PLANNING COMMITTEE

TUESDAY, 12TH NOVEMBER 2019, 6.30 PM
COUNCIL CHAMBER, TOWN HALL, CHORLEY

I am now able to enclose, for consideration at the above meeting of the Planning Committee, the following report that was unavailable when the agenda was published.

Agenda No	Item	
A	**19/00654/OUTMAJ - LAND BETWEEN PEAR TREE LANE AND SCHOOL LANE, PEAR TREE LANE, EUXTON**	(Pages 69 - 96)
F	**19/00916/FUL - LOWE FARM COTTAGE LEYLAND LANE ULNES WALTON** This item has been withdrawn from the agenda.	

GARY HALL
CHIEF EXECUTIVE

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APPLICATION REPORT – 19/00654/OUTMAJ

Validation Date: 8 July 2019

Ward: Euxton North

Type of Application: Major Outline Planning

Proposal: Outline planning application for the erection of up to 180 dwellings including 30% affordable housing, with public open space, structural planting and landscaping, surface water flood mitigation and attenuation and vehicular access points from School Lane. All matters reserved except for means of vehicular access

Location: Land Between Pear Tree Lane And School Lane Pear Tree Lane Euxton

Case Officer: Mr Iain Crossland

Applicant: Gladman

Consultation expiry: 8 August 2019

Decision due by: 13 November 2019

RECOMMENDATION

1. It is recommended that outline planning permission is refused for the following reason:

   The proposed development would be located within an area of Safeguarded Land as defined by the Chorley Local Plan 2012 – 2026. The Council has a five year housing land supply as required by the National Planning Policy Framework. The proposal therefore conflicts with policy BNE3 of the Chorley Local Plan 2012 – 2026. It is not considered that the material considerations put forward in favour of the development are sufficient to outweigh the presumption against it.

SITE DESCRIPTION

2. The application site is located to the south and east of School Lane and to the east of Euxton. The site comprises five field compartments and the topography of the site is relatively flat and includes existing hedgerows and a small pond. The site is approximately 7.34 hectares in area.

3. The western edge of the site is predominantly bound by properties on School Lane and The Cherries. To the north the site includes an existing tree line that is on the south side of School Lane. To the north of School Lane is a residential development site of 140 dwellings, which is under construction and nearing completion. To the east, the site is bound by Pear Tree Lane and residential properties to the north east, which includes Houghton House, a Grade II listed building. The southern boundary of the site is bound by a row of mature trees and hedgerows with Valley Park to the south.

4. School Lane is a non-classified road and is categorised as a local access road with a 20 mph zone extending from Wigan Road to approximately 20m west of Orchard Close. To the west of this point School Lane is subject to the national speed limit of 60 mph. There are footways of variable width from Orchard Close west to Wigan Road. From Orchard Close

east there are no footways and the road is of variable width with narrow single lane sections in what is essentially a lane of rural character.

DESCRIPTION OF PROPOSED DEVELOPMENT

5. This application seeks outline planning permission for the development of up to 180 dwellings of which 30% are proposed to be affordable. Access to the site is sought as part of this application, and would be from School Lane via two new priority junctions to the west and north of the site. The outline plan includes for the provision of planting, landscaping, public open space, childrens play area and surface water attenuation with all the details to be considered at reserved matters stage.

REPRESENTATIONS

6. Representations in objection have been received from 54 addresses. These relate to the following issues:

7. Impact on neighbours
   - Privacy issues – over-looking and overshadowing of property and gardens
   - Affect quality of life of existing residents

8. Traffic / parking
   - Gridlock / Congestion on roads around Euxton – additional 240+ vehicles
   - proposal would be home to 412 new residents, of which 228 would be economically active. This assumes an occupancy rate of 2.2 people per property (assuming 180 houses) but the actual number is likely to be far higher, with most being a two-car household. School Lane is not a wide road and is currently busy with traffic cutting through from Euxton Lane. With this proposal there is a potential for an additional 350+ vehicles aiming to enter and exit at a small set of traffic lights on Wigan Lane putting at risk the 'safe and suitable pedestrian access'.
   - Access via School Lane is not “safe” or reasonable – coping with additional 180 households is not desirable
   - Vehicles junction onto narrow lane would be dangerous to pedestrians and road users – already a rat run
   - Pear Tree Lane is a single track road with number of blind bends and very limited passing points
   - Designating a section of Pear Tree Lane as “access only” will not deter people from using it as a cut-through
   - The Northern access/ exit from the proposed development invites vehicles to use the short length of Pear Tree Lane to go North and to the M61, it also invites traffic south if only to get to the Tesco Extra on the A581. The Eastern access/exit point does reduce the likelihood of some cut through traffic but will not eliminate it, particularly for that wanting to go to the M61 – any increase in the traffic flow along an un-widened Pear Tree Lane is going to be very dangerous
   - A road from the proposed development could have linked to the new development on the opposite side on School Lane
   - If traffic were to increase on these roads, they would need to be completely revamped into proper, asphalted roads with pavements and a set of traffic lights at the Pear Tree/Euxton Lane junction would be essential.
   - Low railway bridges cause significant problems for high sided vehicles and cause delays when HGVs are turning round to avoid
   - Accidents at junction of Pear Tree and Euxton Lane caused by excessive traffic around that junction

