

**Town and Country Planning Act 1990**

**WRITTEN STATEMENT OF CHORLEY BOROUGH COUNCIL**

**APPLICATION REFERENCE: 21/01475/FULMAJ**

**APPEAL REFERENCE: APP/D2320/W/22/3309262**

**Appeal by: Bellway Homes Limited Site Address: Former DXC Technology Site,  
Euxton House, Euxton Lane Chorley PR7 6FE**

## **Section 1: Introduction**

### **The appeal proposals**

- 1.1 The application subject to the appeal seeks full planning permission for the demolition of the existing building on site and the erection of 108 no. dwellings (Use Class C3). The proposal comprises both market and affordable dwellings, over a range of house types in a traditional design style. Car parking spaces are predominantly provided within the plot or through integral garages. Some properties are accompanied by detached, single garages.
- 1.2 The layout of the proposed development includes dwellings facing Euxton Lane and around internal estate roads, whilst a public open space with play area would be included to the western end of the site. Vehicular access would be taken from Euxton Lane. Through a process of negotiation, the proposal has been reduced from 118 dwellings to 108 dwellings to secure public open space and children's play facilities on site.

### **Reasons for refusal**

- 1.3 The Council's decision notice is dated 22 September 2022. There are two reasons for refusal, which are as follows.

**Reason 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.

**Reason 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.

### **Proposed Conditions**

- 1.4 The suggested conditions are set out in the agreed Statement of Common Ground.

### **Structure of this Statement**

- 1.5 This statement is set out as follows:
  - Appeal Site and Surroundings (section 2)
  - Planning History (section 3)
  - Planning Policy Context (section 4)
  - Addressing the Grounds of Appeal (section 5)
  - The Planning Balance and Conclusions (section 6)

## **Section 2: Appeal Site and Surroundings**

- 2.1 The appeal site is located within the settlement area at Euxton and falls within the Buckshaw Village Strategic Site boundary. The site measures 3.02 hectares in area and is occupied by the two storey 'DXC Technology' office building, surface car parks, areas of grass sward and some landscaping. The appeal site is fully vacant, with the office building on site no longer occupied. The previous occupier, Hewlett Packard (HP) vacated the site in January 2022.
- 2.2 The western extent of the appeal 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 office building. The remainder of the site is lawned, but still represents previously developed land. There are two mature oak trees to the western side of the site, both of which are protected by tree preservation orders.
- 2.3 The application site is positioned between the Manchester to Preston railway line with Buckshaw Parkway railway station to the north and Euxton Lane to the south. The Buckshaw Village development, which is a large mixed-use development including residential dwellings, employment land uses and a District Retail Centre, is located to the north of the site.
- 2.4 To the east is a football training ground and associated facilities, whilst to the west are offices and a Runshaw College site. The site has an open aspect with Euxton Lane being a particularly wide carriageway in this location, and with which the site has a frontage, from which it is highly prominent. The area comprises a mixture of uses including business, leisure, and education, with a range of modern buildings and more functional structures. There is open land on the opposite side of Euxton Lane with some sporadic buildings including a dwelling and a children's nursery. This results in a rather mixed character, although it is noted that there is existing residential development further to the east and west.
- 2.5 It is noted that the Chorley Local Plan 2012-2026 policies map identifies part of the site as being a sport and recreational facility in the Green Belt, however, the site has never been in use for this purpose and is not in the Green Belt. These designations are not identified on the web based mapping system and are considered to be cartographic errors.

### **Section 3: Planning History**

3.1 There is one previous approved application:

Ref: 89/00409/FUL Decision: PERFPP Decision Date: 2 August 1989 Description: Refurbishment of existing storage building to form divisional offices provision of associated car parking and landscaping. Former Royal Ordnance Site Euxton Lane Euxton Lancashire.

