proposed private car parking provisions are acceptable and would provide car parking spaces in line with the standards set out in the Chorley Local Plan 2012-2026. Plots with private car parking provision below that recommended was identified. This was due to the dimensions of parking spaces not meeting the required standards. These were subsequently altered to meet the required standards and therefore the development would meet the parking standards.
86. Given the sensitive nature of the existing residential properties along Parkhurst Avenue, which is now an estate road, care will be needed regarding the planning and management of construction traffic were the proposals to go ahead. As such it is considered that a Traffic Management Plan will need to be prepared that considers the amenity of existing residents and how to mitigate the impacts of construction traffic. It is recommended that these details be secured by condition.
87. The application site is within the settlement area of Clayton-le-Woods and as such has reasonable sustainable transport links available. There is also access to a range of amenities within the wider locality. The proposal is not in LCC Highway Services' opinion a solely car-based development and, therefore, it is reasonable for promoting sustainable development to be required in terms of sustainable transport. Electric charging points would

be provided for all dwellings as standard, and each property would have cycle storage space within garages, private rear gardens or communal areas.

88. The proposal provides adequate pedestrian and cycle links to the main highway network and public transport links. The proposed emergency access route would only be available to pedestrians and cyclists and is a more direct route to Wigan Road than the available vehicle and pedestrian access via Parkhurst Avenue, providing integration across the development site. The proposed emergency access route itself is acceptable for pedestrian and cycle access.
89. It is LCC Highway Services' opinion that the proposed development would not generate a significant increase in traffic volumes that would cause an unacceptable impact on the adopted highway network in the vicinity of the site.
90. An assessment of recorded collisions was made on the 22nd July 2022 on Crashmap and LCC's internal mapping system "Mapzone". From the assessment the following collisions were identified:
3 collisions at the junction of Lydiate Lane and Wigan Road (2 serious, 1 slight)
2 collisions south of the junction of Lydiate Lane and Wigan Road (2 slight)
2 collisions at the roundabout of Wigan Road and Wychwood Grove (1 serious, 1 slight)
91. Whilst any collision on the highway network is regrettable, it is LCC Highway Services' opinion that the proposed development would not increase highway safety risks. There were no collisions recorded at the junction of Wigan Road and Parkhurst Avenue.
92. As proposed in the Section 38 highway adoption plan submitted as part of the planning application the proposed sections for adoption would meet LCC Highway Services' current requirements in terms of dimensions.
93. The principle of the submitted interim travel plan is in LCC Highway Services' opinion acceptable. It is recommended that prior to the first occupation of the development, a Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. The Travel Plan shall be implemented within the timescale set out in the approved plan and will be audited and updated at intervals not greater than 18 months to ensure that the approved Plan is carried out.
94. In conclusion no highway objections are raised subject to appropriate conditions being imposed.

Archaeology

95. The Framework states at paragraph 205 that "Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible [Copies of evidence should be deposited with the relevant historic environment record, and any archives with a local museum or other public depository]".
96. The archaeological desk-based assessment (DBA) and walkover survey of the site that was submitted with the application suggests that the archaeological potential of the site is relatively low and a pre-determination evaluation would be disproportionate, although an archaeological watching brief on site stripping works etc in the early stages of development would be appropriate and could be secured by a planning condition. An assessment of the results of previous investigative work in areas close to this development site supports this conclusion.
97. It is, therefore, recommended that a condition be attached to any grant of planning permission requiring that the implementation of a programme of archaeological work be secured.

