

## APPLICATION REPORT – 21/00327/FULMAJ

**Validation Date: 17 March 2021**

**Ward: Eccleston, Heskin And Charnock Richard**

**Type of Application: Major Full Planning**

**Proposal: Erection of 76no. affordable dwellings with access, parking, landscaping and all other associated works (including pumping station)**

**Location: Land 120M East Of 27 Charter Lane Charnock Richard**

**Case Officer: Mike Halsall**

**Applicant: Conlon Holdings Ltd**

**Agent: Maybern Planning and Development**

**Consultation expiry: 28 December 2021**

**Decision due by: 8 April 2022 (Extension of time agreed)**

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### RECOMMENDATION

1. It is recommended that planning permission is granted, subject to conditions and a S106 legal agreement to secure the following:
  - A 100% affordable dwelling scheme
  - £45,000 per year, for 5 years, for improvements to bus services
  - £6,000 to enable Lancashire County Council to appraise and monitor a travel plan for the site
  - £286,216 for public open space contributions (£233,016 if privately maintained)
  - £92,247 for four additional secondary school places

### SITE DESCRIPTION

2. The application site is an area of land located within the settlement boundary of Charnock Richard, approximately 5km to the south west of Chorley town centre. The site extends to approximately 2 hectares. The land is generally flat and at present undeveloped, consisting of fields that appear to be used mainly for the grazing of horses. The land is bounded to the north by Charnock Richard Primary School, to the west by Charter Lane and the houses that front onto Charter Lane, to the south by Charnock Richard Football club and to the east by the rear of properties located on Leeson Avenue. There are several mature trees along the site boundaries, particularly the north and south.
3. Planning permission was refused on 8 March 2017 on a larger site of approximately 3.4 hectares, including the application site and further land to the south, for the erection of up to 60 dwellings (originally proposed for 90), a village shop, community parking, landscaping, provision of public open space, access and associated infrastructure. The application was refused for the following reason:

*The proposed development is contrary to Policy 1 of the Core Strategy. The application site is not within an area that has been identified for growth and investment. The only types of development that would be considered acceptable in smaller villages, such as Charnock Richard, will typically be small scale and limited to appropriate infilling, conversion of*

*buildings and proposals to meet local needs. The proposal does not meet any of these criteria. Insufficient exceptional reasons have been put forward to support a larger scale development scheme.*

## **DESCRIPTION OF PROPOSED DEVELOPMENT**

4. The application seeks planning permission for 76no. affordable dwellings at the site, along with other infrastructure such as a vehicular site access, parking, landscaping and surface water pumping station. There are proposed to be 10no. 1-bed apartments, 7no. 2-bed bungalows, 25no. 2-bed dwellings, 30no. 3-bed dwellings and 4no. 4-bed dwellings. The maximum height of buildings on site would be two storey at approximately 8.6m to ridge.
5. The proposal has been revised since the original submission as a result of neighbour comments and requests by both the case officer and technical consultees with neighbours and other consultees having been notified of the changes when appropriate. The changes to the scheme have included the following:
  - Amendment to the orientation and design of the apartment units;
  - Retention of more hedgerows and planting more trees;
  - Changes to the positioning of fences and gates;
  - Moving the pumping station away from the site frontage and additional screening proposed to reduce views from the road;
  - The provision of a 2m wide footway across the site frontage; and
  - Changes to the internal road layout.

## **REPRESENTATIONS**

6. 197no. representations have been received citing the following summarised grounds of objection, some of the 197 are from the same people making multiple representations following being reconsulted on revised plans:

### *Principle of development*

- There are other designated areas for building within Chorley, why squeeze more buildings into an established rural area
- Nothing has changed since the previous refusal on this site
- The site is only suitable for infill or small development
- Houses on the new village are still being built, with infrastructure and schools etc.
- There is existing affordable housing all over the Borough that requires modernising and developing where they stand currently
- There must be more suitable brownfield sites for development
- The scale of development is grossly disproportionate to the size of the village
- No requirement for these properties with the need resulting from a flawed local plan for Lancashire
- Chorley housing targets should be more fairly spread across the Borough
- The Chorley local plan has not allocated this site for development up to and including 2026 and there are no exceptional circumstances for this land to be developed
- Reference to conflict with policies HS8 and BNE1 of the Local Plan and Core Strategy policy 1 – the proposal is not small scale nor an exceptional site and is not of an appropriate scale or massing
- Lack of evidence for this level of affordable housing in Charnock Richard
- The number of affordable houses may lead to households from outside the Parish being housed in Charnock Richard. Delivery of large numbers of affordable properties at one time can mean for many of the properties there is no local demand, and therefore this adds to future need
- The Inspector at the Local Plan examination concluded that allocating this site would make the Plan unsound
- The site is not in a sustainable location

- Reference to recent court and appeal decisions, including [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] where the decision discussed that a lack of a 5 year housing land supply does not make all development plan policies out of date.
- The applicant has stated that the housing policies in the Core Strategy and Local Plan are out-of-date. The recent appeal decision for Pear Tree Lane in Euxton found that Policy 1 of the Core Strategy is not out of date, as it does not unreasonably constrain the ability of the Borough to accommodate its standard method housing requirement.
- The application site was considered by the Council during the preparation of the Local Plan; however, it was not allocated as it is not within a settlement considered to be suitable for growth under Policy 1 of the Core Strategy, and an assessment of the site found that it was not located in a sustainable location. A detailed assessment of the site has shown that distances to a railway station, service centre, supermarket and a GP surgery are all over 3km. It is over 5km to a further/higher educational establishment, and over 10km to an NHS hospital. Bus service frequency is less than 1 an hour in each direction, resulting in a significant number of car journeys to allow any future residents of the proposed development access to these key services.
- The Inspector at the Local Plan examination concluded that allocation of this site would be inconsistent with the development plan and would make the Plan unsound. It is not in a sustainable location, nor is there a need in the village for such a large-scale development. If the site wasn't suitable for allocation and development then, there is no reason why this has changed, and the applicant certainly hasn't demonstrated this as part of his submission.
- The applicant is arguing that there is conflict and inconsistency between Policy 1 of the Core Strategy and Policy V2 of the Local Plan. However, this is not the case – both have the underlying principles of sustainable and appropriate development. Policy 1 sets out the hierarchy of settlements with most growth and investment being centred on the sustainable settlements. Policy V2 allows for sustainable development. The Core Strategy Inspector found this approach to be sound, stating "The Local Plan is clear in terms of its vision and proposals. It ensures an appropriate scale of development in accordance with the existing or proposed size of the settlement".

#### *Infrastructure*

- Charnock Richard has no shop, no post office, no doctors, no chemist, no dentist, only three pubs/restaurants, one small park and public transport is limited
- The local schools are full
- The village is full and cannot sustain more dwellings
- People would not want to move here due to the lack of infrastructure
- Local drains, sewer system, electrical infrastructure, internet is already at full capacity
- The Transport Assessment notes facilities in walking / cycling distance but the terrain is hilly in every direction making it impossible for anyone with ill health or disabilities
- Conflict with Central Lancashire Affordable Housing (SPD) – no local need and lack of services

#### *Amenity*

- Residents bordering the site would be overlooked, suffering a loss of privacy
- The land floods and so pilings would likely be required – the noise and damage from vibrations would be unacceptable
- Light pollution, dust and mud
- Harm to mental health with lack of sleep due to noise

#### *Highway safety*

- Roads not suitable to support the rise in traffic
- Charter Lane is busy and dangerous as is used as a cut-through to A49 and contains a school, nursery, housing for the elderly, football /cricket pitch, scout hut etc.

- Dangerous for the school children attending the school – Christ Church
- Difficult to navigate Charter Lane at school drop-off and pick-up times and on football / cricket match days, scout hut usage – narrow road with cars parked – dangerous for drivers and pedestrians
- The railway bridge on Church Lane has no footpath and is narrow – greater danger to pedestrians
- The roads are crumbling
- Chorley Lane is a dangerous through route from towns / villages to the south/west of Chorley to and from the motorway junctions at Hartwood and Blackrod
- Vehicles speed through the village
- Parked cars already block access to resident's properties
- The Transport Assessment underestimates the number of additional vehicle movements
- There is a very weak bridge on Chorley Lane
- Poor visibility at entry/exit points on Church Lane and Chorley Lane
- Roads are not suitable for large plant / construction traffic
- Dangerous for horse riders
- Dangerous for wheelchair users
- Conflict with paragraph 108 of the NPPF regarding transport capacity and congestion
- Traffic surveys were undertaken when the school was closed

#### *Ecology and landscape*

- The site is a haven for many types of wildlife and should remain so
- The land is frequented by 4/5 fallow deer, owls, pheasants, squirrels, doves, foxes, buzzards, hedgehogs, great crested newts, water vole, newts, heron, frogs, multiple species of birds and insects and salamander and should remain wild
- There are a number of ancient oak trees on this land
- Large scale building across Chorley over past 15 years has destroyed much of the habitat and animals
- Why can't the land be used to plant trees and restore ponds
- Insufficient ecology surveys

#### *Other issues*

- Increased flood risk
- The proposal would erode the rural / village character of the area
- Should this application be approved, a further application would likely be submitted for developing adjacent land
- Reduction in property value
- Land and air pollution
- Houses are too small and crammed together
- Will the pumping station accommodate the new buildings, given existing drainage problems
- Urban sprawl has been happening over past 48 years in the village
- Attracting rats and pests
- Increase in crime
- The village already supports a substantial level of affordable housing
- Children hanging around the village
- Parked cars get damaged due to narrow roads
- Minimal weight should be given to the emerging plan
- Hint of a Roman Road traversing the site
- Proposed ponds would be dangerous due the proximity to the school and scout group
- The amendments to the scheme do not overcome the concerns expressed by residents to the initial submission
- Land ownership issues – hedges and trees to boundaries belonging to neighbouring landowners