## Section 4: Planning Policy Context

### Development plan

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that if regard is to be had to the development plan for any determination, then that determination must be made in accordance with the plan unless material considerations indicate otherwise. The Development Plan comprises:
- Central Lancashire Core Strategy, adopted July 2012, with a plan period of 2010-2026; and
  - Chorley Local Plan 2012 – 2026, adopted 21<sup>st</sup> July 2015.
- 4.2 The proposal is located within the settlement of Euxton as covered by **Local Plan Policy V2** where there is a presumption in favour of appropriate sustainable development, subject to material planning considerations and the other Policies and Proposals within this Plan.
- 4.3 **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.
- 4.4 **Core Strategy Strategic Objective SO5** seeks to make available and maintain within Central Lancashire a ready supply of residential development land over the plan period. **Core Strategy Policy 4**, Housing Delivery, sets out minimum requirements for the delivery of new housing in each district, for the period 2011-2026. It looks to ensure enough deliverable land suitable for house building.
- 4.5 **Core Strategy 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
  - (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.
- 4.6 **Strategic Objective SO10** of the Core Strategy seeks “to ensure there is a sufficient range of locations available for employment purposes.” **Core Strategy Policy 10** seeks to protect all existing employment premises and sites last used for employment for employment use. There will be a presumption that ‘Best Urban’ and ‘Good Urban’ sites will be retained for B use class employment use.

*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:*

- 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 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.*

4.7 An 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.

4.8 **Strategic Objective SO 15** of the Core Strategy is “To foster ‘place shaping’ to enhance the character and local distinctiveness of the built environment in Central Lancashire by encouraging high quality design of new buildings.” **Core Strategy Policy 17** addresses the design of new buildings and how this should take account of the character and appearance of the local area, with a series of criteria set out as below.

*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.*

#### **National Planning Policy Framework (NPPF)**

4.9 The National Planning Policy Framework (NPPF) July 2021 sets out the Government’s planning policies for England and how these are expected to be applied. It is a key material consideration. The NPPF states that *“the purpose of the planning system is to contribute to the achievement of sustainable development”* (Paragraph 7). Interdependent economic, social, and environmental objectives are set out under Paragraph 8:

- a) an **economic objective** – to help build a strong, responsive, and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation, and improved productivity; and by identifying and coordinating the provision of infrastructure.
- b) a **social role** – to support strong, vibrant, and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful, and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and
- c) an **environmental objective** – to protect and enhance our natural, built, and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

- 4.10 Paragraph 8 advises that the above three objectives are interdependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social, and environmental net gains should be sought jointly and simultaneously through the planning system.
- 4.11 At the heart of the NPPF is a presumption in favour of sustainable development Paragraph 11 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:
- 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.
- 4.12 Footnote 8 explains that out of date policies include where a Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites.
- 4.13 Section 5 of the NPPF sets out the national policy approach for **delivering a sufficient supply of housing**. Paragraph 74 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 strategic policies or against their local housing need where the strategic policies are more than five years old.
- 4.14 **Building a strong, competitive economy** is the focus of NPPF section 6 – to help create the conditions in which businesses can invest, expand, and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 4.15 Healthy, inclusive, and safe places are promoted in NPPF section 8, **promoting healthy and safe communities**. Places should support social interaction, be safe and accessible and enable and support healthy lifestyles. Community facilities and services, school places and open spaces and opportunities for sport and physical activity are all important aspects.

4.16 Section 9 of the NPPF is focussed on **promoting sustainable transport**. Development proposals should promote sustainable transport modes, provide safe and suitable access, be well-designed and cost effectively mitigate to an acceptable degree any significant impacts from the development on the transport network. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

4.17 **Achieving well-designed places** is the focus of NPPF section 12. Good design is a key aspect of sustainable development. Developments should function well and add to the overall quality of the area, be visually attractive, be sympathetic to local character and history, establish or maintain a strong sense of place, optimise the potential of the site, and create places that are safe, inclusive, and accessible. Paragraph 126 requires *“the creation of high quality, beautiful and sustainable buildings and places”*. Developments should *“function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development”* (Paragraph 130 criterion b) and in optimising the potential of the site *“support local facilities and transport networks”* (criterion e). The importance of design quality is set out at Paragraph 132.

#### **National Design Guide & Model Design Code**

4.18 The National Design Guide addresses the question of how we recognise well-designed places, by outlining and illustrating the Government’s priorities for well-designed places in the form of ten characteristics. The Guide is based on national planning policy, practice guidance and objectives for good design as set out in the National Planning Policy Framework. The ‘Context’ characteristic focuses on the location of the development and the attributes of its immediate, local, and regional surroundings. The importance of a movement network that makes connections to destinations, places, and communities, both within the site and beyond its boundaries is highlighted.

