

## Statement of Case

# Appeal against refusal of planning application 21/O1475/FULMAJ

Former DXC Site, Euxton Lane, Chorley

On behalf of Bellway Homes Limited (Manchester Division)

Date: October 2022 | Pegasus Ref: P21\_0962\_R006v3\_PL\_MAN\_KW\_ST

Author: KW & ST

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## Document Management

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# 1. Introduction

- 1.1. Pegasus Group has been instructed on behalf of their client, Bellway Homes Limited (Manchester Division) – the Appellant, to submit an appeal against the refusal of a planning application at the former DXC Site, Euxton Lane, Chorley. Namely, the appeal relates to planning application reference 21/O1475/FULMAJ, which has the following description of development:

*“Erection of 108 no. dwellings (Use Class C3) with associated access, landscaping, parking and other works following demolition of existing building.”*

- 1.2. This appeal is submitted following lengthy and positive negotiations with the Council during the determination process, where the Appellant received written confirmation of an Officer recommendation for approval on multiple occasions. Unfortunately, the application was then recommended for refusal with less than 24 hours notice and on the basis of an evidence base that was not publicly available at the time.

- 1.3. The application was refused on 22<sup>nd</sup> September 2022 on the following two grounds:

1. *The proposed development would result in an unacceptable reduction in the type and quantity of employment land supply contrary to policy 10 of the Central Lancashire Core Strategy.*
2. *The application site is proposed in isolation from residential development patterns and associated amenities resulting in an unsustainable form of development. It would fail to provide connectivity with supporting amenities, which means that the development does not integrate or function well with the surrounding area. The proposal does not, therefore, secure a high-quality inclusive design. The proposal is, therefore, contrary to policy 17 of the Central Lancashire Core Strategy 2012 and the National Planning Policy Framework.*

- 1.4. This Statement of Case has been prepared in accordance with Annex J of the Planning Inspectorate’s Procedural Guide for Planning Appeals in England – originally published on 6<sup>th</sup> April 2015 and updated 12<sup>th</sup> April 2022. It sets out the points which the Appellant intends to present in support of its case that planning permission for the appeal proposals should be granted. It also describes areas of evidence to be presented and identifies available documents and information which may be presented in support of the Appellant’s case.

- 1.5. Following this introductory section, the report is structured as follows:

- **Section 2** outlines the site characteristics and context of the appeal proposal;
- **Section 3** discusses the appeal proposal;
- **Section 4** outlines the relevant policies of the adopted Development Plan and other material considerations;
- **Section 5** outlines the Appellants Case; and
- **Section 6** outlines our overall Conclusions, setting out that there are no clear and compelling reasons why the appeal should not be allowed.

## 2. Site Description & Surroundings

### The Appeal Site

- 2.1. The appeal site relates to land at the former DXC Technology Site, Euxton Lane, Chorley. The site area measures 3.02 hectares in size, the majority of which was previously occupied by the two-storey 'DXC Technology' office building. The site is fully vacant, as whilst still in situ, the former office building was vacated by the previous occupier Hewlett Packard in January 2022.
- 2.2. The western extent of the site primarily comprises a Car Park, with the south-eastern extent of the site comprising an area of hardstanding also previously utilised as car parking for the now vacant DXC Technology building. This car parking area does not comprise a sport or recreational facility, despite the policy map designation suggesting as such. The remainder of the site is lawned, but still represents previously developed land.
- 2.3. The site is sustainably located within the defined boundaries of the Buckshaw Village Strategic Site. In terms of site characteristics:
  - The site is located entirely within Flood Zone 1 (lowest probability of flood risk).
  - There are two protected Trees (subject to Tree Preservation Orders) located in the south-western extent of the site.
  - No Listed Buildings or Conservation Areas are located within the site boundary. The closest Listed Building is 'Barn Circa 40 metres west of Stanfield House' (Grade II), located to the south of the site on the opposite side of Euxton Lane.
  - Access arrangements into the site will be via Euxton Lane to the south of the development.
  - There are no Public Rights of Way located within the site boundary.
  - There are two culverts running through the site.

### Existing Boundaries and Surrounding Area

- 2.4. The site is bordered by Euxton Lane to the south, beyond which lies greenfield land, a children's nursery/creche and residential properties. To the north the site is bounded by a railway line, which serves Buckshaw Parkway Railway Station (located to the immediate north-west of the site). The Buckshaw Village development, which includes residential dwellings and the District Retail Centre, are located to the immediate north of the site. Industrial units are also located to the north, albeit on the opposite side of the railway line. To the east, the site is bordered by the Preston North End (formerly Bolton Wanderers) football training ground, beyond which lies Euxton Park Golf Course. To the west the site is bordered by employment uses, including the single storey building known as Classic House, which is home to a photography business (Blink Photo). Runshaw College Chorley Campus is also located to the immediate west of the site.

- 2.5. In terms of local facilities, Buckshaw District Retail Centre is located to the immediate north of the site (see blue line area below), which is home to a Tesco Superstore & Petrol Station, takeaways, and hairdressers.

Figure 1: Site Location in relation to Buckshaw District Retail Centre



- 2.6. Table 1 overleaf shows the walking distance from the centre of the site to several of the local key amenities in the immediate vicinity of the site, utilising existing footway provision in the area.
- 2.7. The table also confirms whether or not the particular amenity is within the 'preferred maximum' walk distances using guideline criteria.

Table 1: Distances to local amenities

| Local Amenity                            | Distance | Guidance Criteria | Meets with Guidance? |
|--|----------|-------------------|----------------------|
| Bus Stops on Euxton Lane                 | 350m     | 400m              | YES                  |
| Runshaw College Chorley Campus           | 390m     | 4,800m            | YES                  |
| Gymworks, Chorley                        | 550m     | 1,600m            | YES                  |
| Little Explorers Nursery and Pre-school  | 950m     | 1,600m            | YES                  |
| Tesco                                    | 1,450m   | 1,600m            | YES                  |
| The War Horse Public House               | 1,480m   | 1,600m            | YES                  |
| Kids Planet Nursery                      | 1,495m   | 1,600m            | YES                  |
| KFC                                      | 1,500m   | 1,600m            | YES                  |
| Buckshaw Parkway                         | 1,550m   | 1,600m            | YES                  |
| Strawberry Fields Digital Hub            | 1,550m   | 1,600m            | YES                  |
| Buckshaw Village Community Centre        | 1,590m   | 1,600m            | YES                  |
| Trinity Church of England Primary School | 1,600m   | 3,200m            | YES                  |

2.8. There are also a range of other amenities which are located within 2,000m distance of the site, which further demonstrates the sites' sustainability.

- Buckshaw Village Surgery – 1,700m
- The Hub – 1,700m
- Aldi – 1,750m
- Domino's/Costa Coffee – 1,800m
- Employment provision off Ordnance Road in Buckshaw Village – 1,700m

2.9. The Transport Assessment submitted in support of the planning application also concludes the following:

- The site is well located to cater for trips on foot and provides potential for a high degree of pedestrian trips between the development and the surrounding area, including Euxton, Chorley and Buckshaw Village;
- The site is accessible by cycle, with cycle facilities and National Cycle Route 55 located within close proximity of the site;

- The services from the bus stops on Euxton Lane and Central Avenue, travelling to destinations such as Preston and Chorley, shows that the proposed development can be considered as accessible by bus; and
- The site is accessible via rail with Buckshaw Village, located within 2 kilometres of the site.

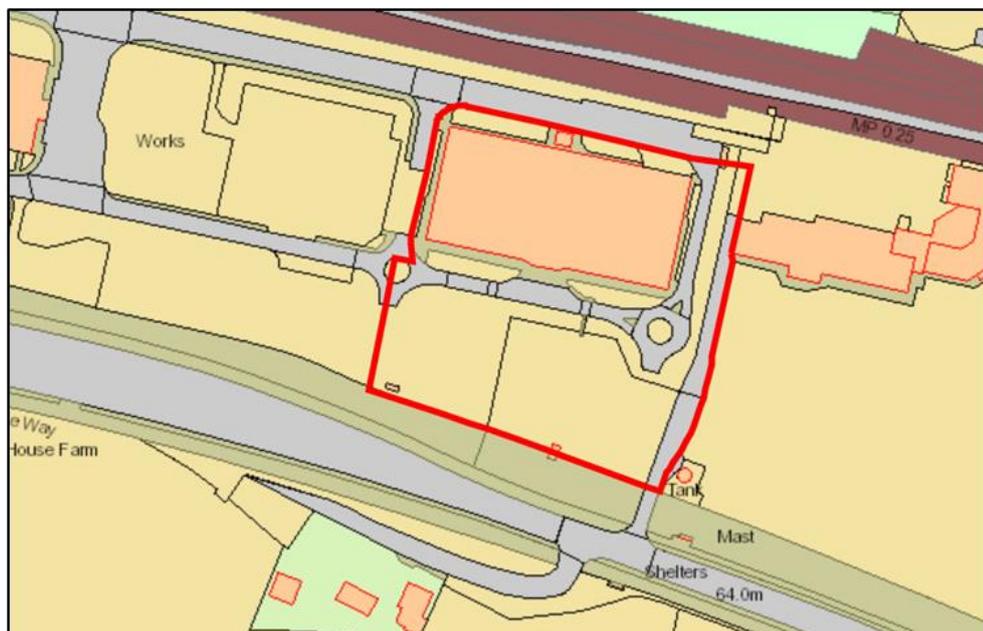
2.10. Accordingly, the site benefits from a sustainable location within the defined Buckshaw Village Strategic Site boundary and represents a logical housing site. We provide further detailed commentary on sustainability and access matters in Section 5 of this report, relating to refusal reason 2.

## Planning History

2.11. The following planning application is of relevance to the site:

- **89/00409/FUL** – *Refurbishment of existing storage building to form divisional offices provision of associated car parking and landscaping. Former Royal Ordnance Site Euxton Lane Euxton Lancashire. Approved 2nd August 1989.*

2.12. The above relates to the eastern part of the site where the vacant office is located and confirms that the building was converted from storage (B8) to offices (B1a) in 1989. The buildings' planning use is therefore Use Class E (formerly B1).



### 3. Appeal Proposals

- 3.1. The proposals seek full planning consent for the erection of 108 no. dwellings (Use Class C3) with associated access, landscaping, parking and other works following demolition of the existing building on site.

#### Original Plans and Documents

- 3.2. The original application submission was for 118 no. dwellings, and was supported by a full set of supporting documents comprising of:

- Application Forms, Certificates and Covering Letter signed by Pegasus Group and dated 17<sup>th</sup> December 2021;
- Planning and Affordable Housing Statement (Pegasus Group);
- CIL Forms;
- Site Location Plan (BHM200 LPO1 A);
- Proposed Site Layout Colour (BHM200 PLO1 D);
- Proposed Site Layout (BHM200 PLO1 D);
- Affordable Housing Plan (BHM200 AH01 A);
- Housetype Pack (BHM200 HT01);
- Boundary Treatment Plan (NHM200 BTO1 A);
- Hard Surfacing Plan (BHM200 HSO1 B);
- Indicative Streetscenes;
- Materials Plan (BHM200 MLO1 A);
- Waste Management Plan (BHM200 WMO1 A);
- Proposed Streetscenes (APD);
- Landscaping Plans (LDS);
- Design and Access Statement (APD);
- Employment Land Review (Pegasus);
- Viability and Marketing Report (Tim Claxton Property Limited);
- Statement of Community Involvement (Pegasus Group);
- Economic Benefits Report (Pegasus Group);

- Arboricultural Impact Assessment (Ascerta);
- Transport Assessment (Eddisons);
- Travel Plan (Eddisons);
- Air Quality Assessment (Redmore Environmental);
- Preliminary Ecological Assessment (TEP);
- Energy Statement (JSP Sustainability Ltd);
- Flood Risk Assessment (Weetwood);
- Phase 1 Geo-Environmental Investigation Report (IGE Consulting);
- Phase 2 Geo-Environmental Investigation Report (IGE Consulting);
- Historic Environment Desk-based Assessment (Heritage Archaeology); and
- Environmental Noise Study (Red Acoustics).

## Updated Plans and Documents

3.3. After the submission of the planning application, a series of revised plans and information were submitted to address comments raised throughout the determination process. The final plans and documents are outlined below:

- Proposed Site Layout (BHM200 PLO1 Rev W);
- Housetype Pack – June 2022 (BHM200 HT01);
- Materials Plan – (BHM200 MLO1 Rev E);
- Waste Management Plan (BHM200 WMO1 Rev E);
- Hard Surfacing Plan – (BHM200 HS01 Rev G);
- Affordable Housing Plan (BHM200 – AH01 Rev C);
- Planting Plans – (LDS502-01D & LDS502 -02D);
- Site Access Plan – (3456-F01 Rev D);
- Boundary Treatment Plan (BHM200 -BT01 Rev H);
- Bat and Bird Box Mitigation Scheme – TEP (8968.01.001 June 2022);
- Transport Technical Note 01 (Eddisons) – March 2022;
- Surface water sustainable drainage strategy BH-DXC-DS01 REV A produced on 27/06/2022 by Site Infrastructure Services Limited;

- Drainage Strategy Engineering Appraisal 1 of 2 (BH-DXC-C-APPO1 Rev F);
- Drainage Strategy Engineering Appraisal 2 of 2 (BH-DXC-C-APPO2 Rev F);
- Arboricultural Impact Assessment prepared by Ascerta – (1507.21 Rev B Dated 8th August 2022);
- Remedial Strategy Report prepared by IGE Consulting dated August 2022 (3590-O3A);
- Additional Vibration Assessment prepared by red acoustics (R1984-REPO2-JW dated 2<sup>nd</sup> February 2022); and
- Supplementary Planning Note prepared by Pegasus Group (Reference: P21-0962/NOO2v3/PL/KW&ST)

## The Proposal

- 3.4. The appeal proposal comprises 108 no. dwellings (Use Class C3) and as shown on Planning Layout Reference: BHM200 PLO1 Rev W, comprises:
- 6 no two-bedroom apartments;
  - 22 no. two-bedroom dwellings;
  - 55 no three-bedroom dwellings; and
  - 25 no. four – bedroom dwellings.
- 3.5. The proposals will provide affordable housing on site, in the form of one of the following scenarios:
- Option 1** – Policy compliant 30% affordable housing provision, which is not subject to the Council’s preferred list of registered providers or transfer values as outlined in the Chorley Council Registered Provider Partnership Framework; or
- Option 2** – Affordable housing provided as per Council’s preferred list of registered providers and Registered Provider Partnership Framework, but a reduced affordable housing requirement to be provided on site following application of Vacant Building Credit and a viability case demonstrating why full 30 % affordable housing requirement would not be viable on site.
- 3.6. We provide further explanation on these two options in Chapter 5 of this Report.
- 3.7. The proposals include a Local Equipped Area of Play (LEAP) in the south-west corner of the site, which would be of benefit to both the existing local community and future residents.
- 3.8. This resulted in the loss of 10 no. dwellings on site, as the original proposal comprised 118 dwellings. The reduction in development quantum arose from the Appellant proactively and positively working with the Council to deliver a high-quality scheme on site and to work towards a positive determination.

- 3.9. Vehicular access to the site will be taken via Euxton Lane to the south, in the form of a simple priority junction. The proposed access arrangements were subject to negotiations with Lancashire County Council Highways, who have no objections to the proposals.
- 3.10. As shown on the soft landscaping plans, the proposals have sought to retain existing trees and vegetation on site where possible. Of particular note, the two trees subject to Tree Preservation Orders will be retained by the proposals, one of which is located within the public open space area in the south-west of the site.
- 3.11. In addition to tree retention where possible, the proposals also provide additional tree planting throughout the site, with landscaping also proposed at the front of plots to break up parking bays and to provide a softer/greener streetscene. Each plot has their own private garden, with some plots also accompanied by green areas at the front of plots.
- 3.12. 100 % electric vehicle charging points will be provided on site, in line with Building Regulation requirements.

## Determination Process

- 3.13. The above proposals are reflective of the extensive and positive discussions that were held with the Local Planning Authority during the application determination process. Indeed, the Appellant was repeatedly told that the application was recommended for approval (confirmed in writing by the Planning Officer at **Appendix 1**), following on from legal advice that the Council received in respect of the weight to be afforded to Policy 10. The Council also received legal advice shared by the Appellant. Furthermore:
- The Appellant agreed draft conditions with the Planning Officer just 2 weeks before the committee date (also see **Appendix 1**);
  - Was on the agenda for the July 2022 planning committee agenda, with an officer recommendation of approval, but was unexpectedly pulled at the very last minute; and
  - Re-written for refusal by a different Planning Officer (Jonathan Noad – Director of Planning and Development) with less than 24 hours notice in the week prior to the September planning committee and on an evidence base that was not shared with the Appellant nor publicly available.
- 3.14. The above was much to the dismay and surprise of the Appellant, given the positive and extensive discussions on this highly suitable residential site.

## 4. Planning Policy and Material Considerations

### Adopted Development Plan

- 4.1. The adopted Development Plan for the area comprises the Central Lancashire Core Strategy 2012) and the Chorley Local Plan Site Allocations and Development Management Policies Development Plan Document (July 2015).

#### **Central Lancashire Core Strategy**

- 4.2. Adopted in July 2012 (and therefore now more than five years old), the Central Lancashire Core Strategy sets the overarching development strategy for Chorley, South Ribble and Preston City Councils.

- 4.3. The two policies cited in the reasons for refusal are replicated verbatim below.

- 4.1. **Policy 10 (Employment Premises and Sites)** states that:

*All existing employment premises and sites last used for employment will be protected for employment use. There will be a presumption that 'Best Urban' and 'Good Urban' sites will be retained for B use class employment use. Proposals on all employment sites/premises for re-use or redevelopment other than B use class employment uses will be assessed under the following criteria:*

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

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

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

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

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

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

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

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

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

4.2. **Policy 17 (Design of New Buildings)** states that:

*The design of new buildings will be expected to take account of the character and appearance of the local area, including the following:*

- (a) siting, layout, massing, scale, design, materials, building to plot ratio and landscaping.*
- (b) safeguarding and enhancing the built and historic environment.*
- (c) being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the amenities of the local area.*
- (d) ensuring that the amenities of occupiers of the new development will not be adversely affected by neighbouring uses and vice versa.*
- (e) linking in with surrounding movement patterns and not prejudicing the development of neighbouring land, including the creation of landlocked sites.*
- (f) minimising opportunity for crime, and maximising natural surveillance.*
- (g) providing landscaping as an integral part of the development, protecting existing landscape features and natural assets, habitat creation, providing open space, and enhancing the public realm.*
- (h) including public art in appropriate circumstances.*
- (i) demonstrating, through the Design and Access Statement, the appropriateness of the proposal.*
- (j) making provision for the needs of special groups in the community such as the elderly and those with disabilities.*
- (k) promoting designs that will be adaptable to climate change, and adopting principles of sustainable construction including Sustainable Drainage Systems (SuDS); and*
- (l) achieving Building for Life rating of 'Silver' or 'Gold' for new residential developments.*
- (m) ensuring that contaminated land, land stability and other risks associated with coal mining are considered and, where necessary, addressed through appropriate remediation and mitigation measures.*

**Relevant Policies Not in Dispute**

4.3. There are various other policies relevant to the determination of this Appeal, as summarised below and outlined in the officer's committee report, which are not in dispute and therefore there is general agreement that the appeal proposal is consistent with these policies.

4.4. **Policy 1 (Locating Growth)** sets out the settlement hierarchy for Central Lancashire. As we explain in greater detail shortly, the site is located within the defined boundaries of the Buckshaw Village Strategic Site. Policy 1 notes how growth and investment will be concentrated firstly towards The Preston/South Ribble Urban Area (category a), then to Key Service Centres (category b) and then to Strategic site allocations (category c), which

includes Buckshaw Village (mixed use). Growth will also be distributed to category d-f settlements. Buckshaw Village therefore performs favourably in the settlement hierarchy, under category c), in terms of growth.

- 4.5. **Policy 4 (Housing Delivery)** outlines how the minimum housing requirement for Chorley is 417 dwellings per annum.
- 4.6. **Policy 7 (Affordable and Special Needs Housing)** outlines that subject to such site and development considerations as financial viability and contributions to community services, the affordable housing target is 30% in the urban parts of Preston, South Ribble and Chorley.
- 4.7. **Policy 9 (Economic Growth and Employment)** sets the overall framework for economic growth across the 3 local authority areas including:
  - (a) The identification of 454 hectares of employment land between 2010 and 2026, as broken down in Table 5 of the Core Strategy (Figure 2 below).
  - (b) Chorley Town Centre included as a focus for local office schemes;
  - (c/d) Buckshaw Village included as regionally significant employment scheme, and Botany / Great Knowley included as a sub regionally significant employment scheme.

Figure 2 – Central Lancashire Core Strategy Employment Land Breakdown

**Table 5: Proposed Provision of Employment Land 2010-2026 (hectares)**

|                              | Chorley    | Preston      | South Ribble |
|------------------------------|------------|--------------|--------------|
| 2009 Supply                  | 91         | 107          | 179          |
| Allowance for Losses         | 12         | 5.5          | 17.5         |
| Additional Provision to 2026 | 14         | 13           | 27           |
| Minus take-up 2009/10        | 5          | 7            | 0            |
| <b>Total</b>                 | <b>112</b> | <b>118.5</b> | <b>223.5</b> |

- 4.8. **Policy 16 (Heritage Assets)** states that in order to protect and seek opportunities to enhance the historic environment, heritage assets and their settings, heritage assets will be safeguarded from inappropriate development that would cause harm to their significance.
- 4.9. **Policy 24 (Sport and Recreation)** states that to ensure that everyone had the opportunity to access good sport, physical activity and recreation facilities, the respective Council's will develop minimum local sport and recreation standards in a Supplementary Planning Document. We come on to this shortly.
- 4.10. **Policy 27 (Sustainable Resources and New Developments)** states that all new dwellings will be required to meet Level 3 of the Code for Sustainable Homes. Furthermore, developments of 5 or more dwellings must satisfy the following criteria:

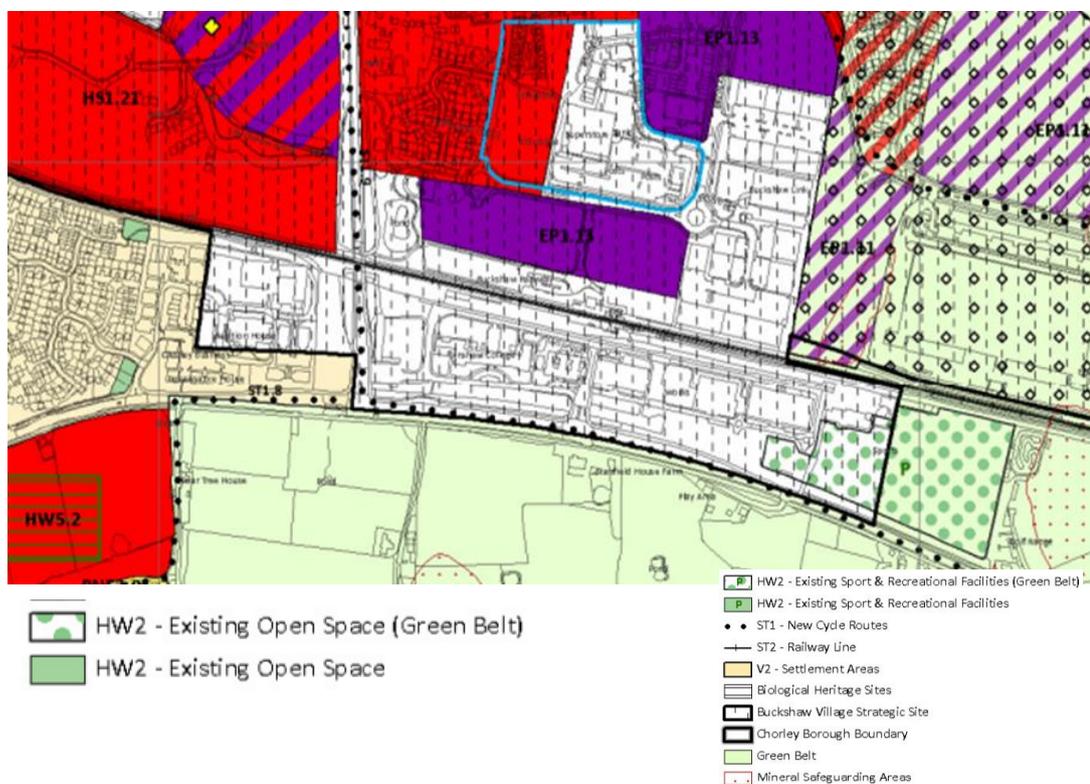
- Evidence that the design, orientation and layout of the building minimises energy and maximises energy efficiency;
- appropriate decentralised, renewable or low carbon energy sources are installed and implemented to reduce the carbon dioxide emissions of predicted energy use by at least 15%; and
- appropriate storage space for recyclable waste materials.

4.11. **Policy 29 (Water Management)** outlines how water management and reducing the risk of flooding will be secured by a number of measures, including encouraging the adoption of Sustainable Drainage Systems.

***Chorley Local Plan 2012 – 2026 (Site Allocations and Development Management Policies Development Plan Document)***

4.12. Adopted in July 2015, the Chorley Local Plan provides detailed site allocation and development management policies to support the overarching strategic policies outlined in the Central Lancashire Core Strategy. The adopted Proposals Map confirms that the site is located within the defined boundaries of the Buckshaw Village Strategic Site (see vertical black dashed lines). A small section of the eastern extent of the site is erroneously designated as an Existing Sport & Recreational Facility (Green Belt) – see green circles, but is not subject to the light green washed over designation applied to all other Green Belt in Chorley.

Figure 3: Extract of Chorley Proposals Map



4.13. The potential suggestion in the key that this small part of the site is located in the Green Belt is an error on the Proposals Map. This is confirmed at paragraph 2 of the Committee Report.