Ecology

98. Due to the nature of the application site, the application is supported by an ecological survey and assessment, as well as supplementary reports. These have been reviewed by the Council's ecology advisors Greater Manchester Ecology Unit (GMEU) who confirm that the ecology survey and assessment provided to inform the application has been carried out by suitably qualified ecologists and was to appropriate standards.
99. The buildings and trees on site were assessed for bat roosting potential. Four buildings and four trees were assessed as having bat roosting potential. Three of the trees are identified as being retained in the proposed site layout. As such it was recommended that the findings of dusk and or dawn surveys for the four buildings and the one tree to be felled (T3) identified as having bat roosting potential be provided to the LPA. The findings of the bat emergence surveys were subsequently provided. No evidence of any bats emerging or re-entering from any buildings was recorded, with only low levels of bat activity recorded and first bats recorded after sunset. Aerial inspection of the tree found no evidence of bats. There is no reason to doubt the findings of the report and it is, therefore, considered that the development is very unlikely to negatively impact on the conservation status of any bat species.
100. With regards to great crested newts five ponds were identified within 250m of the development site, one of which has been discounted due to distance and the presence of the A49 Wigan Rd, which is a major barrier. Surveys of the other four ponds has been recommended, however, this would be unreasonable for ponds 2 and 4 which are both a significant distance from the development and separated from the site by housing. Even if great crested newts were present in these ponds, which they were historically, though surveys in 2010 and 2014 found no evidence, when run through Natural England's Rapid risk assessment, the likelihood of an offence as unlikely. The only land within 250m of these ponds is also hardstanding.
101. For the other two ponds (1 & 3) there are both within 200m of the site and not separated by houses. As such there would be the risk of an offence if great crested newts were present, though both are SUDs ponds, created within the last 10 years and as noted above surveys for the adjacent developments found no evidence of great crested newts in existing ponds.
102. Historically the area to the south, now built on was important for great crested newts, however, eDNA surveys of the four ponds found no evidence of great crested newts. There is no reason to doubt the findings of the report and therefore no further information or measures are required.
103. No evidence of any other protected species was identified, with only badger regarded as theoretically having potential to forage across the site. All other species were reasonably discounted and there is no reason to doubt these conclusions.
104. The site was assessed as low risk for ground nesting birds, due to the level of grazing and likely levels of disturbance. Whilst the survey was carried out at a sub-optimal time of year, it is considered that whilst some ground nesting cannot be ruled out, it is very unlikely to be an important site and could potentially have negative impacts on ground nesting birds due to failed attempts because of disturbance and trampling by livestock.
105. The boundary hedges, sections of which are to be removed, and the buildings will provide potential bird nesting opportunities. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. It is therefore recommended that a condition be attached to any grant of planning permission preventing works or clearance during the nesting season.
106. Whilst the site itself is low risk for species such as badger, hedgehog and other amphibians such as common toad, there are risks during construction of harm if any such species attempt to cross the site from adjacent land. It is, therefore, considered that reasonable avoidance measures are justified in this instance. It is, therefore, recommended that a condition be attached to any grant of planning permission requiring a reasonable avoidance

measures method statement for mammals including hedgehog and badger and amphibians to be provided to prior to any earthworks or vegetation clearance.

107. Section 174 of the Framework 2021 states that planning policies and decisions should contribute to and enhance the natural and local environment. A summary of a biodiversity metric has been provided that has calculated a net loss of habitat, as a consequence of the loss of grassland to development. A gain in terms of linear habitats through enhancement of the retained hedges is, however, predicted although an overall net loss in biodiversity value would occur. In order to ensure that the retained hedges can be maintained and so that their health is not compromised it is proposed that 1.2m high timber hit and miss fencing would be used along those boundaries adjacent to hedgerows. This would allow growth through and above the fencing, would provide permeability for mammals and birds, and the fencing would be of a height that maintenance is possible, whilst providing some protection to the hedges themselves.
108. Policy BNE9 of the Chorley Local Plan 2012-2026 requires the production of a net gain in biodiversity where possible by designing in wildlife and by ensuring that any adverse impacts are avoided or if unavoidable are reduced or appropriately mitigated and/or compensated. Given that the current direction of travel with a +10% net gain in biodiversity is to become mandatory, it is considered that a scheme for offsetting the identified biodiversity impacts to achieve net gain should be provided that reflects this. This should identify the net biodiversity impact of the development, which shall be measured in accordance with the DEFRA biodiversity offsetting metric (Updated to reflect changes to the landscape scheme and to include a BNG Assessment Report) and the scheme shall include:
1. Proposals for on-site mitigation and/or for off-site offsetting;
 2. A methodology for the identification of any receptor site(s) for offsetting measures (if required);
 3. The identification of any such receptor site (if required);
 4. The provision of arrangements to secure the delivery of any offsetting measures if required (including a timetable for their delivery); and
 5. A management and monitoring plan (to include for the provision and maintenance of any offsetting measures in perpetuity).
109. The applicant has indicated that they would seek to provide such a scheme the details of which would be provided in response to an appropriate condition. It is recommended that this scheme, its implementation and future monitoring and management are secured via a condition attached to any grant of planning permission.
110. In terms of species, it is recommended that a bird and bat box strategy is provided and that permeability through the site is maintained for mammals such as hedgehog, by ensuring fences have gaps. It is recommended that mitigation and enhancement details for these species be secured by condition.
111. Overall, it is considered that the proposed landscaping and mitigation measures are adequate on site compensatory measures for the impact on biodiversity from the proposed development in consideration of making an efficient use of an allocated development site. This is subject to the provision of a scheme to provide off site enhancement to achieve a net gain in biodiversity. It is considered that the ecological impacts of the proposal have been fully considered and that the Council has discharged its obligations in consideration of biodiversity mitigation and any potential impact on protected species.