#### **National Planning Practice Guidance (NPPG)**

4.19 NPPG paragraph 66-001- 20190722 sets out: “What evidence can be used to help determine whether land should be reallocated for a more deliverable use? When considering whether there is a realistic prospect of an allocated site being developed for its intended use, it may be relevant to take into account factors such as:

- the length of time since the site was allocated in the development plan;
- the planning history of the site including any planning applications or pre-application enquiries;
- whether there is evidence that the site has been actively marketed for its intended use for a reasonable period, and at a realistic price; and

- whether there are any changes of circumstance that mean that take-up of the site for its intended use is now unlikely. Where an alternative use for the allocated site is proposed, it will also be relevant to consider the extent to which evidence suggests the alternative use would address an unmet need, as well as the implications for the wider planning strategy for the area and other development plan policies.”

4.20 Whilst the above paragraph is focused on reallocation it does indicate relevant factors in considering whether an allocated site (as opposed to an existing use) has a realistic prospect of being developed for its intended use.

#### **Walking and Cycling Strategy for England**

4.21 *Gear Change, A bold vision for cycling and walking* was published by the Department for Transport in July 2020 (CD 10.9) aims to support a step-change in cycling and walking.

#### **CIHT Planning for Walking**

4.22 Chartered Institution of Highways and Transportation’s (CIHT) 2000 publication provides *Guidelines for Providing Journeys on Foot*.

#### **Five Year Housing Land Supply Position**

4.23 The Five Year Housing Land Statement for Chorley, June 2022, sets out that as of 1st April 2022 there was a total supply of 1,890 (net) deliverable dwellings. This 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. As stated at paragraph 70 of the Committee Report the Council’s position is that the shortfall is significant.

#### **Emerging Plan**

4.24 A new Central Lancashire Local Plan is in the process of being prepared. The plan will apply to the boroughs of Chorley, Preston, and South Ribble for the period from 2023 to 2038. The Central Lancashire Local Plan (CLLP) will replace the Central Lancashire Core Strategy (2012), the Chorley Local Plan (2015), the Preston Local Plan (2015) and the South Ribble Local Plan (2015). It will include both strategic and local (development management) policies and will bring all these policies into one plan.

4.25 A Regulation 18 Preferred Options Consultation is being undertaken in two parts. Part One includes details of the strategic framework for the new Local Plan, such as the vision, objectives, and spatial strategy, setting out the ambition for Central Lancashire. The Part One Preferred Options Consultation is open until Friday 24th February 2023. A part two consultation is planned for Summer 2023. No weight is afforded to the emerging policies of the Local Plan, given the early stages of the plan preparation process and NPPF paragraph 48.

## Section 5: Addressing the Grounds of Appeal

### Reason 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

- 5.1 The Council will draw on the following evidence base sources:
- Central Lancashire Employment Land Study, (BE Group - November 2017 – updated April 2019);
  - Central Lancashire – Employment Land Study Update (BE Group – February 2022);
  - Chorley Market Update 2022 (BE Group – August 2022); and
  - Chorley Council Employment Land Monitoring Report 2022 (dated August 2022)
  - EGi Radius Property Database.
- 5.2 Evidence will be presented that the proposed development does not satisfy criteria (a), (c), (d), (g) and (h) of Core Strategy Policy 10, specifically, that:
- a) *there would not be an unacceptable reduction of the type, quality or quantity of employment land supply*
- 5.3 The E(g)/B-Class facilities of Buckshaw Village/Euxton Lane are identified as ‘Best Urban’ in the Central Lancashire Core Strategy (Para 5.36, page 45), i.e., a location of high economic value in the Borough and across Central Lancashire. The Council will provide evidence that Buckshaw Village continues to be a focus for demand in the sub-region for industrial, warehouse and office uses and the loss of the Former DXC Technology site would remove a valuable opportunity site for growth from this key employment area.
- 5.4 Additionally, as demonstrated in the evidence base documents highlighted in paragraph 5.1 above, Chorley Borough has shortfalls in its employment land supply, both across the remainder of the Core Strategy period, to 2026, and onwards into the 2030s for the next Local Plan period. This further reduces capacity in the Borough to absorb losses to its employment land supply.
- (c) the relative suitability of the site for employment and for the alternative use*
- 5.5 The Council will provide demand evidence that there remains a need for E(g)(iii), B2, B8 light industrial, general industrial and storage and distribution uses in the Euxton Lane/Buckshaw Village area of Chorley Borough, uses which could be accommodated on the Former DXC Technology site.
- 5.6 Additionally, whilst the Council accepts that redevelopment/ refurbishment of the site and building for office uses is not viable now, it is not accepted that such uses will be