9. Amenities
   - Offering small play area but without development there would be no need for play area
   - Footpath through development – who would want to walk through a housing estate
   - Schools / Drs already under pressure & no additional resources being provided

- Lanes are popular for walkers and families - Pear Tree Lane along with Washington Lane, Whinney Lane & Euxton Lane is a very popular walking route as it is a circular route mainly on country lanes not found anywhere else locally
- P&R at Buckshaw already at capacity and beyond – now using Pear Tree and School Lanes to park
- strength and quality of the broadband signal had diminished since the building of the development on Euxton Lane and it has been confirmed by Openreach that no new ports will be made available to improve it - also experiencing power fluctuations on a regular basis.
- Very little public transport in area
- No senior school places created
- No 24hr A&E

10. Environmental
    - Developers misleading comments regarding greenspace – woodland is not part of application and village therefore not getting anything in addition / new
    - Village will lose wildlife
    - Hedgerow alone is not a viable habitat
    - Fields have never been subject to arable farming – just grazing – rich in wildflowers which is a national rarity
    - Fields have become wildlife corridor due to other housing developments in area
    - Will add to existing land slippage and pollution
    - Pollution – grossly underestimated vehicle, light, noise pollution
    - Planting of a few small trees will not make up for inevitable loss of mature trees
    - The land between Pear Tree Lane and School Lane is a hidden gem of green space, valued by local residents whose lives are enriched by this small area within an area of increasing urban sprawl, which is also wildlife habitat. The proposed development would result in the loss of a number of trees and grassland. Surface water features on site also have the potential to provide a habitat for amphibians. In the previous application, a review by the then LCC ecologist , expressed concern that the submitted surveys provided insufficient information to determine the impact of the proposals not only on newt habitats but also on bats, that the scope of mitigation measures and the mechanism for securing their on-going implementation, would be insufficient to ensure that the effects on wildlife habitats are appropriately mitigated.

11. Drainage
    - Increased surface water run off – polluted run-off streams formed
    - Surface water will be diverted into a local water course but this is a small stream and would struggle to cope with the amount of run-off coming from such a large number of houses, which has previously soaked into fields.
    - the sewage connection being totally undersized, this is highlighted on high rain fall days as the sewers back up being a combined one – new houses built recently in Euxton have exacerbated problem
    - drain system inadequate – brook struggles to funnel excess rain water through ducting under railway line off fields from School Lane and Euxton Lane fields

12. Other issues
    - Too many developments in Euxton – will become urban borough of future city of Chorley
    - Previous application rejected due to site being too narrow and impact on immediate area
    - Land was meant to be safeguarded – because beautiful area and wildlife
    - Population most likely will have doubled since 2011 Census
    - Land would be better used as a protected village green
    - Euxton is a village – development of this size is inappropriate
    - Fails to properly address the issue of rights of way