- 4.14. Notably, whilst the site is located within the Buckshaw Village Strategic Site boundary, it is not allocated for any specific purpose in the Chorley Local Plan (unlike other areas of the wider Buckshaw Village Strategic site such as site allocations HS21 and EP1.11). It is therefore classed as 'white land'.
- 4.15. **Policy V2 (Settlement Areas)** states that within the settlement areas excluded from the Green Belt, there is a presumption in favour of appropriate sustainable development, subject to material planning considerations.
- 4.16. **Policy HS4A (Open Space Requirements in New Housing Developments)** states that all new housing developments will be required to make provision for open space and recreation facilities. On-site provision and financial contributions for off-site provision or improvements will be calculated using standards, which are explained in more detail in an SPD (which we discuss shortly).
- 4.17. **Policy HS4B (Playing Pitch Requirements in New Housing Developments)** confirms that all new housing developments will be required to pay a financial contribution towards new playing pitch provision in the Borough or towards improvements to existing playing pitches. The financial contribution will be calculated using a standard of 1.21 hectares per 1,000 population.
- 4.18. **Policy BNE1 (Design Criteria for New Development)** states that planning permission will be granted for new development provided that, where relevant the development meets a number of criteria. This includes ensuring development will not have a significantly detrimental impact of the surrounding area by virtue of its density, siting, layout etc. It must also be ensured that the residual cumulative highways impact of the development is not severe and ensure that the proposals include measures to help prevent crime and promote community safety.
- 4.19. **Policy BNE9 (Biodiversity and Nature Conservation)** states that biodiversity resources will be protected, conserved and enhanced. Development must adhere to the provisions set out below:
- a) The production of a net gain in biodiversity where possible by designing in wildlife and by ensuring that any adverse impacts are avoided or if unavoidable are reduced or appropriately mitigated and/or compensated;*
  - b) The provision of opportunities for habitats and species to adapt to climate change;*
  - c) The support and encouragement of enhancements which contribute to habitat restoration;*
  - d) 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;*
  - e) In exceptional cases where the need for development in that location is considered to significantly outweigh the impact on the natural environment, appropriate and proportionate mitigation measures or as a last resort compensatory habitat creation*

*and/or restoration will be required through planning conditions and/or planning obligations.*

4.20. **Policy BNE10 (Trees)** notes how proposals that would result in the loss of trees 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. Tree planting will be required as part of new development proposals and an associated maintenance scheme.

4.21. **Policy ST4 (Parking Standards)** confirms that proposals for development will need to make parking provision in accordance with the standards set out in Appendix A of the Chorley Local Plan.

4.22. **Policy HW2 (Protection of Existing Open Space, Sport and Recreational Facilities)** states that land and buildings currently or last used as, or ancillary to, open space or sports and recreational facilities will be protected unless:

*a) Alternative facilities of an equivalent or enhanced standard are provided nearby before the existing facilities cease to be available; or*

*b) It can be demonstrated that the loss of the site would not lead to a deficit of provision in the local area in terms of quantity and accessibility; and*

*c) The site is not identified as being of high quality and/or high value in the Open Space Study; and*

*d) It can be demonstrated that retention of the site is not required to satisfy a recreational need in the local area; and*

*e) The site does not make a significant contribution to the character of an area in terms of visual amenity.*

## **National Planning Policy Framework (July 2021)**

4.23. As outlined in paragraph 2 of the 2021 NPPF, the Framework is a material consideration in planning decisions.

4.24. A key element of the NPPF (as outlined at paragraph 11) confirms that local planning authorities should apply the **presumption in favour of sustainable development**. For decision taking this means:

*'approving development proposals that accord with the 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**<sup>1</sup>, granting permission unless:*

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<sup>1</sup> Footnote 8 of the NPPF confirms that this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year of deliverable housing sites.

*i. 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*

*ii. 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.”*

4.25. As set out in the following chapter, the presumption in favour of development applies to these development proposals – a test which the scheme satisfies. We will not repeat other key NPPF policies in great detail, other than to note the following key points:

- Paragraph 60 confirms the Government’s continued objective to significantly boost the supply of housing.
- Paragraph 120 states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, supporting opportunities to remediate derelict land.
- Paragraph 120 also outlines how planning decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained, and available sites could be used more effectively.
- Paragraph 122 notes how planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:

*a) it should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and*

*b) in the interim, prior to updating the plan, **applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area***

- Paragraph 123 outlines how local planning authorities should take a positive approach for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they 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 or the vitality and viability of town centres**, and would be compatible with other policies in this Framework.*

- Paragraph 130, which is referred to in the Officer Report, is replicated verbatim:

*Planning policies and decisions should ensure that developments:*

*a) 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;*

*b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*

*c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

*d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*

*e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*

*f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

## **Other Material Considerations**

### ***Controlling Re-use of Employment Premises Supplementary Planning Document (SPD)***

- 4.26. Although not part of the Development Plan, this SPD provides further guidance in relation to Core Strategy Policy 10 and therefore a material consideration. It provides additional guidance on the 8 policy criteria, which we comprehensively address in the following chapter.

### ***Central Lancashire Local Plan***

- 4.27. As the Central Lancashire Core Strategy is now more than five years old, the constituent authorities are in the process of preparing a new Local Plan that will eventually supersede the 2012 Core Strategy.
- 4.28. Between November 2019 – February 2020, an Issues and Options consultation was undertaken on the new Local Plan. This represented an early- stage consultation which did not outline detailed policies, spatial distribution or suggested development requirements.
- 4.29. Notably, the respective Council's suggested sites for development, with Chorley's sites contained at Annex 1 (Site suggestions proposed by Chorley Council). The DXC Chorley site was not suggested for any specific allocation purpose, unlike other sites within the wider Buckshaw Village strategic site which were suggested for employment or housing designation. This indicates that the Council, at that time (and pre pandemic) did not deem the site to warrant specific employment status (or needed for this purpose), whereas other sites were.
- 4.30. The emerging Local Plan is still at the very early stages of preparation, with the latest timetable indicated as follows:
- Preferred Options Consultation– end of 2022
  - Publication Consultation – Summer 2023

- Submission – late 2023

4.31. Given the early stages of this plan making process and the fact that detailed policies have yet to be consulted upon or undergone an independent examination process, we attach limited to no weight to the policies and supporting text prepared to date.

**Central Lancashire Statement of Common Ground**

4.32. As part of the emerging Central Lancashire Local Plan Process, a Statement of Common Ground (SoCG) has been prepared by the 3 constituent authorities. It sets out the housing requirement to be consulted on in the emerging Central Lancashire Local Plan. Chorley Council adopted the SoCG as a material consideration for use in decision making at their General Purpose Committee Meeting on 7<sup>th</sup> September 2022.

4.33. Table 1 of the SoCG is replicated at Figure 4 below.

*Figure 4: Central Lancashire Statement of Common Ground*

**Table 1: Intended Preferred Options Central Lancashire Local Plan Housing Requirement and Distribution**

| Authority    | Annual Housing Requirement | Annual Housing Requirement | Annual Housing Requirement |
|--------------|----------------------------|----------------------------|----------------------------|
|              | 2023-2027                  | 2028-2032                  | 2033-2038                  |
| Preston      | 600                        | 500                        | 400                        |
| South Ribble | 400                        | 450                        | 500                        |
| Chorley      | 334                        | 384                        | 434                        |
| <b>Total</b> | <b>1,334</b>               | <b>1,334</b>               | <b>1,334</b>               |

4.34. Again, given the very early stages of the Local Plan process, this informal re-distribution of housing need is afforded no weight in our consideration of the appeal proposal. We note the Council accepted this position in the officer’s committee report as well.

**Relevant Employment Evidence**

**2009 Employment Land Assessment**

4.35. The Council’s 2009 Employment Land Study (prepared by Drivers Jonas) was utilised as the evidence base for the Core Strategy. Accordingly, the evidence base supporting the Core Strategy is now 13 years old.

4.36. At the time, the 2009 Employment Land Study named the Exton Lane (40) site as a ‘Good Urban site’ No specific site boundary was provided by Drivers Jonas as part of the assessment and therefore one has to have regard to the description of the site which includes XTON Business Park which is a relevant description for the appeal site.

4.37. Within the main body of the Study, the following is stated in terms of ‘market attractiveness’:

*‘The site is currently occupied by Runshaw college and XTON business park. Generally the site is well maintained, however, some buildings are in need of improvement. The*

*site is across the railway line from Southern Commercial Buckshaw site. The site has very good road frontage and achieves a good score for market attractiveness.'*

4.38. It then states the following in relation to 'Environmental sustainability & strategic planning':

*'The site achieves a good score for strategic planning and sustainability. This is influenced by a park and ride site near to the site and re-opening / refurbishment of the rail station proposed to be completed in March 2009 as part of the regeneration of the broader area which will further enhance the site's sustainability credentials.'*

4.39. It then provides a final 'General comment':

*'College and business park with limited opportunities for infill.'*

4.40. Further information on the site is provided within the Site Appraisal proforma at Appendix 3.

4.41. Our position is that whilst the 2009 Employment Land Study includes broadly factual information, it contains no information on viability, did not assess Central Lancashire's Employment Land stock in the context of additional employment land that was allocated through the various Local Plans, and only considered employment land needs up to 2021. It also precedes relevant changes to the Use Class Order relating to Class E. It therefore represents an entirely out of date evidence base by which to rank, grade or categorise employment land sites across the Central Lancashire and Chorley area.

4.42. In short, what constituted a best or good urban employment site in 2009 cannot necessarily be regarded as representing the position as of today.

#### ***Central Lancashire Employment Land Study – November 2017 (updated April 2019)***

4.43. The 2017 Central Lancashire Employment Land Assessment was prepared by BE Group to support the review of the Central Lancashire Core Strategy and seeks to quantify the amount of employment land needed between 2014–2036, to align with what was the proposed plan period but the review process for the Core Strategy has since stalled.

4.44. In summary, the assessment indicated that there was a shortfall in employment land across all three of the authorities based on historic land take up rates and building in a healthy buffer for choice and competition. In Chorley, the need is calculated to be 97 ha, which is calculated by looking at take up from 2004–2017. The employment land supply is said to be 60 ha leaving a shortfall of 37 ha. The shortfall in Preston is 23 ha and in South Ribble it is 44 ha.

4.45. BE Group ultimately conclude that the three Local Authorities should continue to protect their employment land allocations as defined in the adopted plan. However, the 2017 Assessment did not assess the appeal site and only assessed Employment Land allocations as defined in the adopted Local Plan.

#### ***Central Lancashire Employment Land Study Update (February 2022) and Chorley Market Update (August 2022)***

4.46. The February 2022 Central Lancashire Employment Land Study Update, prepared by BE Group, provides the latest employment land position for Preston, Chorley and South Ribble Councils. Furthermore, in August 2022, BE Group prepared the Chorley Market Update which specifically focuses on just Chorley. The August 2022 document contains the same

employment need and land figures as the February 2022 report, albeit with some additional details and information specific to the Borough of Chorley.

- 4.47. The February 2022 report confirms that its aim is to support the emerging Central Lancashire Local Plan and consider the Covid 19 Pandemic, changes in national planning policy, Brexit, and their impact on the local and sub-regional economies. It looks forward to 2038 and assumes a future plan period of 17 years.
- 4.48. At the outset, we would highlight that this evidence base first and foremost has been prepared in support of the emerging Local Plan process – and its findings in respect of Chorley’s employment needs and land supply has yet to be tested through a Local Plan examination process. The validity of its findings and its relevance to the determination of this Appeal is therefore a matter of dispute for the Appellant, not least in the context of an emerging Local Plan process which is at the very early stages and therefore can be afforded no weight.
- 4.49. Notably, the appeal site is not specifically assessed in either report in terms of its quality and scope to continue to accommodate employment uses. Moreover, the assessments do not seek to rank employment sites into Good Urban or Best Urban (i.e. the broad categories used in Policy 10 of the Central Lancashire Core Strategy, 2012) except for Preston where a specific request from that authority was put forward.
- 4.50. Buckshaw Village and Euxton Lane are referred to more generally and reference to Euxton Lane, Chorley are specifically in relation to the allocated employment/mixed use site within the Chorley Local Plan (Site EP1.5). This does not relate to the appeal site.
- 4.51. BE Group look at two basic approaches/models to determine employment land needs in the future. One approach looks at past employment land take up. The other looks at economic forecast / jobs growth scenarios. They ultimately opt for the former approach – i.e. past employment land uptake. This scenario comes out with a higher need figure than the economic forecast/jobs growth scenario.
- 4.52. Against all of the options/models, BE Group then apply a 5-year buffer to allow for choice/competition in the market / availability of land, etc. BE Group note that there is no set guidance on this approach.
- 4.53. BE opt for the past employment land uptake scenario plus five year buffer. In terms of the need for offices and other use classes for employment land use, BE Group calculate this at Table 1 of their August 2022 Chorley Report, as replicated at Figure 5 overleaf.

Figure 5: August 2022 BE Group calculation of employment needs 2021 – 2038

**Table 1 – Full Need, Split by Use Class – Chorley**

| Period                | Use Class (Percentage Split, percent) |          |              |      |              |              | Total (ha)   |
|-----------------------|---------------------------------------|----------|--------------|------|--------------|--------------|--------------|
|                       | E(g)(i)                               | E(g)(ii) | E(g)(iii)    | B2   | B8           | Mixed        |              |
| Percentage            | 14.8                                  | 0.0      | 4.7          | 13.0 | 32.6         | 34.9         | 100.00       |
| Local Take Up Trend   | 11.30                                 | -        | 3.59         | 9.92 | 24.89        | 26.64        | 76.34        |
| 2021 Realistic Supply | 3.68                                  | -        | 20.86*       |      | 3.86*        | 27.88        | 56.28        |
| <b>Further Needs</b>  | <b>7.62</b>                           | -        | <b>-7.35</b> |      | <b>21.03</b> | <b>-1.24</b> | <b>20.06</b> |

Source: CBC/BE Group, 2021

\*Indicative split only, in practice larger industrial sites will normally suit both B2 and B8 uses

4.54. BE Group’s evidence suggests a shortfall of 7.62 ha of additional office space (albeit there is also 27.88 ha of mixed employment land available). There is also a suggested shortfall for B8 land use.

4.55. The August 2022 Report concludes the following points of note:

*“5.2: to meet its Objectively Assessed Employment Needs, Chorley needs to protect its existing supply of E(g)/B-Class land and identify another 20 ha of new employment land elsewhere”*

*“5.6: Nationally and regionally office markets are recovering from the Covid-19 Pandemic as most businesses plan a return to the office in 2022. Post Pandemic, the priority of businesses is to gain flexibility in their space i.e., to increase or decrease their space rapidly in line with staffing requirements. This favours flexible serviced/unserviced offices with sufficient space to adapt. In this regard, Chorley benefits from its strong stock of affordable serviced/unserviced small offices, in locations with parking/affordable parking including Ackhurst Park and Buckshaw Village. Indeed, when measured by number of deals completed, Chorley saw some of its best market performance in 2020 and 2021. Demand in Chorley is for suites of 0-100 sqm with Ackhurst Business Park; Railway House and Euxton Lane being the most historically active locations.”*

*“5.7: Stakeholders report that there is enough supply to meet demand in the short term, but expect a growing supply shortage moving forward, particularly in key locations like Buckshaw Village. There were 36 vacant offices being marketed in Chorley as of July 2022, less than were available in 2021, but still representing 18-21 months of available premises supply to meet needs. The available units were of a size and in locations which reflect demand. Occupancy rates for the Borough were 94.3 percent by premises number and 93.8 percent by floorspace. Occupancy rates of 90-95 percent suggest that a Borough has a reasonably healthy market for offices, with enough premises to meet needs and no oversupply, but little scope to reduce its stock. Stakeholders suggest that the lack of pipeline new office development in the Borough will eventually lead to shortages.”*

4.56. The Appellant strongly disagrees with the findings of the report in respect of employment need and supply in Chorley, which we will articulate through the appeal process. In particular, BE Group have opted for the highest possible employment need scenario based on past uptake and application of a five-year buffer. This is not a strictly tested



position on need (or viability) and the Council is nowhere near a Local Plan Examination to test the soundness of the suggested employment land requirement.

## 5. Appellant's Case

- 5.1. Before outlining the compelling planning case to approve the appeal proposals, we highlight the statutory consultee responses received on the application:
- Regulatory Services – Environmental Health: Have no objection.
  - Lancashire County Council Archaeology Service: Have no objection subject to condition.
  - Greater Manchester Ecology Unit: Have no objection.
  - Growth Lancashire: Have no objection.
  - Waste & Contaminated Land: Have no objection subject to condition.
  - Lancashire County Council Highway Services: Have no objection subject to conditions and travel plan contribution.
  - Lead Local Flood Authority: Have no objection subject to conditions.
  - Network Rail: No objection subject to conditions.
  - United Utilities: Have no objection subject to conditions.
  - Environment Agency: Have no objection subject to condition.
  - Lancashire County Council Education: Have commented that an education contribution is not required at this stage with regards to this development.
- 5.2. Therefore, no issues were raised from any of the technical statutory consultees in relation to the appeal proposals.
- 5.3. Euxton Parish Council commented on the employment needs of the area.
- 5.4. The application only received one comment from a member of the public, an extremely small amount given the scale of the appeal proposals.
- 5.5. This section addresses the two reasons for refusal, and the following topics:
- The principle of resident development and five-year housing land supply matters;
  - Loss of employment use (Refusal reason no. 1);
  - Accessibility and Integration (Refusal reason no. 2); and
  - Affordable Housing
- 5.6. This section also describes areas of additional evidence that will be presented in the future in support of the Appellant's case.

## The principle of residential development and five-year housing land supply matters

- 5.7. The Appeal Site is located within the defined boundaries of the Buckshaw Village Strategic Site, which is identified for mixed-use development in Policy 1 of the Central Lancashire Core Strategy. It comprises brownfield land located within a defined settlement boundary (and thus not within the open countryside and/or Green Belt).
- 5.8. As explained in the submitted Transport Assessment, and as discussed in greater detail shortly in relation to refusal reason no. 2, the site benefits from a sustainable location in relation to local services, facilities and sustainable modes of transport. It therefore represents a logical and highly sustainable residential site which is located on previously developed land (in line with paragraph 120 of the NPPF, which states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes).
- 5.9. As shown on the adopted Proposals Map, despite being located within the defined boundaries of the Buckshaw Village Strategic Site, the Site is not allocated for any specific purpose (with the exception of the south-eastern site extent as recreational, which we addressed in our original Planning Statement). It therefore comprises 'White Land'.
- 5.10. Of particular note, paragraph 24 of the committee report recognises this point and notes the following:

*“Core Strategy Policy 1 sets out the locations for growth and investment across Central Lancashire. The site is within the Buckshaw Village Strategic Site (Policy 1(ciii) – mixed use) where growth and investment will be concentrated in to help meet local housing and employment needs. The proposed development of 108no. dwellings clearly accords with this element of the development plan strategy for the area”*

- 5.11. Despite the site not being allocated for any specific use (including employment) on the Proposals Map, Policy 10 of the Core Strategy is of relevance. The Policy states that all existing employment premises and sites last used for employment will be protected for employment use. Proposals on all employment sites/premises for re-use or redevelopment other than B use class employment uses will be assessed under multiple criteria, which we explore in full detail shortly.
- 5.12. Despite the site now being fully vacant, given that the DXC site was last used for employment purposes (offices), Policy 10 is therefore relevant to the determination of this planning application. However, of critical relevance to the Chorley context is the presumption in favour of sustainable development, as per NPPF paragraph 11 which states that:

*“Plans and decisions should apply a presumption in favour of sustainable development.*

*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<sup>2</sup>, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>3</sup>; or*

*ii. 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.”*

5.13. So, if the policies which are most important for determining the application are out of date, the presumption in favour of sustainable development applies. This categorically proves to be the case for these development proposals.

5.14. Chorley cannot demonstrate a five-year housing land supply. This matter has been tested and confirmed through various recent planning appeals, most pertinent being the Blainscough Hall Appeal Decision (Reference: 3275691) which was allowed on 3<sup>rd</sup> February 2022. The full appeal decision is contained at **Appendix 2**, with the following key points drawn out in summary:

- At paragraph 36, the Inspector concludes that the housing requirement should be calculated using the Government’s Standard Method figure. For Chorley, this is 537 dwellings per annum.
- Past ‘oversupply’ cannot be used to reduce the housing requirement going forward. At paragraph 40, the Inspector concludes that this would result in the plan requirement becoming a target. It is not – it is the minimum figure needed to meet the housing needs of borough, and such an approach would conflict with the Framework’s objective to significantly boost the supply of housing.
- At paragraph 53, the following is concluded:

“In light of my findings above, based on local housing need using the SM, with no accounting for oversupply, the 5-year housing land supply is between 2.4 and 2.6 years. As this is clearly below 5 years, in accordance with paragraph 11d) of the Framework, the tilted balance is engaged.”

5.15. In a later appeal decision in March 2022 (Land of Carrington Road, Adlington – 3284692), the Council confirmed that they only have a housing supply of between 2.4 and 2.6-years (see **Appendix 3**).

5.16. The Council’s latest claimed position, as stated in the Committee Report, is that they have 3.3 years of housing land supply. Notably, paragraph 55 of the Committee Report confirms

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<sup>2</sup> **NPPF Footnote 8 confirms that:** *This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.*

<sup>3</sup> **NPPF Footnote 7 confirms that:** *The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change.*

that this is based on the annual housing requirement of 569 dwellings (therefore the standard method figure) which includes a 5% buffer. It is therefore not based on the agreed Statement of Common Ground between the Central Lancashire authorities, which Chorley have adopted as a material consideration. This is the correct approach.

- 5.17. The Appellant intends to fully scrutinise the Council's housing land supply position as part of the appeal process to present our position. However, the ultimate position is that **the Council are unequivocally unable to demonstrate a 5-year housing land supply.**
- 5.18. The shortfall is substantial, and the site does not fall within any of the definitions/categories contained in NPPF footnote 7. Therefore, the tilted balance is engaged, and the policies most important for determining the application (including Policy 10 of the Core Strategy) are out of date in accordance with NPPF 11 and Footnote 8.
- 5.19. Therefore, residential development is acceptable on this site if it can be demonstrated it comprises a sustainable form of development and in the planning balance benefits are deemed to outweigh any harm. This is categorically the case.

## Loss of Employment Use (Refusal Reason no. 1)

- 5.20. The first refusal reason is outlined below:

*"The proposed development would result in an unacceptable reduction in the type and quantity of employment land supply contrary to policy 10 of the Central Lancashire Core Strategy."*

- 5.21. The Appellant's conclusions are to the contrary – the loss of employment land use on this site is entirely acceptable and would not result in an unacceptable reduction in the type and quantity of employment land supply.
- 5.22. As already explained, the appeal site is not formally allocated for employment use, instead comprising 'White Land'. The presumption in favour of sustainable development applies, because Core Strategy Policy 10 is out of date for the following reasons:
- Policy 10 is one of the development plan policies most important for determining the appeal. The Council unequivocally cannot demonstrate a five-year housing land supply, therefore NPPF paragraph 11d) and footnote 8 are engaged. The housing shortfall is substantial;
  - The policy is now more than 5 years old, should have been subject to a review<sup>4</sup> and is not consistent with the NPPF;
  - The reason for refusal is based on an evidence base which was not even publicly available at the time of determination, but more importantly is yet to be tested through a Local Plan Process, therefore its findings have not been found sound. There is a myriad of employment need figures that could be explored as part of the emerging Local Plan process and ultimately found sound, but this a separate process

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<sup>4</sup> NPPF paragraph 33 confirms that policies in Local Plans should be reviewed to assess whether they need updating at least once every five years. Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly.

which is somewhat off and distinctly separate to the decision-making process required for this appeal right now. It can therefore be afforded little weight in the determination of this Appeal. Notwithstanding this, in any event, we will comprehensively address the conclusions of the evidence base upon which the Council have based their refusal, and demonstrate how the development of this site for residential development will not result in an unacceptable reduction of employment land;

- Had the Council wished to specifically safeguard this site for additional or alternative forms of employment development, they could have allocated or designated the site for employment land in the Chorley Local Plan: Site Allocations in 2015. The Council chose not to do so. The emerging Local Plan process, which will allocate additional sites, is also at the extremely early stages therefore not relevant to the determination of this appeal now. However, it is notable that as part of the Issues and Options consultation of the emerging Local Plan (February 2020), the Council did not put the site forward as a 'suggested site' for any land use purpose/allocation<sup>5</sup> ;
- Changes to permitted development rights mean the existing office use cannot be preserved in any case and therefore the basis upon which Policy 10 was forged can no longer be enforced; and
- The Council allocated additional employment sites in 2015, thereby altering the baseline employment land position that was applied for the Core Strategy.

5.23. The Employment Land Review (prepared by Pegasus Group), submitted in support of the original application, comprehensively addressed Policy 10, including the weight to be afforded to the policy and its associated evidence base. Many of the conclusions of that report remain valid, albeit the evidence base has come on since its submission in respect of the February 2022 and August 2022 reports prepared by BE Group. We will be providing additional commentary in relation to this updated evidence base as part of the appeal process.

5.24. Notwithstanding this, the Employment Land Review highlights some pertinent points which are of continued relevance:

- The employment requirements in the 2012 Core Strategy were aligned with the 2008 North West RSS, which was revoked by national Government in July 2013 and the plan period expiring in 2021 anyway. As such, the RSS is categorically out of date, reducing the weight that can be given to the 2012 Core Strategy as a whole (and thus Policy 10).
- The 2009 Employment Land Study, which informed the employment policies in the Core Strategy (including Policy 10) and subsequent allocations in the 2015 Local Plan, is now 12 years old and only considered needs up to 2021. It is therefore time expired and was again influenced by the now revoked RSS.

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<sup>5</sup> Annex 1 (All Sites Suggested by Chorley Council), Issues and Options Consultation November 2019 – February 2020. [https://centrallocalplan.citizenspace.com/central-team/issuesandoptions/user\\_uploads/smaller\\_annex-1---chorley-site-suggestions.pdf](https://centrallocalplan.citizenspace.com/central-team/issuesandoptions/user_uploads/smaller_annex-1---chorley-site-suggestions.pdf)

- 5.25. The updated evidence base has not been tested within the public or Local Plan Examination arenas.
- 5.26. Therefore, limited weight can be given to the employment policies in the 2012 Core Strategy and 2015 Local Plan, as well as its underpinning and outdated evidence base.
- 5.27. Furthermore, in addition to the dated nature of Policy 10, there have also been significant changes in national planning policy and the Use Classes Order since its adoption in 2012. In essence, the key difference is that the NPPF does not apply a strict protectionist/safeguarding approach to employment land, whereas Policy 10 in the Core Strategy does. The Core Strategy and its policies were largely formulated in the context of previous guidance and the RSS- with the Hearing Sessions taking place before the NPPF was adopted. The main difference is that the NPPF allows for a more pragmatic approach to development needs (now enshrined in the well-versed presumption in favour of sustainable development test) and continually reiterates the need for policies to be reactive and flexible to changes in development needs. That is, they should not be rigidly protectionist in nature – the crux of which is seen at paragraph 123:
- “Local planning authorities should also take a positive approach to applications for **alternative uses of land which is currently developed but not allocated for a specific purpose in plans**, where this would help to meet identified development needs. In particular, they should support proposals to:*
- a) use retail **and employment land for homes in areas of high housing demand**, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework”*
- 5.28. The DXC Chorley site is not allocated or designated for employment in the Chorley Local Plan. Had the Council wanted to specifically preserve this site for employment use, they could have done so in 2015. Of equally critical note, the site is located within a Borough that cannot demonstrate a five-year housing land supply. This proposal goes to the heart of the pragmatic and flexible nature that the NPPF and in particular paragraph 123 seeks to advocate.
- 5.29. In short, the NPPF applies a greater level of flexibility and adopts a positive approach to sustainable development where the benefits of a proposal must be considered against the potential harm. Therefore, there is clearly a high degree of inconsistency between the adopted employment policies and the NPPF which further reduces the weight that can be given to the adopted plan and in particular Core Strategy Policy 10.
- 5.30. In addition to changes in national planning policy since 2012, there have also been fundamental changes to the Use Class Order, most notably those introduced in September 2020 which created a new category ‘Class E – Commercial, Business and Service’. This includes all former Class B1 uses (so B1a, b and c) as well as Classes A1- A3 and some former D1 (Clinics, health centres, creches, day nurseries, day centres) and D2 uses (Gyms, indoor sport, recreation or fitness). As such, any change between B1 and B8 which was previously Permitted Development would now require an application (change from B1 to B2 already required consent).
- 5.31. Accordingly, the existing building on site could now be converted to any of the above retail and leisure uses without planning permission, and therefore the principles upon which the 2009 evidence base and Policy 10 were founded upon no longer apply- as the offices (former

B1 Use Class) could be lost in a very short timeframe without the need for a planning application to be made.