Drainage

112. The applicant has provided a flood risk assessment (FRA) and drainage strategy with the planning submission. This demonstrates that the site is at low risk of flooding from all

sources. A residual risk of flooding arises from surcharge of the public combined sewer that crosses the western extent of the site. Site levels have been designed so that any potential flood flows are contained within proposed site access roads.

113. The proposed development would result in an increase in impermeable drainage area through the introduction of buildings and the access road. This would result in an increase in surface water runoff. In order to ensure the increase in surface water runoff does not increase flood risk elsewhere, flow control would be used and attenuation provided on site to accommodate storm events up to and including the 1 in 100 year plus 40% climate change event.
114. All methods of surface water discharge have been assessed. Shallow depth infiltration techniques including individual property soakaways and permeable paved driveways would be used where practical. Where infiltration is not feasible, discharge of surface water would be made to the unnamed watercourse 105m south of the site at the 1 in 1 year greenfield runoff rate of 16.5 l/s. To achieve this attenuation would be provided in the form of attenuation tanks and oversized pipes.
115. Foul flows would be discharged to a 150mm foul sewer located immediately east of the site within the adjacent Redrow development. A pumped solution would be required to enable this.
116. The Lead Local Flood Authority have considered the proposed drainage strategy and objects to the application on the basis of the absence of an acceptable surface water sustainable drainage strategy to assess the principle of surface water sustainable drainage associated with the proposed development. In particular, the submitted surface water sustainable drainage strategy fails to provide a sustainable drainage system that would be adequately maintained to an acceptable standard of operation for the lifetime of the development, therefore, is contrary to paragraph 169 of the Framework. The proposed surface water sustainable drainage system locates numerous SuDS components, namely soakaways and geocellular storage tanks, within the curtilage of individual or shared property boundaries, meaning these would be privately owned assets.
117. The proposed drainage strategy involves an off-site connection to the ordinary watercourse through third party land, however, no evidence of an agreement in principle with the landowner and asset owner has been provided to the Local Planning Authority. Should no agreement be reached, it may not be possible to drain the site, hence the Lead Local Flood Authority are currently unable to agree to the principle of development and recommend the refusal of planning permission, until evidence of an agreement in principle with the appropriate parties, or robust evidence of a 'plan b' outfall location, should a connection to the ordinary watercourse not be possible, has been submitted to and approved in writing by the Local Planning Authority.
118. The Planning Practice Guidance requires applicants for planning permission to discharge surface water runoff according to a hierarchy of runoff destinations, where the aim should be to discharge surface runoff as high up the hierarchy of drainage options as reasonably practicable.
119. The Lead Local Flood Authority has examined the evidence provided and does not consider the reasons given sufficient to justify non-use of infiltration. The evidence provided demonstrates that infiltration rates and groundwater levels are favourable to manage surface water via infiltration, and should be used in combination with other options within the hierarchy of runoff destinations.
120. The applicant is seeking to address these technical matters with the LLFA so that the objection may be lifted. It is recommended that the Committee make a decision subject to the resolution of all drainage matters to the satisfaction of the LLFA. Should the matter not be resolved to the satisfaction of the LLFA, or other changes were required to reach a resolution then the application would need to be reported back to Committee.