## CONSULTATIONS

7. Charnock Richard Parish Council: Have responded to the initial consultation in objection to the proposal, as follows:

- The Parish Council are very concerned about the number of houses proposed as, Planning Policy 1(f) of the Core Strategy only allows for “small developments” or “infill” development in Charnock Richard. Proposals for 76 homes cannot be considered a small development;
- This application is for more dwellings on only part of the site contained within a previous application, which was refused as being contrary to Policy 1 above. If 60 dwellings were considered too many by the Planning Committee in 2017, and there have been no material changes in the site or to the surrounding infrastructure since that date, then 76 dwellings must similarly be too many;
- The Council are extremely concerned about the highway safety implications of the proposal. The existing road infrastructure is incapable of supporting a development of 76 additional homes. Taking an average of 2.4 cars per household this would amount to an additional 180+ cars and in excess of 360+ vehicular movements per day in and out of the site. Charter Lane, at only 5.5 metres wide, is not suitable as an access road and the lack of pavement/footway on one side of the road means additional footfall on this route would be very limited;
- The junctions of Charter Lane/Chorley Lane and Charter Lane/Church Lane have not been constructed to deal with this significant increase in vehicular movements without seriously compromising highway safety for pedestrians and road users. The Charter Lane/ Chorley Lane junction is completely inadequate to support this size of development. The sightlines are restricted and, there is no land available to increase the visibility splay to accommodate the additional number of vehicular movements created by a development of 76 homes. Similarly, the Charter Lane/Church Lane junction sightlines are restricted, often by parked cars associated with children attending the Primary School on Church Lane, and again it is difficult to see how this access could be altered to service the number of cars associated with a development of 76 homes;
- The Parish Council do not believe that this is a sustainable development and that there is a significant lack of infrastructure in Charnock Richard to support this development. There are no shops, no doctors surgery, no dentist or pharmacy and with very limited public transport links connectivity to these services is extremely difficult;
- There are no school places available in Charnock Richard and neighbouring Parish schools are all fully subscribed;
- There are already significant parking problems in the village, and in particular on Charter Lane and Church Lane at school opening and closing times which would be significantly exacerbated by the addition of 76 dwellings on this site;
- There is no gas supply to the site because this area is off grid; this could therefore result in a surge in demand for electricity to the site which could detrimentally affect neighbouring properties and the village in general
- There is a significant risk of increased flooding to neighbouring homes and gardens on Charter Lane and Leeson Avenue, despite the inclusion of a pumping station and, it is questionable whether the existing sewerage system would be able to cope with the increase demand resulting from this development. There is concern that during significant rainfall the pumping station would not be adequate and that the water discharged is going into an already struggling and full to capacity drainage system in the village resulting in increased flooding;
- Concerns raised in relation to the environmental impact the proposals would have on wildlife in the area as the land in question is currently a valuable feeding ground for barn owls and, a recent site survey has shown the ponds on the land are inhabited by great crested newts. The land also offers a valuable habitat for hedgehogs, foxes and grazing deer;
- The Parish Council believe that a full public consultation should have been undertaken by the applicant prior to submitting this application as the proposals will have a significant detrimental impact on the whole village, the roads, the utilities, highway safety and the demand for school places;

- The Parish Council are extremely concerned that this application may be Phase I and that they may be faced with further development of the remainder of the site in the future;
- The Parish Council do not believe there is a proven need for 76 affordable dwellings in Charnock Richard.

Charnock Richard Parish Council have also responded to the revised plans, much of which repeated their initial response, but also identified the following:

- The Parish Council strongly objects to these proposals.
  - Parking and traffic problems are already major issues at peak times and school times but also at weekends when the Football Club training and matches take place. In addition it is believed that parked cars on Charter Lane will obstruct sightlines for those motorists exiting the proposed development site, again compromising the safety of road users and pedestrians.
  - Furthermore, a full Ecological Survey should be undertaken to assess the impact of the proposals on this land and in the village.
  - Therefore, taking all these factors into account the Parish Council strongly objects to the proposals for this site which would constitute inappropriate development in Charnock Richard contrary to Planning Policy in the Core Strategy. There is no proven or evidential need at this time, or indeed going forward, for 76 affordable dwellings in Charnock Richard, nor on this site.
8. Police Designing Out Crime Officer: Have recommended a number of security recommendation to prevent crime and disorder.
  9. Environment Agency: Have advised that they have no comments to make on this application as it is outside the development types listed in the Environment Agency's External Checklist.
  10. Lancashire County Council Archaeology Service: Have advised that should the Local Planning Authority be minded to grant planning permission to this or any other scheme, they recommend a programme of archaeological work. This should be carried out prior to any development of the site and secured by means of a condition.
  11. Lancashire County Council Highway Services (LCC Highway Services): Initially responded to request on and off-site improvements be made as part of the proposal. Following the submission of revised drawings and the applicant's agreement to the proposed changes and improvements, LCC Highway Services have responded with no objection to the proposal, subject to conditions. Further details can be found later in this report.
  12. Greater Manchester Ecology Unit: Have suggested conditions relating to protection of amphibians (newts), nesting birds and bats. They have also requested that further ecological enhancement measures are provided which resulted in the applicant amending the proposal to retain hedgerows and provide additional planting. Further details are provided later in this report.
  13. Regulatory Services - Environmental Health Officer: Have confirmed that they have no objections in principle to the application but have recommended that electric vehicle charging points be provided at the properties.
  14. Waste & Contaminated Land Officer: Have confirmed that they have no objection to the proposal, subject to conditions requiring ground contamination investigations to take place prior to the commencement of development.
  15. Lead Local Flood Authority: Have responded with no objection to the proposal, subject to conditions, as detailed later within this report.
  16. United Utilities: Have responded with no objection to the proposal, subject to conditions, as detailed later within this report.

17. Lancashire Fire and Rescue Service: No comments have been received.
18. Lancashire County Council (Education): Have responded to state that, based on current approvals, a primary education contribution is not required. Latest projections for the local secondary schools show there to be a shortfall of places in 5 years' time. Therefore, the Local Education Authority are seeking a contribution from the developer in respect of the full pupil yield of this development, i.e. 4 places. Further details of this calculation are provided later in this report. The response from LCC Education was provided in September 2021 and so an updated position has been requested by the case officer. Any update will be provided in the committee addendum report.
19. NHS: No comments have been received.

## **PLANNING CONSIDERATIONS**

### Principle of development

20. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that if regard is to be had to the development plan for any determination then that determination must be made in accordance with the plan unless material considerations indicate otherwise.
21. The Development Plan comprises the adopted Central Lancashire Core Strategy (2012) and the adopted Chorley Local Plan 2012- 2026.
22. The proposal is located within the settlement of Charnock Richard as covered by Local Plan Policy V2 where there is a presumption in favour of appropriate sustainable development, subject to material planning considerations and the other Policies and Proposals within this Plan.
23. The Central Lancashire Core Strategy was adopted in July 2012 and covers the three neighbouring authorities of Chorley, South Ribble and Preston. The three authorities are a single Housing Market Area (HMA).
24. Core Strategy Policy 1 sets out the locations for growth and investment across Central Lancashire. Charnock Richard is not identified as a Rural Local Service Centre, therefore, criterion (f) is applicable. Under this criterion, development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes.
25. The proposed development of 76no. dwellings is not considered to be small scale. The proposal is also not redevelopment, therefore, the proposal does not accord with the development plan strategy for the area and is contrary to criterion (f) of Policy 1 of the Core Strategy.
26. Core Strategy Policy 4 sets out the minimum housing requirements for the plan area and is assessed later within this report.

### Other material considerations

27. The National Planning Policy Framework (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

28. 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).
29. Paragraph 11 of the Framework states 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.
30. 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.
31. Paragraph 59 of the Framework confirms the Government's objective of significantly boosting the supply of homes.
32. Paragraph 60 of the Framework reinforces that requirements represent the minimum number of homes needed.
33. 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.

#### Housing land supply

34. The following planning appeal decisions are of relevance.

**Land adjacent to Blainscough Hall, Blainscough Lane, Coppull  
Decision APP/D2320/W/21/3275691**

35. On the 3 February 2022 a decision was issued for the appeal for Land adjacent to Blainscough Hall, Blainscough Lane, Coppull. The appeal was allowed and outline planning permission was granted for the erection of up to 123 dwellings (including 30% affordable housing) with public open space provision, structural planting and landscaping and vehicular access points from Grange Drive.
36. The main issues in the appeal were:
  - Whether or not the Council can demonstrate a 5 year supply of deliverable housing land, having particular regard to the development plan, relevant national policy and guidance, the housing need or requirement in Chorley and the deliverability of the housing land supply;
  - Whether or not the most important policies of the development plan for determining the appeal are out of date, having particular regard to the 5 year housing land supply position and relevant national policy;
  - Whether this, or any other material consideration, would justify the proposed development on safeguarded land at this time.
  - Whether or not there are adequate secondary school places to serve the development.



37. In respect of the Housing Requirement in Chorley:
38. The Decision Letter includes an assessment of Core Strategy policy 4 (which sets out the minimum housing requirements for the plan area) in the context of Paragraph 74 of the Framework, and whether the policy has been reviewed and found not to require updating. It also considers whether the introduction of the standard method in itself represents a significant change in circumstances that renders Core Strategy policy 4 out of date with reference to the PPG (paragraph 062).
39. The Decision Letter concludes that it is appropriate to calculate the housing requirement against local housing need using the standard method due to the significant difference between the local housing need figure and the housing requirement in policy 4 amounting to a significant change in circumstances which renders Policy 4 out of date.
40. With regards to the appropriate housing requirement figure to use when calculating the housing land supply position of the authority, the Blainscough Hall Inspector, therefore, sets out that the standard method should be used. Applying this to the Council's current supply results in a housing land supply position between 2.4 and 2.6 years.
41. The Inspector concluded that 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 was, therefore, engaged under paragraph 11(d) of the Framework.