- The proposal claims that 30% of the homes to be built will be affordable. However, it is well documented that developers renege on these promises.
- An earlier proposal, for a smaller number of houses, has already been rejected by the council and the current proposal does not fully address the council's concerns. Namely: [The] proposed development will not provide for the required education contribution to provide accessible local services that reflect the community's needs that result directly from the development. (19/000489/OUTMAJ)
- No further development should be even considered until 2026 & then, only if there is a definite shortage of housing in Euxton which is highly unlikely given the current building in progress.
- The idea that there is a shortage of local housing is preposterous given the level of new builds within a 5 mile radius - building on Euxton green space instead of brownfield sites nearer the need is just any easy option for a greedy developer
- School lane has a problem with dog fouling so more houses = more of a problem.
- First rejected application was for 165, now new application is for 185
- Land safeguarded until 2026 – if this is built on prematurely it will render the Local Plan unsound
- The application is contrary to the approved Development plan. The site in question is safeguarded land. The recent Court of Appeal decision Canterbury City Council v Secretary of State for Communities and another (2019) EWCA Civ 669 published on 19th July 2019 emphasises the primacy of the Development Plan over the National Planning Policy Framework.
- would prejudice the emerging Central Lancashire Local Plan.
- would prejudice the Green Belt. There is no other safeguarded land within Euxton and therefore the Green Belt would be under considerable pressure
- The granting of planning permission would cause a considerable loss of faith in, and theintegrity of the planning system. The residents of Euxton and the Parish Council have participated in the democratic process leading to the adoption of the Development Plan. In her decision APP/D2320/W/17/3173275 relating to the same land and given on the 30th November 2017 the Inspector Anne Jordan BA Hons MRTPI considered this point at paragraph 39 stating " I am nonetheless reminded that, in this case, the plan has been adopted following an assessment of the most appropriate options for development on a Borough wide basis."
- Houghton House Farm is a grade 2 listed building. In a heritage statement submitted with the earlier application it was acknowledged to be of national importance. It is accepted that the setting of this property is not a reason to refuse the application in itself. NPPF at para.184 provides that "heritage assets are an irreplaceable resource" The applicant proposes an access road a short distance from the property and (in a plan said to be for illustrative purposes) some limited screening for about 50% of the western boundary with development coming up to the remainder and up to the whole of the southern boundary. This is insufficient to mitigate the effect on the heritage asset
- Developer is challenging the Local Plan and designation of the site as "Safeguarded Land" on the basis that CBC cannot demonstrate a 5 year housing supply, exactly the same argument which was made for the previous application and rejected at appeal. This is a cynical attempt to subvert the local planning process
- Developer should forward the site for inclusion in the revised Local Plan
- Not clear why more housing is needed in Euxton – routinely see 300+ properties for sale/rent
- already endured 2 years of noise and disturbance during the building of the estate opposite our house (still waiting for the boundary hedge to be replaced after it was removed nearly a year ago) and object to the additional noise, dust, dirt and general disturbance of a large building site close by and in an area we currently enjoy for its nature.
- Should build on land at Charnock Richard
- Any approval of this proposed site would destroy both the integrity and public confidence in the Local Plan Process and would be undemocratic. Approval would also be sending out a message to all developers that safe-guarded land can be approved for

immediate development as long as your are persistent which should not be a criteria for approval

- There is currently an on-going process to nominate future sites for development allocation for 2026 onwards and that is how the landowners and Gladman should proceed should they wish to seek planning approval for this site
- Chorley already exceeds quota for housebuilding
- Neighbouring authorities' South Ribble and Preston need to take on their fair share of the burden of meeting housing targets. They have not met targets set by the Government, but Chorley exceed them and seem to get penalised for this.
- The only positive that Gladman's have now included 30% "affordable housing" but the proportion is way too low and even this won't be truly affordable to those who need it most.
- At a time when we're facing the threat of climate change which bring to question the long term survival of humanity, building big, expensive "family" homes with space for multiple cars (which people will need because local public transport is so poor) will exacerbate environmental problems when our priority should be reducing the number of cars on the roads and protecting the environment. Chorley needs to see its role as part of a wider community in tackling the very real threats we face as a society.
- Approving this development, with 70% expensive family homes and only 30% "affordable" homes, which will not be truly affordable to those who need somewhere to live, will have no positive impact and significant negative consequences for the community.
- Local area oversubscribed with new homes
- National Planning Policy Framework (NPPF), is clear that the priority sites for development are FIRST and FOREMOST Brownfield sites or previously developed land followed by Greenfield sites of the lowest environmental value. I understand that this property developer as a reputation for developing greenfield sites and even submitting applications for sites on the Green Belt. The proposed site is neither a Brownfield site nor a Greenfield site of the lowest environmental value.

13. Ward Cllr Gillian Sharples has written in objection to the application as follows:

Barely any time has passed since the appeal was lost by Gladman. Now, an amended proposal to build 180 homes has been resubmitted, with the inclusion of 30% affordable housing, to no doubt try and gain approval. Affordable housing is undoubtedly a good thing, but Euxton has been unfairly targeted for house building previously and as I mentioned in protest at the Dunrobin Drive development in May, the village character is being chipped away and Chorley already exceeds its quota for house building. So why pick on Euxton yet again?

Green and open space needs to be retained next to the ever expanding Buckshaw Village. Why should younger generations miss out on the more beautiful aspects of living in a village? It is well documented that living in an area surrounded by nature and being able to take advantage of that is good for people's mental health and wellbeing. This is far more important than a developer making money from taking this away!