Affordable housing

121. Paragraph 64 of the Framework states that where major housing development is proposed, planning policies and decisions should expect at least 10% of the homes to be made available for affordable home ownership. Policy 7 of the Central Lancashire Core Strategy requires 30% affordable housing to be provided on sites of 15 or more dwellings, or 0.5 hectares in size (which this is), in urban areas such as this.
122. The proposed development would provide 31no. affordable dwellings on site, 22no. of which would be social rented, whilst 9no. would be in shared ownership. The social rented properties would comprise a mixture of two bedroomed houses and one bedroomed apartments, whilst the shared ownership properties would be a mixture of two and three bedroomed houses. The affordable dwellings would be spread across the site in three clusters, which would reflect the approach advocated by the Central Lancashire Affordable Housing SPD and would support a varied form of development.
123. Chorley Council introduced a Registered Provider Partnership Framework on 1 April 2022. This is a strategic partnership between the Council and the Registered Providers selected by the Council to deliver affordable housing in the borough secured through Section 106 Agreements.
124. The delivery of high quality affordable housing is a key objective of the Council's Corporate Strategy. This Framework allows careful selection of Registered Provider partners to ensure that those Registered Providers delivering affordable housing in the borough meet the objectives of the Council and benefit residents by providing high quality and well managed affordable homes.
125. The provision of the identified affordable housing on site would need to be secured through a Section 106 Agreement, which should meet the requirements of the Registered Provider Framework.

Public open space

126. Central Lancashire Core Strategy policy 24 seeks to ensure that all communities have access to sports facilities. Chorley Local Plan 2012 – 2026 policy HS4A stipulates that all new housing developments will be required to make provision for open space, and recreation facilities where there is an identified deficiency in the area. Where there is an identified local deficiency in quantity and/or accessibility, open space provision will be required on-site. Where on-site provision is not appropriate, off-site financial contributions are required. Chorley Local Plan 2012 – 2026 policy HS4B stipulates that all new housing development will be required to pay financial contributions towards new playing pitch provision.
127. The proposed development would generate a requirement for the provision of public open space in line with policies HS4a and HS4b of the Chorley Local Plan 2012 – 2026 and the Open Space and Playing Pitch SPD.
128. In relation to policy HS4a there is currently a surplus of provision in Clayton West and Cuerden in relation to amenity greenspace and the site is within the accessibility catchment (800m) of an area of amenity greenspace. A contribution towards new provision in the ward is, therefore, not required from this development. It is noted that there are areas of amenity greenspace within the accessibility catchment that are identified as being low quality and/or low value in the Open Space Assessment Report (February 2019)/Open Space Study Paper (February 2019) (site 2048 Bradfield Close, Clayton-le-Woods). However, at the time of the Open Space Assessment Report and Open Space Study Paper in 2019, that land was part of an on-going construction site and had not been laid out. Therefore, at that time the report classified the space as low / poor quality. Subsequent to this the Redrow development at Bradfield Close has been completed and the amenity greenspace is now fully implemented in accordance with the approved details, and can no longer be considered low quality and/or low value.