5.32. What's more, the fact that other retail and leisure businesses could now come forward without planning permission, on what is classed as an out of centre site, would cause conflict with section 7 (paragraphs 86 – 91) of the NPPF that seek to promote town centre's first for offices and retail/leisure uses.

5.33. Despite this, the Council are of the view that the purported conflict with Policy 10 should attract significant weight, as explained at paragraphs 74-77 of the committee report and copied below:

*74. It must, therefore, be considered whether or not policy 10 should also be considered out of date. The central question in determining whether or not Policy 10 is out of date is whether or not it is consistent with up to date national policy contained in the Framework.*

*75. As set out above the application site is unallocated within the development plan. Paragraph 123 of the Framework is directed at such sites and includes the following:*

*"Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:*

- i. use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework..."*

*76. In this instance the site is located along the Euxton Lane corridor (along with Buckshaw Village) and is a focus of high demand for both office and industrial uses. There is a clear evidence of need for employment land and offices in Chorley and the location of the application site is within a key location. As such any redevelopment of this site for residential development would clearly undermine a key economic site and would lead to a building shortage of office supply in the borough harming economic growth.*

*77. On this basis the failure to comply with Policy 10 should attract significant weight in the determination of the planning application and must be given due consideration in the planning balance.*

5.34. We note that this is contrary to how the Council have considered Policy 10 in relation to other residential applications that **are** sited on specific employment (mixed-use) allocated sites within the Chorley Local Plan, such as the mixed-use allocation HS1.31 and EP1.15 at Clayton Le Woods. To clarify, this is on a site that is specifically relied upon to meet the employment needs of the Borough and is formally designated for employment purposes (therefore is afforded far greater protection for employment use).

5.35. At the October 2022 planning committee (just 3 weeks after the refusal of these appeal proposals), the Council approved the scheme discussed at the committee report contained at **Appendix 4**. The following key paragraphs from the committee report are of note:

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

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

- 5.36. In the above instance, the Council considered the conflict with Policy 10 could only be afforded limited weight in the planning balance. On an allocated employment. Without any marketing or viability evidence submitted to confirm that the site is no longer suitable for employment purposes.
- 5.37. Notwithstanding the clear contradictions and inconsistent approach, the Council have taken in respect of Policy 10, our position is clear that Policy 10 is out of date. This is on the basis that it is no longer consistent with the NPPF, was prepared, examined and adopted in the context of the now revoked Regional Spatial Strategy and the evidence base it was prepared upon only looked to employment needs up to 2021.
- 5.38. Equally, this is a position that has previously been verified by both the Appellant and the Council who both sought Counsel advice on this matter during determination. Indeed, both the Appellant’s and Council’s respective Counsel advice came to the same conclusion in that Policy 10 is out of date and that the principle of development should be accepted (please see the relevant correspondence contained at **Appendix 5**). This legal advice was not disclosed to members within the committee report, which the Appellant considers to be misleading in nature.
- 5.39. In the event that Policy 10 is still deemed to be up to date, the Appellant accepts that not all criteria within Policy 10 have been satisfied (such as the requirement to market the site for 12 months). However, it is evident through the determination of other applications that the Council accepts that not every single criterion of Policy 10 must be satisfied for redevelopment proposals for alternative uses (including residential) to be found to be acceptable. Indeed, in the above cited instance (and there is another recent example to the

immediate north of the appeal site), neither a lack of viability or 12-months of marketing was required.

- 5.40. The position put by the Council appears to focus more on the appeal site's location and the demand for office development in this location, thereby harming economic growth opportunities within the Borough.
- 5.41. We dispute the suggestion that the redevelopment of this site would lead to undermining a key economic sector or site on the basis that the building is in a poor condition, generates the poorest performing energy rating (G) and cannot therefore be marketed for continued office use (without exemptions being applied), and there is clear evidence that supports that it is unviable to redevelop for office use. The Council's only evidence base drafted in 2009 also confirmed that there were limited opportunities for infill development in this location, that a large proportion of the site was occupied by college (which is therefore not specifically protected by Policy 10 because it is not a former B Use Class), and that it is classed as an out of centre site for office development.
- 5.42. We touch on the detailed criteria in more detail below.

***Compliance with Adopted Employment Policy 10 and associated SPD***

- 5.43. Notwithstanding the fact that Policy 10 is out of date, in any event, the appeal proposals comply with its 8 criteria for the reasons set out below.

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

*Type and Quality*

- 5.44. Even before we address the type and quality of this site, it must be reiterated that Class B1 uses are now part of the new Class E. No permitted change of use is allowed to B2 or B8 class uses; yet change to several retail, leisure and service uses (former Class A1, A2, A3, D1 and D2 uses) is now permitted development. With Policy 10 seeking to specifically safeguard B use classes, it is clear that this policy could not be enforced by the Council if a change of use to any of the above E class uses was sought. The practicality of seeking to safeguard this site for employment (B Use Class) is therefore fundamentally flawed at this point in time irrespective of what quality grading the Council may have afforded to this site in the past.
- 5.45. Paragraph 17 of the SPD confirms that the existing stock of employment premises and sites, including land last used for employment purposes has been assessed through the Employment Land Review (2009) and evaluated into categories. In this instance the site was identified as a 'good urban' site in the Council's original 2009 Employment Land Assessment and is also seemingly forms part of a 'good urban' site in the Council's SPD (Site 40, Euxton Lane Chorley) albeit the mapping in the latter is not particularly clear. The Council's more recent employment land assessments (2019 and 2022) do not re-assess the site and do not seek to grade it. Notably, the Council's Site Allocations document did not seek to identify the site as an employment allocation either. As such, the last assessment we have of the site from the Council is found on page 137 of the 2009 Employment Land assessment, which states the following in relation to the site's market attractiveness and suitability for employment use at the time:

*'The site is currently occupied by Runshaw college and XTON business park. Generally, the site is well maintained, however, some buildings are in need of improvement. The site is across the railway line from Southern Commercial Buckshaw site. The site has very good road frontage and achieves a good score for market attractiveness.*

*The site achieves a good score for strategic planning and sustainability. This is influenced by a park and ride site near to the site and re-opening / refurbishment of the rail station proposed to be completed in March 2009 as part of the regeneration of the broader area which will further enhance the site's sustainability credentials.'*

*General Comment: College and business park with limited opportunities for infill.'*

- 5.46. Obviously, this relates to a larger area including the existing college which is reasonably well maintained and does not form part of this application.
- 5.47. With regards to the existing office building on the site, we would agree that the building is in need of significant improvement. As set out in the original TCP Viability & Marketing Report submitted in support of the planning application, it would require a substantial overhaul to make the building suitable attractive for new tenants which would prove unviable, noting the relatively low rental rates achievable in the area and the expenditure required. Part of the reasons as to why a refurbishment would be so high is that the existing building was a former B8 unit that has been converted and therefore the space available is already compromised by the fact that the building was never originally designed to be offices. Its heating and energy systems are chronically outdated (the site has an energy rating of G – the worst possible scoring, see **Appendix 6**) the elevations are in a poor state and the size of the floorplate is simply not attractive to those companies seeking office space in Chorley at present. Indeed, all other more recent developments and proposals for offices in the area have proposed much smaller units.
- 5.48. In summary, redevelopment of the site would result in the loss of a B1 (now Use Class E) office building. Despite being ranked as a Good Urban site in 2009, the Council's assessment at the time still raised key issues with the site. We consider this category/grade should no longer apply further to changes in the Use Class system and permitted development rights; the fact that the Council allocated additional and better employment sites since the Core Strategy was adopted (through the 2015 Chorley Local Plan Allocations DPD) and due to the fact that the building is compromised by virtue of it being a converted former B8 warehouse, its age, scale and size, location and market attractiveness (particularly following the pandemic). It is not high quality. Alternative or extended forms of B Use Class development on this site would also be unsuitable for the reasons set out below under criteria c.
- 5.49. Despite the compelling reasons above, the Council consider that the location of this site in relation to other employment uses on Euxton Lane should be valued as part of an employment hub along this road<sup>6</sup>. There are suggestions in the evidence base that Euxton Lane is a high-quality location for employment land uses<sup>7</sup>, based on recent transaction data and stakeholder consultation. This fails to acknowledge the fact that there is a state of the art, newly built vacant office unit to the immediate north of the appeal site, indicating that this is not a highly desired location for office space in respect of quality and demand. This is notwithstanding the fact that the current building on site is of extremely poor quality – if

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<sup>6</sup> Paragraph 47 of committee report

<sup>7</sup> See paragraphs 3.23, 4.26 and 5.3 of Chorley Market Update 2022 (August 2022 – BE Group)

office uptake is slow in the immediate area for high-quality office buildings, it begs the question as to how this low-quality site could be viewed in higher regard. Furthermore, any new build office development on this site would have to pass the sequential test given it comprises a town centre use – the principle of a new office development from scratch is therefore not a given in respect of planning policy compliance.

- 5.50. It is also highly important to note that the appeal site has not been formally assessed in any of the April 2019, February 2022 or August 2022 BE reports in terms of its quality and scope to continue to accommodate employment uses. Moreover, the assessments do not seek to rank employment sites into Good Urban or Best Urban (i.e. the broad categories used in Policy 10 of the Central Lancashire Core Strategy, 2012) except for Preston where a specific request from that authority was put forward<sup>8</sup>. This further reiterates our assertions that quality grading referred to in Policy 10 should no longer apply.
- 5.51. Of final note, Buckshaw Village and Euxton Lane are referred to more generally in the 2022 BE Reports, however reference to Euxton Lane, Chorley are specifically in relation to the allocated employment/mixed use site within the Chorley Local Plan (Site EP1.5). This does not relate to the appeal site.
- 5.52. The appeal site no longer represents a high-quality employment site that can be viably re-used or redeveloped for office development, and there is no site-specific counter evidence provided by the Council. The proposals therefore comply with this element of criteria a).

*Quantity of Employment Land in Chorley and Local Employment Land Supply*

- 5.53. In terms of overall supply, Chorley Council’s August 2022 Employment Land Monitoring Report states that in April 2022 there was 71.79 hectares of employment land available in the Borough for development (made up of 65 Ha of allocated sites and 6.61 Ha of unallocated sites with consent). This is shown at Table 1 of the report and as replicated at Figure 6 below.

*Figure 6: August 2022 Employment Land Monitoring Report – employment land supply*

**Table 1 Available Employment Land (hectares), April 2022**

|  | E(g)        | B1          | B2          | B8          | MU           | A2/E(c)     | Total        |
|--|-------------|-------------|-------------|-------------|--------------|-------------|--------------|
| <b>Allocated Land</b>                            | -           | 0.6         | 0           | 0           | 64.58        | 0           | 65.18        |
| <b>Non-Allocated Land w/ Planning Permission</b> | 0.22        | 0.35        | 4.85        | 0.58        | 0.58         | 0.03        | 6.61         |
| <b>Total Land Available</b>                      | <b>0.22</b> | <b>0.95</b> | <b>4.85</b> | <b>0.58</b> | <b>65.16</b> | <b>0.03</b> | <b>71.79</b> |

MU = Mixed Use Development

- 5.54. The Appellant has not scrutinised the employment land supply figures at this stage, but will do so as part of the appeal process to provide their own employment land position.
- 5.55. We are therefore not in agreement with the Council’s employment land position. This is particularly important given that there are evident inconsistencies in the Council’s claimed employment land supply, as Table 22 of the February 2022 BE Report, replicated at Figure 7 overleaf, suggests that Chorley only has 56.28 ha<sup>9</sup> of land supply:

<sup>8</sup> See paragraph 5.21 of 2022 BE Assessment

<sup>9</sup> Table 18 of the February 2022 Report confirms that the 56.28 ha relates to current Local Plan allocations and two planning applications (therefore unallocated/windfall).

Figure 7: February 2022 BE Central Lancashire Employment Land Study Update – employment land supply

**Table 22 – Use Class Assessment (Realistic Supply)**

| Area          | Use Class*  |                 |              |                 |             |                 |             |                 | Total       |                 |
|---------------|-------------|-----------------|--------------|-----------------|-------------|-----------------|-------------|-----------------|-------------|-----------------|
|               | E(g)(i)     |                 | E(g)(iii)/B2 |                 | B2/B8       |                 | E(g)/B2/B8  |                 | No of Sites | Total Area (Ha) |
|               | No of Sites | Total Area (Ha) | No of Sites  | Total Area (Ha) | No of Sites | Total Area (Ha) | No of Sites | Total Area (Ha) |             |                 |
| Chorley       | 2           | 3.68            | 4            | 20.86           | 2           | 3.86            | 5           | 27.88           | 13          | 56.28           |
| Preston – EP1 | -           | -               | -            | -               | 3           | 22.67           | 4           | 48.64           | 7           | 71.31           |
| Preston – ELR | 3           | 0.66            | -            | -               | 1           | 0.11            | 3           | 10.44           | 7           | 11.21           |
| South Ribble  | 1           | 0.45            | -            | -               | 1           | 22.2            | 5           | 29.33           | 7           | 51.98           |
| <b>Total</b>  | <b>6</b>    | <b>4.79</b>     | <b>4</b>     | <b>20.86</b>    | <b>7</b>    | <b>48.84</b>    | <b>17</b>   | <b>116.29</b>   | <b>34</b>   | <b>190.78</b>   |

Source: BE Group, 2021

\*To avoid double counting sites have been placed into one Use Class category only.

- 5.56. Clearly these two reports have close baseline position dates, so we reserve the right to provide our own detailed position on this matter once we have scrutinised the Council’s position in detail. This is particularly the case given that neither of these reports were publicly available at the time of determination of the application.
- 5.57. Notwithstanding the above, as a starting point, Table 1 of the Monitoring Report breaks land supply down by individual use, which suggests limited B1 space available (0.95 Ha). That said, given that the vast majority of the allocations have flexible designations (with most supporting B1, B2 and B8 and all 15 supporting B1), these are included under Mixed Use, which means that the amount of land available for B1 use is 66.11 Ha.
- 5.58. Therefore, the loss of 3.02 Ha represents less than 5% of what is claimed to be available. This is not considered an unacceptable reduction in terms of type and quantity of employment land, noting that the report does not take account of windfall development that will inevitably come forward.
- 5.59. The Appellant will be providing updated and additional evidence to scrutinise the Council’s updated employment evidence base and to provide our own position in respect of the quantity and supply of employment land in Chorley. At this point however, the following headline points can be made:
- The Council’s reason for refusal is based on an evidence base being prepared in support of the emerging Central Lancashire Local Plan. Critically, the employment land need figure has not been tested as part of the Local Plan process or found sound. It is not an adopted requirement. There is a myriad of employment need scenarios that could eventually be adopted as part of the emerging Local Plan process. This comprises a distinctly separate process, which incidentally is some way off given the Council have only consulted on Issues and Options in 2020. The cited employment need and land supply figures have therefore not been found to be sound as part of a Local Plan process.
  - Historic uptake of office land has fluctuated over time, but with an evident downward trajectory in recent years and in the pandemic years. It is our strong view that this downward trajectory will continue and even accelerate.

- Currently there is 71.79ha of employment land available in Chorley according to the August 2022 BE Report. In addition, there is more than sufficient vacant office space available in the immediate vicinity of the site. Residential development on this site would therefore not result in an unacceptable loss to the quantity of employment land.

**Criterion (b): the Provision and Need for the Proposed Use**

- 5.60. The SPD confirms that in order to demonstrate the need for a housing development, applicants will need to present evidence on existing housing land supply and brownfield capacity. The Appellant will be providing their own evidence on the Council's latest housing land supply position as the appeal process and Inquiry progresses.
- 5.61. Notwithstanding this, it is undisputed by the Council that they cannot demonstrate a five-year housing land supply. The most recent appeal decisions confirmed a position of between 2.4-2.6 years<sup>10</sup>.
- 5.62. The Council's latest claimed position, as stated in the Committee Report, is that they have 3.3 years of housing land supply. Notably, paragraph 55 of the Committee Report confirms that this is based on the annual housing requirement of 569 dwellings (therefore the standard method figure) which includes a 5% buffer. It is therefore not based on the agreed Statement of Common Ground between the Central Lancashire authorities, which Chorley have adopted as a material consideration. This is the correct approach.
- 5.63. The housing land supply shortfall is therefore substantial, falling significantly short of the five-year requirement. Therefore, the tilted balance is engaged under paragraph 11 of the NPPF<sup>11</sup> and demonstrates a need for the proposed residential use.
- 5.64. As explained throughout this Statement of Case, the tilted balance weighs in the appeal proposals favour.

**Criterion (c): the relative suitability of the site for employment and for the alternative use**

- 5.65. In this instance, the site is not allocated for new employment development. As such, it cannot be assumed that new, alternative or expanded forms of employment floorspace would be acceptable to the Council in this location. Indeed, the site is white land on the defined proposals map and located within a defined settlement boundary. Whilst Policy 10 seeks to protect the employment use, it does not actually allow for expansion or redevelopment of employment uses. As such, any application would still need to be determined in accordance with other policies within the plan.
- 5.66. As per the Council's 2009 assessment, which contains the only assessment of this site despite three later evidence base documents, we agree that there is limited opportunity for infill development partly due to the presence of protected trees on the site and other planning policies within the Local Plan.

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<sup>10</sup> Refer to Appendices 1 and 2, relating to appeals from February 2022 and March 2022 respectively.

<sup>11</sup> Para 11 d footnote 8.

- 5.67. Despite the existing building being a former B8 use, it could not be converted back to modern day standards and the building height is too low to meet most operator's needs for logistics space.
- 5.68. Redevelopment options for B8 use are also fettered by various site constraints. Firstly, the protected trees located centrally within the site would make it very hard to expand the existing building or create a sizable floorplate of a suitable scale to accommodate significant additional employment floorspace.
- 5.69. Secondly, a culvert that runs centrally through the site would also present a real challenge to overcome in delivering a large logistics employment unit on the site. The culvert can be avoided on the residential layout but would require a significant diversion for an industrial use. Even if the trees and culvert were not present, the scale of such a building on the southern side of the railway would appear out of character, noting the openness of the Green Belt and typically lower-level development located to the south of the tracks. Accessing a larger B8 unit along the existing roads which pass the college to the east would also pose a potential highway safety issue due to the conflicting nature of the land uses and the need for large HGV's to pass the college under this scenario. The Eddison note, contained at Appendix 4 of the submitted Planning Statement, also corroborates this position from a highway impact perspective. Due to the location of this site on a main gateway into the settlement, proximity to the college and sporting facilities, we do not consider it would represent a suitable site for general B2 uses. Such uses would typically create bad neighbour issues if not controlled carefully by condition and subsequently enforced. Again, the Eddison note corroborates that B2 uses also cause conflicts on the local highway with the neighbouring college.
- 5.70. It is also noteworthy that further to our community consultation exercise prior to the submission of the application, we received a response from the neighbouring building 'Blink' who have confirmed they often utilise their premises as a filming location and would seek to object to any uses that created adverse noise conditions that would impact on their business. They also raised concerns about pedestrian/HGV conflicts that could potentially arise from an industrial development proposal.
- 5.71. Any proposals for additional office floorspace would also have to satisfy 'town centre first' policies contained within the Local Plan and NPPF. Whilst we accept that it is an accessible site with good access to the local train station and road network, the site still represents an 'out of centre' office location. The shortest walk to the train station is over 700m to the closest edge of the site and further still to the defined town centre located to the north. As such, the site falls beyond the 500 metres threshold as per the definition for 'edge of centre' in the Glossary to the NPPF). Its location for office use is therefore not technically compliant with the sequential approach applied by the NPPF or Policy 11 of the Core Strategy. Any application for additional office space would have to therefore discount other sequentially preferable sites.
- 5.72. We do not foresee how the sequential test could be satisfied locally, bearing in mind there are recent approvals for new office development on allocated employment land located directly north of the train station and south of the defined town centre of Buckshaw Village.
- 5.73. With regards to other employment generating uses, we accept the site and building could, in theory, be converted to a range of Use Class E town centre uses such as retail and leisure uses despite its out of centre location. We do not consider the building would be attractive to household name retailers, given the appearance of the building and its layout. Indeed, it

would not attract retailers or leisure operators evident on the high street or out of centre retail parks. The building would also be too large for the vast majority of independent retailers or leisure operators.

- 5.74. There is possibly scope for larger scale cash and carry/wholesale type retailing (i.e. specialising in world foods) which could in theory operate from the building if the business model was scaled to include more customer retailing floor space than might be the case as part of their typical B8 operations. A use such as this would not have to invest significantly in the appearance of the building, albeit there would be a need for significant refrigeration, particularly given the solar gain issues associated with parts of the building (energy rating G – poorest of all). Either way, we do not consider this would be a desirable outcome and could negatively impact on their nearby Buckshaw Village defined town centre and potentially even Chorley Town Centre noting the scale of the building and amount of floorspace available, nor would this contribute to the Council's suggested shortfall of suitable land for office development.
- 5.75. The other potential use considered is a soft play children's play space (Class E leisure use), which often find premises in older industrial / storage and distribution uses. However, the floor to ceiling heights within this building are not suitable and would require too much intervention / internal construction work to prove a viable and suitable use. The impact of the pandemic has also had a significant impact on these types of indoor leisure uses in the last two years, meaning the level of investment in this type of industry has significantly reduced.
- 5.76. In theory, a gym operator could occupy the building under Class E but the floor plates are significant and are highly unlikely to prove viable for any operator. This use, at this scale, would also have a negative impact on any gyms located within the defined town centres of the Borough. The same is applicable to other Class E uses such as medical services, day centres, crèches and nursery's with the floorspace available being significantly larger than any other known practices/businesses in the area. As such, the building would prove to be an unviable option for these types of businesses, and they would be no more viable than the assessed office refurbishment options considered as part of the supporting viability assessment (addressed below under criteria h).
- 5.77. To conclude, it is clear from the above that the site is not suitable for employment land uses and therefore accords with criteria c.

***Criterion (d): the location of the site and its relationship to other uses***

- 5.78. The current employment use does not cause amenity problems for neighbouring uses as far as we are aware. The former B1 (now Class E) office use is relatively low impact but the building is now outdated and it would be unviable to refurbish it to attract new tenants, which we address in subsequent sections below.
- 5.79. The area south of the railway line is of mixed use including residential, education and commercial. There are substantial residential areas south of the railway line along Euxton Lane, i.e. Wentworth Drive, Euxton. The proposals in this regard would not be out of kilter with the wider area.
- 5.80. Other nearby uses include general open areas to the south, the sports ground's to the immediate east and Runshaw College a short distance to the west (which we note is now on the market and will not be specifically protected by Policy 10 because it is not a former

office/B Use Class and therefore has a high possibility of being redeveloped for residential use).

- 5.81. In short, the site is not located in a standalone location that is entirely surrounded by existing employment uses. Instead, the residential development would sit adjacent to a range of land uses. We also note that there is no policy within the adopted Local Plan that specifies the need for new residential development having to abut other existing residential estates.
- 5.82. The site is more suitable for residential due to the substantial, underlying unmet need for housing in the areas and the fact that it represents an accessible and sustainable site by virtue of being previously developed land adjacent to a railway station and a short walk/cycle to a town centre and the associated services within it including a Tesco supermarket, health centre and various other shops and services. These distances would be perfectly manageable for residents to walk/cycle to the town centre and walk/cycle home, again noting the shared footpath and cycle route that runs along the main road providing access to the site and the aforementioned services.
- 5.83. Table 1 contained earlier in this report also confirms how the site's location in relation to a number of nearby facilities, including a school, railway station, supermarket and bus stops, all fall within the recommended guidance/thresholds for accessibility distances.
- 5.84. The site is a highly sustainable location for residential development.

***Criterion (e): where the ability to accommodate smaller scale requirements would be compromised***

- 5.85. We do not consider the redevelopment of the site would represent an undue loss in office related floorspace or the opportunity to create smaller office units within the Buckshaw Village / Chorley area. As highlighted under Criteria a), there are a number of allocated employment sites nearby where planning permissions have been granted to deliver smaller and more modern office buildings. These include the sites at Euxton Lane (EP1.5) (also known as Strawberry Fields) and the South Commercial Site in Buckshaw Village (EP1.13) where Orbit have permission for 5 new office buildings. Both are within a short walk from the site.
- 5.86. In the Committee Report, the Council state the following:
- "The site forms part of a corridor of employment uses along Euxton Lane and its existing use for employment is considered to fit well with this corridor."*

- 5.87. Neither this site nor the neighbouring College are formally allocated for employment land use, therefore they cannot automatically be afforded protection status for an employment 'corridor'. Furthermore, the appeal proposals for housing would also fit in well along Euxton Lane, providing an attractive streetscene on a key gateway approach in to Euxton.

***Criterion (f): there would be a net improvement in amenity***

- 5.88. Whilst the current office building is not of a particularly high standard, in its current state, it does not unreasonably detract from the area. Since the office building was vacated in early 2022, the building and site has gained an increasingly poor appearance, with less need for maintenance. Whilst there is no direct planning requirement for the owners to do this, they will clearly need to ensure the building and site remain safe. However, without a tenant, the reality and practicality of that does undoubtedly become harder.