Euxton is already overpopulated. The local primary schools have had to be extended, GP surgeries are at breaking point, there is no 24 hour A&E and the access routes for this development cannot be considered suitable. The infrastructure around Euxton feels like it is slowly deteriorating. Most households have two vehicles these days so that's potentially 360 additional cars travelling along roads which are already in a poor state.

Neighbouring authorities' South Ribble and Preston need to take on their fair share of the burden of meeting housing targets. They have not met targets set by the Government, but Chorley exceed them and seem to get penalised for this.

I am fully against more house building in Euxton and especially this development. The ignorance of Gladman and the fact that they have not been forthcoming in communicating clearly with residents just shows the lack of respect they have. This development is not needed and as Borough Councillor representing Euxton South.

14. County Cllr Aidy Riggott has written in objection to the application as follows:

> My thoughts are that this land between Pear Tree Lane and School Lane that is being aggressively targeted by Gladmans, with the full weight of their PR firms, expensive lawyers and 'Planning Experts', is safeguarded and is not scheduled for development during the lifetime of the current Chorley Local Plan, which is approved and in place and covers the period up to 2026. I strongly believe that this development should not be brought forward at this time, that Chorley Council must vigorously defend its local plan and the residents of Euxton by refusing this speculative development.

CONSULTATIONS

15. Greater Manchester Ecology Unit: Have no overall objections to the application on ecological grounds.

16. Lancashire County Council (Education): Have no objection subject to a contribution to primary school places in the local area.

17. United Utilities: Have no objection subject to conditions.

18. Lancashire Highway Services:

19. Lancashire County Council Archaeology Service: Have no objection subject to condition.

20. Lancashire Constabulary Architectural Liaison: Recommend that the applicant develops the new dwellings to achieve Secured by Design accreditation.

21. Lead Local Flood Authority: Have no objection subject to conditions.

22. Lancashire Fire And Rescue Service: Have provided standard building regulations advice.

23. Homes England: Have provided advice in relation to establishing a framework that ensures a holistic approach to any future delivery of site BNE3.9 or the Chorley Local Plan 2012 – 2026.

24. Euxton Parish Council: was disappointed that the applicant, Gladman, has felt it necessary to submit a further application for this site following a public inquiry which led to the rejection of an earlier application in 2017. The Council is strongly opposed to this new application and is not aware of any significant changes that have occurred to make this new application acceptable. The increase in the number of houses proposed is certainly not such a change. For this reason the Parish Council considers that the new application should be determined on the basis of the adopted Chorley Local Plan and should be rejected. The Council regrets that this new application will inevitably incur still more concern for local residents and more unnecessary work and expenditure for Chorley Borough Council.

PLANNING CONSIDERATIONS

Principle of the development

25. The site is situated outside the settlement boundary of Euxton and the proposal is therefore a departure from the Development Plan. The site is allocated as Safeguarded Land under Policy BNE3 (site BNE3.9) of the Chorley Local Plan 2012-2026. Policy BNE3 is a restraint policy and states that development other than that permissible in the Green Belt or Area of Other Open Countryside (under Policy BNE2) will not be permitted on Safeguarded Land. The proposal is therefore contrary to Policy BNE3.

26. Policy BNE3 is in accordance with paragraph 139 of the Framework, which states that local planning authorities should “where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs

stretching well beyond the plan period" and "make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following an update to a plan, which proposes the development."

27. During preparation of the Local Plan this site was included as a preferred mixed use allocation for housing and employment in the Preferred Option Paper. However, following consultation on the Preferred Option Paper the employment part of the allocation was deleted and just the land to the north of this site allocated for housing at the Publication stage as it was considered that there were other proposed, emerging and existing employment sites in the locality, which would offer a range of choice. The site was put forward as an additional housing allocation during the Publication stage and was considered during the Local Plan examination. The Inspector concluded in her report that "Taking into account that no additional housing supply is required to make the Plan sound, I conclude that there are no overriding reasons to allocate this site."

28. The principle of developing this site is not therefore established by the development plan and the consideration must therefore be whether there are any other material considerations that would outweigh the weight afforded to the development plan, that in this case is considered to be significant weight.

Applicant's Position

29. The applicant argues that the Council's housing requirement is based on out of date information and the Council do not have a Framework compliant housing requirement. As a result they argue that the Council are unable to demonstrate a five year supply of deliverable housing sites and the application should fall to be considered under paragraph 11 of the Framework which sets out a presumption in favour of sustainable development. It states that where the development plan is absent, silent or relevant policies 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.