**Land to the East of Tincklers Lane, Tincklers Lane, Ecclestone PR7 5QY Appeal A Ref: APP/D2320/W/21/3272310**  
**Land to the North of Town Lane, Town Lane, Whittle-Le-Woods PR6 8AG Appeal B Ref: APP/D2320/W/21/3272314**

42. On the 18 February 2022 decisions were issued for the above appeals. Appeal A was allowed and outline planning permission was granted for the construction of up to 80 dwellings with all matters reserved aside from vehicular access from Doctors Lane. Appeal B was dismissed on grounds of highway safety.
43. The main issues in the appeals were:
  - Appeal A: Whether or not the proposal integrates satisfactorily with the surrounding area with particular regard to patterns of movement and connectivity Appeal B: The effect of the proposal on highway safety including accessibility of the appeal site.
  - Whether or not the Council is able to demonstrate a five-year supply of housing land;
  - Whether or not the most important policies of the development plan are out of date; and,
  - Whether any adverse effects, including conflict with the development plan as a whole, would be outweighed by other material considerations.
44. In respect of housing land supply:
45. The Inspector for the conjoined appeals assessed Core Strategy Policy 4 against Paragraph 74 of the Framework which requires the local planning authority to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5 years' worth of housing against their requirement as set out in adopted strategic policies, or against their local housing need when strategic policies are more than five years old. The Core Strategy is more than five years old.
46. The Inspector considered MOU1 to have constituted a review of Core Strategy Policy 4 and was an up-to-date assessment of need at that point in time but that the situation moved on considerably since it was signed.
47. Paragraph 44 of the Inspector's report notes that national guidance indicates local housing need will have considered to have changed significantly where a plan was adopted prior to

the standard method being implemented based on a number that is significantly below the number generated by the standard method. The implications for Chorley would result in an annual requirement of 564 dwellings and the CS figure would be significantly below this. In this instance, Chorley's local housing need has changed significantly.

48. The Inspector noted that the standard method figure is particularly influenced by the level of development in the area between 2009 and 2014 but considers that this does not necessarily render the standard method itself as invalid. Any proposed redistribution of standard method figures for the Central Lancashire authorities, such as MOU2, would need to be considered at an examination.
49. The Inspector considered oversupply and the delivery rates of housing, which was weighted towards the early years of the plan period. However, the requirement in Policy 4 itself is not expressed as an overall amount to be met over the plan period. Policy 4 does not refer to any potential oversupply despite the known potential of Buckshaw Village contributing to growth in Chorley and it clearly states that it is a minimum annual requirement. (paragraph 49)
50. Paragraph 50 of the Inspector's report states the inclusion of oversupply against Policy 4 would reduce the requirement for Chorley to just over 100 dwellings per annum. This would be considerably below anything which has been permitted in previous years in the area and would even be below the redistributed standard method figures for Chorley in MOU2. I consider it would be artificially low and would in greater probability, lead to significantly reducing not only the supply of market housing but also affordable housing within the area. It would thus run counter to the objective of the Framework to boost the supply of housing and to paragraph 74 of the same, which seeks to maintain the supply and delivery of new homes.
51. The Inspector concludes at paragraph 51 of the report that; in the circumstances before me having regard to both MOU1 and MOU2, I conclude that the situation has changed significantly for Chorley in respect of local housing need and that Policy 4 is out of date. The standard method is the appropriate method for calculating housing need in Chorley. It is agreed between the parties that a 5% buffer should be applied. In terms of sites which contribute to the housing land supply within Chorley, there is a very narrow area of dispute between the two main parties which relates to only 2 sites and amounts to 116 dwellings. This is a marginal number that has little effect on the result in respect of the requirement. Accordingly, against the application of the standard method there would be less than three years supply of housing land in Chorley, and I conclude that the Council is unable to demonstrate a five-year supply of deliverable housing sites.

**Land south of Parr Lane, Ecclestone  
Decision APP/D2320/W/21/3284702**

52. On the 17 March 2022 a decision was issued for the appeal for Land south of Parr Lane, Ecclestone. The appeal was allowed and outline planning permission was granted for up to 34 dwellings and associated infrastructure on land south of Parr Lane, Ecclestone, Lancashire in accordance with the terms of the application, Ref 20/01193/OUTMAJ, dated 4 November 2020, and the plans submitted with it, subject to the conditions.
53. Following the LPAs withdrawal of the reasons for refusal of the application, based upon the LPA not having a 5-year housing land supply as born out through recent appeal decisions, the main issue in the appeal was whether there were any material considerations that would justify dismissing the appeal.
54. The Inspector concluded the following with regards to housing land supply:
55. Framework paragraph 11d indicates that where the most important policies for the determination of a proposal are out-of-date, (which includes applications for housing, where the LPA cannot show a 5-year HLS), permission should be granted unless the adverse

impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole; the tilted balance.

56. The most important policies for determining this appeal are CS Policies 1 and 4 and LP Policy BNE3. Whilst the proposal would be consistent with CS Policy 1, it would conflict with LP Policy BNE3, safeguarding land for future development. The LPA accepts that it cannot show a 5-year HLS and as such CS Policy 4 and LP Policy BNE3 are out-of-date. Taking the development plan as a whole, the most important policies for determining this appeal are out-of-date and the tilted balance applies.
57. The proposal would provide for up to 34 dwellings of which 35%, would be affordable homes (CS Policy 7). Given the absence of a 5-year HLS, the proposal would make, albeit a modest one, a material contribution to meeting local housing needs. As a benefit this attracts significant weight. The development would secure economic benefits through construction investment and the contribution future occupants would make to the local economy. These benefits attract moderate weight. The site has limited biodiversity value and the development has the potential to provide biodiversity net gain. This is a benefit of limited weight. Given my assessment above, the harm arising from the conflict with LP Policy BNE3 is significantly and demonstrably outweighed by the benefits when assessed against the policies of the Framework as a whole.

**Land off Carrington Road, Adlington  
Decision APP/D2320/W/21/3284692**

58. On the 17 March 2022 a decision was issued on the above referenced appeal. The appeal was allowed and outline planning permission was granted for residential development of up to 25 dwellings on land off Carrington Road, Adlington, Lancashire PR7 4JE in accordance with the terms of the application, Ref 20/01200/OUTMAJ, dated 5 November 2020, and the plans submitted with it.
59. Following the LPAs withdrawal of the reasons for refusal of the application, based upon the LPA not having a 5-year housing land supply as born out through recent appeal decisions, the main issue in the appeal was whether there were any material considerations that would justify dismissing the appeal.
60. The Inspector concluded the following with regards to housing land supply:
61. Framework paragraph 11d indicates that where the most important policies for the determination of a proposal are out-of-date, (which includes applications for housing, where the LPA cannot show a 5-year HLS), permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole, the tilted balance.
62. The most important policies for determining this appeal are CS Policies 1 and 4 and LP Policy BNE3. Whilst the proposal would be consistent with CS Policy 1, it would conflict with LP Policy BNE3, safeguarding land for future development. The LPA accepts that it cannot show a 5-year HLS and as such CS Policy 4 and LP Policy BNE3 are out-of-date. Taking the development plan as a whole, the most important policies for determining this appeal are out-of-date and the tilted balance applies.
63. The proposal would provide for up to 25 dwellings of which 30%, would be affordable homes (CS Policy 7). Given the absence of a 5-year HLS, the proposal would make, albeit a modest one, a material contribution to meeting local housing needs. As a benefit this attracts significant weight. The development would secure economic benefits through construction investment and the contribution future occupants would make to the local economy. These benefits attract moderate weight. The site has limited biodiversity value and the development has the potential to provide biodiversity net gain. This is a benefit of limited weight. Given my assessment above, the harm arising from the conflict with LP Policy BNE3 is significantly and demonstrably outweighed by the benefits when assessed against the policies of the Framework as a whole.

### Summary - the tilted balance

64. 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.
65. Policies 1 and 4 of the Central Lancashire Core Strategy are the most important policies for determining the planning application.
66. At 1 April 2021 there was a total supply of 1,504 (net) deliverable dwellings which is a 2.7 year deliverable housing supply over the period 2021 – 2026 based on the annual housing requirement of 547 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 that it is proposed to be a 100% affordable housing scheme.
67. In light of the above, Policy 4 of the Core Strategy is out of date and the tilted balance is, therefore, engaged.
68. 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.
69. Policy 1 of the Core Strategy sets out the settlement strategy for the area and is not out of date. That said, the Council cannot demonstrate an adequate supply of housing and the shortfall is significant. Policy 1 of the Core Strategy therefore forms part of a strategy which is failing to deliver a sufficient level of housing. As such, the policy should only be afforded moderate weight in the planning balance.
70. In accordance with the Framework, planning permission should be granted for the proposal, unless:
  - c. 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
  - d. 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.

### Emerging Central Lancashire Local Plan

71. Once adopted, the Central Lancashire Local Plan (CLLP) 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.
72. The application site is part of a wider site (19C236x: Charter Lane) put forward for consideration for housing use as part of the CLLP Issues and Options consultation. A report on the Outcomes of the Issues and Options consultation is available on the CLLP website, although no specific comments were received in relation to 19C236x
73. As set out above, 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.

#### Central Lancashire Local Plan: Site Assessment work

74. Three call for sites exercises have been completed to date for the CLLP. 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).
75. 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.
76. 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 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.
77. 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.
78. 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.
79. The applicant considers the proposal to be in a sustainable location and has identified several planning benefits of the proposed development.