- 5.89. The wider site is relatively underutilised, has large areas of exposed at-grade car parking and a disused area of hard standing. The land could be put to better use and be utilised more efficiently. This is an approach that is advocated in the NPPF<sup>12</sup>.
- 5.90. Residential development would occupy the majority of the site under the proposed plans. The design applied would offer a better level of urban environment than what currently exists in our opinion by providing more modern, energy efficient buildings, garden areas that would be planted and maintained by residents and a local equipped area of play that would be upkept by a management company.
- 5.91. The residential homes would provide a greater level of neighbourhood surveillance and community watch in the area which is likely to benefit the neighbouring uses such as the sports grounds and college.
- 5.92. The supporting noise report also demonstrates that the surrounding uses would not have a detrimental impact on the proposed residential homes. The findings of the report were accepted by the Environmental Health Officer, who has no objection to the scheme.

***Criterion (g): convincing evidence of lack of demand through a rigorous and active 12 months marketing exercise for employment re-use and/or employment redevelopment***

- 5.93. Whilst we did not provide a 12 month marketing assessment as part of the planning application, we remain firmly of the view that this is not strictly necessary in light of the fact that the policy must be regarded as being out of date by virtue of the age of the policy, its inconsistency with the NPPF, the age of the supporting evidence base identifying this site as a good urban site, the acute need for housing in Chorley when measured against the 5 year housing requirement quantified by the Local Housing Need/Standard Methodology, and the evidential strong supply of employment land within Chorley.
- 5.94. Notwithstanding this, throughout the application process we highlighted at length how there are a number of vacant office units in the immediate vicinity of the site, which highlights a lack of demand in the area. We will be providing an updated position on vacant office space in the local area as the appeal progresses, albeit of particular note is the fact that as of October 2022, 23,175 sqft of office space is available<sup>13</sup> at Building 2 of Orbit Developments Buckshaw Parkway site, located to the immediate north of the appeal site.

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<sup>12</sup> See Paragraph 124

<sup>13</sup> <https://www.orbit-developments.co.uk/property/buckshaw-village-office-park/>



- 5.95. As further elaborated on in the TCP report submitted in support of the planning application (which will be updated to reflect the latest position), demand for office space in this locality is low. The aforementioned vacant office space at Buckshaw Parkway remains unoccupied, despite being developed by Orbit developments in 2020 and having good access to the District Centre and train station. There is also vacant office space at East Terrace Business Park to the immediate west of the appeal site<sup>14</sup>. As such, there is a good amount of second-hand office stock in the vicinity of the site, which will reduce demand for the refurbishment / redevelopment of this this site for new office space.
- 5.96. There is also a large number of other vacant offices in Chorley according to the Council's own evidence base, with the August 2022 BE report stating that 36 vacant offices were being marketed in Chorley as of July 2022 (totalling 5,628 sqm)<sup>15</sup>. This does not indicate a shortfall in office land in Chorley, or a particularly strong market – which is unsurprising post-pandemic.
- 5.97. We would also highlight that the existing vacant office space in the immediate locality, namely Buckshaw Parkway, is of a high-quality specification and energy rating. They are therefore high-quality in nature. Conversely, the building on the appeal site has an extremely poor energy rating, suffers from excessive solar gain in the summer, poor ventilation and poor insulation so it is very hot in the summer and cold in the winter. Indeed, the building has an EPC rating of G (see **Appendix 6**), which is the **lowest possible energy rating**. To put this into context, its numerical rating is 152, which is 15 x worse than a newly built office building and almost 4 x worse than a building typical of its age. In this context, this is not a building which is desirable and likely to attract occupiers – especially given the cost-of-living crisis and ever rising energy prices. **In any event, because the energy rating is so poor, the building cannot be marketed or tenanted to new occupiers without getting an exemption.** An exemption would have to demonstrate that it is unviable to carry out the works to make it more sustainable, so it would continue to be unsustainable.
- 5.98. TCP also undertook a qualitative review of the site and raised issues with the larger floor plate, depth of floorplates, lack of natural light, general condition of the buildings, heating and solar

<sup>14</sup> See Paragraph 3.24, page 15 of Chorley Market Update August 2022 (BE Group)

<sup>15</sup> See Paragraph 4.14 of Chorley Market Update August 2022 (BE Group)

gain issues within the foyer and poor environmental performance. All of the above would seriously hinder any marketing exercise for the site for continued use as offices or any other reasonable alternative use.

- 5.99. Redevelopment options for larger scale logistics uses are also discounted for the same reasons set out in this report, relating to site constraints associated with the centrally located culvert, TPOs, the nature of existing uses/bad neighbour issues and the site's location not lending itself to a significant increase in height and massing.
- 5.100. The Appellant will be providing additional and updated information on this matter as part of the appeal process.
- 5.101. Notwithstanding the above, as previously noted at paragraph 5.35 of this report, the Council have not required a 12-month marketing exercise for residential uses on allocated employment sites elsewhere in the Borough, contrary to Policy 10 (see also **Appendix 4**). The Council's application of Policy 10 has been highly inconsistent in this regard, reflecting the out-of-date nature of the policy.

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

- 5.102. The original Viability Report, prepared by TCP, confirmed that the existing building and site cannot be viably refurbished to meet modern day requirements for office space and the site would not be viable for an office-based redevelopment scheme.
- 5.103. TCP concluded the key reasons for this are as follows:
- a) *'The level of demand in the local market is such that schemes like Buckshaw Parkway that offer both standing new office space and future development options has not progressed*
  - b) *Vacant floorspace in the wider area is a further indicator of generally weak demand*
  - c) *The abnormal development costs weigh down on the ability to deliver a scheme even should stronger demand exist*
  - d) *As a consequence of generally weak demand and the identified costs of delivery, an assessment of viability has shown that a typical office scheme would not be brought forward owing to viability challenges (echoing the experience of Buckshaw Parkway).'*
- 5.104. The Appellant is currently updating their original Viability Report to provide the latest position in respect of market conditions and costings. This evidence will be submitted as the appeal progresses.

***Summary***

- 5.105. Based on the above analysis, the Appellant concludes that the criteria in Policy 10 in the Central Lancashire Core Strategy and supporting SPD are broadly satisfied, with clear evidence presented that the re-use of the site for office or other B use class uses would not be suitable or viable.
- 5.106. Notwithstanding this, the policy overall and the evidence base which underpins it cannot be regarded as being reliable and up to date due to:

- The reason for refusal is based on an evidence base which is yet to be tested through a Local Plan Process, therefore its findings have not been found sound. There is a myriad of employment need figures that could be explored as part of the emerging Local Plan process and ultimately found sound, but this a separate process which is somewhat off and distinctly separate to the decision-making process required for this appeal right now. It can therefore be afforded little weight in the determination of this Appeal;
- the revocation of the RSS, which underpinned the restrictive stance towards the re-use of many employment sites;
- changes to the use class order, which effectively removes the B use class status from the site. which Policy 10 seeks to protect;
- the advancement of the adopted Development Plan at the local level, which hasn't allocated the site for employment purposes and allocated new, additional and better employment sites close by; and
- the demonstrable lack of a 5-year housing land supply.

5.107. The appeal proposals are therefore entirely acceptable in principle, with compelling planning justification for the loss of the existing employment use on this site.

## **Accessibility and Integration (Refusal Reason no. 2)**

5.108. The Council's second reason for refusal is outlined below:

*"The application site is proposed in isolation from residential development patterns and associated amenities resulting in an unsustainable form of development. It would fail to provide connectivity with supporting amenities, which means that the development does not integrate or function well with the surrounding area. The proposal does not, therefore, secure a high-quality inclusive design. The proposal is, therefore, contrary to policy 17 of the Central Lancashire Core Strategy 2012 and the National Planning Policy Framework."*

5.109. The above assertion is erroneous. On the contrary, the appeal site is located in a sustainable location and the proposals will integrate well with the surrounding area.

5.110. Starting with the isolation point, whilst it is accepted that the railway line provides a physical boundary between the residential areas of Buckshaw Village to the north, the appeal site is not isolated from residential development patterns per se. There are residential properties located on the opposite side of Euxton Lane. The area is therefore not devoid of residential development. In any event, even if it was, this would not automatically preclude residential development on this unconstrained/unsensitive site. The question is whether the site could support residential development that can sustainably access local facilities. It can.

5.111. As explained in the submitted Transport Assessment and Planning Statement, local amenities in the area can be sustainably accessed from the site within the recommended distances set out in guidance. The Appellant will be providing additional evidence on this matter in respect of distances to local facilities.

5.112. The following points are also of note:

- Bus stop improvements were discussed at the application stage and can be delivered via the S278 or S106 process. This will further encourage future residents of the site to travel by sustainable modes of transport.
- An existing cycle lane runs along the entire southern boundary of the site on Euxton Lane. The Site Layout provides connection points to the existing cycle path infrastructure in the area. This includes connections from the proposed LEAP to be provided on site. The existing cycle lane will provide cycle connectivity from the site to the nearby facilities in Buckshaw Village to the north.

5.113. The above points will be clearly articulated in respect of integration/connectivity matters to existing amenities. This is not an issue on this highly sustainable site. Indeed, the Committee Report at paragraph 37 acknowledges this point:

*“...The site is within 1 mile of the A49 and A6, local roads are wide and access is very good as are pedestrian and cycle access, whilst there is also good access to Buckshaw Village railway station.”*

5.114. Furthermore, the Council acknowledges within paragraph 183 of the Committee Report that the site is located within the Buckshaw Village Strategic Development area where the Core Strategy specifically seeks to direct development,

5.115. In respect of design matters, the appeal proposals do represent a high-quality and inclusive design which integrates with the surrounding area. The Council did not raise any specific design issues in the Committee Report. Notwithstanding this, the Appellant will be providing additional evidence on design/integration matters, but we provide some headline points now:

- The Appeal Proposals provide an outward looking, positive interface with Euxton Lane to the south. This provides an attractive streetscene in comparison to the existing position on site with an outdated office building that is no longer fit for purpose and a brownfield site that is underutilised. It is not an efficient use of land.
- The Council’s desire to retain this site as an employment ‘corridor’ provides no guarantee this would ever actually be delivered. There is a potential for the site to fall into a dilapidated state with an extremely poor outlook and negative impact on the Euxton Lane streetscene. On the contrary, the appeal proposals will deliver a high-quality, well designed residential development that can immediately deliver much needed housing. This not only relates to design, but goes to the very heart of the pragmatic use of land that the NPPF seeks to advocate in areas where there is an undisputed, and critical shortfall of five year housing land supply.
- Given the above, there is a danger that the site will fall into further disuse and attract anti-social behaviour. On the contrary, the appeal proposals have been designed in line with ‘designing out crime’ principles and will provide an active use on a key site upon approach to Euxton.

5.116. The appeal proposals therefore comply with Policy 17 of the Core Strategy and the NPPF in respect of integration, connectivity and design. They represent a sustainable, well integrated and well- designed housing development.

## Affordable Housing

5.117. Recent appeal decisions have confirmed there is a substantial affordable housing shortfall in Chorley. Indeed, the Blainscough Hall appeal decision (contained at **Appendix 2**) discusses Chorley's affordable housing needs at length. At paragraphs 89 and 90 of the decision, the Inspector concludes the following:

*“89. The appeal scheme would also provide 37 affordable homes. This is in the context of **a significant shortfall of affordable housing**. The 2020 CLHS identifies an affordable housing need of 132 dwellings per annum in Chorley. Accounting for under delivery this amounts to an annualised need of 143 dwellings per annum. The Council's deliverable supply would at best deliver 424 affordable dwellings over the next 5 years, 85 dwellings a year. **This equates to just under 60% of the affordable housing need in the borough.***

*90. It is notable that **over the last 2 years there has been an increasing affordable housing need in the borough, demonstrated by the significant increase in households on the Council's housing register**. This is likely to be because of the pandemic. As circumstances improve, it is uncertain that this rate of increase will continue. Nevertheless, it indicates **a significant need for affordable housing, which on the basis of the current deliverable supply would not be met.**”*

5.118. The Appellant will be providing additional and updated evidence in respect of affordable housing need and supply in Chorley. There is no doubt that affordable housing need will remain significant. The planning application proposed 30%, policy compliant affordable housing on site (equating to 32 units). When the application was recommended for approval, the S106 Agreement was advanced on this basis.

5.119. However, the Council have introduced a Registered Provider Partnership Framework (RPPF), which stipulates onerous transfer values that should be used as a guide for affordable units in Section 106 Agreements. The figures have a significant impact on viability and the affordable housing offer.

5.120. The Document is not a SPD, has not been subject to public consultation, does not accord with National Planning Policy or guidance and has not been tested in the public or planning arena in respect of viability matters. It is our view that it is not a material consideration in the determination of this appeal, nor can it be afforded any weight. However, the Council inserted the use of the RPPF as a clause in the draft S106 Agreement previously advanced, and are looking to use it in other Section 106 Agreements across Chorley. We do not agree with this approach, however as this is likely to be a matter of dispute, the affordable housing offer on site will be in the form of one of the following two options:

- Option 1 – Policy compliant 30% affordable housing provision, which is not subject to the Council's preferred list of registered providers or transfer values as outlined in the RPPF; or
- Option 2 – Affordable housing provided as per the RPPF, but a reduced affordable housing requirement to be provided on site following application of Vacant Building Credit and a viability case demonstrating why full 30% affordable housing requirement would not be viable on site.



- 5.121. Additional evidence will be provided on this; however, the Appellant will continue dialogue with the LPA to obtain a successful outcome on this matter. If this is not possible, a Unilateral Undertaking will be progressed.

## 6. Conclusions

- 6.1. The appeal is submitted against the refusal of a planning application for residential development on a highly sustainable, vacant brownfield site within the defined boundaries of the Buckshaw Village Strategic Site.
- 6.2. The Council cannot demonstrate a five-year housing land supply. The presumption in favour of sustainable development is therefore triggered, in line with paragraph 11d) and footnote 8 of the NPPF.
- 6.3. The tilted balance weighs in favour of the appeal proposals, given the following headline points:
- Core Strategy Policy 10 is out of date for a multitude of reasons and in any event the proposals will not undermine the employment needs of the Borough or result in an unacceptable loss of employment land. Refusal reason number one is therefore erroneous;
  - The site benefits from a sustainable location, does not comprise an isolated form of development and is of high-quality design. Refusal reason number two is equally erroneous;
  - There are no technical objections or other issues raised by statutory consultees or indeed the Council; and
  - The Council's housing land supply shortfall is substantial, and significant weight is to be afforded to the development proposals providing much needed affordable and market housing on a vacant brownfield site within the defined urban area. This is in the context of a Borough fettered by policy constraints including large swathes of Green Belt. The emerging Local Plan is some way off adoption. Land needs to come forward now to meet the Borough's housing needs.
- 6.4. Additional evidence will be provided in respect of all of the above as the appeal progresses.
- 6.5. In conclusion, there are no compelling reasons to refuse planning permission and we respectfully request that the appeal is allowed.



## **Appendix 1: Relevant correspondence and draft conditions**

## Kerry Walker

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**From:** Iain Crossland <iain.crossland@chorley.gov.uk>  
**Sent:** 03 August 2022 09:39  
**To:** Kerry Walker  
**Subject:** RE: 21/01475/FULMAJ - DXC Technology - Bellway Homes

Hi Kerry,

Yes George contacted me yesterday and I confirmed to him that I have set the application up for the August Committee and my recommendation remains for approval.

I would anticipate the agenda being published on Friday this week and reports being published next week.

With regards to conditions I have to confess that I stopped work on them and focussed my efforts elsewhere once I understood that the item would not be presented to Committee and given my involvement in the Public Inquiry at the time.

I will certainly have these over to you to comment on before we publish them.

Kind regards

Iain

**Iain Crossland**  
Principal Planning Officer

---

**From:** Kerry Walker <kerry.walker@pegasusgroup.co.uk>  
**Sent:** 03 August 2022 08:26  
**To:** Iain Crossland <iain.crossland@chorley.gov.uk>  
**Subject:** RE: 21/01475/FULMAJ - DXC Technology - Bellway Homes

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Morning Iain,

I hear from Bellway that we are still looking at the August committee with a recommendation for approval – which is great news. Thank you for your assistance on this.

Are you in a position to share draft conditions at this point or are these still being drafted?

Many thanks,

Kerry

**Kerry Walker**  
Principal Planner

**E** kerry.walker@pegasusgroup.co.uk  
**M** 07867 393752 | **DD** 0161 507 0411 | **EXT** 8012 | **T** 0161 393 3399



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**From:** Kerry Walker <[kerry.walker@pegasusgroup.co.uk](mailto:kerry.walker@pegasusgroup.co.uk)>  
**Sent:** 28 July 2022 12:24  
**To:** Iain Crossland <[iain.crossland@chorley.gov.uk](mailto:iain.crossland@chorley.gov.uk)>  
**Subject:** RE: 21/01475/FULMAJ - DXC Technology - Bellway Homes

Hi Iain,

Yes no problem at all – please find attached the word version.

Hopefully you will receive some further updates from Adele and Jonathan next week following our discussions with Jonathan. I note Jonathan is on leave next week so hopefully Adele has been brought up to speed in his absence.

Many thanks,

Kerry

**Kerry Walker**  
Principal Planner

**E** [kerry.walker@pegasusgroup.co.uk](mailto:kerry.walker@pegasusgroup.co.uk)  
**M** 07867 393752 | **DD** 0161 507 0411 | **EXT** 8012 | **T** 0161 393 3399  
Queens House | Queen Street | Manchester | M2 5HT



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**From:** Iain Crossland <[iain.crossland@chorley.gov.uk](mailto:iain.crossland@chorley.gov.uk)>  
**Sent:** 28 July 2022 12:20  
**To:** Kerry Walker <[kerry.walker@pegasusgroup.co.uk](mailto:kerry.walker@pegasusgroup.co.uk)>  
**Subject:** RE: 21/01475/FULMAJ - DXC Technology - Bellway Homes

Hi Kerry,

Many thanks for the attached. I've added it to the file and it sounds as though you have had some positive discussions with Jonathan. I've not spoken with him or Adele about the site yet so I haven't received any information from them, but anticipating that I will be making use of your helpful note would it be possible to provide a word version for ease of use?

Kind regards

Iain

**Iain Crossland**  
Principal Planning Officer

 01257 515151  
 chorley.gov.uk



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**From:** Kerry Walker <[kerry.walker@pegasusgroup.co.uk](mailto:kerry.walker@pegasusgroup.co.uk)>  
**Sent:** 28 July 2022 11:07  
**To:** Iain Crossland <[iain.crossland@chorley.gov.uk](mailto:iain.crossland@chorley.gov.uk)>  
**Cc:** Adele Hayes <[adele.hayes@chorley.gov.uk](mailto:adele.hayes@chorley.gov.uk)>; Jonathan Noad <[jonathan.noad@chorley.gov.uk](mailto:jonathan.noad@chorley.gov.uk)>; Sebastian Tibenham <[Sebastian.Tibenham@pegasusgroup.co.uk](mailto:Sebastian.Tibenham@pegasusgroup.co.uk)>; Jonathan Penrose <[Jonathan.Penrose@bellway.co.uk](mailto:Jonathan.Penrose@bellway.co.uk)>; George Stevenson <[George.Stevenson@bellway.co.uk](mailto:George.Stevenson@bellway.co.uk)>  
**Subject:** 21/01475/FULMAJ - DXC Technology - Bellway Homes

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Morning Iain,

Hope you are well. Further to my email earlier this week, please find attached a Note summarizing the site-specific/local context case as to why the DXC site can not be considered a high-quality site for employment land use and how its development for residential purposes will not undermine the delivery of the Borough's employment land requirements. The attached summarizes the key points - of particular note is the fact that there are significant levels of vacant office space in the immediate vicinity of the site and the building's poor energy rating (the lowest category possible).

Please feel free to use any of the attached commentary in your committee report – as we are conscious that there are political sensitivities at play. We consider that using the attached, site-specific points will help to steer a positive course through August's planning committee with a recommendation for approval without causing difficulties elsewhere.

If you have any questions please do not hesitate to contact me and as always, happy to talk through.

Kind regards,

Kerry

**Kerry Walker**  
Principal Planner

**E** [kerry.walker@pegasusgroup.co.uk](mailto:kerry.walker@pegasusgroup.co.uk)  
**M** 07867 393752 | **DD** 0161 507 0411 | **EXT** 8012 | **T** 0161 393 3399  
Queens House | Queen Street | Manchester | M2 5HT

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21/01475/FULMAJ – DXC Technology - Suggested Conditions

| No.   | Condition  |                           |                   |               |                      |                   |          |                    |                   |          |                            |             |          |                         |                   |          |                  |                    |  |                       |                   |          |                |                   |          |                     |                   |          |                           |                   |          |                                |                           |                           |  |                       |                   |                  |                |                   |  |  |  |   |  |  |   |  |  |
|---|--|---------------------------|-------------------|---------------|----------------------|-------------------|----------|--------------------|-------------------|----------|----------------------------|-------------|----------|-------------------------|-------------------|----------|------------------|--------------------|--|-----------------------|-------------------|----------|----------------|-------------------|----------|---------------------|-------------------|----------|---------------------------|-------------------|----------|--------------------------------|---------------------------|---------------------------|--|-----------------------|-------------------|------------------|----------------|-------------------|--|--|--|---|--|--|---|--|--|
| 1.  | <p>The proposed development must be begun not later than three years from the date of this permission.</p> <p><i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>  |                           |                   |               |                      |                   |          |                    |                   |          |                            |             |          |                         |                   |          |                  |                    |  |                       |                   |          |                |                   |          |                     |                   |          |                           |                   |          |                                |                           |                           |  |                       |                   |                  |                |                   |  |  |  |   |  |  |   |  |  |
| 2.  | <p>The development shall be carried out in accordance with the following plans:</p> <table border="1" data-bbox="252 719 995 1821"> <thead> <tr> <th data-bbox="252 719 571 763">Title</th> <th data-bbox="571 719 767 763">Drawing Reference</th> <th data-bbox="767 719 995 763">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="252 763 571 808">Proposed Site Layout</td> <td data-bbox="571 763 767 808">BHM200 PL01 Rev W</td> <td data-bbox="767 763 995 808">01.07.22</td> </tr> <tr> <td data-bbox="252 808 571 853">Site Location Plan</td> <td data-bbox="571 808 767 853">BHM200 LP01 Rev A</td> <td data-bbox="767 808 995 853">04.01.22</td> </tr> <tr> <td data-bbox="252 853 571 887">Housetype Pack (June 2022)</td> <td data-bbox="571 853 767 887">BHM200 HT01</td> <td data-bbox="767 853 995 887">01.07.22</td> </tr> <tr> <td data-bbox="252 887 571 920">Boundary Treatment Plan</td> <td data-bbox="571 887 767 920">BHM200 BT01 Rev H</td> <td data-bbox="767 887 995 920">01.07.22</td> </tr> <tr> <td data-bbox="252 920 571 976">Boundary Details</td> <td data-bbox="571 920 767 976">BHM200 SD01 Rev. A</td> <td data-bbox="767 920 995 976"></td> </tr> <tr> <td data-bbox="252 976 571 1021">Waste Management Plan</td> <td data-bbox="571 976 767 1021">BHM200 WM01 Rev E</td> <td data-bbox="767 976 995 1021">01.07.22</td> </tr> <tr> <td data-bbox="252 1021 571 1055">Materials Plan</td> <td data-bbox="571 1021 767 1055">BHM200 ML01 Rev E</td> <td data-bbox="767 1021 995 1055">01.07.22</td> </tr> <tr> <td data-bbox="252 1055 571 1088">Hard Surfacing Plan</td> <td data-bbox="571 1055 767 1088">BHM200 HS01 Rev G</td> <td data-bbox="767 1055 995 1088">01.07.22</td> </tr> <tr> <td data-bbox="252 1088 571 1122">Affordable Housing Layout</td> <td data-bbox="571 1088 767 1122">BHM200 AH01 Rev C</td> <td data-bbox="767 1088 995 1122">01.07.22</td> </tr> <tr> <td data-bbox="252 1122 571 1178">Planting Plan<br/>Planting Plan</td> <td data-bbox="571 1122 767 1178">LDS502-01D<br/>LDS502 -02D</td> <td data-bbox="767 1122 995 1178">Both received<br/>17.06.22</td> </tr> <tr> <td data-bbox="252 1178 571 1234">Bat and Bird Box Mitigation Scheme – TEP</td> <td data-bbox="571 1178 767 1234">8968.01.001 June 2022</td> <td data-bbox="767 1178 995 1234">Received 17.06.22</td> </tr> <tr> <td data-bbox="252 1234 571 1267">Site Access Plan</td> <td data-bbox="571 1234 767 1267">3456-F01 Rev D</td> <td data-bbox="767 1234 995 1267">Received 04.07.22</td> </tr> <tr> <td data-bbox="252 1267 571 1447">Phase 1 Geo-Environmental Investigation by IGE consulting ref. no. 3590-02 dated August 2021</td> <td data-bbox="571 1267 767 1447"></td> <td data-bbox="767 1267 995 1447"></td> </tr> <tr> <td data-bbox="252 1447 571 1626">Phase 2 Geo-Environmental Ground Investigation by IGE consulting ref. no. 3590-02 dated August 2021</td> <td data-bbox="571 1447 767 1626"></td> <td data-bbox="767 1447 995 1626"></td> </tr> <tr> <td data-bbox="252 1626 571 1821">Flood Risk Assessment 5367/FRA/Final/v1.1 produced on 22/12/2021 by Weetwood Services Ltd</td> <td data-bbox="571 1626 767 1821"></td> <td data-bbox="767 1626 995 1821"></td> </tr> </tbody> </table> | Title                     | Drawing Reference | Received date | Proposed Site Layout | BHM200 PL01 Rev W | 01.07.22 | Site Location Plan | BHM200 LP01 Rev A | 04.01.22 | Housetype Pack (June 2022) | BHM200 HT01 | 01.07.22 | Boundary Treatment Plan | BHM200 BT01 Rev H | 01.07.22 | Boundary Details | BHM200 SD01 Rev. A |  | Waste Management Plan | BHM200 WM01 Rev E | 01.07.22 | Materials Plan | BHM200 ML01 Rev E | 01.07.22 | Hard Surfacing Plan | BHM200 HS01 Rev G | 01.07.22 | Affordable Housing Layout | BHM200 AH01 Rev C | 01.07.22 | Planting Plan<br>Planting Plan | LDS502-01D<br>LDS502 -02D | Both received<br>17.06.22 | Bat and Bird Box Mitigation Scheme – TEP | 8968.01.001 June 2022 | Received 17.06.22 | Site Access Plan | 3456-F01 Rev D | Received 04.07.22 | Phase 1 Geo-Environmental Investigation by IGE consulting ref. no. 3590-02 dated August 2021 |  |  | Phase 2 Geo-Environmental Ground Investigation by IGE consulting ref. no. 3590-02 dated August 2021 |  |  | Flood Risk Assessment 5367/FRA/Final/v1.1 produced on 22/12/2021 by Weetwood Services Ltd |  |  |
| Title   | Drawing Reference  | Received date             |                   |               |                      |                   |          |                    |                   |          |                            |             |          |                         |                   |          |                  |                    |  |                       |                   |          |                |                   |          |                     |                   |          |                           |                   |          |                                |                           |                           |  |                       |                   |                  |                |                   |  |  |  |   |  |  |   |  |  |
| Proposed Site Layout  | BHM200 PL01 Rev W  | 01.07.22                  |                   |               |                      |                   |          |                    |                   |          |                            |             |          |                         |                   |          |                  |                    |  |                       |                   |          |                |                   |          |                     |                   |          |                           |                   |          |                                |                           |                           |  |                       |                   |                  |                |                   |  |  |  |   |  |  |   |  |  |
| Site Location Plan  | BHM200 LP01 Rev A  | 04.01.22                  |                   |               |                      |                   |          |                    |                   |          |                            |             |          |                         |                   |          |                  |                    |  |                       |                   |          |                |                   |          |                     |                   |          |                           |                   |          |                                |                           |                           |  |                       |                   |                  |                |                   |  |  |  |   |  |  |   |  |  |
| Housetype Pack (June 2022)  | BHM200 HT01  | 01.07.22                  |                   |               |                      |                   |          |                    |                   |          |                            |             |          |                         |                   |          |                  |                    |  |                       |                   |          |                |                   |          |                     |                   |          |                           |                   |          |                                |                           |                           |  |                       |                   |                  |                |                   |  |  |  |   |  |  |   |  |  |
| Boundary Treatment Plan   | BHM200 BT01 Rev H  | 01.07.22                  |                   |               |                      |                   |          |                    |                   |          |                            |             |          |                         |                   |          |                  |                    |  |                       |                   |          |                |                   |          |                     |                   |          |                           |                   |          |                                |                           |                           |  |                       |                   |                  |                |                   |  |  |  |   |  |  |   |  |  |
| Boundary Details  | BHM200 SD01 Rev. A   |                           |                   |               |                      |                   |          |                    |                   |          |                            |             |          |                         |                   |          |                  |                    |  |                       |                   |          |                |                   |          |                     |                   |          |                           |                   |          |                                |                           |                           |  |                       |                   |                  |                |                   |  |  |  |   |  |  |   |  |  |
| Waste Management Plan   | BHM200 WM01 Rev E  | 01.07.22                  |                   |               |                      |                   |          |                    |                   |          |                            |             |          |                         |                   |          |                  |                    |  |                       |                   |          |                |                   |          |                     |                   |          |                           |                   |          |                                |                           |                           |  |                       |                   |                  |                |                   |  |  |  |   |  |  |   |  |  |
| Materials Plan  | BHM200 ML01 Rev E  | 01.07.22                  |                   |               |                      |                   |          |                    |                   |          |                            |             |          |                         |                   |          |                  |                    |  |                       |                   |          |                |                   |          |                     |                   |          |                           |                   |          |                                |                           |                           |  |                       |                   |                  |                |                   |  |  |  |   |  |  |   |  |  |
| Hard Surfacing Plan   | BHM200 HS01 Rev G  | 01.07.22                  |                   |               |                      |                   |          |                    |                   |          |                            |             |          |                         |                   |          |                  |                    |  |                       |                   |          |                |                   |          |                     |                   |          |                           |                   |          |                                |                           |                           |  |                       |                   |                  |                |                   |  |  |  |   |  |  |   |  |  |
| Affordable Housing Layout   | BHM200 AH01 Rev C  | 01.07.22                  |                   |               |                      |                   |          |                    |                   |          |                            |             |          |                         |                   |          |                  |                    |  |                       |                   |          |                |                   |          |                     |                   |          |                           |                   |          |                                |                           |                           |  |                       |                   |                  |                |                   |  |  |  |   |  |  |   |  |  |
| Planting Plan<br>Planting Plan  | LDS502-01D<br>LDS502 -02D  | Both received<br>17.06.22 |                   |               |                      |                   |          |                    |                   |          |                            |             |          |                         |                   |          |                  |                    |  |                       |                   |          |                |                   |          |                     |                   |          |                           |                   |          |                                |                           |                           |  |                       |                   |                  |                |                   |  |  |  |   |  |  |   |  |  |
| Bat and Bird Box Mitigation Scheme – TEP  | 8968.01.001 June 2022  | Received 17.06.22         |                   |               |                      |                   |          |                    |                   |          |                            |             |          |                         |                   |          |                  |                    |  |                       |                   |          |                |                   |          |                     |                   |          |                           |                   |          |                                |                           |                           |  |                       |                   |                  |                |                   |  |  |  |   |  |  |   |  |  |
| Site Access Plan  | 3456-F01 Rev D   | Received 04.07.22         |                   |               |                      |                   |          |                    |                   |          |                            |             |          |                         |                   |          |                  |                    |  |                       |                   |          |                |                   |          |                     |                   |          |                           |                   |          |                                |                           |                           |  |                       |                   |                  |                |                   |  |  |  |   |  |  |   |  |  |
| Phase 1 Geo-Environmental Investigation by IGE consulting ref. no. 3590-02 dated August 2021        |  |                           |                   |               |                      |                   |          |                    |                   |          |                            |             |          |                         |                   |          |                  |                    |  |                       |                   |          |                |                   |          |                     |                   |          |                           |                   |          |                                |                           |                           |  |                       |                   |                  |                |                   |  |  |  |   |  |  |   |  |  |
| Phase 2 Geo-Environmental Ground Investigation by IGE consulting ref. no. 3590-02 dated August 2021 |  |                           |                   |               |                      |                   |          |                    |                   |          |                            |             |          |                         |                   |          |                  |                    |  |                       |                   |          |                |                   |          |                     |                   |          |                           |                   |          |                                |                           |                           |  |                       |                   |                  |                |                   |  |  |  |   |  |  |   |  |  |
| Flood Risk Assessment 5367/FRA/Final/v1.1 produced on 22/12/2021 by Weetwood Services Ltd           |  |                           |                   |               |                      |                   |          |                    |                   |          |                            |             |          |                         |                   |          |                  |                    |  |                       |                   |          |                |                   |          |                     |                   |          |                           |                   |          |                                |                           |                           |  |                       |                   |                  |                |                   |  |  |  |   |  |  |   |  |  |