129. There is currently a deficit of provision in Clayton West and Cuerden in relation to provision for children and young people, a contribution towards new provision in the ward is, therefore, required from this development. As the development totals more than 100 dwellings the required provision for children/young people should normally be provided on-site. In this instance the amount that would be required is 0.02 hectares. A maintenance cost of £13,390 would also be required for a 10 year period if private maintenance was not proposed. However, due to the marginal on-site requirements and location of development, it would be preferable to enhance/extend existing provision in the locality, which may already be in the ownership of the applicant. Should a contribution be agreed rather than on site provision, the amount required is £134 per dwelling, which amounts to £13,802 in this instance.
130. In relation to policy HS4b the Playing Pitch Strategy and Action Plan (December 2018) identifies a Borough wide 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, with borough-level detail provided in the Chorley Open Space, Sports and Recreation Strategy (OSSR) Action Plan 2020 to 2036. The amount required is £1,599 per dwelling.
131. The applicant has agreed to enter into a Section 106 agreement to secure a contribution towards the provision of public open space for children and young people and a contribution towards the requirement for the provision of playing pitches in line with policies HS4a and HS4b of the Chorley Local Plan 2012 – 2026.

Education

132. Lancashire County Council (LCC) have carried out an education contribution assessment and have identified that an education contribution is not required at this stage in regards to this development. However, LCC have highlighted that the Local Plan specifies that education mitigation should be provided through the provision of a primary school site on the Wigan Road strategic site, within which the application site is located. As such LCC have sought clarity as to school land provision within this strategic site to serve the proposed development and other developments that have already been implemented. LCC are concerned that there is currently no detail provided in any application regarding how the school site will be secured and provided, whilst LCC require that this land is transferred at nil cost. Without confirmation of the mechanism for the provision of the required school land LCC are not clear that the proposed development is sustainable and, therefore, are not in a position to support the application at this time.
133. The Council's Strategic Lead for Future Investments has confirmed that Chorley Council has been in dialogue with LCC to identify the land required for a school on Chorley Council owned land at Shady Lane (within the strategic site). It has been confirmed that there is enough land for a two form entry primary school and the preferred location for the school on the site has been agreed. It is understood that the Council will seek to progress the delivery of the school site imminently.
134. It is also noted that this and other previous developments on the allocated site are subject to a Community Infrastructure Levy charge, which can be used towards to provision of education facilities, and that previous residential development schemes on the site have been supported without the requirement for a s106 contribution on the basis that a school would be delivered.

Sustainability

135. Policy 27 of the Core Strategy requires all new dwellings to be constructed to Level 4 of the Code for Sustainable Homes or Level 6 if they are commenced from 1st January 2016. It also requires sites of five or more dwellings to have either additional building fabric insulation measures or reduce the carbon dioxide emissions of predicted energy use by at least 15% through decentralised, renewable or low carbon energy sources. The 2015 Deregulation Bill received Royal Assent on Thursday 26th March 2015, which effectively

removes Code for Sustainable Homes. The Bill does include transitional provisions which include:

136. *“For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015. This is expected to happen alongside the introduction of zero carbon homes policy in late 2016. The government has stated that, from then, the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the government’s intention into account in applying existing policies and not set conditions with requirements above a Code Level 4 equivalent.”*
137. *“Where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard, or in the case of energy a standard consistent with the policy set out in the earlier paragraph in this statement, concerning energy performance.”*
138. Given this change, instead of meeting the code level, the Local Planning Authority required that dwellings should achieve a minimum dwelling emission rate of 19% above 2013 Building Regulations in accordance with the transitional provisions. Building Regulations 2022 have now been brought into force and under Part L require a 31% improvement above 2013 Building Regulations. This exceeds the Council’s previous requirement and now supersedes the requirement for a planning condition.

Employment skills provision

139. The Central Lancashire Employment Skills Supplementary Planning Document (SPD) was adopted in September 2017. The SPD introduces Employment Skills Statements and provides clarity as to how this requirement relates to the relevant policies set out in the Core Strategy and Local Plan as well as the guidance set out in the Framework. The SPD goes on to state that one of Central Lancashire’s priorities is to encourage economic growth within Central Lancashire that benefits the people and businesses in the three boroughs. The SPD seeks to;
140. Increase employment opportunities by helping local businesses to improve, grow and take on more staff help businesses to find suitable staff and suppliers, especially local ones improve the skills of local people to enable them to take advantage of the resulting employment opportunities help businesses already located in Central Lancashire to grow and attract new businesses into the area.
141. The SPD requires development over certain thresholds to be accompanied by an Employment and Skills Statement to ensure the right skills and employment opportunities are provided at the right time. This is to the benefit of both the developer and local population and covers the following areas:
- Creation of apprenticeships/new entrants/graduates/traineeships
 - Recruitment through Job Hub and Jobcentre plus and other local employment vehicles.
 - Work trials and interview guarantees
 - Vocational training (NVQ)
 - Work experience (14-16 years, 16-19 years and 19+ years) (5 working days minimum)
 - Links with schools, colleges and university
 - Use of local suppliers
 - Supervisor Training
 - Management and Leadership Training
 - In house training schemes
 - Construction Skills Certification Scheme (CSCS) Cards