#### Impact on ecological interests

80. Policy BNE9 (Biodiversity and Nature Conservation) of the Chorley Local Plan 2012 – 2026 stipulates that Biodiversity and Ecological Network resources will be protected, conserved, restored and enhanced; and that priority will be given to, among other things, protecting, safeguarding and enhancing habitats for European, nationally and locally important species. The policy also requires, among other things, that where there is reason to suspect that there may be protected habitats/species on or close to a proposed development site, the developer will be expected to carry out all necessary surveys in the first instance; planning applications must then be accompanied by a survey assessing the presence of such habitats/species and, where appropriate, make provision for their needs. The policy is considered to be consistent with the Framework and should be attributed full weight.

#### Protected species – great crested newts

81. Great crested newts have been recorded from a pond in the north eastern corner of this application site and from the wider landscape in previous years. Surveys in 2020 did not record the species as being present, but very low populations of newts can be very difficult to detect. Single-date eDNA sampling may not pick up signs of great crested newts if very few newts are present, particularly if the water samples were collected early or late in the survey season, as was the case for this site. In fact the samples were taken on 30 June, the last date which Natural England recommend for sampling. If newts were present for breeding early in the season, and there were very few newts present, eDNA sampling carried out this late could be unreliable. Comments from local people note that great crested newts may still be present on the site.
82. The Council's ecology advisor recommends that for the above reasons the newt population should be given the benefit of the doubt and it should be assumed that they may be present

as a precautionary position. However, the available evidence does indicate that the newt population in the area is small, even if great crested newts remain present, and in general the dominant habitats present on the application site itself are sub-optimal for use as terrestrial habitat by amphibians. The pond on the site appears to have deteriorated since previous surveys were carried out in 2015-16. However, the site is still suitable for amphibians, and although the pond on site is shown as being retained and improved, other habitats on the site have some value for newts; the boundary habitats in particular provide terrestrial habitat and landscape connectivity of use to amphibians.

83. A Method Statement for the protection of amphibians has been supplied as part of the Ecology Survey and Assessment Report prepared by ERAP (section 5.4). Notwithstanding their comments on habitat loss the ecology advisor regards this as a reasonable precautionary approach to take regarding newts and they recommend that this Method Statement is required to be implemented by a condition placed on any permission which may be granted to the scheme. They would also advise the applicant that if it is suspected that a great crested newt has been found at any time during any approved development of the site, work must stop and a suitably qualified person must be contacted immediately for further assistance.

#### Habitat loss

84. The application site is not designated for its nature conservation importance; the site is mostly dominated by relatively species-poor agricultural grassland. However, there are some habitats of local value present, including a pond, hedgerows, trees and ditches. These habitats will support birds, small mammals and amphibians. Concern was expressed in relation to the initial planning submission about the losses to habitats, and to boundary trees and hedgerows in particular, which the development would have caused, particularly along the northern boundary and the boundary with Charter Lane. Losses to boundary habitats would cause direct habitat loss, habitat fragmentation and loss of species movement corridors. The applicant has revised the proposal to retain more hedgerow and plant more trees and whilst the proposal would still lead to a slight net loss in local biodiversity, there is currently no statutory requirement to provide a net gain in biodiversity until the contents of the Environment Act 2021 are transposed into planning law. The loss is not considered to be significant. As such, the proposal is considered to be acceptable in this regard.

#### Protection of nesting birds

85. The ecology advisor recommends that no tree felling or vegetation clearance that may be required by the scheme should take place during the optimum period for bird nesting ((March to August inclusive). All nesting birds their eggs and young are specially protected under the terms of the wildlife and Countryside Act 1981 (as amended). This can be controlled through a planning condition.

#### Protection of bats

86. If trees identified as having possible potential to support bat roosts need to be removed to facilitate the scheme, further survey of these trees for bats should be carried out prior to felling. If the scheme is approved a sensitive lighting plan should be prepared which avoids light spill as far as possible. These can also be controlled through a planning condition.

#### Protection of other mammals

87. The Council's ecology advisor states they are aware of reports of deer using the site. Deer are not specially protected, although precautions should be taken to avoid possible threats to animal welfare which the scheme may cause. As already stated, consideration should be given to the retention or replacement of landscape corridors on and close to the site to aid species movement. In relation to deer, if permission is granted to the development fencing should not be erected until large mammals have been given the opportunity to leave the site, to avoid them becoming trapped in any construction works.

### Invasive plants

88. Invasive Himalayan Balsam has been found on part of the site and care must be taken to avoid the potential spread of this invasive plant during the course of any development. Efforts should be made to eradicate the plant and this matter can also be controlled by a planning condition.

### Ecology summary

89. The proposal is considered to be acceptable in terms of its impacts upon ecological receptors, subject to conditions to safeguard protected species and the implementation of the submitted landscaping scheme. The applicant has enhanced the landscaping proposals since the original submission and whilst there would be a net loss in the biodiversity value of the site, this is considered to be minimal and not of a scale to warrant the refusal of the application.

### Impacts upon designated heritage assets

90. The Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act) sets out the principal duty that a Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Great weight and importance is attached to this duty.
91. The National Planning Policy Framework 2021 (The Framework) at Chapter 16 deals with conserving and enhancing the historic environment. It recognises that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. The following paragraphs contained therein are considered to be pertinent in this case:
92. The Framework at paragraph 197 states that in determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c) the desirability of new development making a positive contribution to local character and distinctiveness.
93. At paragraph 199 the Framework provides that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
94. At paragraph 200 the Framework confirms that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
95. Paragraph 201 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- a) the nature of the heritage asset prevents all reasonable uses of the site; and

- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
  - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
  - d) the harm or loss is outweighed by the benefit of bringing the site back into use.
96. At paragraph 202 the Framework provides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
97. The adopted Central Lancashire Core Strategy (2012) policy 16 (Heritage Assets) states: Protect and seek opportunities to enhance the historic environment, heritage assets and their settings by:
- a) Safeguarding heritage assets from inappropriate development that would cause harm to their significances.
  - b) Supporting development or other initiatives where they protect and enhance the local character, setting, management and historic significance of heritage assets, with particular support for initiatives that will improve any assets that are recognised as being in poor condition, or at risk.
  - c) Identifying and adopting a local list of heritage assets for each Authority.
98. Chorley Local Plan 2012 - 2026 policy BNE8 (Protection and Enhancement of Heritage Assets) states that:
- a) Applications affecting a Heritage Asset or its setting will be granted where it:
    - i. Is in accordance with the Framework and relevant Historic England guidance;
    - ii. Where appropriate, takes full account of the findings and recommendations in the Council's Conservation Area Appraisals and Management Proposals;
    - iii. Is accompanied by a satisfactory Heritage Statement (as defined by Chorley Council's advice on Heritage Statements) and;
  - b) Applications will be granted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment and where they show consideration for the following:
    - i. The conservation of features and elements that contribute to the heritage asset's significance and character. This may include: chimneys, windows and doors, boundary treatments, original roof coverings, earthworks or buried remains, shop fronts or elements of shop fronts in conservation areas, as well as internal features such as fireplaces, plaster cornices, doors, architraves, panelling and any walls in listed buildings;
    - ii. The reinstatement of features and elements that contribute to the heritage asset's significance which have been lost or damaged;
    - iii. The conservation and, where appropriate, the enhancement of the setting of heritage assets;
    - iv. The removal of additions or modifications that are considered harmful to the significance of any heritage asset. This may include the removal of pebbledash, paint from brickwork, non-original style windows, doors, satellite dishes or other equipment;
    - v. The use of the Heritage Asset should be compatible with the conservation of its significance. Whilst the original use of a building is usually the most appropriate one it is recognised that continuance of this use is not always possible. Sensitive and creative adaptation to enable an alternative use can be achieved and innovative design solutions will be positively encouraged;
    - vi. Historical information discovered during the application process shall be submitted to the Lancashire Historic Environment Record.
99. The policy also states that development involving the demolition or removal of significant heritage assets or parts thereof will be granted only in exceptional circumstances which have been clearly and convincingly demonstrated to be in accordance with the requirements of the Framework.



### Assessment

100. The site lies approximately 100-130m south of two listed buildings. The Charnock Richard C of E primary School and attached Masters house (1858) and the adjacent Frances Darlington Court and Chapel buildings which both sit on the corner of Charter Lane and Church Lane. Therefore, key heritage issue is whether the proposal would harm the setting of these grade II listed buildings.
101. In relation to setting, Historic England's advice is contained in its Planning Note 3 (second edition) entitled The Setting of Heritage Assets. This describes the setting as being the surroundings in which a heritage asset is experienced and explains that this may be more extensive than its immediate curtilage and need not be confined to areas which have public access. Whilst setting is often expressed by reference to visual considerations it is also influenced by the historic relationships between buildings and places and how views allow the significance of the asset to be appreciated. This definition is largely mirrored in the Framework glossary.
102. The two designated assets lie to the north of the site between 100-130m away separated by a school playing field and are largely screened from view by trees and hedges which enclose the immediate, well defined curtilage. Development on the site would not be viewed in the same context as the two listed buildings and their enclosed setting will not be harmed by the proposed housing development.
103. Map regression does not reveal any historic association between the school building and Almshouses to the land. Due to the distance separation no other heritage assets are affected by the proposal.
104. It is not considered that the application site contributes any significant level of significance to the listed buildings and can be considered, for the basis of this assessment, to be of neutral value. Subsequently, the proposal would have no impact on the contribution made by the setting on the significance of either of the heritage assets.
105. The proposal would meet the statutory test 'to preserve' and would cause no discernible harm to the setting and significance of the designated listed buildings identified above. Therefore, no balancing exercise is required as per paragraph 196 of the Framework. As such, the proposal meets the objectives of Chapter 16 of the Framework and accords with policy 16 of the Core Strategy and policy BNE 8 of the Chorley Local Plan 2012 - 2026.