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|    | <p>Surface water sustainable drainage strategy BH-DXC-DS01 REV A produced on 27/06/2022 by Site Infrastructure Services Limited.</p> <p>Drainage Strategy Engineering Appraisal 1 of 2</p> <p>Drainage Strategy Engineering Appraisal 2 of 2</p> <p>Arboricultural Impact Assessment (Ascerta)</p> <p>Remedial Strategy Report (IGE Consulting) dated August 2022</p>  | <p>BH-DXC-C-APP01<br/>Rev F</p> <p>BH-DXC-C-APP02<br/>Rev F</p> <p>1507.21 Rev B<br/>(Dated 8<sup>th</sup> August 2022)</p> <p>3590-03A</p> | <p>Received 27.06.22</p> <p>Received 27.06.22</p> <p>10.08.22</p> <p>22.08.22</p> |
|    | <p><i>Reason: For the avoidance of doubt and in the interests of proper planning.</i></p>  |   |   |
| 3. | <p>Prior to the erection of the superstructures of any dwellings hereby approved samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>      |   |   |
| 4. | <p>No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot, have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.</p> <p><i>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</i></p>            |   |   |
| 5. | <p>The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan(s) or as may otherwise be agreed in writing with the Local Planning Authority before any development is first commenced.</p> <p><i>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</i></p>  |   |   |
| 6. | <p>The development hereby permitted shall be carried out in accordance with the recommended remedial works to address the risks of ground contamination issues, as identified and detailed in the following reports:<br/>Phase 1 Geo-Environmental Investigation by IGE consulting ref. no. 3590-02 dated August 2021;<br/>Phase 2 Geo-Environmental Ground Investigation by IGE consulting ref. no. 3590-02 dated August 2021<br/>Remedial Strategy Report (3590-03A) – IGE Consulting August 2022.</p> |   |   |

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|     | <p>For the avoidance of doubt the remedial measures deemed necessary are those to be employed for capping the site in respect of human health, and installation of gas protection measures to the required standard and appropriate dwelling plots.</p> <p>Upon completion of the remediation works a validation/verification report shall be submitted to the Local Planning Authority to verify the above measures have been carried out. The report will provide details of the data that will be collected in order to demonstrate that the works set out in the approved remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.</p> <p>Reason: Due to past processes and activities at or adjacent to the application site, there is a potential for ground contamination and it is the applicants responsibility to properly address any land contamination issues, to ensure the site is suitable for the proposed end-use.</p> |
| 7.  | <p>All planting, seeding or turfing comprised in the approved details of landscaping, and the bird and bat box mitigation scheme, shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the earlier, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.</p> <p>{\i Reason: In the interest of the appearance of the locality.}</p>   |
| 8.  | <p>The development hereby approved shall be carried out in accordance with the details contained in the approved Tree Constraints and Draft Protection Drawing (Ref. P1507.21.02 Rev.B) and Arboricultural Impact Assessment (Ref. 1507.2 Rev B – 8<sup>th</sup> August 2022) received 10 August 2022, and must be fully safeguarded in accordance with BS5837.2012 for the duration of the site works.</p> <p>Reason: To safeguard the trees to be retained.</p>   |
| 9.  | <p>The existing soil levels around the base of the trees to be retained shall not be altered.</p> <p>{\i Reason: To safeguard the trees to be retained.}</p>  |
| 10. | <p>No works to trees and shrubs or vegetation clearance shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.</p> <p><i>Reason: Nesting birds are a protected species.</i></p>  |
| 11. | <p><del>The dwellings hereby approved are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.</del></p> <p><del><i>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.</i></del></p>  |

**Commented [KW1]:** We have confirmed latest position on new building regs so this can now be removed

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| 12. | <p><del>Prior to the erection of the superstructures of any dwelling hereby approved details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.</del></p> <p><del>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so it can be assured that the design meets the required dwelling emission rate.</del></p>                                |
| 13. | <p>Prior to the commencement of works, <u>including any piling works</u>, located within 10m of the operational railway, a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway shall be submitted to the Local Planning Authority and agreed in writing.</p> <p>REASON: To ensure that the construction and subsequent maintenance of the proposal can be carried out without adversely affecting the safety, operational needs or integrity of the railway</p>   |
| 14. | <p><del>Prior to the commencement of any piling works located within 10m of the operational railway that may be necessary in relation to the development hereby approved taking place, a risk assessment and method statement shall be submitted to the Local Planning Authority and agreed in writing.</del></p> <p><del>Reason — to prevent any piling works and vibration from de-stabilising or impacting the railway.</del></p>   |
| 15. | <p>Prior to the commencement of works located within 10m of the operational railway, full details of ground levels, earthworks and excavations to be carried out within 10m of the railway boundary shall be submitted to the Local Planning Authority and agreed in writing.</p> <p>Reason: To protect the adjacent railway and its boundary.</p>   |
| 16. | <p>The development permitted by this planning permission shall be carried out in accordance with the principles set out within the site-specific flood risk assessment 5367/FRA/Final/v1.1 produced on 22/12/2021 by Weetwood Services Ltd and surface water sustainable drainage strategy BH-DXC-DS01 REV A produced on 27/06/2022 by Site Infrastructure Services Limited.</p> <p>The measures shall be fully implemented <u>prior to occupation of the development and</u> in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority in consultation with the Lead Local Flood Authority.</p> <p>Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance, Defra Technical Standards for Sustainable Drainage Systems and Policies 17 and 29 of the Central Lancashire Core Strategy.</p> |
| 17. | <p>No development shall commence in any phase, <u>other than demolition and remediation works</u>, until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the Local Planning Authority.</p>   |

**Commented [JP2]:** The site is c.15m away from the operational railway line, are conditions 13-15 required?

**Commented [KW3R2]:** Whilst I appreciate National Rail have requested this, it seems over the top and fails to meet the necessity test

**Commented [JP4]:** In addition to the above point...the majority of this condition is a repeat of 13 (i.e. a RAMS needs to be submitted and agreed with the LPA). As such I have deleted condition 14 and inserted reference to piling works above to ensure this is covered.

**Commented [JP5]:** Removed text in accordance with our concerns with condition 20, completion of the full drainage scheme is simply not practical prior to first occupation

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|     | <p>The detailed surface water sustainable drainage strategy shall be based upon the site specific flood risk assessment and indicative surface water sustainable drainage strategy submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.</p> <p>The details of the drainage strategy to be submitted for approval shall include, as a minimum;</p> <p>a) Sustainable drainage calculations for peak flow control and volume control for the:</p> <ul style="list-style-type: none"> <li>i. 100% (1 in 1-year) annual exceedance probability event;</li> <li>ii. 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep;</li> <li>iii. 1% (1 in 100-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep</li> </ul> <p>b) Final sustainable drainage plans appropriately labelled to include, as a minimum:</p> <ul style="list-style-type: none"> <li>i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;</li> <li>ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels;</li> <li>iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;</li> <li>iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;</li> <li>v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;</li> <li>vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;</li> <li>vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;</li> </ul> <p>c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with BRE 365.</p> <p>d) Evidence of an assessment of the existing on-site surface water drainage systems to be used, to confirm that these systems are in sufficient condition and have sufficient capacity to accept surface water runoff generated from the development.</p> <p>e) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.</p> <p>f) Evidence of an agreement in principle with the third party Water and Sewerage Company to connect to the on site surface water sewer.</p> <p>The sustainable drainage strategy shall be implemented in accordance with the approved details.</p> <p>Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance, Defra Technical Standards for Sustainable Drainage Systems and Policies 17 and 29 of the Central Lancashire Core Strategy.</p> |
| 18. | Condition removed and merged with 24.   |
| 19. | <del>The occupation of the development shall not be permitted until a site-specific</del>   |

**Commented [JP6]:** The sewers and roads will be all be proposed for adoption under S104 and S38

The condition suggested here is simply replicating s104 adoption process and as such is not necessary.

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|     | <p>Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.</p> <p>The details of the manual to be submitted for approval shall include, as a minimum:</p> <p>a) A timetable for its implementation;</p> <p>b) Details of SuDS components and connecting drainage structures, including watercourses and their ownership, and maintenance, operational and access requirement for each component;</p> <p>c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;</p> <p>d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;</p> <p>e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;</p> <p>f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and</p> <p>g) Means of access for maintenance and easements.</p> <p>Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.</p> <p>Reason: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the sustainable drainage system is subsequently maintained pursuant to the requirements of Paragraph 169 of the National Planning Policy Framework.</p> |
| 20. | <p><del>The occupation of the development shall not be permitted until a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.</del></p> <p><del>The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.</del></p> <p><del>Reason: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the development as constructed is compliant with the requirements of Paragraphs 167 and 169 of the National Planning Policy Framework.</del></p>  |
| 21. | <p><del>No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:</del></p> <p><del>1. A preliminary risk assessment which has identified:</del></p> <ul style="list-style-type: none"> <li><del>• all previous uses</del></li> <li><del>• potential contaminants associated with those uses</del></li> </ul>  |

**Commented [IC8R7]:** This is a matter for my LLFA colleagues and so I will need to seek further guidance from them.

**Commented [JP7]:**  
**KW** Condition 20 causes real issues, as it would prevent any dwellings being occupied and does not work well with how the site will actually be built out. The whole drainage system will not be in place in one go - it comes forward as the build route progresses, so this should not prevent some dwellings being occupied whilst we wait for the rest of the drainage infrastructure to be built out as the build route progresses.

Please can both conditions 19 and 20 be removed as they do not meet the following tests:

- Necessary (as already covered by S104 process)

- Reasonable in other aspects - will cause issues with the deliverability of the scheme

**Commented [JP9]:** Rem strat now approved.

**Commented [KW10]:** Covered by condition 6

**Commented [IC11R10]:** I agree but am just awaiting final confirmation from the Environment Agency

**Commented [JP12R10]:** Hopefully this can now be removed.

**Commented [KW13R10]:** EA have now signed this off

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|     | <p><del>* a conceptual model of the site indicating sources, pathways and receptors</del><br/> <del>* potentially unacceptable risks arising from contamination at the site</del><br/> 2. <del>A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.</del><br/> 3. <del>The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.</del><br/> 4. <del>A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.</del></p> <p><del>Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.</del></p> <p><del>Reasons:<br/> To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.<br/> To prevent deterioration of a water quality element to a lower status class in the underlying aquifer.</del></p> |
| 22. | <p>No development including any demolition works shall take place until the applicant or their agent or successors in title has secured the implementation of a programme of building recording, analysis and reporting work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. The programme of works should comprise the creation of a record of the building/walls to level 2-3 as set out in "Understanding Historic Buildings" (Historic England 2016). It should include, where relevant, a full description of the building/walls, inside and out, drawn plans, elevations and at least one section (which drawings may be derived from checked and corrected architect's drawings), and a full photographic coverage, inside and out. The work must be undertaken by an appropriately qualified and experienced professional contractor to the standards and guidance of the Chartered Institute for Archaeologists. A copy of this record shall be submitted to the Local Planning Authority and the Lancashire Historic Environment Record.</p> <p>Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the buildings/site.</p>  |
| 23. | <p>No development shall commence <u>other than demolition and remediation works</u>, until an Employment and Skills Plan that is tailored to the development and will set out the employment skills opportunities for the construction phase of the development has been submitted to and approved by the council as Local Planning Authority (unless otherwise agreed in writing by the council). The development shall be carried out in accordance with the Employment and Skills Plan (in the interests of delivering local employment and skills training opportunities in accordance with Core Strategy Policy 15: Skills and Economic Inclusion).</p> <p>Reason: In the interests of delivering local employment and skills training opportunities as per the Central Lancashire Core Strategy Policy 15: Skills and Economic Inclusion and the Central Lancashire Employment Skills Supplementary Planning Document September 2017. No Employment and Skills Plan was submitted with the application.</p>  |

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| 24. | <p>Prior to the commencement of development, other than demolition, a Construction and Traffic Management Plan (CTMA) shall be submitted to and approved in writing by the Local Planning Authority (in conjunction with the highway authority). The CTMA shall include and specify the provisions to be made for the following:-</p> <ul style="list-style-type: none"> <li>• The parking of vehicles of site operatives and visitors;</li> <li>• Loading and unloading of plant and materials used in the construction of the development;</li> <li>• Storage of such plant and materials;</li> <li>• Wheel washing facilities;</li> <li>• Hours of operation (including deliveries) during construction</li> <li>• Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)</li> <li>• Routes to be used by vehicles carrying plant and materials to and from the site;</li> <li>• Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties</li> </ul> <p>The CTMA shall also include a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations. The details of the plan to be submitted for approval shall include as a minimum:</p> <p>a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.</p> <p>b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.</p> <p>The plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.</p> <p>Reasons: to protect existing road users and to maintain the operation and safety of the local highway network and to minimise the impact of the construction works on the local highway network. To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue surface water flood risk on-site or elsewhere during any construction phase in accordance with Paragraph 167 of the National Planning Policy Framework.</p> |
| 25. | <p><del>Notwithstanding the site access plan 3456-F01 Rev D hereby approved, no above ground construction of any dwelling hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.</del></p> <p><del>Reason: To satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.</del></p>  |
| 26. | <p><del>Notwithstanding the site access plan 3456-F01 Rev D hereby approved, no</del> part of the development hereby approved shall be occupied until the approved scheme for the construction of the site access and the off-site works of highway improvement has been constructed and completed in accordance with <del>the full</del> scheme details, <del>which have first been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.</del></p>   |

**Commented [KW14]:** Still consider this to not be relevant to planning, as it is covered by the separate S278 process.

**Commented [JP15R14]:** Please can we discuss this in:

Why does the LHA want the construction access to be approved by s278 before any construction works can commence? This is very prohibitive.

There is a perfectly functioning existing access road in to the site which can be utilised for initial construction activities. It is therefore unnecessary to wait for s278 approval before starting on site unless this can be explained.

**KW:** We would like this deleted please, or failing that at least allow for demolition and site remediation works so we can start on site

**Commented [IC16R14]:** Amended to allow for demolition and ground works, foundations etc to commence.

**Commented [JP17R14]:** Suggest we delete Condition 25 and go with an updated Condition 26.

There is an existing vehicular access and road network within the site and as such completion of the site access should not be linked to commencement of construction in anyway.

I have updated Condition 26 to ensure there is no occupation until full details of the off-site highway works have been submitted to and approved by the LPA/LHA and then constructed in accordance with approved details.

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|     | Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.  |
| 27. | Deleted   |
| 28. | <p>The new estate road for the approved development shall be constructed in accordance with the Lancashire County Council Specification for Estate Roads to at least base course level up to the entrance of the site compound before any development takes place within the site and shall be further extend before any development commences fronting the new access road.</p> <p>Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.</p>   |
| 29. | Deleted   |
| 30. | <p>Prior to first occupation of any dwelling hereby approved, a Full Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The provisions of the Full Travel Plan shall be implemented and operated in accordance with the timetable contained therein.</p> <p>Where the Local Planning Authority agrees a timetable for implementation of the Full Travel Plan, the elements are to be implemented in accordance with the approved timetable. All elements shall continue to be implemented at all times thereafter for as long as any part of the development is occupied or used/for a minimum of at least 5 years.</p> <p>Reason: To ensure that the development provides sustainable transport options.</p> |
| 31. | <p>Prior to first occupation of any dwelling hereby approved, a detailed scheme for the provision of the play area on site, including details of siting and specification, shall be submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted to include full details of all play and other equipment to be provided. Thereafter the public open space and play areas shall be constructed and completed in accordance with the approved plans (submitted as part of application) prior to practical completion of 75 dwellings on the site.</p> <p>{i Reason: To ensure adequate provision for public open space and play areas within the development.}</p>  |

**Commented [JP18]:** Please could the LHA justify the inclusion of this condition? There is already existing access roads and good highway infrastructure through the site.

**Commented [KW19]:** Public Open Space Details already shown on the Landscaping Plans listed for approval under condition 2, so no further details required

**Commented [IC20R19]:** Agreed – only final details and spec for the LEAP required.

**Commented [JP21R19]:** Thanks.



## Appendix 2: Blainscough Hall Appeal Decision



## Appeal Decision

Inquiry Held on 11- 14 October 2021

Site visit made on 14 October 2021

**by Helen B Hockenhull BA (Hons) B.PI MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 3<sup>rd</sup> February 2022**

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**Appeal Ref: APP/D2320/W/21/3275691**

**Land adjacent to Blainscough Hall, Blainscough Lane, Coppull, Chorley**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Lea Hough and Co LLP against the decision of Chorley Borough Council.
  - The application Ref 20/01399/OUTMAJ, dated 23 December 2020, was refused by notice dated 13 April 2021.
  - The development proposed is 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.
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### Decision

1. The appeal is allowed, and planning permission is 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 on land adjacent to Blainscough Hall, Blainscough Lane, Coppull, Chorley in accordance with the terms of the application, Ref 20/01399/OUTMAJ, dated 23 December 2020, subject to the conditions in the attached schedule.

### Procedural matters

2. The application is in outline with all matters except for means of access reserved for later approval. The submitted Illustrative Masterplan and Parameters Plan are for indicative purposes only and I have considered them accordingly.
3. The address of the appeal site as stated on the original planning application form did not include a road name. In the interest of clarity, I have included reference to Blainscough Lane in the banner heading and in my decision above.
4. A draft planning obligation by way of an agreement made under section 106 of the Town and Country Planning Act 1990 (s106) between the appellant and the Council was submitted at the Inquiry. A signed and dated version was submitted after the event. The obligation relates to the provision of affordable housing, the management of public open space, and financial contributions towards the provision of public open space, playing pitches and secondary school education. I shall discuss this document in more detail later in my

decision, particularly the education contribution which is disputed by the appellant.

5. The Council refused planning permission citing four reasons. It is agreed between the parties that all matters relating to reasons 2, 3 and 4, regarding ecology, highways and the piecemeal approach to development, have been addressed with the submission of additional information. As there remain no differences between the Council and appellant on these matters, I do not deal with them as main issues. However, as ecology and highway issues remain of concern to several residents, I have addressed them in other matters.
6. Several other appeal decisions have been brought to my attention as they are relevant to the determination of this appeal. Two appeals, Land at Cardwell Farm, Garston Road, Barton, Preston<sup>1</sup>, (the Cardwell Farm decision) and Land to the south of Chain House Lane, Whitestake, Preston<sup>2</sup> (the Chain House Lane (2) decision) have been challenged. The decisions remain in place until quashed by order of the High Court. Together with the other appeals referred to, I take them into account in my decision.

### **Main Issues**

7. In light of the above, the main issues in this case are:
  - 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.

### **Reasons**

#### Policy background

8. Section 70(2) of the Town and Country Planning Act 1990 requires regard to be had to, amongst other things, the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The National Planning Policy Framework (the Framework) is such a material consideration.
9. The development plan for the area comprises the Central Lancashire Core Strategy (CLCS), adopted in July 2012, and the Chorley Local Plan 2012-2026

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<sup>1</sup> Ref APP/N2345/W/20/3258889

<sup>2</sup> Ref: APP/F2360/W/19/3234070

(Site Allocations and Development Management Policies Development Plan Document) adopted in July 2015. Policy 1 of the CLCS focusses growth and investment in the Preston/South Ribble urban area, Key Service Centres of Chorley and Leyland, strategic sites and Urban and Rural Local Service Centres. Part d) of the policy identifies Coppull as forming an Urban Local Service Centre to help meet housing and employment needs. Policy 4 a) of the CLCS sets out a minimum housing requirement of 22,158 dwellings over the plan period, 2010-2026, and sets out a minimum requirement for Chorley of 417 dwellings per annum.

10. The appeal site is located outside but adjacent to the settlement boundary of Coppull. It is designated as safeguarded land in Policy BNE3.6 of the Chorley Local Plan (CLP).
11. The three Central Lancashire Authorities have commenced work on a Central Lancashire Local Plan, to replace the adopted CLCS and the individual Local Plans adopted by the three authorities. The emerging local plan (eLP) is anticipated to be adopted in late 2023. As the plan is still at an early stage of preparation, the parties agree that it should be afforded limited weight. I have no reason to take a different view.

Principle of development.