30. The market and affordable homes proposed on the application site could make a significant contribution to housing supply in Chorley Borough and Euxton in the next five years of the plan period, therefore helping to address the immediate lack of a five-year supply of deliverable housing sites. The site would also provide homes beyond this period to assist the Council in maintaining a five year housing land supply.

31. Through the development of the site a significant amount of investment will be made to the area in terms of the construction value of the project and associated spend during the construction period. The construction industry and house building in particular make an important contribution to both the local and national economy in terms of job creation. The accompanying Socio-economic Sustainability Statement estimates the following key benefits arising from the proposal:
    - Construction spend - £19.9m
    - GVA over the build period - £6.1m
    - Resident annual expenditure - £4,947,000
    - Council tax - £3m over 10 years
    - New Homes Bonus - £900,000 over a 4 year period

Response to applicant's position housing requirements

32. The Council do not believe that the adopted housing land supply policies set out in Core Strategy Policy 1: Locating Growth, Core Strategy Policy 4: Housing Delivery and Local Plan Policy HS1: Housing Site Allocations are out of date.

33. The Core Strategy was adopted in July 2012 and is Framework compliant. The housing requirement in Policy 4 was based on Regional Strategy housing figures, however, the Core Strategy Inspector considered the requirement sound and stated in his report "*The amount*

of housing proposed, together with the policies which seek suitable densities and high quality design and other relevant policies, accord with the Government's policy, set out in the Framework, of delivering a sufficient amount and wide choice of high quality homes, widening opportunities for home ownership and creating sustainable, inclusive and mixed communities. As a result, everybody should have the opportunity of living in a decent home which they can afford in a community where they want to live. In these respects the Local Plan is sound."

34. The Chorley Local Plan 2012-2026 was adopted in July 2015. Representations were received during preparation of the Local Plan that the housing requirement is not based on a robust, up to date objective assessment of need as required by the Framework. The Inspector concluded in her report that the Core Strategy target for 417 dwellings remained appropriate. She also stated "*The Regional Strategy for the North West (RS) was revoked by the Secretary of State during the examination period. The impact of this on the soundness of the Plan, particularly regarding the justification for retaining the RS housing and employment targets, was consulted upon and discussed at the hearing sessions. I conclude that no soundness issues have arisen as a consequence*."

35. Whilst the Council believes that these policies are not out of date, the Council has undertaken a review of the objectively assessed housing needs and housing requirements set out in the Core Strategy. The Central Lancashire Strategic Housing Market Assessment (SHMA) was published in September 2017.

36. A Memorandum of Understanding (MOU) between the Central Lancashire authorities was published in September 2017 and confirms the apportionment of the OAN between the local authorities in the Housing Market Area on the basis of housing requirements in the joint Core Strategy continuing. It was considered that a distribution of housing based on the joint Core Strategy requirements would ensure a pattern of development that directs housing growth towards the priority areas in line with Policy 1 of the joint Central Lancashire Core Strategy, particularly the strategic sites and locations identified in Cottam and North West Preston, in line with the Lancashire City Deal agreement.

37. In respect of Appeal Decision – Dismissed - APP/D2320/W/17/3173275, Land at Pear Tree Lane, Euxton, Chorley, Lancashire, PR7 1DP (outline planning permission for up to 165 dwellings (30% affordable), planting and landscaping, informal open space, children's play area, surface water attenuation, 2 vehicular access points from School Lane and associated ancillary works. All matters to be reserved with the exception of the main site access), the Inspector stated at para 24 "…. *Whilst I recognise that case law indicates that the RSS based figures cannot be relied upon, if the figures in the JCS nevertheless meet the OAN for the HMA as a whole, and there is a reasonable basis for assuming they can be delivered, I see no reason in principle why the distribution set out in this more recent, formally adopted planning framework cannot continue to be used*."

38. The Inspector concluded at para 33 "*on the basis of the apportionment in the JCS (as reflected in the MoU) that the Council can demonstrate a supply of housing land in excess of 5 years and relevant development plan policies for the supply of housing can therefore be considered up to date*".

39. The Inspector states at para 69 "*I have found that the JCS, and the apportionment within it, is currently delivering the full objectively assessed need for housing in the HMA and that Chorley can demonstrate a five year land supply in this context. The proposal would conflict with policy BNE3 of the Local Plan for Chorley Borough which seeks to safeguard land in accordance with the intentions of the Framework. Whilst the Framework nationally seeks to increase the amount and range of housing available, it is nevertheless explicit that it does not change the development plan as the starting point for decision making*."