### Archaeology

106. The Archaeology Assessment which accompanies the current planning application concludes (Section 7.2, p.18) that there is a potential for archaeological deposits from the prehistoric and Roman periods to be encountered by the development, and are broadly in line with those reached by the former Lancashire Archaeological Advisory Service (14/07/2016) in reply to planning application 16/00510/OUTMAJ. LAAS went on to advise that it would be appropriate for a phase of field evaluation to be undertaken and that a scheme of archaeological work be undertaken as part of the development.
107. It was envisaged that a first phase of work should include geophysical surveying and trial trenching, with any subsequent phase or phases of work designed to address the issues revealed by the previous stage of investigations. The Historic Environment Team sees no reason to amend the advice offered by LAAS, and consequently should the Local Planning Authority be minded to grant planning permission to this or any other scheme, would recommend a programme of archaeological work. This should be carried out prior to any development of the site and secured by condition.

### Impact on trees

108. An Arboricultural Impact Assessment (AIA) accompanies the application. It details that it would be necessary to remove 9no. individual trees, 12no. groups and 1no. part group to

implement the development. These are all Category C trees (defined under the British Standard as those of low quality). It is accepted that all the trees to be removed are Category C trees (i.e. low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm) and the Council would not as a result be able to justify protecting such trees with a Tree Preservation Order.

109. The AIA also recommends there are a further 3no. individual trees and 1 no. group that should be removed regardless of the development for tree management reasons, which is accepted.
110. Some of the proposed footpaths and boundary fencing would be within the root protection areas and canopies of 7no. trees and special working and/or construction methods along with special protection measure would need to be undertaken. This could be controlled by a planning condition. The proposal includes for the planting of over 60no. trees as part of the landscaping scheme. The proposal is considered to be acceptable in this regard.

#### Highway safety

111. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that the residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction. The policy is considered to be consistent with the Framework and should be attributed full weight.
112. Policy ST1 (New provision of Footpaths, Cycleways, Bridleways and their associated facilities in existing networks and new development) stipulates that new development and highways and traffic management schemes will not be permitted unless they include appropriate facilities for pedestrian, cycle parking facilities, and /or cycle routes. The policy requires, among other things, that proposal should provide for facilities for pedestrians and cyclists to facilitate access on foot and by bicycle to nearby residential, commercial, retail, educational and leisure areas, where appropriate; and additional footpaths, bridleways and cycleway routes between the countryside and built up areas where appropriate.
113. Highway safety and access issues have been the main concern expressed by residents during the consultation period. Lancashire County Council is the Local Highway Authority that manages and maintains the highway network in Lancashire and promotes safe travel and developments in accessible and sustainable locations within the county. As such, at certain stages in the planning process Chorley Council formally seeks the views of the County Council as a statutory consultee to assist in making an informed decision about proposed development. The following summarises comments received from LCC Highway Services.

#### *Existing site information*

114. The site is an existing grass field fronted by Charter Lane and bounded to the east by residential houses, partially by residential houses and a field to the south; and the Christ Church Charnock Richard CE Primary School to the north. The site is currently accessed from Charter Lane via a field gate. The Charnock Richard Football and Cricket Grounds are located approximately 400m of the site to the south.
115. There is footway on the east side of Charter Lane, but it is less than the required minimum width of 2.0m. On the west side of the road, there is no footway except at its junction with Church Lane, where footway is provided for approximately 30m. There are existing 'No-Waiting at Anytime' restrictions in force around the radii of Church Lane/Charter Lane extending into Charter Lane for respective distances of approximately 30m and 15m on the east and west sides.

116. There are two Public Rights of Way (PROW) near the site. PROW-FP18 is to the east connecting Church Lane and Chorley Lane, while PROW-FP16 lies to the west of the site and connects Preston Road and Chorley Lane.
117. Cycle routes are within 5km distance of the site on Yarrow Valley Way in the east and the A49 in the south. PROW-FP18 is a proposed cycle route.
118. Chorley Lane is the only bus route in the area with public services. Charter Lane and the section of the A49 from Mill Lane in the south to Church Lane in the north are not bus routes. Although Church Lane is a bus route, only school services are currently operated.
119. There is street lighting on Charter Lane, however, the existing provision would require improvements/upgrade to current standards, the design brief of which LCC Highways will provide the applicant as part of s278 agreement.

#### *Local highway network*

120. Charter Lane has an average carriageway width of 5.5m and provides a link between Church Lane and Chorley Lane, both of which extend from Preston Road in the west to Dob Brow in the east. Charter Lane, Church Lane and Chorley Lane are single 2-way roads with 30mph speed limits, but the 40mph speed limit on Preston Road is extended into Chorley Lane for approximately 480m.
121. The west side of Charter Lane is predominantly a vegetation buffer for an adjacent golf course, but in addition to residential houses, there are facilities such as a beauty salon, pre-school, scouts and guides headquarters building, sports pavilion, recreation grounds and football and cricket grounds with associated car park on Charter Lane.
122. Sightlines at the junctions of Charter Lane with Church Lane and Chorley Lane are partially obscured by existing third-party structures and hedges; and while the junctions appear to be operating under current conditions with no traffic collisions from the available most recent 5-year record, this may change with the increased traffic movements associated with the proposed development. Improvements would, therefore, be required to ensure the junctions can continue to be used safely.
123. There is street lighting on Charter Lane, however, the existing provision would require improvements/upgrade to current standards, the design brief of which LCC Highways will provide the applicant as part of s278 agreement.

#### *Existing traffic condition*

124. In the original application submission, no new traffic surveys were carried out to establish the existing traffic situation, instead, data from traffic surveys conducted in relation to the 2016 refused application were used to assess the impact of the proposed development. The traffic surveys carried out on 23 February 2016 identified the weekday AM and PM peaks as 08:00-09:00 and 16:30-17:30 respectively. The 2016 surveyed flows are shown in Figures 1 and 2 of the TA. Following the recent meeting with LCC Highways, the applicant conducted a 7-day automatic traffic survey from 16-23 July 2021 on Chorley Lane and Church Lane to establish the 85th percentile speeds of traffic approaching their junctions with Charter Lane for use to determine visibility splay requirements.

#### *Existing traffic condition*

125. The most recent available 5-year accident record of the area from 2016-2020 shows there were 4 slight personal injury traffic accidents at Preston Road/Church Lane, one of which involved a pedal cyclist. A slight personal injury accident each were recorded outside the pre-school on Charter Lane involving a motorcyclist and on Church Lane outside no. 54. There was also a single serious personal injury accident at Dob Brow/Sharratt's Path to the east involving a motorcyclist. The 7 accidents are more than the total of 4 analysed in the TA for the same studied area.

### *Access*

126. The development is to be accessed from Charter Lane via a new 5.5m wide access with 6m corner radii located between 17 Charter Lane and the scouts and guides headquarters building. The speed limit of Charter Lane is 30mph, but an automatic traffic count conducted by LCC Highway Services in 2017 found the 85th percentile speeds to be 37mph (northbound) and 35mph (southbound), as such, visibility splays of 2.4m x 58.0m (north) and 2.4m x 53.0m (south) will be required at the proposed site access.
127. The submitted plans have been revised to show the required visibility splays.

### *Internal layout*

128. The proposed site plan shows a 5.5m wide single access road (reduced to 4.8m width midway) provided through the site and linked by a couple of secondary access roads which are connected internally by shared surfaces. The access roads are to be provided with 2.0m wide footways on both sides. The layout accords with the principle of the Manual for Streets (MfS) and the Lancashire County Council's 'Creating Civilized Streets' as it incorporates adequate horizontal speed reduction measures with turning facilities. Swept path analysis drawings have been amended following submission of the application to demonstrate accessibility by refuse vehicles.
129. The layout will be expected to be provided and constructed to the Lancashire County Council Specification for Construction of Estate Roads to ensure satisfactory access and to be accepted for adoption under the s38 agreement of the Highways Act 1980.

### *Parking*

130. It is noted in section 5.5 of the TA that parking would be provided to the Chorley Council Parking Standard.

### *Accessibility by non-car modes*

#### *Walking*

131. The proposed development is within acceptable walking distance of 1000m of the Christ Church Charnock Richard CE Primary School located on Church Lane. However, it is outside the preferred maximum commuting distance of 2000m to the nearest secondary school, Chorley Southlands High School on Clover Road in the east. The site is not near a Town Centre, but there are some local facilities, including an off licence, hotel, bar/restaurant, public house, and a community centre within preferred walking distance of 1200m.
132. Walking route to local facilities in the area is currently via the existing footway on the east side of Charter Lane, but which as stated above is less than the required minimum width of 2.0m and often obstructed by parked vehicles, particularly during sporting events/training and; school pick-up and drop-off periods which often displaces pedestrians onto the live carriageway. The applicant's own assessment following the recent meeting with LCC Highway Services shows a maximum of 24 vehicles parked on Charter Lane during school drop-off at 09:00, which in distance terms effectively extended from the end of the waiting restrictions outside the pre-school to the proposed site access. Therefore, given the need to "create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles" as required by the Framework, it is considered that the applicant provides a new 2.0m wide footway on the west side of Charter Lane for its full length. In addition, the section of the existing footway in front of the site between 17 Charter Lane and the scouts and guides headquarters building should be widened to 2.0m consistent with the adjacent footways to achieve safe and suitable access to the site for all users.

133. The existing bus stops on Chorley Lane and Church Lane are outside the preferred maximum walking distance of 400m from the centre of the site and although there appears to be potential to provide footpath links to the east, north and especially to the south to connect Leeson Avenue to reduce travel time and walking distance to bus stops in the area, the applicant's assessment shows that none of these would be feasible mainly due to lands surrounding the site being in third-party ownerships. Therefore, as an alternative measure to reduce walking distance from the site to bus stops on Chorley Lane, the applicant proposes to relocate the existing bus stops south west of Chorley Lane/Charter Lane closer to the junction as shown on Plan 1 of the submitted Technical Note. The bus stops are currently approximately 715m walking distance from the centre of the site and relocating them to the positions shown on plan would reduce the walking distance to 560m, which although still outside the recommended 400m walking distance, would be acceptable if the existing footway on the south side of Chorley Lane is extended from its end outside 177 Chorley Lane (Haydocks Farm) to the new bus stops to ensure they can be safely accessed by residents living southwest of Chorley Lane/Charter Lane.

