

DXC Chorley, Euxton Lane: Bellway Homes

Weight to be afforded to Policy 10 in the Central Lancashire Core Strategy

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This note supplements and summarises the points we make in Section 4 of our Employment Statement supporting the current planning application for Bellway Homes on a previously developed and underutilised brownfield site in close proximity to Buckshaw Train Station (ref: XXXX). In short:

- The Central Lancashire Core Strategy (CS) is now 10 years old having been adopted in 2012. Paragraph 33 of the NPPF confirms that planning policies should be reviewed every 5 years. It also confirms this will be particularly important if the authorities local housing number has increased (which is clearly the case in Chorley). Policy 10 should have therefore been reviewed on 2 occasions already, particularly further to Chorley increased housing requirement under the Standard Methodology.
- Whilst this site was identified a 'Good Urban' existing employment site back in the Council's 2009 evidence base that supported the CS, this evidence is now 12 years old and only looked at employment needs up to 2021. Since it was prepared times have moved on in terms of national and local planning policy and the level of employment land development and supply in the Borough and immediate locality. This evidence base can no longer be regarded as being up to date as it no longer provides an accurate or up to date picture as to what should be regarded as the best and most attractive employment sites within the Borough.
- The CS evidence base was prepared in the context of PPS3 – Housing and PPS4 – Planning for Sustainable Economic Growth, which applied a more protectionist stance to existing employment land under Policy E2.1.
- The CS was also drafted and examined in the context of the NW RSS, which was not legally revoked until after the CS adoption. The Inspector was therefore still legally bound to examine the Council's policies to ensure they were consistent with adopted policies in the RSS and Policy W3 was particularly protective of existing employment sites confirming that there should be a presumption against the release of allocated employment sites for other uses.
- The examination hearings for the CS also closed prior to the publication of the 2012 NPPF. Whilst the CS Inspector did consider policies in the plan and their accordance with the 2012 NPPF, this was only undertaken after the public hearing sessions. Notably, the Inspector requested very few major modifications to the plan due to the late onset of the national policy change. However, Policy 1 was specifically inserted into the CS by the Inspector to ensure that the NPPF test of presumption in favour was applied to relevant planning application (including its relevance to applications involving housing development). Policy 1 in the CS is therefore of critical relevance to this planning application.

Reference: P21- 0962 / N001v2 / PL / ST

- Policies within the CS (including Policy 10) were ultimately heavily influenced by policies in the RSS and an evidence base prepared in line with outdated national planning policy. Policy 10, therefore, cannot be regarded as being up to date.
- Since 2009 and the adoption of the CS, the Council have also added additional employment allocations to the local supply further to the adoption of the Chorley Site Allocations DPD (2012–2026) (SA) in 2015. Within the SA plan, the Council chose to allocate new employment land for development and designate various existing employment sites. Notably, this site was not allocated or designated for employment use. It therefore remains as white land with no specific development use defined and is located within an existing main urban area on the adopted proposals map.
- In this context, it is important to note paragraphs 122 and 123 of the NPPF and recognising in this case, paragraph 123 is engaged.
- Paragraph 122 relates to land that is allocated for development (which is not applicable to this site). Nonetheless, it still calls for a flexible and pragmatic approach to be taken. In particular it calls for the need for policies and decision to reflect changes in the demand for land, for regular reviews of land allocated for development in plans and land availability and where the LPA considers there to be no reasonable prospect of an application coming forward for the use allocated in the plan, it should update the allocation as part of a forthcoming plan update, or in the interim, support applications where it would contribute to meeting an unmet need for development in the area.
- Paragraph 123 confirms that LPAs should also take a positive approach to application for alternative uses of land which is currently developed but not allocated for a specific purpose in a plan (as is the case for this site), where this would help meet identified development needs. In particular, the paragraph confirms LPAs should support proposals to use retail and employment land for homes in areas of high housing demand provided this would not undermine key economic sectors or sites of the vitality and viability of town centres.
- Notably, a stringent application of Policy 10 would potentially lead to the site being used for retail or leisure uses (noting the past office use of the building and changes to the Use Class order and creation of Class E). Such an approach would serve to undermine the vitality and viability of nearby town centres given the site's 'out of centre' location and therefore be contrary to paragraph 123 of the NPPF and the wider aims of Section 7 of the NPPF.
- The approach applied by Policy 10, which applies a much more stringent set of criteria, is not therefore consistent with the NPPF for various reasons and is a further reason to deem it out of date.
- There is no evidence that the re-use of the site for housing would undermine the land supply and strategy for employment growth within the Borough. The Council's 2021 Employment Land Monitoring Report identified 70.49 ha of employment land available (66 ha of allocated land and 4.49 ha of unallocated land with planning approval). The amount of land available for office (former B1 use) is 66.46 ha. Take up of employment land for office space has averaged 0.64 ha per annum since 2010. Even if we applied the overall take up of employment land since 2010 at 2.86 ha per annum, this would indicate that there is still circa 25 years of supply available.
- More locally, we have provided evidence that there is plenty of supply with vacant and available office space located on the opposite side of the railway tracks as developed by Orbit Developments and available space at Strawberry Fields (a Council led employment scheme that received significant grant funding). Both of these developments are on land specifically allocated

for employment development in the SA plan and post date Policy 10 and the 2009 evidence base that identified the application site as a Good Urban site.

- Notwithstanding the age of Policy 10 and its evidence base and its inconsistency with the new NPPF and all of the other points raised above, the Council can only demonstrate between 2.4- 2.6 years of housing supply. As such, Policy 1 of the CS and Paragraph 11 of the NPPF are engaged regardless and have to be applied to the determination of this planning application. Indeed, Policy 10 does seek to restrict the delivery of housing and is therefore a policy captured by Paragraph 11d and footnote 8 of the NPPF. That means, the presumption in favour of sustainable development has to be applied and the application of the tilted balance considered.
- Whilst the loss of employment land might be cited by the Council as a negative, bearing in mind there is evidently sufficient land available to meet past trends in employment land take up and a plentiful supply of vacant and good quality office space neighbouring the site, the harm caused by this loss must be regarded as being negligible.
- Counter to this, it is well established that planning judgements should afford significant positive weight to development proposals for housing where there is evidence of unmet market and affordable housing need and where previously developed land in sustainable locations is being utilised to meet such needs. The development will also deliver new open space in an area that the Council's own evidence demonstrates there is a deficiency. Significant positive benefits would therefore emulate from the development and the application being approved.
- Whilst we accept that Policy 10 is an adopted and statutory policy, paragraph 47 of the NPPF confirms that planning law requires applications to be determined in accordance with the adopted development **and material considerations**. In this instance, all of the points cited above including the NPPF policies, the age and context in which the current policies were adopted, the age of the evidence base that supported them, the lack of a 5 year housing supply, and the sustainable location and other benefits emanating from the development (including 30% affordable housing development, s106 contributions and open space provision) are all highly pertinent material considerations that cannot be ignored. They all have to be accounted for if the Council is to apply the NPPF policies correctly, which it must do so regardless and particularly given the reasons as to why Policy 1 was added to the CS by the Inspector in the first place.