40. In relation to Safeguarded Land the Inspector (paras 37 and 38) states:
"*Safeguarded land is land which is likely to be suitable for development in the long term, which for strategic purposes is considered unsuitable for development within the plan period or short term. As such, I am conscious that the purpose of safeguarded sites is to indicate*

the long term direction of development as a means of ensuring the protection of the Green Belt in the short and medium term. Their retention for that purpose, albeit not permanently, therefore has an important strategic role.

41. *In assessing the harm that would arise from the release of the site I accept that the potential for release beyond the plan period indicates that it is appropriate to judge the harm that would arise from release now, against that arising from development at a future date. I also take into account that the harm arising to the objectives of policy from the release of safeguarded sites will be less than that which would arise from the release of Green Belt, which is intended to be permanent. Nevertheless, the specific identification of such sites as being safeguarded at this time elevates the importance of their protection above that of other open countryside during the plan period. Indeed Paragraph 85 of the Framework explicitly states that planning permission for the permanent development of safeguarded land should only be granted following a local plan review which proposes the development*".

42. At para 69 the Inspector concludes: "*The parties agree that Safeguarded Land can be considered a "footnote 9" policy for the purposes of decision making. I concur that it is a specific policy in the Framework which indicates that development should be restricted, and so the proposed development of Safeguarded Land in this case would not be subject to the tilted balance in paragraph 14 of the Framework, even had I concluded that relevant policies for the supply of housing could not be considered up-to-date by reason of a deficiency in the five year land supply. As it is, I have attributed very substantial weight to the harm that would arise as a result of the loss of the site as Safeguarded Land within the plan period, for all the reasons outlined above. I also attribute some further limited weight to the harm arising from the visual effects of development through the loss of an open greenfield site*".

43. In the Framework, paragraph 14 and footnote 9 has changed and been amended and renumbered as paragraph 11 and footnote 6.

44. The Inspector concludes at paragraph 70 "*In this case, bearing in mind the adequacy of housing supply locally, the intention of the Framework to increase and diversify housing provision does not outweigh the important strategic aim of protecting the Green Belt through the identification and protection from development of safeguarded land and the core principle of controlling the scale and location of development through the plan-led system. I therefore conclude that the benefits of the proposal would not outweigh the harm identified and so would not accord with the presumption in favour of sustainable development set out in policy MP1 of the JCS, V1 of the Local Plan and within the Framework".*

45. Chorley has a five year deliverable supply of housing plus 5%. The July 2019 Five Year Supply Statement for Chorley indicates an 9 year deliverable housing supply over the period 2019 – 2024. Therefore, there is no urgent requirement to release additional land for housing in the Borough. Furthermore it is noted that the Inspector reporting on Appeal Decision – Dismissed – APP/D2320/W/19/3228123 considered that in that case there was no substantive evidence to question the delivery of the housing requirement for Chorley contained in the development plan.

46. It is considered therefore that the Development Plan policies in respect of housing are not as the applicant states "out of date" or that " the Council do not have a Framework compliant housing requirement" and therefore paragraph 11 of the Framework is not engaged.

Other Matters

47. The report will now consider the extent to which the application represents "sustainable Development" and the weight to be attached to any significant and demonstrable adverse impacts that would outweigh the benefits of granting permission when assessed against the framework as a whole.

<u>Landscape and Visual Impact</u>

48. The introduction of a new residential development would result in permanent, albeit localised, changes in the landscape. The character of the landscape of the site would be altered from a pastoral one to an urban one comprising residential development with open space.

49. In relation to Landscape and Visual impact the impact is considered to be minor to moderate adverse. The necessary mitigation of the impact of development is a matter appropriate to be conditioned and can be dealt with at reserved matters stage to integrate open space within the development in addition to a landscape strategy within the built form of the development.

50. The harm resulting from the impact of development upon the character of the open area is not considered to be so significant to warrant the refusal of the application on this ground.

Ecology

51. The application is similar to a previously refused application ref.16/00489/OUT, which was subject to a comprehensive ecological assessment. The Council's ecology advisors, the Greater Manchester Ecology Unit (GMEU), visited the site in relation to the previous application in September 2016. They consider that site itself does not appear to have altered substantively from an ecological point of view since the previous application was considered, although it is noted that the field to the north is now being developed as a housing scheme.

52. GMEU state that ecology surveys and assessments that have been carried out to inform the current application have been undertaken by suitably qualified consultants and are to appropriate and generally proportionate standards. Some of the surveys (for great crested newts and for bats) are rather dated, having been undertaken in 2014 and 2015, but since the overall ecological character of the site does not appear to have changed substantively since the bat and newt surveys were undertaken, and because there is other survey information available for sites to the north, GMEU would not insist that updated bat and newt surveys are required prior to deciding this outline application. An updated habitat survey was undertaken in March of 2019.