#### *Cycling*

134. There are cycle routes within acceptable 5km cycling distance of the site on Yarrow Valley Way in the east and the A49 in the south providing access to services and facilities in the wider area. The cycle routes include PROW-FP18 and Bridleway- BW34 which are advisory. The cycle routes in the area are not sufficiently interconnected, however, both Chorley and Euxton Balshaw Lane Railway Stations are within the 5km cycling distance of the site. It is therefore considered that there are adequate routes in the area to allow cycling to form part of longer journeys to the site.

#### *Public transport*

135. The nearest bus stops to the site are approximately 715m and 850m walking distances respectively in the south west and north east directions of Chorley Lane/Charter Lane from the centre of the site. As stated above, these are outside the preferred maximum walking distance of 400m. At these bus stops, public day services are provided at 2-hourly intervals by Services 337 (Chorley-Ormskirk) and 347 (Chorley-Southport), Mondays to Fridays and on Saturdays. A maximum of 4 school services are also available at these stops. The 2-hourly public services provided including the non-availability of Sunday services are unsuitable to satisfy the needs of most users and cannot be considered a reasonable sustainable alternative to the private car. There are also no facilities of the high-quality standard required to ensure the bus stops are disability compliant, safe and attractive to use. Therefore, given the need for the proposed development to promote use of public transport, improvements will be required to public transport services and infrastructure in the area to support the development and enhance the link to Chorley Town Centre and the wider area.

#### *Public transport service*

136. The current local bus Service 337/347 through Charnock Richard is fully funded by Lancashire County Council and it would not be possible for this bus to directly serve the development, via Charter Lane, as this would result in other areas having their services withdrawn. The sustainable option would therefore be to ensure bus stop infrastructure is realigned to better serve the development and the wider community. As an appropriate and sustainable option, it is considered that the applicant provides funding to enhance the existing service provision.

#### *Public transport infrastructure*

137. To support the development, there would be a need to formalise and possibly relocate the 4 existing nearest bus stops to the site on Chorley Lane to facilitate improved pedestrian links to the development. The bus stops are to be made fully EA compliant in line with LCC's standard design to include raised kerbs and boarding areas, bus stop bay and worded

markings, clearways etc. with the installation of new bus shelter on the nearest Chorley bound bus stops.

#### *Train*

138. Chorley and Euxton Balshaw Lane railway stations are within acceptable commuting distance of the site. Both stations have cycle storage and assisted travel facilities with frequent and regular train services to various destinations, as such, it is considered that there is potential for train journeys to be combined with other sustainable transport modes when travelling to the site.

#### *TRAFFIC FORECASTING*

139. The TA predicts the demand associated with the proposed development and derived future year traffic flows for use to assess the impact of the proposed development.

#### *Traffic Flows*

140. As stated above, no new survey of traffic flows were conducted. Instead, the results of 2016 survey for the above observed peaks carried out at Chorley Lane/Charter Lane and Church Lane/Charter Lane were used.

#### *Assessment years and traffic growth*

141. The assessment was carried out for the application year of 2021 and future year of 2026. The 2016 surveyed flows were factored to the 2021 and 2026 assessment years using TEMPRO, adjusted by NTM. The growth factors used are in Table 6.1, para, 6.3.4 of the TA and the resulting 2021 AM and PM growthed flows are in Figures 3 and 4. For the future year of 2026, the growthed flows are in Figures 5 and 6 of the TA. The figures as presented are generally accurate.

#### *Trip generation*

142. The applicant proposes the same TRICS based trip rates used for the refused application, which was originally based on 90 residential units, the potential village shop and community parking before being reduced to 60 dwellings. In that assessment, the trip rates were considered acceptable by LCC Highway Services and the proposed development was forecast to generate 48 two-way trips in the weekday AM peak and 44 two-way trips in the weekday PM peak.

143. The current proposal does not include the potential village shop and the community parking; and the 76 dwellings is less than the originally proposed 90 dwellings upon which the previous assessment was based. Therefore, the use of the same trip rates resulting in the current proposal generating 41 two-way trips in the weekday AM peak and 37 two-way weekday trips in the PM peak is acceptable.

#### *Trip distribution*

144. The proposed trip distribution is the same as that of the refused application and is shown in Figure 7 of the TA. The proposed development trips have been assigned to the highway network as shown in Figures 8 and 9 of the TA.

#### *'With development' flows*

145. The proposed development flows have been added to the growthed flows to calculate the 2021 and 2026 'with development flows'. The results are shown in Figures 10 and 11 for the 2021 'with development' flows and Figures 12 and 13 for the 2026 'with development' flows. As noted from the results, the proposed development will lead to increased flows. While this increase can be accommodated by the wider highway network, the increased flows will most likely have adverse impacts at the junctions of Church Lane and Chorley Lane with

Charter Lane both of which currently have inadequate sightlines. It would therefore be necessary for measures to be implemented to mitigate such impacts.

#### *TRAFFIC IMPACT ASSESSMENT*

146. The applicant has carried out an assessment of the operation of the highway network for the future year of 2026 at Church Lane/Charter Lane, Chorley Lane/Charter Lane and Charter Lane/Proposed site access. As these are all priority junctions, the assessment was carried out using Junction 9 (Picady) software. The assessment predicts that all three junctions will operate well within capacity during weekday AM and PM peak periods in the future year of 2026 with low Ratio of Flow to Capacity (RFC) values and minimal queue lengths as shown on Tables 7.1, 7.2 and 7.3 in section 7.3 of the submitted TA.
147. The result of the assessment shows all three junctions will operate well within capacity, however, there are issues of inadequate visibility which need to be addressed to ensure safe access and egress of the site and of Charter Lane at its junctions with Church Lane and Chorley Lane. At the recent meeting with LCC Highway Services, the applicant was requested to reassess the adequacy of sightlines at these junctions. Following this request, the applicant conducted a 7-day automatic traffic survey from 16th -23rd July 2021 on Chorley Lane and Church Lane to establish the 85th percentile speeds of traffic approaching the junctions for use to determine visibility splay requirements. The survey established the 85th percentile speeds on Church Lane as 34.4mph(eastbound) and 35.1mph (westbound). On Chorley Lane, the 85th percentile speeds were 37.6mph (northbound) and 38.1mph(southbound).
148. Based on the above results, the required visibility splays at Church Lane/Charter Lane as per the Manual for Streets recommendation will be 2.4 x 52.0m (east) and 2.4m x 53.0m (west), while at Chorley Lane/Charter Lane, the required splays will be 2.4 x 59.0m (north) and 2.4m x 60.0m (south).
149. The junction visibility assessment as detailed on Plans 002 rev P01 (29.07.2021) included in the Technical Note shows that at Church Lane/Charter Lane, although 45.0m SSD was used instead of the required 52.0m, the splay to the east still cuts across third-party (the pre-school) boundary. As noted, the SSD was not measured to the nearside kerbs as would have been appropriate at this location.
150. At Chorley Lane/Charter Lane, although shown on plan as 2.4m, the x-distance of the visibility splays as per the scale of the drawing is only 2.2m and measured away from nearside kerbs to SSDs of 52.0m (north) and 51m (south) instead of the required 59m(north) and 60m(south). The dimensions used are less than required, yet the splay to the north cuts across the boundary of the adjacent 158 Chorley Lane while in the south direction, there will be the need to cut back the existing hedge to ensure uninterrupted visibility.

#### *MITIGATION MEASURES*

151. From the assessment, it is apparent that while the two junctions appear to be operating well under current conditions with no traffic collisions, this may be exacerbated by the proposed development if additional measures are not implemented. Therefore, it is considered that the applicant implements traffic calming measures on Church Lane and Chorley Lane on the approach to the junctions to mitigate the adverse impacts of the development. The traffic calming measures in addition to the provision of footways, bus stop infrastructure and the street lighting improvements would be subject to LCC Highway Services approval and implemented through the s278 agreement.

#### *FRAMEWORK TRAVEL PLAN*

152. It is a Framework requirement that all developments that will generate significant amounts of movement to provide a Travel Plan. As the application submission does not include a Framework Travel Plan, this would be required by condition to include the following:

- Commitment and timescale for appointment of a Travel Plan Coordinator by the developer – one month prior to first occupation of development and the position maintained for 5 years.
- Commitment and timescale to undertake travel surveys - within 3 months of attaining 75% occupation of development.
- Commitment and timescale for the development of a Full Travel Plan - within 3 months of first travel survey.
- Details of pedestrian, cycling and public transport links to and within the site.
- Details of provision of secure and covered cycle storage.
- Outline objectives and targets.
- List of proposed measures to be introduced particularly any to be implemented prior to the development of the Full Travel Plan
- Details of arrangements for monitoring and review of the Full Travel Plan for a period of at least 5 years

153. For the proposed scale of development, LCC have requested a contribution of £6,000 to provide the following range of services.

- Appraise the Full Travel Plan submitted to the Council pursuant to the planning permission and provide constructive feedback.
- Oversee the progression from Framework to Full Travel Plan in line with agreed timescales.
- Monitor the development, implementation and review of the Full Travel Plan for a period of up to 5 years.

154. The travel plan contribution will be secured through a S106 agreement of the Town and Country Planning Act 1990 and the trigger point would be prior to commencement of development to enable suitable support to be provided early in the process.

#### *CONCLUSION*

155. In assessing the proposed development LCC Highway Services need to ensure that appropriate opportunities to promote sustainable transport modes have been taken up and that safe and suitable access to the site can be achieved for all users. While the impacts of the proposed development on highway safety are significant, it is considered that this can be cost effectively mitigated through the implementation of the above measures. Therefore, LCC Highway Services have raised no objection to the proposal subject to the applicant agreeing to carry out the mitigation measures listed below.