unviable indefinitely. Relating to this, evidence will be presented on the office market in Chorley Borough, its prospects for growth and how this might boost demand for new and refurbished properties in the long term.

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

- 5.7 Deficiencies in the site's location and relationship to nearby services form Reason 2 for refusal and are discussed in Paragraphs 5.10-5.12 below.

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

- 5.8 The Council will show that the Appellant has not conducted any such marketing exercise, either prior to the submission of the planning application or during the period it was being considered by the Council. Thus, the Appellant has not provided sufficient evidence that there is no market demand either for the office property on the site or for the site itself for redevelopment for the full range of E(g) or B-Class uses.

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

- 5.9 As the Appellant has not undertaken a long term marketing exercise on the scale and nature of demand for the full range of E(g) or B-Class uses, any assessment of the viability of such office, industrial and/or warehouse uses, submitted by the Appellant with the planning application or the Appeal, lacks the supporting market evidence to be definitive.

**Reason 2: The application (now appeal) 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.**

- 5.10 The Council will draw on the following evidence sources:

- The distances to services and facilities set out in the Design and Access Statement and the Statement of Common Ground
- The National Model Design Code
- The Walking and Cycling Strategy for England
- The CIHT 'Planning for Walking' guidance

- 5.11 Evidence will be presented including but not limited to the following matters:

- The distances and links to services and facilities, considering national and best practice guidance
- The isolated location of the site as being not well suited to a residential development in light of the site's relationships with other residential settlements and connectivity with established communities and amenities and the effect of the railway line to the north
- The requirements of policy 17 of the Central Lancashire Core Strategy, the National Planning Policy Framework, the National Model Design Code, the national walking and cycling strategy and CIHT planning for walking guidance

5.12 The evidence will focus on the location, site context and accessibility of the site, and the implications for place making. The committee report notes that the site is isolated from other residential settlements and suffers from a lack of connectivity with any established communities or amenities. Accessing services on foot or by cycling would require a circuitous trip via a road bridge to the west.

## **Section 6: The Planning Balance and Conclusions**

- 6.1 Paragraph 11 d (ii) of the NPPF is engaged. Chorley does not have a five-year deliverable supply of housing plus 5% buffer. There 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. 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 NPPF taken as a whole.
- 6.2 It is accepted, based on footnote 8 of NPPF Paragraph 11 d (ii), that as the most important policies for determining the application/appeal Core Strategy Policies 10 and 17 are out of date. The policies are otherwise consistent with the requirements of the NPPF.
- 6.3 There is a requirement to carry out a full ‘balancing exercise’ of the adverse impacts and benefits of a proposal, and this will include (where relevant) consideration of the proposal’s compliance and/or conflict with Development Plan policies.
- 6.4 The appeal 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 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 harm economic growth.
- 6.5 The appeal site is isolated in locational terms. It is not an accessible location that promotes connectivity by sustainable modes of transport to key services and facilities. Such an approach to place making does not promote healthy and inclusive places and does not result in a development that functions well.
- 6.6 It is recognised that the delivery of market and affordable housing is a significant benefit. Overall, the Council’s case is that the adverse impacts of the appeal proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. The proposal’s adverse impacts include the development’s conflict with relevant Development Plan policies and NPPF policy. The appeal proposal is considered contrary to Core Strategy Policies 10 and 17 and national policy requirements to support economic growth and achieve well-designed places.
- Conclusions**
- 6.7 The Council will invite the Inspector to withhold planning permission and to dismiss the appeal scheme.