53. In addition, although some of the original surveys were undertaken at a sub-optimal time of year to conduct such surveys there have been previous surveys undertaken at a better time of year. Given the existence of these additional surveys, and given GMEU's own assessment of the character of the site, they do not consider that further habitat or botanical surveys need to be carried out before determining the application.

Great crested newts

54. The ecology surveys undertaken in support of the current and previous applications by 'fpcr' have shown that great crested newts are probably absent from the pond on the application site, and has assessed other ponds in the area as generally having low potential to support the species. They conclude that great crested newts are not a constraint for the current application.

55. However, great crested newts were recorded in a pond within 150m of the application site by other ecologists working on the development to the north (for TEP) in 2015, although this record was not confirmed by more intensive amphibian surveys carried out in 2016. The species is known from previous records to be present in the wider area. GMEU would therefore regard the conclusions of the fpcr report that the proposed development will definitely not cause harm to great crested newts as debatable. There are some habitats on this application site with some potential to provide feeding and shelter for newts, and they have been shown to be present in ponds close to the site relatively recently, so it is possible that great crested newts may be found on the application site and therefore could be harmed by the development proposal, particularly during any site clearance and development phases. Great crested newts and their habitats are highly protected under UK and European legislation and are a material consideration when determining planning applications. A cautious approach as regards great crested newts and other amphibians is therefore recommended.

56. If great crested newts are likely to be found on the site and may be harmed by the development, then under the Conservation of Habitats and Species Regulations 2017 (as amended) which enacts the EU Habitats Directive into the UK, a licence may be required from Natural England to derogate the terms of this legislation before any work could commence which has the potential to cause harm to newts. Before a licence can be granted certain tests must be satisfied. The tests are –

    i) That the development is "in the interest of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequence of primary importance for the environment";

    ii) That there is "no satisfactory alternative";

    iii) That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range".

57. In considering planning applications that may affect European Protected Species, Local Planning Authorities are bound by Regulation 9(1) and 9(5) of the Conservation of Habitats and Species Regulations 2010 to have regard to the Habitats Directive when exercising their function. Government Circular 05/06 gives guidance to local authorities on how these issues should be considered. All three tests must be satisfied before planning permission is granted on a site.

58. The first two tests are essentially land-use planning tests. The application would provide for 180 dwellings including 30% affordable housing, with public open space, structural planting and landscaping, surface water flood mitigation and attenuation dwellings on a site allocated for housing. There is an identified housing need in the borough, although the site is not allocated for any type of development within the local plan, and its development is not considered necessary to meet an identified need. The proposal could not therefore be considered to be imperative for social reasons, unless it was found that the identified housing need within the Borough was not being met and that the development was required to meet this need. The proposed development would be considered to override the public interest of conserving great crested newt habitat on the site if it was determined that the development of the site for housing was required to meet an identified housing need.

59. The site is not allocated for housing within the local plan and as such it is considered that there are alternative options currently available to meet the need for housing delivery. However, if it were identified that the housing need within the Borough was not being met and that the development of the site was required to meet this need then this would satisfy the test that there are no satisfactory alternatives.

60. As regards the third test, GMEU note that -

    - No known great crested newt breeding ponds or optimal terrestrial habitat would be lost to the scheme.
    - Habitats on the application site with most value for amphibians are capable of being retained, protected and enhanced. Habitats to be lost to the scheme are sub-optimal for amphibians.
    - From the available evidence the local population of great crested newts is low, so there would be sufficient remaining habitat available locally to the east and south of the application site for newts if the development goes ahead to ensure long-term survival of the local population.
    - Connectivity between ponds in the wider landscape is capable of being retained.

61. Given the above GMEU consider that the third test above could be satisfied – that is, the local conservation status of great crested newts is capable of being protected even if the development is permitted. Nevertheless, further precautions as regards great crested newts are justified. It is therefore recommend that if permission were granted to the development then a comprehensive Amphibian Mitigation Strategy for avoidance of harm to amphibians

should be required to be prepared and implemented, and secured by a condition placed on any approval that may be given to the scheme. Depending on the details the implementation of the Strategy the developer may require a License to be obtained from Natural England.