#### *To be secured via a S278 agreement of the Highway Act 1980*

##### *Chorley Lane*

- Provide 'SLOW' worded carriageway markings on red textureflexed surfacing on Chorley Lane on its approaches to Charter Lane including renewal of existing carriageway markings extending into Charter Lane. (appendix E - TN2). Drawing to be amended to incorporate coloured surfacing for the 'Slow' worded markings.
- Provide uncontrolled crossing of dropped kerbs and tactile pavings at Chorley Lane/Charter Lane. (appendix E - TN2)
- Relocate the existing 2no. bus stops outside and opposite 183 Chorley Lane closer to Chorley Lane/Charter Lane. The 2no. relocated bus stops to be provided to high quality disability compliant standard to include provision of raised kerbs, boarding platforms, new shelters and the required bus stop carriageway markings to include clearways with good quality information on services. The bus shelters will not be the cantilever type as stated on plan, as a smaller end panel can be installed to support the shelters. (appendix E - TN2).
- Extend the existing footway on the south side of Chorley Lane to a width of 2.0m from its current end outside 177 Chorley Lane to the relocated bus stop.



*Note: The actual location of all highway features including the 'SLOW' worded markings, dropped kerbs and tactile pavings and the new bus stops are to be agreed on site as part of the s278 agreement including the extents of the new footway provision and renewal of carriageway markings.*

#### *Charter Lane*

- Provide 2.0m wide footway extending the full width of the frontage of the proposed site to tie-in with the existing footway outside 17 Charter Lane in the south and outside the Charnock Richard scouts and guides headquarters in the north. The footway shown on the submitted proposed 'Hardstanding Plan' referenced, CL/CL/HP/01 rev B (26.11.21) does not extend to these points and must be amended.
- Provide an upgrade to the existing street lighting from the proposed site access to Church Lane/Charter Lane to include provision and installation of 6no. new lighting columns, 200m or so duct and cable and removal, reinstatement, and disposal from site of 2no. existing lighting columns. Depending on the final detailed street lighting design, the works and materials may be more than stated.

*Note: The existing vegetation within the visibility splays of the proposed site access will be required to be removed or reduced in height to no more than a metre. (appendix C - TN2)*

#### To be secured via a S106 agreement of the Town and Country Planning Act 1990

- Provide a planning contribution of £45,000 per annum for a period of 5 years to fund enhancement of the existing 337 and 347 bus services (or replacement / equivalent) to provide extended hourly service into the evenings (say to 8pm / 9pm) Mondays to Saturdays and a 2-hourly service on a Sundays. The enhancements are for the section between Chorley and Croston.
- Provide a planning Contribution of £6,000 to enable LCC to provide the following services in relation to Travel Plan.
  - Appraise the residential Travel Plan submitted to the Council pursuant to the planning permission and provide constructive feedback.
  - Oversee the progression from Interim to Full Travel Plan in line with agreed timescales.
  - Monitor the development, implementation and review of the Travel Plan for a period of up to 5 years.

156. In conclusion, the level of proposed parking and other highway implications of the proposal are considered to be acceptable, subject to conditions and a S106 agreement to secure the above referenced improvements.

#### Impact on the character and appearance of the area

157. Policy 17 of the Core Strategy seeks to ensure that the design of new buildings takes into account the character and appearance of the local area, including among other things, linking in with surrounding movement patterns and not prejudicing the development of neighbouring land; and protecting existing landscape features and natural assets. The policy is considered to be consistent with the Framework and should be attributed full weight.

158. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, among other things, the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials; that the layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area; and that the proposal would not have a detrimental impact on important natural habitats and landscape features such as historic landscapes, mature trees, hedgerows, ponds and watercourses. In some circumstances where on balance it is considered acceptable to remove one or more of these features, then mitigation measures to replace the feature/s will be required either on

or off-site. The policy is considered to be consistent with the Framework and should be attributed full weight.

159. Policy BNE10 (Trees) stipulates, among other things, that proposals that would result in the loss of trees, woodland areas or hedgerows which make a valuable contribution to the character of the landscape, a building, a settlement or the setting thereof will not be permitted. Replacement planting will be required where it is considered that the benefit of the development outweighs the loss of some trees or hedgerows. The policy is considered to be consistent with the Framework and should be attributed full weight.
160. The surrounding housing stock to the development site are generally two storey brick and rendered buildings in a varied mixture of built forms including detached, semi-detached and terraced properties with pitched grey roofs and details such as bay windows, flat canopies and hanging tile.
161. When considering any development proposal, the Council must be mindful of The Framework that states that the Government attaches great importance to the design of the built environment and good design is a key aspect of sustainable development. The Framework also states that planning policies and decisions should aim to ensure that developments (amongst other things) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
162. Chorley Council plans positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes and seeks to create well-mixed and integrated developments, which avoid segregation and have well-planned public spaces that bring people together and provide opportunities for physical activity and recreation.
163. The site area is 2.02 hectares so the scheme is the equivalent to 37.6 dwellings per hectare, which is quite a dense scheme in terms of layout. Although it is not considered that the density could be said to be out of keeping with the density of development in Charnock Richard in general, as a result of the layout and density it is necessary to remove some trees on the site but those of higher value are to be retained.
164. The proposal includes a main spine road through the site with secondary roads branching off and the proposed units arranged in parcels of development with interspersed landscaping areas, mainly around the retained pond to the north east and a new pond to the north west corner of the site.
165. The apartments proposed are 'cottage' style apartments, which each have their own front door and are two-storey in scale. It is considered they are in keeping with the character of the wider proposal and the surrounding local area. All units will be two storeys in height. Materials will include render, red and brown brick and grey roof tiles. The dwellings are of a simple contemporary design with the final choice of materials to be agreed through the discharge of planning conditions.
166. It is considered that the proposed dwellings would assimilate with the built form of existing dwellings in the area. In light of the above, the proposal would not cause harm to the character and appearance of the locality. The development, therefore, complies with the above referenced policies of the Chorley Local Plan in this regard.

#### Impact on amenity

167. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, where relevant to the development the proposal would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact; and that the proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses.

The policy is considered to be consistent with the Framework and should be attributed full weight.

168. With regards to noise, dust and other pollution during the construction period, these would be short in duration and limited in intensity. Such impacts could be adequately controlled through a construction environmental management plan (CEMP) which can be required to be submitted to the Local Planning Authority for approval prior to works commencing.
169. It is worth noting that many objections to the proposal have referred to the impacts upon the occupiers of surrounding dwellings from overlooking / loss of privacy. The design of the apartment block to be situated closest to the dwellings on Leeson Avenue has been amended at the request of the case officer. The original design had windows that would have introduced a window at first floor level that would have overlooked the rear gardens of nos. 4 and 6 Leeson Avenue. The revised apartment block has a blank gable wall in this location.
170. All interface distances between the existing surrounding dwellings and the proposed dwellings are greater than the Council's minimum guideline distances and so are considered acceptable. The proposed dwellings have been designed in such a way so as to be compatible with each other without creating an amenity impact of adjacent plots. There would be an adequate degree of screening around the plots.
171. In light of the above, it is considered that the proposal is acceptable in terms of amenity impacts and accords with national policy and policy BNE1 of the Chorley Local Plan in this regard.

#### Drainage and flood risk

172. Policy 29 (Water Management) of the Core Strategy seeks to improve water quality, water management and reduces the risk of flooding in a number of ways including, among other things, appraising, managing and reducing flood risk in all new developments. The policy is considered to be consistent with the Framework and should be attributed full weight.
173. Lancashire County Council as Lead Local Flood Authority is the responsible 'risk management authority' for managing 'local' flood risk which refers to flood risk from surface water, groundwater or from ordinary watercourses.
174. A Flood Risk Assessment and Drainage Strategy has been submitted with the application and reviewed by United Utilities and Lancashire County Council as Lead Local Flood Authority (LLFA). An indicative drainage strategy has also been provided. The site is in Flood Zone 1 (the lowest risk) as identified by the Environment Agency.
175. The Planning Practice Guidance (PPG) establishes a hierarchy for surface water disposal, which encourages a Sustainable Urban Drainage System (SuDS) approach. Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:
- into the ground (infiltration);
  - to a surface water body;
  - to a surface water sewer, highway drain, or another drainage system;
  - to a combined sewer.
176. Section 8.11 of the submitted Flood Risk Assessment and Drainage Strategy states that a pumping station will be installed to connect to the surface water sewer on Leeson Lane. Given the absence of a suitable watercourse and the general fall of the land to the west, the LLFA accepts that pumping may be necessary. Given that the site has very low relief, however, they advise the applicant should provide evidence to demonstrate why pumping is required and why the site cannot be drained by gravity as part of a satisfactory final sustainable drainage strategy.

177. The Flood Risk Assessment and Drainage Strategy also states that infiltration tests have not been carried out, but that infiltration has been discounted based on identified ground conditions. The information submitted is not considered sufficient to discount infiltration as a discharge method. In order to do so, the LLFA advise that the applicant must submit evidence of infiltration rates and groundwater levels, for example, through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365 revised 2016. This would ensure that priority is given to SuDS in accordance with the Planning Practice Guidance, as the preferred means of surface water drainage for any new development is via infiltration. The applicant must, therefore, submit evidence as to why each 'level' of the above hierarchy cannot be achieved. Subject to the above the LLFA has no objection to the proposed development.
178. The above can be secured through the imposition of planning conditions requiring full details of a drainage strategy to be submitted based on evidence that the highest tier in the drainage hierarchy has been used and associated conditions.
179. United Utilities state the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. They confirm that following their review of the Flood Risk Assessment and Drainage Strategy they can confirm the proposals are acceptable in principle to them. However, they do not have sufficient information on the detail of the drainage design, particularly in relation to the proposed cover and invert levels of the on-site system in comparison to the proposed finished floor levels. They therefore request drainage conditions are attached to any permission similar to those requested by the LLFA, including details of a surface water drainage scheme including an investigation of the hierarchy of drainage options in the National Planning Practice Guidance which shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water, a restricted rate of discharge of surface water (if infiltration is discounted through investigations), and a timetable for its implementation.
180. They also request a condition that foul and surface water shall be drained on separate systems. It is intended that foul sewage from the site will be collected by a piped system and discharged into the public foul sewer manhole that lies within Charter Lane.
181. Subject to the above conditions including demonstrating the site will be drainage as high up on the drainage hierarchy as possible the proposal is considered acceptable in this respect.