12. The Framework outlines that the essential characteristics of the Green Belt is its permanence and its openness. It goes on to say that where necessary, plans should identify areas of safeguarded land between urban areas and the Green Belt, to meet longer term development needs stretching well beyond the plan period.
13. Chorley Local Plan in paragraph 7.16 confirms that the purpose of safeguarded land is to ensure that Green Belt boundaries are long lasting. The Framework states in paragraph 143 d) that plans should make it clear that safeguarded land is not allocated for development at the present time and that planning permission should only be granted following an update to a plan that proposes the development. It is common ground that to grant consent for the development of the appeal site now would conflict with the Framework and with Policy BNE.3 of the Local Plan.
14. The appeal site was designated as safeguarded land in 1997 in the Chorley Local Plan (1991-2006), nearly 25 years ago. This designation was retained in the 2003 and 2015 local plans. The Council consider the site to be capable of development when needed. It is agreed that the site forms a sustainable location for housing development<sup>3</sup>, there are no technical constraints and no objections have been raised by statutory consultees. Accordingly, the principal of residential development on the site is acceptable and the site can be regarded as a suitable location for development.
15. Whilst not advancing a prematurity argument, the Council consider that the grant of consent for the site now, could cause harm to the plan led system and undermine the eLP.
16. The eLP aims to provide a minimum of 15,495 homes over the plan period 2021-2036. The proposed 123 homes on the appeal site, would not be so substantial, in isolation, as to undermine the plan strategy. Whilst I agree with

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<sup>3</sup> SoCG paragraph 4.5 and 4.6

the Council that no firm decisions have yet been made on the future housing requirements for Central Lancashire or the sites to be allocated, it is highly likely that the appeal site would be selected. This is because the Council will understandably look towards non-Green Belt sites, in particular safeguarded land, to meet future needs before considering the release of land in the Green Belt. Additionally, the site is identified in the CLLP Issues and Options consultation paper as a possible housing site. I am therefore not persuaded that the development of the site now, would undermine the eLP.

17. The Council assert that if planning permission for the appeal proposal was granted, there would be a reduction in the amount of available safeguarded land, which would result in a need to increase the amount of Green Belt released through the eLP. However, should planning permission be granted for the development of the appeal site now, the appellant estimates that completions would commence in the early part of 2024. Therefore, the site would deliver homes within the eLP plan period, 2021-2036, and would contribute towards the 5-year housing land supply. Under cross examination the Council conceded this point and agreed that there would be no implications for the amount of Green Belt land required to be released through the eLP.

#### Housing requirement in Chorley

18. Paragraph 74 of the Framework requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted policies, or against their local housing need where the strategic policies are more than five years old. Footnote 39 to this paragraph explains that this applies unless strategic policies have been reviewed and found not to require updating.
19. The CLCS was adopted in 2012. Policy 4 sets out an annual requirement of 417 dwellings for Chorley. This is based on the Regional Spatial Strategy for the North West housing requirement, which was manually adjusted to reflect the spatial strategy of promoting greater growth in Preston.
20. Recognising that the strategic housing policies were more than 5 years old, the Central Lancashire Authorities commissioned a review of the housing requirement in Policy 4. A Strategic Housing Market Assessment was produced under the requirements of the 2012 National Planning Policy Framework (the Framework) and the 2014 Planning Practice Guidance (PPG). This led to a Joint Memorandum of Understanding and Statement of Cooperation, referred to as MOU1, which concluded that the housing requirement as set out in Policy 4 should be upheld. It is common ground between the parties that MOU1 constituted a review under the then Footnote 37, now Footnote 39. This was agreed by the respective Inspectors in the Cardwell Farm and Chain House Lane (2) appeals, a conclusion with which I concur.
21. MOU1 included a commitment to undertake a review no less than every 3 years or when new evidence that rendered it out of date emerged. Accordingly, the authorities commissioned the Central Lancashire Housing Study (CLHS) in 2020 to inform a further joint agreement on the calculation and apportionment of housing need in the Housing Market Area (HMA). This further agreement became known as MOU2. In line with the 2018 Framework, the CLHS focused on Local Housing Need (LHN) using the Standard Methodology (SM). The Study concluded that the housing requirement for Chorley, using SM, should be 569

dwellingings per annum, 191 for Preston and 250 for South Ribble. The figure for Chorley was significantly greater than that in Policy 4. The CLHS then redistributed the housing need between the three Central Lancashire authorities taking account of sustainable development patterns, population and jobs. This resulted in 27.5% of the housing need being distributed to Chorley, 282 dwellingings per annum.

22. In the Pear Tree Lane<sup>4</sup> decision, the Inspector gave consideration to MOU2, and the proposed redistribution of housing need. He concluded that apportionment should be subject to testing through the local plan process and attributed limited weight to the document. This conclusion was also reached by the Inspectors at Cardwell Farm and Chain House Lane (2). I see no reason to disagree. It is the current position of Preston and South Ribble Council's that, LHN and SM should be used for assessing the housing requirement.
23. The Council, whilst agreeing that MOU2 is defunct, takes a different approach to the other two Central Lancashire authorities, reverting to CLCS Policy 4. That being said, the Council continues to work collaboratively with Preston and South Ribble Council's on the eLP, where all 3 authorities accept that the SM should be used to calculate the future housing requirement.
24. The Council argues that SM is not an appropriate basis for calculating housing requirements in Chorley. This is because, in the context of the three Central Lancashire authorities, the application of the SM, skews development to Chorley. This is explained by the fact that the calculation relies on 2014 based population projections and makes use of data from the previous 6 years, 2009-2014. These figures are influenced by migration and the level of development achieved in a borough. Chorley was achieving high delivery rates during this period, around 60% of the housing completions in the HMA, predominantly due to the Buckshaw Village strategic development site. This has resulted in a higher LHN figure for Chorley compared to Preston and South Ribble.
25. It appears to me that this is a criticism of the methodology itself. Whilst I acknowledge the Council's arguments, it is not within my remit to question the appropriateness of the SM, rather it is my role to interpret and apply development plan policy and account for any other considerations material to the determination of any such appeal.
26. After identifying the local housing need figures for each of the Central Lancashire Authorities, the CLHS then sought to redistribute the need taking into account the distribution of population, workforce and jobs, affordability and environmental constraints such as Green Belt. I accept that a straight application of the SM would not have regard to such factors. It would represent a move away from the current spatial strategy and housing distribution set out in CLCS Policy 1, which focusses a greater proportion of growth to Preston.
27. This growth includes the Cottam Strategic Site and North West Preston Strategic Location, developments underpinned by the economic growth aspirations and investment in infrastructure provided by the Preston, South Ribble and Lancashire City Deal. There is no evidence before me to support the suggestion that the application of the SM would have negative effect on development in these areas or any other developments which accord with the spatial pattern of the CLCS.

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<sup>4</sup> Ref: APP/D2320/W/20/3247136

28. I agree with the Council that there is nothing to suggest that MOU1 is out of date simply because it is now more than 3 years old. Whilst it is agreed that limited weight should be given to MOU2, I note in paragraph 2.4 it recognises that maintaining the housing requirements in Policy 4, which it states are now out of date, until such time as the review of the local plan is complete, is not appropriate and has been superseded by the standard methodology. All three Central Lancashire authorities endorsed this conclusion. I acknowledge that there is nothing explicit in MOU2 to suggest that the SM should be used if Policy 4 figures are not applied. However, in my view, this would be the logical conclusion.
29. Having come to the agreed position, that Policy 4 is out of date, the Council's current approach is to revert back to using it to assess the housing need. This seems to me to be a contradictory step.
30. The introduction of the SM has resulted in a change in the way that housing need is calculated since MOU1 was agreed in 2017. However, what is important in this case, is not that the SM has been introduced, but that it results in a significant change in the housing need figures for Chorley and also a change in the distribution of housing need in the HMA. Notably, the housing requirement for Chorley increases from 417 to 537 dwellings a year, an increase of around 30%.
31. PPG states that where strategic policies are more than 5 years old but have been reviewed and found not to need updating, the housing requirement figures in these strategic policies should be used. I accept that there is nothing in national policy or guidance to suggest that if strategic policies have been reviewed in advance of the introduction of the SM, that this approach should be modified.
32. Notwithstanding the above, the Framework in paragraph 33 states that relevant strategic policies will need updating at least once every 5 years if the applicable local housing need figure has changed significantly. The PPG<sup>5</sup> sets out that local housing need will be considered to have changed significantly where a plan has been adopted prior to the standard method being implemented on the basis of a number that is significantly below the number generated using the standard method. This is the case here.
33. I acknowledge that work has commenced on the eLP for Central Lancashire, but it is not anticipated to be adopted until late 2023 at the earliest. I accept that it is most likely that local housing need would be redistributed between the three Central Lancashire authorities. However, this stage is some way off. The question is how should local housing need be assessed in the interim.
34. I have carefully considered the various appeals brought to my attention, in particular Pear Tree Farm, Cardwell Farm and the Chain House Lane (2) appeals. The respective Inspectors came to different conclusions based on the evidence and arguments put to them.
35. The Courts<sup>6</sup> have held that planning policies can become out of date as a result of events which have happened since adoption such as a change in national policy. In this case, there has been such a change, resulting in a very different method to calculating local housing need and in this case, a significant

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<sup>5</sup> Paragraph 062

<sup>6</sup> CD 9.16 CD9.13

difference between the LHN figure and that of Policy 4. I find that these factors amount to a significant change which renders Policy 4 out of date.

36. Accordingly, I conclude that based on the evidence before me, the housing requirement should be calculated against LHN using the SM.

#### Oversupply

37. At the Inquiry there was discussion about whether reference should be made to 'oversupply' or 'over delivery'. The appellant suggested that there is no oversupply just over delivery. This to my mind is semantics. The terms are interchangeable, there is no misunderstanding as to their meaning. Both terms have been used in appeal decisions, court judgments and national planning policy and guidance. For the purposes of this appeal however, I shall refer to oversupply.
38. The housing requirement for Chorley over the plan period, 2010-2026 is a minimum of 6834 dwellings. Chorley have achieved completions of 6316 dwellings in the period 2010-2021. The deliverable supply over the remainder of the plan period, is either 1504 on the Council's case or 1377 on the appellant's case. Either way the minimum requirement would be exceeded by the end of the plan period.
39. The Council's approach is to take the remaining minimum requirement over the last 5 years of the plan period, ie 518 dwellings (6834-6316) and use that to determine an annual requirement of 104 dwellings<sup>7</sup> to 2026 (518 divided by 5).
40. The difficulty with this methodology is that it results in the plan requirement becoming a target. However, it is not. It is the minimum figure needed to meet the housing needs of the borough. This approach therefore conflicts with the Frameworks objective of significantly boosting the supply of housing.
41. I acknowledge that the Core Strategy Inspector considered the local plan requirement against the 2012 Framework including the need to significantly boost the supply of housing and found the plan to be sound in this respect. It follows therefore that the plan requirement can be considered to represent a significant boost to housing supply. However, an over delivery would achieve this to a greater extent.
42. CLCS Policy 4a) sets a minimum requirement of 417 dwellings per annum for Chorley. Setting a residual annual requirement of 104 dwellings a year would be inconsistent with this part of the policy. Policy 4c) requires a continuous forward looking 5-year supply from the start of each monitoring period. The Council's approach not only looks backwards to the start of the plan period, but it would also not ensure a rolling 5 year housing land supply. On this basis, the Council's approach would be inconsistent with part c) of the policy.
43. I agree with the Council that the need for housing in Chorley is a need expressed over the plan period. It is then annualised to provide a figure of 417 dwellings per year. Delivery may not be constant year on year. The PPG recognises this to the extent that it provides guidance that where areas deliver more completions than required, the additional supply may be used to offset any shortfalls against the requirement from previous years. This ensures that the overall plan requirement is met.

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<sup>7</sup> This figure excludes the 5% buffer, which if applied would mount to 109 dwellings

44. I do not accept that it therefore follows or indeed that it is logical that oversupply in earlier years of the plan period can be used to offset future supply. The guidance refers to only one particular circumstance and it cannot be deduced that an oversupply in earlier years should be taken into account.
45. The CLP anticipated strong housing delivery in the early part of the plan period, in the main due to the development at Buckshaw Village, with delivery tailing off towards the end of the plan. The plan was found to be sound despite a trajectory indicating that there would not be a delivery of at least 417 dwellings at the end of the plan period. This is not surprising. The CLP is a non-strategic plan which must be consistent with the CLCS. It made adequate provision for the housing requirement over the plan period. The purpose of the trajectory was to demonstrate that the requirement could be met. As it achieved this, the plan was found to be sound.
46. The projected reduction in supply in the latter part of the plan period does not negate the importance of maintaining a 5 year housing land supply. The implications of not doing so bring into play paragraph 11d) of the Framework and the application of the tilted balance for decision making and as I have outlined above in paragraph 39 above, would conflict with Policy 4c).
47. It also has implications for the Housing Delivery Test (HDT). Where the HDT indicates that delivery has fallen below 95% of the local planning authorities housing requirement over the previous three years, the authority is required to prepare an action plan. The purpose of the plan as set out in paragraph 76 of the Framework is to increase delivery in future years. Whilst the HDT is separate to the requirement of a 5-year housing land supply, it is a complementary tool aimed at achieving the Government objective of boosting supply. It is therefore in my view a further material consideration.
48. It is common ground that there is an absence of policy or guidance on this matter. The Courts<sup>8</sup> have confirmed that in this situation it calls for the exercise of planning judgment by the decision maker. This is reflected in the differing conclusions made by Inspectors in the various appeal decisions brought to my attention.
49. In the Middleton Cheney case<sup>9</sup>, the Inspector came to the view that a failure to take into account previous years over supply could lead to an artificial inflation of the housing land requirement, a lack of 5-year housing land supply, engagement of the tilted balance and the provision of housing in inappropriate locations. However, in the Oakridge<sup>10</sup> case the Secretary of State made it clear that such an approach would be contrary to the national objective of significantly boosting the supply of housing.
50. The purpose of the 5-year housing land supply is to ensure sufficient housing to meet need and improve affordability. Constraining supply as proposed by the Council, would reduce the ability to meet future housing needs. Furthermore, in the context of an acute shortfall of affordable housing in the borough, it would reduce the ability of the Council to ensure that adequate provision is made.
51. Given the above, based on the evidence before me in this case, I conclude that an oversupply from previous years should not be used to offset future housing

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<sup>8</sup> Most recently in *Tewkesbury BC v SSHCLG & JJ Gallagher & R Cook* [2021] EWHC 2782 (Admin)

<sup>9</sup> Ref: APP/Z2830/W/20/3261483

<sup>10</sup> Ref: PCU/APP/G1630/W/3184272

needs. Such an approach would run counter to the aims of the Framework to determine a minimum number of homes required and the demonstration of a minimum 5-year supply of housing to meet this requirement. It would therefore fail to significantly boost the supply of housing. Such a conclusion would also be consistent with the approach set out in the aforementioned Tewkesbury judgement. I shall address the implication of my finding on housing land supply below.

### *Housing supply*

52. There is dispute between the parties on the level of housing supply over the 5 year period 2012-2026. The anticipated delivery in relation to certain sites is questioned. The difference between the parties amounts to 127 dwellings. The Council's assessment suggests the supply is 1504 dwellings while the appellant considers it is 1377 dwellings. It is common ground that this difference is not material to the respective cases or the outcome of the appeal. This is because even if I accepted the appellant's position, the 5-year housing land supply would still be significantly below 5 years calculated using either Policy 4 or the local housing need figure. Only when oversupply is taken into account would the Council be able to demonstrate a 5-year supply.
53. In light of my findings above, based on local housing need using the SM, with no accounting for oversupply, the 5-year housing land supply is between 2.4 and 2.6 years. As this is clearly below 5 years, in accordance with paragraph 11d) of the Framework, the tilted balance is engaged.

### *Most Important Policies for determination*

54. There is agreement that the most important policies for determining this appeal are Policy 1 and Policy 4 of the CLCS and Policy BNE3 of the CLP. I agree with this assessment. As I have found that a 5-year housing land supply cannot be demonstrated, I do not need to determine whether the most important policies are out of date as the tilted balance is engaged in any event. However, I as have found Policy 4 to be out of date for the reasons I have explained above, it follows that CLP Policy BNE3 would also be out of date because it has been based on the Policy 4 housing requirement.

### ***Education contribution***

55. The CIL Regulations and the Framework require that a planning obligation can only be sought where it is:
- a) Necessary to make the development acceptable in planning terms
  - b) Directly related to the development and
  - c) Fairly and reasonably related in scale and kind to the development.
56. The appellant disputes the first two tests. It is argued that the contribution is not necessary and that it is not directly related to the development. The appellant argues that pupils coming from Wigan, outside the County, take up places at local secondary schools. Pupils occupying the development would displace these children, so that there would be no shortfall in places and no need for a contribution. A contribution would not be directly related to the development because Wigan pupils are coming into the catchment and occupying places.

57. Lancashire County Council Education Authority (LEA) calculate the education contribution based on an adopted methodology. First introduced in 2011, this method has been updated and the current version was adopted by Lancashire County Council in July 2021.
58. The education contribution assessment identifies the projected school place requirements for a development by assessing the projected future capacity of schools within a catchment radius of the development, that is 2 miles for primary provision and 3 miles for secondary schools. At outline planning application stage, as the dwelling mix has not been finalised, it is assumed that all properties will be 4 beds. At reserved matters stage, the assessment is re run when the actual dwelling composition is known. Using 5-year pupil projections, which consider pupil census data, births, migration and the projected additional housing from new development, the assessment determines whether the proposed development would result in a shortfall of school places.
59. In respect to this appeal, the assessment calculates that the pupil yield for primary places would be 47 and for secondary, 18 places. In terms of primary school provision, it is considered that there would be no shortfall in places in 5 years' time and no contribution is therefore necessary. However, for secondary school places, a shortfall is identified, and a contribution is requested.
60. There are two areas of dispute between the LEA and the appellant. Firstly, how the catchment area is defined and secondly that Wigan schools are not included in the assessment. I deal with each below.

#### *Catchment radius*

61. The 3 mile catchment radius used by the LEA is taken as the 'crow flies'. It does not, as the appellant suggests, consider safe walking distances. The difficulty in using safe walking distances is that there can be disagreement on what that route should be. This is evident in the assessments undertaken by the two parties in this appeal. The modelling used by the appellant produces a different result to that provided by the LEA.
62. I have been made aware of an appeal for a residential development in Heath Charnock<sup>11</sup> where the method used to define the catchment area was also challenged. The appellant in this case argued that the driving or walking distance should be used in the assessment. The Inspector disagreed.
63. The Department for Education (DfE) guidance on securing developer contributions<sup>12</sup> refers to the value in local approaches and that the guidance is not meant to replace these approaches. It was confirmed at the Inquiry that there is no DfE guidance on how catchment areas should be defined.
64. There is nothing in the evidence before me to demonstrate that the LEA approach conflicts with any national guidance or policy. The methodology is clear and has been used for some time. I am not persuaded that the LEA approach is flawed or unreasonable.
65. The LEA provided an alternative assessment based on a catchment defined using safe walking distances. This concluded a lower shortfall in places and

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<sup>11</sup> APP/D2320/A/13/2196354

<sup>12</sup> Department for Education, Securing developer contributions for education, April 2019

therefore resulted in a lower contribution being required. In light of my finding above, I do not need to consider this further.

### *Wigan schools*

66. The LEA do not include Wigan schools in their assessment. This is because they are responsible for providing a school place for every Lancashire child. The assessment they produce is therefore a worst-case scenario, assuming that all pupils from a development would want a place in a Lancashire school.
67. I accept that pupils from Wigan may be educated in a Lancashire school. Equally Lancashire pupils may attend a Wigan school. DfE guidance states that in securing development contributions, pupil migration across planning areas must be considered. I am advised that the LEA pupil projections factor in migration as part of the 'take up rate' in Lancashire schools.
68. The appellant has provided a detailed analysis of the availability of school places which conclude that, when Wigan schools are included in the 3 mile catchment, there would be no shortfall of places and no contribution required. I acknowledge that there have been difficulties obtaining up to date data for schools in Wigan and the assessment provided is therefore the best that can be achieved in the circumstances. However, this data is from 2019 and fails to take account of any planning approvals since that date and where pupils for those developments may access a school place. The fact that up-to-date pupil projection data has not been available, brings into question the accuracy and reliability of the assessment.
69. Furthermore, the information provided by the appellant suggests the demand for places in the Shavington and Standish planning area is 22,191. The latest published net capacity information for the DfE shows a capacity of 2140, a shortfall of 51 places. On this basis there would be no difference in the final assessment, a contribution towards school places would be required. Even if a surplus had been shown, it would not have been possible to determine which schools would have these surplus places as only the planning area data is available.
70. I accept that admission criteria for individual schools and parent preferences will affect the demand for school places at different schools. However, this is outside the control of the LEA and not something that a methodology can take into account.
71. The appellant has brought my attention to an appeal decision in Malpas<sup>13</sup> where the Inspector concluded that in the long term, any children from the development could be accommodated in the existing school, as they would take priority in the allocation process and the number accepted from outside the catchment area would be reduced. It is not clarified in the decision whether children from outside the catchment area would be from outside the LEA area. It is therefore unclear whether this decision relates to a situation comparable to that in this appeal.

### Conclusion

72. In summary, I conclude that the methodology used by the LEA to calculate the need for a contribution to education provision is robust. A shortfall in secondary

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<sup>13</sup> APP/A0665/A/13/2193956

school places has been demonstrated and therefore a contribution is required. The requirement is necessary to make the development acceptable in planning terms, is directly related to the development and fairly and reasonably related in scale and kind to the development. It would also comply with Policy 2 and Policy 14 of the CLCS which seek to ensure that funding shortfalls in infrastructure are identified and secured through developer contributions.

## **Other matters**

### *Heritage*

73. Blainscough Hall which lies to the south of the appeal site, forms a moated manor house possibly constructed in the 1200's. It has no statutory designation as a heritage asset. I am advised that there is also a Roman Road in this area, but its exact route is uncertain. There may therefore be the possibility of finds within the appeal site.
74. There is lack of detailed assessment in this regard. However, I am satisfied that this matter can be addressed through an appropriately worded condition requiring a geophysical survey of the site and appropriate recording.

### *Highway safety*

75. Access to the proposed development is sought from two points on Grange Drive. A Statement of Common Ground has been agreed between the appellant and the local highway authority. The addendum Transport Assessment confirms that the vehicular impact of the development at peak times would not be significant. It also concludes that the roundabout junctions at Preston Road/Spendmore Lane and Spendmore Lane/Grange Drive have capacity to include future years and committed development. No mitigation measures are considered to be necessary.
76. Local residents, local Councillors and the MP have raised concern about the roundabout junction of Grange Drive with Spendmore Lane. It is considered to be dangerous due to poor visibility and the risk of accidents at high, especially as drivers do not always adhere to the 30-mph speed limit. I observed the operation of this junction on my site visit. This was mid-afternoon when parents were collecting children from the nearby school. There was also a significant amount of on street car parking on Spendmore lane and some parking of parents vehicles on Grange Drive itself. I agree that visibility to the west is affected by the position of the boundary wall to the adjoining house and the bend and drop in the road at this point. However, my assessment was that whilst drivers needed to take care emerging from Grange Drive, they were able to do so safely. I have no evidence before me to suggest that the increased use of this roundabout would result in unacceptable highway safety concerns.
77. There are several public footpaths crossing the site which are to be retained as part of the development. Offsite highway improvements are also proposed to provide dropped kerbs and tactile paving between the site and St Oswald's School and Coppull Library including the traffic island outside 308 Spendmore Lane. These measures are to be supported as they improve the sustainability of the site and encourage walking.
78. Local residents also raised concern about construction vehicles using Grange Drive to access the development site, as a result of the narrowness of the

highway, the incidence of on street car parking and the position of the children's play area relatively close to the road. I have sympathy with these concerns, particularly as the construction period may last up to three years. However, the highway authority has not raised concern in this regard. Additionally, should the development proceed, a condition could be imposed requiring a construction management plan. This could include the routing of vehicles carrying plant and materials, provision of parking for site operative vehicles, periods of time when plant and materials trips should not be made and measures to ensure that construction vehicles do not impede access to adjoining properties.

79. Given the above, I am satisfied that the development proposed would not have an unacceptable impact on highway safety. The proposal would therefore comply with paragraph 109 of the Framework and Policy BNE1 of the CLP which seek to ensure that the residual cumulative highways impact is not severe.

### Ecology

80. The appeal site consists of improved pasture. A species poor hedgerow runs along the southern site boundary and a gappy sparse hedge runs north-south through the central part of the site. A wooded stream corridor is present along Tanyard Brook. Surveys have found no evidence of protected or notable species, though a tree with bat roost potential has been identified. Invasive Himalayan balsam is present on the site.
81. At the planning application stage, the Council's ecological advisors concluded that most impacts on ecological interests would be satisfactory or could be addressed through the imposition of appropriate conditions. Concern was raised about the adequacy of the submitted survey information in relation to the presence of great crested newts. Further work was undertaken by the appellant which confirmed that the development would have no impact on this species.
82. This culminated in an agreed Statement of Common Ground between the appellant and the Council's advisor. It is agreed that subject to mitigation measures and ecological enhancement measures secured through conditions, the development would not have any adverse effect on biodiversity and a likely net gain can be achieved. I agree with this conclusion. Accordingly, the proposal would comply with paragraphs 170 and 175 of the Framework as well as CLP Policy BNE9 which require that biodiversity and ecological network resources will be protected, conserved, restored and enhanced.

### Flood risk

83. Local residents have also raised concern about flood risk. The site lies in Flood Zone 1, an area with the lowest probability of flooding. The applicant is accompanied by a flood risk assessment. Sporadic surface water flooding is identified which could be addressed by ensuring that surface water flows are safely conveyed through the development. An attenuation basin is proposed to the eastern boundary of the site with flows to outfall restricted to green field run off rates. No objections have been raised by statutory consultees subject to the imposition of conditions to ensure that the development includes a satisfactory drainage scheme.

84. I am satisfied that the appeal scheme would be acceptable in this regard, complying with the Framework objective of ensuring that the development would not be at risk of flooding or increase the risk of flooding to the surrounding area.

### **Planning balance**

85. Paragraph 11(d) of the Framework states that planning permission should be granted unless: i) the policies of the Framework that protect areas or assets of particular importance, as defined in Footnote 7, provide a clear reason for refusing the development proposed; or, ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. I have concluded above that the most important policies for this decision are out-of-date, and that the Council is unable to demonstrate a 5 year housing land supply against the standard method LHN for Chorley. As such the 'tilted balance' in paragraph 11(d) is engaged.
86. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
87. Weighing against the proposal is the conflict with the sites safeguarded land designation in Policy BNE.3 of the CLP. I have already found this policy to be out of date. The policy remains generally consistent with paragraph 143 of the Framework, as it seeks to safeguard land for future development needs. However, it is based on a housing requirement set out in CLCS Policy 4 which is out of date and inconsistent with the local housing need methodology and housing requirement. It is therefore for this reason, inconsistent with the Framework. Accordingly, I attribute limited weight to the conflict with Policy BNE.3.
88. In terms of benefits, the site would contribute 123 dwellings to housing supply. In the absence of a 5 year housing land supply, I give this benefit significant weight.
89. The appeal scheme would also provide 37 affordable homes. This is in the context of a significant shortfall of affordable housing. The 2020 CLHS identifies an affordable housing need of 132 dwellings per annum in Chorley. Accounting for under delivery this amounts to an annualised need of 143 dwellings per annum. The Council's deliverable supply would at best deliver 424 affordable dwellings over the next 5 years, 85 dwellings a year. This equates to just under 60% of the affordable housing need in the borough.
90. It is notable that over the last 2 years there has been an increasing affordable housing need in the borough, demonstrated by the significant increase in households on the Council's housing register. This is likely to be because of the pandemic. As circumstances improve, it is uncertain that this rate of increase will continue. Nevertheless, it indicates a significant need for affordable housing, which on the basis of the current deliverable supply would not be met.
91. The parties disagree about the weight to be given to the scheme's contribution to affordable housing. The Council considers significant weight, whilst the appellant suggests very significant weight. Bearing in mind that the affordability in the borough seems to be improving, demonstrated by the

change in the affordability ratio used to calculate the LHN, I attach significant weight to this benefit.

