

RE: FORMER DXC TECHNOLOGY SITE, EUXTON LANE, CHORLEY

OPENING SUBMISSIONS ON BEHALF OF THE APPELLANT

1. This is an appeal against the refusal of permission for the erection of 108 dwellings with associated access, landscaping, parking, and other works following the demolition of an existing building, on land at Euxton Lane, Chorley. The scheme will deliver a mix of market housing and 13 much needed affordable homes.
2. The scheme was refused on two grounds. First, the Council says that the proposed development would result in an unacceptable reduction in the type and quantity of employment land available in Chorley, contrary to Policy 10 CS. Second, the Council says that the application site is located in an unsustainable location, with poor connectivity to surrounding amenities, contrary to Policy 17 of the CS.
3. The Council's reasons for refusal do not bear scrutiny.
4. The delivery of a sufficient supply of good quality homes, including affordable homes, is a priority of both local and national policy. However, the Council is failing to deliver the homes that its residents need. The position is acute, it being a matter of agreement that the Council can only demonstrate a 3.3-year supply¹, which equates to a shortfall of some 955 homes. That is very significantly below the minimum 5 – year supply required by national policy, and the shortfall in housing land supply is plainly significant, as accepted in the SCG².
5. Nor is there any real prospect of the Council addressing its acute housing needs through the Plan led system any time soon. Chorley is a constrained Authority, surrounded by significant Green Belt designations. However, the Council's emerging Plan is at an early stage, adoption is not anticipated until June 2025, and the Council accepts that "*no weight*" should be attributed to it in these circumstances³. It is

¹ See para 8.1 General SCG at CD14.1

² Para 8.5

³ SCG 6.3

plainly critical that suitable sites are allowed to come forward now to meet the acute housing needs that exist in Chorley now.

6. The appeal scheme offers the opportunity to make a significant contribution to the Council's significant housing needs (market and affordable):
 - On a brownfield site;
 - Within settlement boundaries where there is a presumption in favour of sustainable development. It is agreed that the proposal is in compliance with Policy V2 (Settlement Areas) Chorley LP⁴;
 - On a Strategic Site to which, in accordance with the priorities of the Plan, growth (including housing growth) should be directed. It is agreed that the proposal is in accordance with Policy 1 (Locating Growth) Core Strategy⁵;
 - In circumstances where Buckshaw is a settlement benefiting from a wide range of services and facilities (including a supermarket, gym, nursery, pre-school, schools, public house, takeaways, church), employment opportunities, and excellent public transport links (including railway station, dedicated cycle lanes, and bus services). Indeed, Buckshaw Village is a designated District Centre that sits towards the top of the Council's retail hierarchy;
 - In circumstances where 63% of all affordable need in Chorley arises in Buckshaw;
 - And where, subject to conditions and the S106 obligation, there are no outstanding technical objections or constraints to the scheme coming forward.
7. Directing growth to Buckshaw is, therefore, consistent with the Council's Strategy for growth, the settlement hierarchy, and the national and local policy imperative to

⁴ SCG para 6.2

⁵ SCG para 6.2

secure a significant boost to housing land supply in circumstances where there is an acute and critical need for the same. Understood in its proper context, the appeal scheme is exactly the type of scheme that the Council should be welcoming with open arms.

8. The Council seeks to resist the development of the appeal site on the basis that the appeal site was last used for employment purpose, and thus, the Council says, benefits from a Policy of protection (Policy 10) in the Core Strategy.
9. However, it is a matter of agreement that Policy 10 is out of date by virtue of the Council's inability to demonstrate a five-year land supply⁶. In addition, the Appellant says that Policy 10 is out of date and should be accorded limited weight because (in summary):
 - i. Policy 10 is a strict policy of protection, which is inconsistent with the more positive provisions of the NPPF that post-date it.

In this respect, it is noted that the Council agrees that NPPF123 is a "*key relevant material consideration*"⁷. NPPF123 encourages the release of unallocated sites such as the appeal site where this would help meet identified development needs. Decision makers should support proposals to use employment land for homes provided that this would not undermine key economic sectors or sites.

- ii. The Core Strategy was adopted over a decade ago in 2012, sought to meet quantitative needs established in now defunct RSS, and was underpinned by an Employment Land Review that itself is now some 14 years old. The employment policies of the Plan are therefore based on out of date quantitative and qualitative needs assessments. The restrictive policies of the Plan do not reflect the requirement in NPPF122 to be informed by regular reviews of allocations and land availability, and do not reflect changes in the demand for land.