#### Affordable housing

182. Policy 7 of the Core Strategy and the Affordable Housing SPD only relate to affordable housing provided as part of a market housing scheme secured through a S106 agreement, therefore, they are not applicable to this scheme. The Council's preference is for 70% affordable rented in line with Policy 7 and the SPD and the proposed split for this scheme is 47% affordable rented and 53% shared ownership. The Council's tenancy strategy requires the rented units on S106 sites to be social rent however as this is a 100% affordable housing scheme these requirements do not apply, and Homes England funding is not available for social rent in the borough. As such, the proposed mix is considered to be acceptable.
183. On 25 January 2022 there were 489 active applications in categories a – c of the housing register. On 16 March 2022, two applications in reasonable preference category a - c have listed Charnock Richard as their preferred location. However, many applicants do not choose an area of preference when completing the application, particularly areas where there is less affordable supply, and affordable housing need is borough wide across Chorley.
184. There is an acute shortfall in the provision of affordable housing in the borough. This development would make a valuable contribute to the borough wide need for affordable housing which should be given significant weight in the planning balance, as identified in recent appeal decisions in the borough.

### The provision of affordable homes in the planning balance

185. While the provision of affordable housing is given significant weight in the planning balance, this has to be considered alongside the matter of sustainability and, given the low number of people who currently live or have a connection with the village on the housing waiting list, the issue of bringing a large number of new residents into a village that has very few facilities to support them and, therefore, the need for them to travel out of the village, most likely be private car to access facilities. That said, LCC Highway Services have agreed to enhancements to the local bus services, bus stops, and pedestrian access arrangements in and around this site, as explained earlier in this report. As such, it is considered that the sustainable modes of transport will be available to serve the future occupants of the proposed dwellings. Financial contributions will also be secured for public open space and additional school places. It is, therefore, considered that the site is a suitable location for this level of affordable housing.

### Public open space

#### *Amenity Greenspace*

186. Policy HS4A of the Chorley Local Plan 2012 - 2026 sets a standard of 0.73 hectares per 1,000 population.

187. There is currently a deficit of provision in Chisnall in relation to this standard, a contribution towards new provision in the ward is, therefore, required from this development. As the development is 10 or more dwellings the required amenity greenspace should be provided on-site. The amount required is 0.1332 hectares. A maintenance cost of £53,200 is also required for a 10 year period if private maintenance is not proposed.

#### *Provision for children/young people*

188. Policy HS4A of the Chorley Local Plan 2012 - 2026 sets a standard of 0.08 hectares per 1,000 population.

189. There is currently a surplus of provision in Chisnall in relation to this standard, a contribution towards new provision in the ward is, therefore, not required from this development. The site is also not within the accessibility catchment (800m) of any areas of provision for children/young people that are identified as being low quality and/or low value in the Open Space Study. A contribution towards improvements is therefore also not required from this development.

#### *Parks and Gardens*

190. There is no requirement to provide a new park or garden on-site within this development.

191. The site is within the accessibility catchment (1,000m) of parks/gardens that are identified as being low quality and/or low value in the Open Space Study (site 2017 Orchard Garden, Charnock Richard), a contribution towards improving these sites is, therefore, required. The amount required is £1,467 per dwelling.

#### *Natural and Semi-Natural Greenspace*

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

193. There are no areas of natural/semi-natural greenspace within the accessibility catchment (800m) of this site identified as being low quality and/or low value in the Open Space Study, therefore, a contribution towards improving existing provision is not required.

### Allotments

194. There is no requirement to provide allotment provision on site within this development.
195. The site is not within the accessibility catchment (10 minutes' drive time) of a proposed new allotment site, a contribution towards new allotment provision is, therefore, not required from this development.

### Playing Pitches

196. A Playing Pitch Strategy was published in June 2012 which 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. The amount required is £1,599 per dwelling.

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

|                      |   |
|----------------------|---|
| Amenity greenspace   | = £53,200 (if private maintenance not proposed) |
| Equipped play area   | = £0  |
| Parks/Gardens        | = £111,492                                      |
| Natural/semi-natural | = £0  |
| Allotments           | = £0  |
| Playing Pitches      | = £121,524                                      |
| <b>Total</b>         | <b>= £286,216</b>                               |

### Sustainability

197. 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 1<sup>st</sup> 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 26th March 2015, which effectively removed the Code for Sustainable Homes. The Bill does include transitional provisions which include:

*"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."*

*"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."*

198. Given this change, instead of meeting the Code Level the dwellings should achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations in accordance with the above provisions. This can be controlled by a conditions.

## Education

199. Lancashire County Council Education have provided a contribution assessment for this development which can be summarised as follows:

Lancashire County Council is responsible for the provision of school places across the 12 county districts. The county has been facing significant increases in the birth rate at the same time as capital funding from the Department for Education has been significantly reduced.

In accordance with Lancashire County Council's 'School Place Provision Strategy', the following will apply:

Where the growth in pupil numbers is directly linked to housing development and existing school places are not sufficient to accommodate the potential additional pupils that the development may yield, Lancashire County Council would seek to secure developer contributions towards additional school places. Only by securing such contributions (which, depending upon the scale of development, may also include a contribution of a school site), can Lancashire County Council mitigate against the impact upon the education infrastructure which the development may have.

Latest projections for the local primary schools show there to be 91 places available in 5 years' time. With an expected pupil yield of 9 pupils from this development, we would not be seeking a contribution from the developer in respect of primary places.

Latest projections for the local secondary schools show there to be a shortfall of 234 places in 5 years' time. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document, which already have planning permission.

With an expected yield of 4 places from this development the shortfall would increase to 238. Therefore, we would be seeking a contribution from the developer in respect of the full pupil yield of this development, i.e. 4 places.

Permanent expansion in secondary places:

(£23,775 x 0.97)

= £23,061.75 per place

£23,061.75 x 4 places = **£92,247.00**

## Employment skills provision

200. 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

201. 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

202. It is, therefore, recommended that a condition requiring an employment and skills plan is attached to any grant of planning permission.

#### Community Infrastructure Levy (CIL)

203. 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, unless an exemption is applied for (as affordable housing), and the charge is subject to indexation in accordance with the Council's Charging Schedule.

#### Planning balance

204. 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.

205. The adverse impacts of the development relate primarily to its conflict with the development plan strategy for the area, born out through Policy 1 of the Central Lancashire Core Strategy. Charnock Richard is not a settlement earmarked for significant development. The Framework indicates that the planning system should be genuinely plan-led. There would also be some limited harm to the biodiversity of the area through a net loss in the biodiversity value of the site.

206. 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.

207. A relatively large number of affordable homes are to be provided in Charnock Richard by this proposal and whilst there would not appear to be a need for these in the immediate area, there is a significant shortfall across the Borough. The new affordable dwellings would provide homes for real people in real need.

208. 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.



209. The provision of open space and its ongoing management and maintenance and the contributions to school places, sustainable transport and the travel plan are neutral considerations because they are needed to make the development acceptable.
210. Although Charnock Richard has limited facilities reflecting its lowly position in the settlement hierarchy, there is a primary and pre-school close to the site and an off licence, hotel, bar/restaurant, public house, and a community centre within walking distance of the site. Charter Lane is also well served by public transport with bus stops along both Chorley Lane and Church Lane. The nearest bus stop is located on Chorley Lane, approximately 560m (7 minute walk) from the site. This gives the site accessibility to the local, regional and national road networks, and thus provides opportunities for modes of transport other than the car. The proposal includes to move this bus stop closer to the site and improve its functionality.
211. The nearest supermarkets are a Tesco Extra at Foxhole Road, Chorley (approximately 2.5km to the northeast) and a Co-op at Spendmore Lane, Coppull (approximately 1.5km to the south). The site is also situated approximately 5km to the southwest of Chorley town centre.
212. Whilst, the private vehicle would likely be used for most journeys, alternatives exist and journeys to access services would not be long. The proposal includes enhancements to sustainable transport options.
213. There is conflict with Policy 1 of the CLCS and the development plan overall, although the site is located within the defined settlement boundary. In terms of Policy 1, the overall strategy is consistent with the Framework in concentrating development in the most sustainable locations. That said, the policy forms part of a failing strategy as the Council cannot demonstrate an adequate supply of housing. As such, the policy is only afforded moderate weight.
214. The adverse impacts of the proposed development relating to the conflict with the development strategy and loss in biodiversity would not significantly and demonstrably outweigh the considerable economic and significant social benefits. As such, the proposal is recommended for approval.

## CONCLUSION

215. 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.

## RELEVANT HISTORY OF THE SITE

**Ref:** 5/5/07975                      **Decision:** WDN                      **Decision Date:** 18 February 1971  
**Description:** Site for 145 dwellings

**Ref:** 88/00603/OUTMAJ              **Decision:** REFOPP              **Decision Date:** 27 September 1988  
**Description:** Outline application for erection of 13 detached dwellings with associated roadworks

**Ref:** 16/00510/OUTMAJ              **Decision:** REFOPP              **Decision Date:** 8 March 2017  
**Description:** The erection of up to 60 dwellings, a village shop, community parking, landscaping, provision of public open space, access and associated infrastructure

**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.