92. The development would secure economic benefits through investment during the construction phase, the creation of jobs and increased demands on the local supply chain impacting on the wider economy. These benefits would however be short term until the development is completed. Furthermore, future occupants of the scheme would spend in the local economy. I take account of the Central Lancashire Employment Skills SPD which seeks to increase employment opportunities, improve skills and help businesses grow. Imposing a planning condition requiring an Employment and Skills Plan, would bring benefits in terms of the creation of apprenticeships, recruitment through local hubs or the job centre and training opportunities. Overall, I attribute moderate weight to these economic benefits.
93. In relation to environmental gains, the scheme proposes to provide around 0.81 hectares of public open space, 15% of the site area. This represents a significant overprovision against Policy HS4A of the CLP. The open space can be used by not only by future residents but also by the existing community. I therefore give this moderate weight in the planning balance. In terms of biodiversity, the site has limited ecological value, though existing trees and hedgerows can be retained. There is however the opportunity for biodiversity net gain. Some of the measures proposed are necessary to make the development policy compliant. I therefore attach limited weight to this benefit.
94. Given the above, I conclude that the adverse impacts of allowing the development are significantly and demonstrably outweighed by the benefits when assessed against the policies of the Framework taken as a whole. Accordingly, the material considerations in this case, including the limited weight to Policy BNE.3, indicate that the development should be determined other than in accordance with the development plan. The appeal should therefore be allowed, and planning permission granted.

### **Planning Obligation**

95. The submitted section 106 agreement would secure 30% affordable housing on the site ie, 37 dwellings, ensuring that the proposal would comply with the provisions of Policy 7 of the CLCS.
96. The provision of amenity greenspace, the improvement of provision for young people and playing pitches would be required in order for the development to comply with CLCS Policy 24, Policies HS4A and HS4B of the CLP and the Central Lancashire Open Space and Playing Pitch Supplementary Planning Document.
97. I have discussed the requirement for an education contribution in detail in my decision and concluded that one is necessary to address the identified shortfall in secondary school places. This is also secured through the s106 agreement in line with CLCS Policy 14.
98. I am satisfied that the above obligations meet the tests in the Framework and regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). They are needed to make the development acceptable in planning terms; are directly related to the development; and are fairly and

reasonably related in scale and kind to the development. I have therefore taken them into account in my decision.

### **Conditions**

99. The Council and the appellant agreed a set of conditions that were discussed at the inquiry. I have considered all the conditions in light of the advice within the Framework, and I have revised some of them as discussed at the inquiry, to avoid duplication or in the interests of clarity and enforceability.
100. A condition specifying the approved plans is necessary in the interests of good planning. It is necessary to impose conditions setting out time limits for development and the submission of reserved matters.
101. I have required details of the position, layout and phasing of the public open space and an updated ecological appraisal as part of the reserved matters application. This is to ensure appropriate open space provision is provided and to ensure no impacts on the ecological status of Tanyard Brook.
102. In the interests of safeguarding biodiversity, conditions preventing the removal of trees with bat roost potential, the removal of trees and hedgerows and the provision of external lighting, unless appropriate surveys have been undertaken, are necessary. For the same reason, conditions to protect nesting birds and to require the submission of a Construction Environmental Management Plan, an Ecological Mitigation and Enhancement Plan and a Landscape and Ecological Management Plan are required.
103. In order to ensure the site is satisfactory drained, conditions are imposed to ensure the development proceeds in accordance with the submitted Flood Risk Assessment, that a foul and surface water drainage strategy for the whole site and for each phase of development are submitted together with measures to prevent surface water pollution. I have reworded the drainage conditions to avoid duplication and in the interests of precision. It is necessary to safeguard the development from possible contaminated land. I therefore impose a condition requiring investigation and assessment as well as details of necessary remediation and mitigation measures.
104. A condition requiring an Employment and Skills Plan is a reasonable and necessary requirement to set out the employment and skills training opportunities for the construction phase of the development. This would also accord with Policy 15 of the CLCS.
105. I impose a condition requiring the submission of a super-fast broadband strategy for future occupants of the site. This accords with the Framework expectations for development to support the expansion of electronic communication networks and complies with Policies 1 and 3 of the CLCS.
106. I have required details of external materials, fences, walls and boundary treatments and hard landscaping for each phase of development with any reserved matters application or at a later time specified in the respective condition. These conditions are flexibly worded as I am advised that there are currently issues with obtaining construction materials which may mean that these details are not available at reserved matters stage.
107. In the interest of promoting sustainable travel, a condition is necessary requiring the installation of hard wiring for electric vehicle charging points. A

condition requiring all dwellings on the site to achieve emission rates of 19% above the requirements of the 2013 Buildings Regulations is both necessary and reasonable to comply with Policy 27 of the CLCS.

108. A condition is necessary to require an Estate Street Phasing and Completion Plan to ensure the access roads are completed before dwellings are occupied. I have required a pre commencement condition survey of Grange Drive and the junction with Spendmore Lane to ensure the effects of the development on surrounding roads are mitigated. A condition requiring the new estate roads to be constructed to base course level for a minimum of 10 metres into the site before development takes place and provision for construction vehicles to enter and leave the site in forward gear is necessary in the interests of highway safety.
109. In order to safeguard the amenity of the occupiers of surrounding properties and manage the impact of the development on the highway during construction, the Council suggested a condition requiring a Construction Environment Management Plan (CEMP). Whilst I agree this is necessary, I have changed the name of the document to a Construction Method Statement to avoid confusion as there is already a condition requiring a CEMP but for biodiversity. Conditions requiring the submission of a scheme for the construction of the site access and off-site highway improvement works and their implementation before occupation of any of the dwellings, is required in the interests of highway safety and the efficient operation of the highway. I have removed the phrase 'not limited to' as it is too open ended and suggests other non-specified works may be required.
110. Whilst a Framework Travel Plan accompanies the application, the submission of a Full Travel plan is necessary to encourage sustainable travel and reduce journeys by car. Finally, due to the potential for archaeological finds associated with Blainscough Hall, a condition is necessary to require a phased programme of archaeological work in accordance with a written scheme of investigation.

### **Conclusion**

111. For the reasons given above, and taking account of all other matters raised, I conclude that the appeal should be allowed, subject to the conditions in the attached schedule.

*Helen Hockenhull*

INSPECTOR

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Ian Ponter, Barrister

He called

Councillor Peter Wilson Deputy Executive Leader, Chorley Council

### LANCASHIRE COUNTY COUNCIL EDUCATION AUTHORITY:

Vincent Fraser QC

Ben Terry Provision Planning Manager LCC

(Took part in the Round Table Discussion on Education contributions)

### FOR THE APPELLANT:

Giles Cannock QC

He called

Mark Saunders Director NJL Planning

Neil Tatton Resolve106 Affordable Housing Consultancy

John Powell Alfredson York Associates Ltd

### INTERESTED PERSONS:

Steve Holgate Councillor for Coppull, Mayor of Chorley

Julia Berry Councillor for Coppull and County Councillor

Eric Keary Resident

Kath Keary Resident

Lyn Moores Resident

Mr Winstanley Resident

Alex Hilton Councillor for Coppull

The Right Hon Sir  
Lyndsay Hoyle MP for Chorley

#### DOCUMENTS SUBMITTED DURING THE INQUIRY

1. Revised list of agreed conditions.
2. Opening submission on behalf of the Council
3. Opening submission on behalf of the appellant
4. Lancashire County Council Education Contribution Assessment dated 5 October 2021 using 3-mile walking distance.
5. Closing submission on behalf of the Council
6. Closing submission on behalf of the appellant.

#### DOCUMENTS SUBMITTED AFTER THE INQUIRY

1. Email from appellant dated 14 October 2021 confirming agreement to the pre commencement conditions.
2. Email from the Council dated 14 October 2021 outlining where the playing pitch contribution is likely to be spent.
3. Signed and dated section 106 agreement.

## ANNEX: SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan (LH.BH.LP.01) and the Proposed Access off Grange Drive (2385-FO1).
- 2) Prior to the commencement of development, full details of the layout, scale, appearance and landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority and the development shall be carried out as approved.
- 3) Application for approval of the reserved matters shall be made to the local planning authority no later than 2 years from the date of this permission. The development hereby permitted shall take place no later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The first reserved matters application shall provide full details of the position, layout and phasing of the public open space to be submitted to and approved in writing by the local planning authority. Thereafter, the provision of these areas shall be carried out in strict accordance with the approved details.
- 5) The first reserved matters application shall be accompanied by an updated ecological appraisal submitted to and approved in writing by the local planning authority. The Appraisal will demonstrate that there will be no negative impacts on the ecological status/potential of the Tanyard Brook resulting from the disposal of surface water post-development.
- 6) No trees assessed as having bat roosting potential within the Preliminary Ecological Appraisal dated July 2020, are to be removed under any circumstances unless an up-to-date bat emergence survey has been submitted to and agreed in writing by the local planning authority.
- 7) Removal of hedgerows and trees and the provision of external lighting has the potential to disrupt bat foraging as identified in the Preliminary Ecological Appraisal by Pennine Ecological dated July 2020 and shall not in any circumstance occur unless:
  - a) Bat activity surveys demonstrate the feature/s have low value to bats and/or;
  - b) An external lighting strategy has been provided demonstrating no significant effects on features utilised for bat foraging.
- 8) No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance. Written confirmation shall be provided that no active bird nests are present and this shall be agreed in writing by the local planning authority.
- 9) No development, site preparation/clearance or earthworks shall commence until a Construction Environmental Management Plan (CEMP: biodiversity) has been submitted to, and approved in writing by, the local planning authority. The approved CEMP (biodiversity) shall specifically include a method statement detailing:

- a) A reasonable avoidance method statement for amphibians (common toad, common frog, smooth newt, and palmate newt). If a great crested newt is found during the development all work should cease immediately and a suitably licensed amphibian ecologist shall be employed to assess how best to safeguard the newt(s). Natural England should also be informed;
- b) A reasonable avoidance measures method statement for otters;
- c) Measures to protect the Tanyard Brook from accidental spillages, dust and debris;
- d) Measures to protect retained trees and hedgerows within the site and site boundary. An arboriculturist shall provide reasonable avoidance measures for the site;
- e) Lighting control measures to minimise the impact on bats during construction and to avoid light spillage along the Tanyard Brook corridor;
- f) Measures to avoid harm to protected species (e.g., water vole, badger) which may potentially be present within the local landscape e.g. any structure capable of capturing, containing or injuring animals must be covered or made safe to prevent access by animals during the night;
- g) Providing ecological buffers around sensitive features (e.g. Tanyard Brook, mature trees, and invasive plant species);
- h) A method statement detailing eradication and/or control and/or avoidance measures for himalayan balsam.

The approved CEMP: biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

- 10) The first reserved matters application shall be accompanied by an Ecological Mitigation and Enhancement Plan to be submitted to and approved in writing by the local planning authority. The ecological mitigation and enhancement plan shall demonstrate how the scheme would achieve a biodiversity net gain. The Plan should include consideration of:
  - a) Enhancement of the existing habitats along the Tanyard Brook;
  - b) Habitat creation that strengthens the existing habitats along the Tanyard Brook;
  - c) Enhancement of retained hedgerows;
  - d) Mitigation for loss of hedgerow and hedgerow trees;
  - e) Mitigation for loss of bird nesting habitat;
  - f) Enhancement measures for bats.

- 11) A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the first phase of development. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed;
  - b) Ecological trends and constraints on site that might influence management;
  - c) Aims and objectives of management;
  - d) Appropriate management options for achieving aims and objectives;
  - e) Prescriptions for management actions;
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
  - g) Details of the body or organization responsible for implementation of the plan;
  - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism{s} by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any dwellings on each phase or following the completion of the development within the relevant Phase, whichever is the earlier. Any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the local planning authority gives written consent to any variation.

- 12) The development hereby permitted shall be carried out in accordance with the principles set out within the Flood Risk Assessment (December 2020, Ref: 6550/R1). The measures shall be fully implemented prior to first occupation of any dwelling and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
- 13) No development shall take place until:
- a) a methodology for investigation and assessment of ground contamination has been submitted to and agreed in writing with the local planning authority. The investigation and assessment shall be carried in accordance with current best practice including British Standard 10175:2011+A2:2017 Investigation of potentially contaminated sites - Code of Practice. The objectives of the

investigation shall be, but not limited to, identifying the type(s), nature and extent of contamination present to the site, risks to receptors and potential for migration within and beyond the site boundary.

- b) all testing specified in the approved scheme (submitted under a) and the results of the investigation and risk assessment, together with remediation proposals to render the site capable of development have been submitted to the local planning authority.
  - c) the local planning authority has given written approval to any remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of remediation works a validation report containing any validation sampling results shall be submitted to the local planning authority. Thereafter, the development shall only be carried out in full accordance with the approved remediation proposals. Should, during the course of the development, any contaminated material other than that referred to in the investigation and risk assessment report and identified for treatment in the remediation proposals be discovered, then the development should cease until such time as further remediation proposals have been submitted to and approved in writing by the local planning authority.
- 14) At the same time as the submission of the first reserved matters application, a Foul and Surface Water Drainage Strategy for the whole site, with a timetable for its implementation, shall be submitted to and approved in writing by the local planning authority. The development hereby permitted shall be carried out only in accordance with the approved drainage strategy.
- 15) No development shall commence in any phase until a detailed, surface water sustainable drainage strategy for that phase has been submitted to, and approved in writing by, the local planning authority. The detailed sustainable drainage strategy shall be based upon the site-specific flood risk assessment submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems and no surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly. Those details shall include, as a minimum:
- a) Sustainable drainage calculations for peak flow control and volume control (1 in 1, 1 in 30 and 1 in 100 + 40% climate change), with allowance for urban creep;
  - b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
    - i. Plan identifying areas contributing to the drainage network, including surface water flows from outside the curtilage as necessary;

- ii. Sustainable drainage system layout showing all pipe and structure references, dimensions, design levels;
  - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
  - iv. Flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
  - v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each plot to confirm minimum 150mm+ difference for FFL.
- c) Measures taken to manage the quality of the surface water runoff to prevent pollution, protects groundwater and surface waters, and delivers suitably clean water to sustainable drainage components.
- d) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltration rates and groundwater levels in accordance with industry guidance.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

- 16) No development shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the local planning authority. Those details shall include for each phase, as a minimum:
- a) Measures taken to ensure surface water flows are retained on-site during construction phase(s) and, if surface water flows are to be discharged, they are done so at a restricted rate to be agreed with the Lancashire County Council LLFA.
  - b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The development shall be constructed in accordance with the approved details.

- 17) For each phase, notwithstanding any indication on the approved plans, no development hereby approved shall commence until a scheme for the disposal of foul waters for that phase has been submitted to and approved in writing by the local planning authority. The details shall include levels of the proposed foul drainage system including ground and finished floor levels in AOD. The details for each part or phase must be consistent with the approved Foul and Sustainable Surface Water Drainage Strategy for the whole site. The development shall be carried out in accordance with the approved details.
- 18) Prior to the first occupation of the development, a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

- 19) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted, shall be occupied until a Verification Report and Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the local planning authority.

The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme (or detail any minor variations), and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of a final 'operation and maintenance manual' for the sustainable drainage scheme as constructed.

Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

- 20) The development shall not commence until an Employment and Skills Plan that is tailored to the development and will set out the employment and skills training opportunities for the construction phase of the development has been submitted to, and approved in writing by, the local planning authority. Thereafter, the development shall be carried out in accordance with the approved Plan.
- 21) Prior to the construction/provision of any utility services, a strategy to facilitate super-fast broadband for future occupants of the site shall be submitted to, and approved in writing, by the local planning authority. The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a super-fast broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works within the site boundary only.
- 22) For each phase, with any reserved matters application or prior to excavation of the foundations for any dwellings, samples of all external facing and roofing materials for that phase (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the local planning authority. All works shall be undertaken strictly in accordance with the approved details.
- 23) For each phase, with any reserved matters application or prior to the construction of any part of any dwelling above ground level, full details of

the alignment, height and appearance of all fences, walls and gates to be erected on the site (notwithstanding any such details shown on previously approved plans) for that phase shall be submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until all fences, walls and gates shown on the approved details to bound its plot have been erected in conformity with the approved details. Other boundary treatments shown in the approved details shall be erected in conformity with the approved details prior to occupation of the final dwelling of the development

- 24) For each phase, with any reserved matters application or prior to the laying of any hard landscaping (ground surfacing materials) full details of their colour, form and texture for that phase shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken strictly in accordance with the approved details and shall be completed in all respects before occupation of the final dwelling in that phase.
- 25) No dwelling hereby approved shall be occupied until each dwelling has been installed with hard wiring for an electrical vehicle charging point, the details of which shall have been submitted and approved in writing by the local planning authority prior to the installation.
- 26) All the dwellings hereby approved shall achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations. No dwelling shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously approved in writing by the local planning authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the local planning authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.
- 27) No development shall commence other than site enabling works until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the local planning authority. The Plan shall set out the development phases and the standards that the estate streets serving each phase of the development will be completed to. No dwelling shall be occupied until the estate street(s) affording access to that dwelling has been completed in accordance with the Lancashire County Council Specification for Construction of Estate Roads.
- 28) The new estate roads/access onto Grange Drive shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level for a minimum of 10 metres into the site from the boundary with Grange Drive before any other development takes place within the site. Provisions to enable construction traffic to enter and leave the site in a forward gear (including a vehicular turning space suitable for construction traffic) shall also be laid out within the site and available for use prior to any other development taking place.
- 29) Prior to the commencement of development, a joint survey shall be carried out between the developer and the local planning authority (in conjunction with the highway authority) to determine the condition of Grange Drive and the junction with Spendmore Lane. A similar survey shall be carried out within one month of the completion of the last house

and the developer shall make good any damage to Grange Drive and the junction with Spendmore Lane to return them to the pre-construction situation.

- 30) Prior to the commencement of development, a Construction Method Statement (CMS) shall be submitted to and approved in writing by the local planning authority. The approved CMS shall be adhered to throughout the construction period. The CMS shall include and specify the provisions to be made for the following:
- a) parking of vehicles of site operatives and visitors;
  - b) hours of operation (including deliveries) during construction;
  - c) loading and unloading of plant and materials used in the construction of the development;
  - d) storage of such plant and materials;
  - e) the erection of security hoarding where appropriate;
  - f) wheel washing and/or power wash and hardstanding area with road sweeping facilities, including details of how, when and where the facilities are to be used;
  - g) measures to mechanically sweep the roads adjacent to the site as required during the full construction period;
  - h) periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made);
  - i) routes to be used by vehicles carrying plant and materials to and from the site;
  - j) measures to ensure that construction and delivery vehicles do not impede access to adjoining properties;
  - k) measures to control the emission of dust and dirt during construction.
- 31) No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the local planning authority in consultation with the Highway Authority as part of a section 278 agreement, under the Highways Act 1980. The submitted scheme shall include the following:
- a) Site access: including assessment of the street lighting and provision of tactile paving.
  - b) Off-site works: Providing dropped kerbs and tactile paving between the site and St Oswald's Primary School and Coppull Library and to include the traffic island outside 308 Spendmore Lane.
- 32) No dwelling within the development hereby approved shall be occupied until the approved scheme for the relevant site access has been constructed and completed in accordance with the approved scheme details.
- 33) No part of the development hereby approved shall be occupied until the approved scheme for the off-site works has been constructed and completed in accordance with the approved scheme details.

- 34) Prior to the occupation of the development hereby permitted, a Travel Plan shall be submitted to, and approved in writing by, the local planning authority. The Travel Plan shall be implemented within the timescale set out in the approved plan and will be audited and updated at intervals not greater than 18 months to ensure that the approved Plan is carried out over a 5-year period.
- 35) No development, site clearance/preparation, or demolition shall commence until the applicant or their agent or successors in title has secured the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation, which shall be submitted to, and approved in writing by, the local planning authority. These works shall be undertaken by an appropriately qualified and experienced professional archaeological contractor and comply with the standards and guidance set out by the Chartered Institute for Archaeologists (CIfA). The development shall be carried out in accordance with the agreed details.



## Appendix 3: Adlington Appeal Decision



# Appeal Decision

Site visit made on 18 February 2022

by **S R G Baird BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 March 2022

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**Appeal Ref: APP/D2320/W/21/3284692**

**Land off Carrington Road, Adlington, Lancashire PR7 4JE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Hollins Strategic Land against the decision of Chorley Borough Council.
  - The application Ref 20/01200/OUTMAJ, dated 5 November 2020, was refused by notice dated 13 April 2021.
  - The development proposed is residential development of up to 25 dwellings.
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## Preliminary Matters

1. Accompanied by an illustrative Masterplan, the application was submitted in outline with all matters other than access reserved.
2. The local planning authority's (lpa) Statement of Case (13 December 2021) and a Supplemental Statement of Common Ground (February 2022) confirmed that the reasons for refusal would not be pursued. In the Supplemental Statement of Common Ground, the lpa confirms that:
  - a. Policies 1 and 4 of the Central Lancashire Core Strategy and Policy BNE3 of the Chorley Local Plan are the most important policies for the determination of the appeal.
  - b. the lpa cannot show a 5-year Housing Land Supply<sup>1</sup> (HLS), the shortfall is significant, the most important policies for determining the appeal are out-of-date<sup>2</sup> and limited weight should be attributed to Policy BNE3.
  - c. given the significant shortfall in housing land, significant weight attaches to the delivery of housing and affordable housing.
  - d. applying the Framework tilted balance<sup>2</sup>, there are no adverse impacts associated with the proposal that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole and the appeal should be allowed. Applying S38 (6) of the above Act, material considerations associated with the development outweigh the conflict with Policy BNE3, and permission should be granted.
  - e. there is no conflict with any other development plan policies, and there are no site specific or other reasons that justify dismissing the appeal. The appeal should be allowed, subject to conditions and S106 obligations.

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<sup>1</sup> The lpa has a housing supply of between 2.4 and 2.6-years.

<sup>2</sup> Paragraph 11 and Footnote 8 of the National Planning Policy Framework (Framework).

3. A S106 Agreement has been submitted.

### **Decision**

4. The appeal is allowed, and outline planning permission is 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, subject to the conditions set out in the attached Schedule of Conditions.

### **Main Issue**

5. Whether having regard to the Supplemental Statement of Common Ground, there are material considerations that would justify dismissing the appeal.

### **Reasons**

6. The development plan comprises, the Central Lancashire Adopted Core Strategy (CS) and the Chorley Local Plan 2012-2026 (LP). CS Policy 1 identifies Adlington as an Urban Local Service Centre, where some growth and investment will be encouraged to help meet housing and employment needs. The LP shows the appeal site forming part of a larger area of land safeguarded for future development needs beyond the plan period (Policy BNE3.3) and the northern part within the Green Belt
7. Located on the edge of the settlement, the site is in an accessible and sustainable location, within a reasonable walking distance of bus stops, railway station, community facilities and shops that would provide for the day to day needs of residents. The Education Authority has indicated there would be sufficient primary school places within the catchment area of the site and that demand for secondary school places would be mitigated by a financial contribution. I have noted the comments made regarding pressure on Primary Care provision. However, this is not substantiated by evidence and the providers of these services have not made representations relating to existing shortcomings or requested contributions towards additional provision. The development would be consistent with CS Policy 1.
8. That part of the site within the Green Belt would be retained free from built development as a biodiversity enhancement/open space area and a flood attenuation area. There is no conflict with Green Belt policy.
9. Framework Paragraph 111 indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The application was accompanied by a Transport Assessment (TA) using accepted methodology and scrutinised by the highway authority<sup>3</sup> (HA). The lpa and HA acknowledge that the site can, subject to mitigation, be accessed satisfactorily. Estate traffic would use Carrington Road and Park Road, where there is short-term congestion at school drop-off and pick-up times, to access the wider network. Whilst both roads accommodate high levels of parked cars, this is not unusual. The level of traffic generated by the development, some 13 and 12, 2-way vehicle trips respectively in the AM and PM peaks, would not result in a severe cumulative

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<sup>3</sup> Lancashire County Council

impact. Had the HA any concern about the robustness of the data this would have been raised. The submitted TA is robust, proportionate and provide a sound basis on which to assess this development. The proposal would not conflict with LP Policy BNE1.

10. The site is located within Flood Zone 1, an area at the lowest risk of flooding. Subject to conditions which include the submission of a detailed surface water sustainable drainage strategy, the Local Lead Flood Authority has no objection. Accordingly, the proposal would not conflict with CS Policy 29.
11. The application was accompanied by a Phase 1 Habitat Study. This concludes that the site comprises species-poor, improved grassland of limited biodiversity value and with mitigation, there would be no negative biodiversity impacts. The proposal was assessed for the lpa by the Greater Manchester Ecology Unit (GMEU), who, subject to the imposition of appropriate conditions relating to construction management and biodiversity enhancement, has no objection. The proposal would not conflict with LP Policy BNE9.

### **Conclusions**

12. 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.
13. 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.
14. 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.

### **Conditions and Section 106 Agreement**

15. In the interests of certainty, condition 4 listing the approved plans is imposed. Conditions 5, 6, 7, 8, 9, 10 and 11 are necessary and reasonable in the interests of maintaining and enhancing diversity. Conditions 12, 13, 14 and 15 are necessary and reasonable in the interests of the appearance of the development and character of the area. Conditions 16, 17, 18, 19, 20 and 21

are necessary and reasonable in the interests of preventing flooding and securing foul and surface water drainage. Conditions 22, 23, 24 and 25 are reasonable and necessary in the interests of contributing to sustainable development. In the interest of amenity and highway safety, Conditions 26, 27 and 28 are necessary. Where necessary in the interests of precision and enforceability, I have amended the suggested conditions.