⁶ Paragraph 8.3 SCG

⁷ Para 3.6 Employment Land and Viability SCG

10. The application proposals comply with NPPF123 which, as set out above, positively encourages the release of unallocated sites such as the appeal sites to meet housing needs. The Appellant will say that the Council's evidence does not establish that the proposals would harm a key employment site or sector:

- (a) There is no allegation from the Council that the appeal scheme would harm a key employment sector.
- (b) The Council has a very significant supply of employment land – over 16 years' even on the Council's case. There is plainly more than adequate employment land available to the end of the Plan period (2026), and well into the next. This very healthy employment land supply (+16 years) contrasts markedly with the extremely poor 3.3-year supply of housing land, in circumstances where the national policy imperative is to secure a "significant boost" to housing delivery.
- (c) The Council does not allege that the release of the appeal site would prejudice its emerging Plan or, therefore, its ability to identify sufficient sites to meet its employment land needs over the next Plan period. There is no reason for refusal or allegation of prematurity, and nor could there be given that the LPA accepts that the Plan is at such an early stage it should be attributed "*no weight*".
- (d) The appeal site is unallocated and is not identified as a key site in the adopted development Plan. Nor is there any up-to-date employment land review or evidence-based document or analysis to support the assertion that the appeal site is a "key site" in qualitative terms.
- (e) The Council now accepts that the existing buildings on the site are obsolete and could not be viably re-used for office or industrial use.
- (f) The Council now agrees that the redevelopment of the site for office use would be unviable.

(g) The Council now agrees that the site is unsuitable and insufficiently large to accommodate large scale logistics⁸.

(h) The Council's own evidence and case demonstrates that is adequate employment land available to meet smaller and medium scale requirements. The release of the appeal site would not prejudice or compromise the ability to meet those requirements either.

11. There is therefore compliance with NPPF123, which supports the release of the appeal site to meet the Council's critical housing needs

12. It The Council case appears to allege that the scheme is unacceptable because there was no marketing scheme in respect of the site. First, that approach is inconsistent with the positive approach in the NPPF referred to above. Second, the Council's approach is also inconsistent with advice from Officers received prior to determination who, having taken independent advice, agreed that the principle of development was acceptable. Third, the LPA's case is also inconsistent with the approach taken in determining other applications. Further, and in any event, the Appellant's evidence demonstrates that the re-use or re-development of the appeal site would be unviable. The Council has not put forward a positive case to demonstrate otherwise.

13. Accordingly, the Appellant will say that the Council's first reason for refusal is unsupported and unsupportable, having regard to the policies of the NPPF.

14. The Council's concerns in respect of the locational credentials of the appeal site are also misplaced. As set out above, the appeal site is located on a brownfield site within the settlement boundaries, on a strategic site to which development, including housing, should be directed in accordance with the strategic priorities of the Plan. The benefits of bringing forward this vacant, brownfield site for housing

⁸ SCG Property Market and Viability Feb 2023

should be attributed substantial weight, in accordance with NPPF120 (c). Buckshaw Village benefits from a District Centre, a wide range of services and facilities within around 1500m, and high-quality public transport links (cycle, rail, bus). The proposals will integrate well within the mixed-use area and will deliver net benefits in amenity. The Council's assertion that the proposal is unacceptable because services and facilities are more than 800m away, and that a bridge (with a wide and well lit footway) would have to be crossed, are unsustainable and, with respect, wholly unrealistic, not least taking into account the 955 unit shortfall in the Council's deliverable housing supply.

15. In conclusion, the scheme will provide a package of benefits, including much needed market and affordable homes, in where there is an acute, critical and urgent need to deliver the same. The site is in a sustainable location, within the settlement boundaries, in a strategic location that is expressly earmarked as suitable for housing growth in the Council's development plan, and can come forward consistently with the overall strategy of the Plan. The tilted balance applies in this case. Any adverse impacts of the scheme do not come close to significantly and demonstrably outweighing the benefits of the scheme when assessed against the policies of the NPPF as a whole.

16. This is a scheme for sustainable development and it will be respectfully requested that the appeal is allowed, and permission is granted accordingly.

20th February 2023

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