- Support with transport, childcare and work equipment
- Community based projects

142. A condition is recommended requiring an employment and skills plan.

Community Infrastructure Levy (CIL)

143. 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 would be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

Planning balance

144. Paragraph 11. d) ii. of the Framework indicates that, where the most important development plan policies for determining the application 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 tilted balance.

145. The housing allocation reference HS1.31 identifies that the overall allocation could deliver 699 units. This estimation has already been exceeded and the current proposal would further increase this number. It should be noted that the housing allocation numbers detailed in policy HS1 are indicative and the housing requirement is a minimum to ensure enough housing is provided through the Local Plan. It is considered that in this case the greater level of housing cannot fail to comply with the Development Plan given that there is no express limitation upon the number of dwellings as allocated in the site-specific policy and within the wider plan (as is the case with all Development Plan) housing figures are not to function as ceilings.

146. The adverse impacts of the development relate primarily to its conflict with the mixed-use allocation of the site, namely policy EP1 of the Chorley Council Local Plan. In relation to policy 10 of the Central Lancashire Core Strategy the applicant has not provided any evidence to demonstrate that there is a lack of demand for the use of the site for employment purposes or its redevelopment for such purposes, however, in this instance the application site is no longer considered suitable for employment development following the evolution of the wider allocation and surrounding area for residential purposes. Furthermore, it must be noted that no proposals for employment development have been permitted since the site was allocated. As such any conflict with policy EP1 of the Local Plan or policy 10 of the Core Strategy is only given limited weight in the planning balance.

147. In terms of benefits, the provision of 103no. dwellings in the context of an under supply of housing is a significant benefit. The inclusion of 30% of those dwellings as affordable housing would help to meet a significant shortfall in the supply of such homes across the Borough and represents a significant benefit in its own right.

148. In terms of benefits, the provision of new housing would bring construction and supply chain jobs, places for the economically active to live, increased local spend and greater choice in the local market. These benefits have not been quantified and would apply to any housing development of this scale but are still considerable.

149. The proposal would boost the supply of housing in a situation where there is no five-year supply and an under-provision of affordable housing and, as a result, moderate weight can be given to the economic benefits and significant weight to the social benefits of the development.

150. The adverse impacts of the proposed development relating to the conflict with policy EP1 of the Local Plan and policy 10 of the Core Strategy are limited and would not significantly and demonstrably outweigh the considerable economic and significant social benefits associated with the proposed development. As such, the proposal is recommended for approval.

CONCLUSION

151. The proposal is recommended for approval as the adverse impacts of the proposal do not significantly and demonstrably outweigh the considerable economic and significant social benefits it would deliver. This is subject to the technical drainage matters being addressed to the satisfaction of the Lead Local Flood Authority.

RELEVANT HISTORY OF THE SITE

Ref: 22/00576/FULMAJ **Decision:** PCO **Decision Date:** Pending
Description: Erection of 70no. market and affordable dwellings with associated access, pumping station and open space

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.

Suggested conditions

To follow



Key

| | | |
|----------------|--------------|---------------------------|
| Development | | Carus-Gladman Land |
| Location | | CLAYTON-LE-WOODS |
| Marketing Name | | |
| Drawing Title | | Location Plan |
| Drawing Number | | LP-02 |
| Revision | Scale @ A3 | 1:2500 |
| Drawn By | Date Started | 20.04.22 |
| Checked by | Date | |

REDROW

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