16. The completed S106 Agreement provides for financial contributions for secondary school places, playground provision (King Georges Field & Jubilee Park), allotments, greenspace improvements (Otterside Avenue), for parks and gardens (Leonard Fairclough Memorial Gardens & War Memorial Garden), playing pitches (Jubilee Playing Fields) and the provision of affordable housing and on-site open space.
17. These obligations have been costed and detailed and are necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development proposed. The Agreement meets the tests set out in the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2010 and I have taken it into account in my decision.
18. The HA sought a financial contribution towards increasing the frequency of bus services. However, the request is not costed nor detailed and fails to meet the Framework and Regulation 122 tests.

### **Overall Conclusion**

19. For the above reasons and having taken all other matters into consideration this appeal is allowed.

*George Baird*

Inspector

## **SCHEDULE OF CONDITIONS**

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (received by the local planning authority on 9 November 2020); Drawing number 1667 02 Proposed Site Access (in relation to access only) (received by the local planning authority on 9 November 2020) and Drawing number PARAM-01 titled Parameter Plan (received by the local planning authority on 17 January 2022).
- 5) An Arboricultural Method Statement and details of tree protection measures shall be submitted as part of the first Reserved Matters application. Development shall be carried out in accordance with the approved details.
- 6) No works to trees or shrubs shall occur between the 1 March and 31 August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present.
- 7) A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the first phase of development. The content of the LEMP shall include the following:
  - a) description and evaluation of features to be managed;
  - b) ecological trends and constraints on site that might influence management;
  - c) aims and objectives of management;
  - d) appropriate management options for achieving aims and objectives;
  - e) prescriptions for management actions;
  - f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
  - g) details of the body or organization responsible for implementation of the plan;
  - h) ongoing monitoring and remedial measures.

The LEMP shall include details of the legal and funding mechanism{s} by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The LEMP shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

- 8) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any dwellings on each phase or following the completion of the development within the relevant Phase, whichever is the earlier. Any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the local planning authority gives written consent to any variation.
- 9) No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan: Biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity) shall include the following.
- a) risk assessment of potentially damaging construction activities;
  - b) identification of "biodiversity protection zones";
  - c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
  - d) the location and timing of sensitive works to avoid harm to biodiversity features;
  - e) the times during construction when specialist ecologists need to be present on site to oversee works;
  - f) responsible persons and lines of communication;
  - g) the role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person;
  - h) use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period in accordance with the approved details

- 10) Prior to occupation of the development, a Lighting Design Strategy for Biodiversity for all areas to be lit shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the Strategy, and these shall be maintained thereafter in accordance with the Strategy.

- 11) Prior to the commencement of development (including demolition, ground works, vegetation clearance), an invasive non-native species protocol shall be

- submitted to and approved by the local planning authority, detailing the containment, control, and removal of Japanese knotweed on site. All works shall be carried out in accordance with the approved scheme.
- 12) With any reserved matters application or prior to excavation of the foundations for any dwellings, full details of all external facing and roofing materials shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
  - 13) Prior to the commencement of the development or as part of first Reserved Matters, full details of the existing and proposed ground levels and proposed dwelling finished floor levels (all relative to ground levels adjoining the site) shall be submitted to and approved in writing by the local planning authority). The development shall be carried out in accordance with the approved details.
  - 14) With any reserved matters application or prior to the laying of any hard landscaping (ground surfacing materials) full details of their colour, form and texture for that phase shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and shall be completed before occupation of the final dwelling.
  - 15) With any reserved matters application or prior to the construction of any part of any dwelling above ground level, full details of the alignment, height and appearance of all fences, walls and gates to be erected on the site shall be submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until all fences, walls and gates shown on the approved details to bound its plot have been erected in conformity with the approved details. Other boundary treatments shown in the approved details shall be erected in conformity with the approved details prior to occupation of the final dwelling of the development.
  - 16) No development shall take place until a Construction Risk Assessment Method Statement (RAMS) for construction of the proposed development, is submitted to and approved in writing by the local planning authority. The statement shall outline the potential impacts from all construction activities on infrastructure that crosses the site and identify mitigation measures to protect and prevent any damage to this infrastructure. The development shall be undertaken in accordance with the approved RAMS.
  - 17) Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul waters has been submitted to and approved in writing by the local planning authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing sewerage systems. The development shall be completed, maintained, and managed in accordance with the approved details.
  - 18) No development shall commence until a detailed Surface Water Sustainable Drainage Strategy for the site has been submitted to, and approved in writing by, the local planning authority. The detailed sustainable drainage strategy shall be based upon the site-specific flood risk assessment submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems and no surface water shall be

allowed to discharge to the public foul sewer(s), directly or indirectly. Those details shall include, as a minimum:

- a) sustainable drainage calculations for peak flow control and volume control (1 in 1, 1 in 30 and 1 in 100 + 40% climate change), with allowance for urban creep.
- b) final sustainable drainage plans appropriately labelled to include, as a minimum:
  - i. plan identifying areas contributing to the drainage network, including surface water flows from outside the curtilage as necessary;
  - ii. sustainable drainage system layout showing all pipe and structure references, dimensions, design levels;
  - iii. details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
  - iv. flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
  - v. finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each plot to confirm minimum 150mm+ difference for FFL.
- c) measures taken to manage the quality of the surface water runoff to prevent pollution, protects groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;
- d) evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with industry guidance.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

- 19) No development shall commence until details of how surface water and pollution prevention will be managed during construction have been submitted to and approved in writing by the local planning authority. Those details shall include for each phase, as a minimum:
  - a) measures taken to ensure surface water flows are retained on-site during construction phase(s) and, if surface water flows are to be discharged, they are done so at a restricted rate to be agreed with the local planning authority;
  - b) measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The development shall be constructed in accordance with the approved details.

- 20) No dwelling (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report and Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the local planning authority. The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme (or detail any minor variations), and contain information and evidence (including

photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an final 'operation and maintenance manual' for the sustainable drainage scheme as constructed.

- 21) Details of appropriate operational, maintenance and access requirements for each sustainable drainage component are to be provided, with reference to published guidance, through an appropriate Operation and Maintenance Plan for the lifetime of the development as constructed. This shall include arrangements for adoption by an appropriate public body or statutory undertaker, and/or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.
- 22) All the dwellings hereby approved shall achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations. No dwelling shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously approved in writing by the local planning authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the local planning authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.
- 23) As part of any reserved matters application or prior to the commencement of the development, details shall be submitted to and approved in writing by the local planning authority demonstrating that each dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.
- 24) Prior to the construction/provision of any utility services, a strategy to facilitate super-fast broadband for future occupants of the site shall be submitted to, and approved in writing by, the local planning authority. The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a super-fast broadband service to that dwelling, is in place and provided as part of the initial highway works within the site boundary only.
- 25) No dwelling hereby approved shall be occupied until that dwelling has been provided with hard wiring for an electric vehicle charging point, the details of which shall have been first submitted to and approved in writing by the local planning authority.
- 26) No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to and approved by the local planning authority. The submitted scheme shall include, unless otherwise agreed in writing, the following:
  - a. improvements to Public Right of Way (FP10);
  - b. improvements to 2 bus stops on Park Road;
  - c. works relating to the connection of the existing Carrington Road to the proposed site access and the pedestrian/cyclist access to Stonor Road;

- d. an agreed timetable for the delivery of the off-site works of highway improvement.

The scheme of off-site works of highway improvement shall be completed in accordance with the approved details and timetable.

- 27) No dwelling within the development shall be occupied until the approved scheme for the site access has been constructed and completed in accordance with the approved details.
- 28) Prior to the commencement of development, a Construction Method Statement (CMS) shall be submitted to and approved in writing by the local planning authority. The approved CMS shall be adhered to throughout the construction period. The CMS shall include and specify the provisions to be made for the following:
  - a) parking of vehicles of site operatives and visitors;
  - b) hours of operation (including deliveries) during construction;
  - c) loading and unloading of plant and materials used in the construction of the development;
  - d) storage of such plant and materials;
  - e) the erection of security hoarding where appropriate;
  - f) wheel washing and/or power wash and hardstanding area with road sweeping facilities, including details of how, when and where the facilities are to be used;
  - g) measures to mechanically sweep the roads adjacent to the site as required during the full construction period;
  - h) periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made);
  - i) routes to be used by vehicles carrying plant and materials to and from the site;
  - j) measures to ensure that construction and delivery vehicles do not impede access to adjoining properties;
  - k) measures to control the emission of dust and dirt during construction.
- 29) No development shall take place until:
  - a) a methodology for investigation and assessment of ground contamination has been submitted to and agreed in writing with the local planning authority. The investigation and assessment shall be carried in accordance with current best practice including British Standard 10175:2011+A2:2017 Investigation of potentially contaminated sites - Code of Practice. The objectives of the investigation shall be, but not limited to, identifying the type(s), nature and extent of contamination present to the site, risks to receptors and potential for migration within and beyond the site boundary;
  - b) all testing specified in the approved scheme (submitted under a) and the results of the investigation and risk assessment, together with remediation proposals to render the site capable of development have been submitted to the local planning authority;

c) the local planning authority has given written approval to any remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of remediation works a validation report containing any validation sampling results shall be submitted to the Local Authority. Thereafter, the development shall only be carried out in full accordance with the approved remediation proposals.

During the course of the development, should any contaminated material other than that referred to in the investigation and risk assessment report and identified for treatment in the remediation proposals be discovered, then the development should cease until such time as further remediation proposals have been submitted to and approved in writing by the local planning authority.



## **Appendix 4: Clayton Le Woods mixed-use allocation (EP1.15) – October 2022 Committee Report**

## **APPLICATION REPORT – 22/00692/FULMAJ**

**Validation Date: 19 June 2022**

**Ward: Clayton West And Cuerden**

**Type of Application: Major Full Planning**

**Proposal: Erection of 103no. market and affordable dwellings with associated pumping station, access and open space**

**Location: Cuerden Farm Wigan Road Clayton-Le-Woods Leyland PR25 5SB**

**Case Officer: Mr Iain Crossland**

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

**Agent: Mrs Samantha Ryan Ryan & May Ltd**

**Consultation expiry: 13 July 2022**

**Decision due by: 18 September 2022**

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### **RECOMMENDATION**

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

### **SITE DESCRIPTION**

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

## DESCRIPTION OF PROPOSED DEVELOPMENT

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

## REPRESENTATIONS

7. Representations been received from the occupiers of 5no. addresses citing the following grounds of objection:
  - Unsafe to access to the site via Parkhurst Avenue.
  - The condition of Parkhurst Avenue requires consideration in addition to traffic calming measures.
  - Highway safety and capacity impacts.
  - Noise and disturbance for existing residents
  - Existing hedges require trimming and maintaining if retained.
  - Concerns about the use of appropriate boundary treatments.
  - Impacts on surface water drainage and the waste water drainage network.
  - Potential for antisocial behaviour from occupiers of social housing.
  - Lack of school places and supporting infrastructure to support further housing development.
  - No need for further housing
  - Impact on wildlife and habitat.
8. Cllr Mark Clifford has commented as follows:

It is my view that it is vital Redrow retain the mature boundary hedgerows on site especially on the northern boundary with Cuerden Residential Park. Retired Residents of the Park enjoy a quiet lifestyle within the park and the boundary hedgerows to this proposal offer high amenity value to them as a visual barrier and from noise that will emanate from the new houses. The high hedgerows are also important habitat and a corridor for wildlife and should not be just replaced with wooden fencing. The boundary hedgerow along the A49 Wigan Road must also be kept as much as possible as it again proves a high amenity value to residents and will protect against noise and emissions from the busy A49 and M6 Motorway.

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

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

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

## CONSULTATIONS

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

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

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

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

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

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

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

## PLANNING CONSIDERATIONS

### Principle of the development

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

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

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

#### Other material considerations

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

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

#### Housing land supply

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

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

#### Summary - the tilted balance

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

#### Loss of an employment site

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

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

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

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

*the provision and need for the proposed use;*

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

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

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

*there would be a net improvement in amenity.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Technical matters**

#### Design and impact on the character of the area

66. The proposed development would be located to the east of the A49 Wigan Road, with which it would provide a frontage and from where it would be most prominent. From there the development site would extend eastwards generally between new housing development to the south and a caravan park to the north. As such the site is well enclosed from public vantage points other than from Wigan Road. Of particular note are two mature oak trees at the western end of the site that are highly visible from Wigan Road and provide a high level of public amenity. These trees are protected by tree preservation orders and are to be retained as part of the development.

67. The principal access into the site would be via Parkhurst Avenue from Wigan Road. This would be a continuation of the residential distributor road serving the Hedgerows development. Five new dwellings and the existing property at Cuerden Farm would be served by an existing driveway with an improved access to Wigan Road. This would also serve as an emergency access to the development.

68. A looped road arrangement is proposed on the eastern part of the site with short cul-de-sacs leading off it serving up to 6no. dwellings via private drives. Bollards across the northern part of the loop, prevent a circular route for motorised vehicles, while maintaining full permeability for those on foot / cycle.

69. The majority of existing trees and hedgerows would be retained, although those centrally located within the site would need to be removed to facilitate the development. New tree planting in the front gardens of properties would help to create attractive avenues, and new hedgerow planting would supplement that currently existing at the site boundaries.

70. The western parcel nearest to Wigan Road would be served via an extended cul-de-sac from the eastern 'loop road', culminating in a turning head with a link to the emergency access via the existing driveway to Wigan Road. While bollards would prevent motorised vehicles (other than emergency vehicles) gaining access to the development via that route, it would form a pedestrian / cycle route to the new homes from Wigan Road, which would ensure adequate integration between the new estate and wider area. The terraced properties would have rather circuitous fenced alleys providing access to rear gardens, which is not ideal for future occupiers, as regards safety, maintenance and convenience. It was requested that internal ginnels be used through the terraces instead, however, this was not accepted by the developer. Although this is regrettable and is a missed opportunity it would result in only limited harm, particularly given the positive design qualities demonstrated throughout the development proposal as a whole.

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

#### Impact on neighbour amenity

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

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

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

#### Impact on highway safety

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

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

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

#### Archaeology

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

## Ecology

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

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

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

#### Drainage

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

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

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

### Affordable housing

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

### Public open space

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

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

#### Education

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

#### Sustainability

135. Policy 27 of the Core Strategy requires all new dwellings to be constructed to Level 4 of the Code for Sustainable Homes or Level 6 if they are commenced from 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 Thursday 26th March 2015, which effectively

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

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

#### Employment skills provision

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

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

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

#### Community Infrastructure Levy (CIL)

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

#### Planning balance

144. Paragraph 11. d) ii. of the Framework indicates that, where the most important development plan policies for determining the application are out-of-date, planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; the tilted balance.

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

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

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

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

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

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

## CONCLUSION

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

## RELEVANT HISTORY OF THE SITE

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

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

### Suggested conditions

To follow



## **Appendix 5: Relevant LPA Correspondence in respect of legal advice**

## Kerry Walker

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**From:** Iain Crossland <iain.crossland@chorley.gov.uk>  
**Sent:** 09 June 2022 10:12  
**To:** Jonathan Penrose  
**Cc:** Kerry Walker; Hannah Caudwell; Sebastian Tibenham  
**Subject:** RE: 21/01475/FULMAJ - Affordable Housing Response

Morning Jonathan,

Many thanks for the emails responding to the outstanding drainage matter and providing evidence of demand for the proposed affordable units. I will follow these up with the LLFA and our housing officer respectively.

In relation to the matter of principle, which has to date proven to be a major obstacle, we have received advice that concurs with your own counsel advice and therefore I anticipate being able to support the proposed development in principle. Given the progress that has been made in dealing with the outstanding details I anticipate being able to report the application to Committee in July (Tues 12 July).

I have chased up Highways already this week as their response remains outstanding and will seek to contact Glenn at LCC again.

Adele is currently on leave and I am managing the preparations for Committee next week and so if you would like a catch up meeting I think it may be useful to do this after I have spoken with Adele on her return and after the Committee on Tuesday evening.

Kind regards

Iain

**Iain Crossland**  
Principal Planning Officer

---

**From:** Jonathan Penrose <Jonathan.Penrose@bellway.co.uk>  
**Sent:** 08 June 2022 17:11  
**To:** Iain Crossland <iain.crossland@chorley.gov.uk>  
**Cc:** Kerry Walker <kerry.walker@pegasusgroup.co.uk>; Hannah Caudwell <Hannah.Caudwell@pegasusgroup.co.uk>; Sebastian Tibenham <Sebastian.Tibenham@pegasusgroup.co.uk>  
**Subject:** RE: 21/01475/FULMAJ - Affordable Housing Response

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Good afternoon Iain,

Hope you had a good break last week.

Please find attached a letter from Auxesia Homes, the chosen RP for the scheme. The letter sets out the RPs support for the proposed affordable housing mix, notably the 2-bed apartments which Policy have previously queried.

I trust this now satisfies the policy team's comment, however, should you have any further queries please let me know.

I understand Seb at Pegasus has tried contact you today to discuss amongst other things the recently approved BAE scheme, progress on Counsel advice and planning committee next month.

It may be beneficial to pencil in a general catch-up meeting tomorrow or Monday, please let me know your availability.

Kind regards,

Jonathan Penrose  
**Planning Manager**

01925 846700

**Bellway Homes Limited (Manchester)**

304 Bridgewater Place

Birchwood

Warrington

Cheshire

WA3 6XG

[www.bellway.co.uk](http://www.bellway.co.uk)



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**From:** Iain Crossland <[iain.crossland@chorley.gov.uk](mailto:iain.crossland@chorley.gov.uk)>

**Sent:** 30 March 2022 11:28

**To:** Jonathan Penrose <[Jonathan.Penrose@bellway.co.uk](mailto:Jonathan.Penrose@bellway.co.uk)>

**Cc:** Kerry Walker <[kerry.walker@pegasusgroup.co.uk](mailto:kerry.walker@pegasusgroup.co.uk)>; Hannah Caudwell <[Hannah.Caudwell@pegasusgroup.co.uk](mailto:Hannah.Caudwell@pegasusgroup.co.uk)>

**Subject:** 21/01475/FULMAJ - DXC Technology Landscape and Biodiversity

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Good morning Jonathan,

I have today received the comments of our policy team and have received guidance setting out the Council's position in relation to the matters of principle as regards this application.

As anticipated the core issue is in relation to policy 10 of the Central Lancashire Core Strategy. This sets out that all existing premises and sites last used for employment will be protected for employment use. Consideration will only be given to alternative uses where an applicant has clearly demonstrated that the criteria in the policy have been met in full, including proposals for change of use. These criteria are as follows:

- (a) there would not be an unacceptable reduction of the type, quality or quantity of employment land supply;
- (b) the provision and need for the proposed use;
- (c) the relative suitability of the site for employment and for the alternative use;
- (d) the location of the site and its relationship to other uses;
- (e) whether the ability to accommodate smaller scale requirements would be compromised;
- (f) there would be a net improvement in amenity.

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

- (g) Convincing evidence of land of demand through a rigorous and active 12 month marketing period for employment re-use and employment redevelopment;
- (h) An assessment of the viability of employment development including employment re-use and employment redevelopment.

The adopted SPD 'Controlling Re-Use of Employment Premises' expands on the Policy criteria, and provides guidance on information that needs to be submitted in relation to these criteria. The SPD emphasises the Council's starting point that employment sites should be retained unless an applicant wishing to change the use can demonstrate the criteria in Policy 10. Additional information is provided on each of the criteria a) – h).

It is the Council's view that this site is of strategic importance for employment uses. The 2017 Central Lancashire Employment Study identifies the Euxton Lane corridor as being home to a diverse group of high value occupiers. To the north of the proposed site, beyond the railway, are employment units accessed from Buckshaw Avenue. The Study says that stakeholders highlighted the Euxton Lane corridor (along with Buckshaw Village) as a focus of demand for both office and industrial uses.

The policy response notes that no evidence of marketing of the site for the 12 month period as required by criterion (g) has been provided. Essentially the position of the Council is that the site is valued for its employment credentials and should be protected under the terms of policy 10 unless it can be demonstrated that the site is no longer suitable or in demand for such use. Evidence of a 12 month marketing assessment in line with Policy 10 would be required to demonstrate this, without which the development would be considered contrary to policy 10 and would not be supported.

The Council's conclusions on the five year housing land supply position for Chorley is that at 1st 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. As a result of recent appeal decisions the Council accepts that it cannot demonstrate a 5 year supply of housing and that the titled balance is engaged as required by paragraph 11 of the Framework in the consideration of applications for housing development. The Council's position, however, is that this does not overcome or counterbalance the non compliance with policy 10.

I would therefore have to advise that the application be withdrawn and the marketing exercise be carried out, or an alternative strategy considered, before any consideration is made as to the acceptability of a redevelopment of this site.

I have also received comments in relation to Public Open Space and Housing, which I have set out below:

#### Public Open Space

On site provision of amenity greenspace and for equipped play would be required on a site of this scale in this part of the Borough, whilst a financial contribution towards off site provision would be accepted in relation to Playing Pitches. I have attached the memo setting this out. In relation to Amenity Greenspace Local Plan Policy HS4A sets a standard of 0.73 hectares per 1,000 population. There is currently a deficit of provision in Euxton 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 as required by the Open Space and Playing Pitch SPD. The amount required is 0.206736 hectares.

In relation to equipped play Local Plan Policy HS4A sets a standard of 0.08 hectares per 1,000 population. There is currently a deficit of provision in Euxton in relation to this standard, a contribution towards new provision in the ward is therefore required from this development. As the development is 100 or more dwellings the required provision for children/young people should be provided on-site as required by the Open Space and Playing Pitch SPD. The amount required is 0.022656 hectares.

These elements would significantly impact on the proposed layout and form of development, which would require some consideration on your part. Again you may wish to revisit the consideration of attenuation features to deliver biodiversity, greenspace and surface water management, which has been previously discounted.

## Housing

There would appear to be some confusion around the numbers and split of affordable housing across the development.

The planning statement sets out that 36 no. units would be provided in total, in the form of:

- 24 no. affordable rent dwellings
- 12 no. shared ownership dwellings

The layout plan shows 36 no. units would be provided in total, in the form of:

- 25 no. affordable rent dwellings
- 11 no. shared ownership dwellings

This should be 25 and 11 in line with Core Strategy Policy 7 and the Affordable Housing SPD and so it would be helpful if this could be clarified.

The proposed house types are not considered to meet local housing needs or the needs of registered providers. An alternative mix is suggested in the attached memo. Again this may have a bearing on layout in addition to the other matters set out above.

I appreciate that there is quite a bit to consider here, some of which is rather fundamental, so may take time to digest prior to responding. Obviously we have our meeting arranged at 2pm, which I am happy to continue with, however, if you would prefer to postpone this I would understand.

Kind regards

Iain

### Iain Crossland

Principal Planning Officer

 01257 515151

 [chorley.gov.uk](http://chorley.gov.uk)



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## Appendix 6: Energy Performance Certificate (EPC)

# Energy performance certificate (EPC)

|  |  |   |
|--|--|---|
| Euxton House<br>Euxton Lane<br>EUXTON<br>PR7 6FE | Energy rating<br><h1 style="font-size: 2em; margin: 0;">G</h1> | Valid until: <b>25 July 2032</b><br><hr/> Certificate number: <b>4656-2802-1752-5384-3268</b> |
|--|--|---|

Property type: Offices and Workshop Businesses

Total floor area: 5363 square metres

## Rules on letting this property

**! You may not be able to let this property.**

This property has an energy rating of G. The landlord cannot grant a tenancy to new or existing tenants, unless an exemption has been registered.

From 1 April 2023, landlords will not be allowed to continue letting a non-domestic property on an existing lease if that property has an energy rating of F or G.

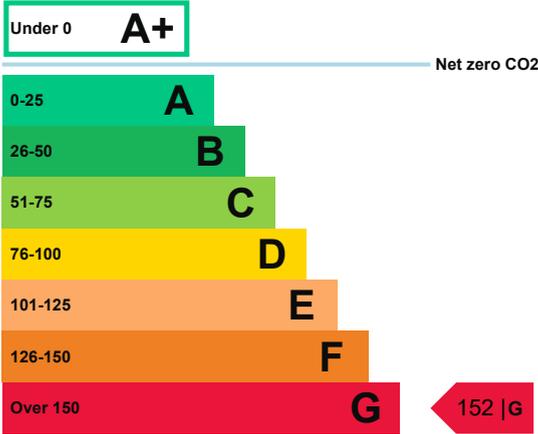
Properties can be let if they have an energy rating from A+ to E. The [recommendation report](#) sets out changes you can make to improve the property's rating.

## Energy efficiency rating for this property

This property's current energy rating is G.

Properties are given a rating from A+ (most efficient) to G (least efficient).

Properties are also given a score. The larger the number, the more carbon dioxide (CO<sub>2</sub>) your property is likely to emit.



## How this property compares to others

Properties similar to this one could have ratings:

If newly built

10 | A

If typical of the existing stock

41 | B

## Breakdown of this property's energy performance

Main heating fuel

Natural Gas

Building environment

Heating and Natural Ventilation

Assessment level

3

Building emission rate (kgCO<sub>2</sub>/m<sup>2</sup> per year)

40.46

Primary energy use (kWh/m<sup>2</sup> per year)

354

## Recommendation report

Guidance on improving the energy performance of this property can be found in the [recommendation report \(/energy-certificate/4588-9050-4411-0117-7910\)](/energy-certificate/4588-9050-4411-0117-7910).

## Contacting the assessor and accreditation scheme

This EPC was created by a qualified energy assessor.

If you are unhappy about your property's energy assessment or certificate, you can complain to the assessor directly.

If you are still unhappy after contacting the assessor, you should contact the assessor's accreditation scheme.

Accreditation schemes are appointed by the government to ensure that assessors are qualified to carry out EPC assessments.

### Assessor contact details

|                 |  |
|-----------------|--|
| Assessor's name | Lionel Braceiner   |
| Telephone       | 0161 702 3813  |
| Email           | <a href="mailto:lionel@lmbenergyassessors.co.uk">lionel@lmbenergyassessors.co.uk</a> |

### Accreditation scheme contact details

|                      |  |
|----------------------|--|
| Accreditation scheme | Elmhurst Energy Systems Ltd  |
| Assessor ID          | EES/019534   |
| Telephone            | 01455 883 250  |
| Email                | <a href="mailto:enquiries@elmhurstenergy.co.uk">enquiries@elmhurstenergy.co.uk</a> |

### Assessment details

|                        |   |
|------------------------|---|
| Employer               | lmb commercial ltd  |
| Employer address       | 60 Cavendish Road, Manchester, M7 4WA                     |
| Assessor's declaration | The assessor is not related to the owner of the property. |
| Date of assessment     | 19 July 2022  |
| Date of certificate    | 26 July 2022  |

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Town & Country Planning Act 1990 (as amended)  
Planning and Compulsory Purchase Act 2004

**Manchester**

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