62. Chorley has a five year deliverable supply of housing and therefore there is no urgent requirement to release additional land for housing in the Borough. The proposal is not therefore considered to present imperative reasons of overriding public interest and there are satisfactory alternatives, therefore the development would fail the first two tests, unless it were identified that the site was required to meet an unmet identified housing need at a later date. In this instance it is considered that all three tests could be met, subject to the imposition of an appropriate condition requiring a comprehensive Amphibian Mitigation Strategy for avoidance of harm to amphibians.

Bats

63. As may be expected, bats have been shown to use parts of the site for foraging. GMEU consider that bat activity surveys were professional and adequate to provide a general overview of bat use of the site, particularly because other complementary surveys have been conducted for the site to the north. It is not considered that bat use of the site has significantly changed since the last surveys were conducted because the habitats have not significantly changed. Bat feeding opportunities on the site are somewhat limited by the dominance of the species-poor improved grassland. This view is supported by the bat survey results indicating that the site is used by relatively small numbers of bats. The surveys indicate that the most important habitats for bats on the site (hedgerows and trees) are capable of being retained and/or recreated as part of the development, and there is extensive suitable bat foraging habitat around the application site, particularly to the east and south.

64. It is concluded that the development proposal is capable of being implemented without having a significant impact on local bat populations, providing that valuable habitats are retained, recreated or enhanced.

65. Some of the trees present on, or close to, the application site have been shown to have some potential to support bats. At this outline application stage it is not known which trees may be lost to the scheme. It is therefore recommended that should permission be granted to this development at any stage, more detailed surveys of trees for bat roosts should be undertaken to inform any future reserved matters applications. Any trees shown to support bats should be retained.

Habitats

66. The application site is dominated by relatively species-poor improved agricultural grassland that is not of substantive ecological value, although there are habitats on the site and very close to the site that have local value for wildlife, including hedgerows, trees, woodland and wetlands (stream course). These habitats are capable of being retained and/or recreated as part of the scheme, and in fact undertakings have been given in the application documentation, including in the DAS and the ‘Framework’ Plans, that the important habitats found on the site will be retained and protected. New landscaping is proposed that will help to mitigate and off-set the residual harm.

67. The development of the site would inevitably reduce the open-ness of the site and this could affect species movement; the large areas of grassland that would be lost to the scheme are not without any value for wildlife. It is therefore recommended that a comprehensive Landscape Creation and Management Plan for the site be prepared and secured by condition of any approval that may be granted to this outline application.

Nesting Birds

68. The bird community recorded from the site is not exceptional, but all nesting birds, their eggs and young are specially protected under the terms of the Wildlife and Countryside Act 1981 (as amended). To avoid any harm to nesting birds any vegetation clearance required should be undertaken outside of the optimum period for bird nesting (March to July inclusive).

69. In conclusion there are no overall objections from GMEU to the application on ecological grounds, but there are significant ecological considerations that will need to be taken into account during the determination of the application and the implementation of the development.

Highways

70. An application (16/00489/OUTMAJ) for development of 165 dwellings including 30% affordable housing at this site was refused planning permission in 2016 and included a highway reason for refusal. The highway grounds were that the applicant provided insufficient information regarding the design of the proposed pedestrian improvements/traffic calming scheme on Pear Tree Lane and that the submitted Transport Assessment (2016 TA) did not demonstrate that the site can provide safe and suitable pedestrian access or connectivity with the existing built environment or measures to encourage sustainable transport. The refusal was subsequently appealed, but the appeal was dismissed.

71. Following discussions with Lancashire County Council (LCC) Highways post planning decision, LCC Highways did not pursue its objection to the proposed development at the appeal enquiry.

72. The site comprises open farmland located between School Lane to the north and west; and Pear Tree Lane to east. The submitted location plan of the site is referenced 5219-L-04 rev A (12 June 2019) and the applicant's description of the site, its location and the surrounding highway network are the same as those provided in the 2016 TA, previously commented on by LCC Highways. In the current 2019 TA, a more detailed description of School Lane and Pear Tree Lane is provided with further information relating to flow and speed of vehicles, pedestrians and cyclists on School Lane and Pear Tree Lane, which were not in the 2016 TA.

73. The site is on the edge Euxton approximately 3.5km northwest of Chorley Town Centre and said to be 7.34 hectares in size with field gates to School Lane located between Oak Lane and Old School Lane and to Pear Tree Lane located approximately 200m south of School Lane/Pear Tree Lane.

The local highway network
School Lane:

74. School Lane is a single 2-way local access road that extends from the A49 Wigan Road in the west to Pear Tree Lane in the east. It is about 800m in length and borders the proposed site to the north and west. It has an average carriageway width of 5.3m and footways of varying widths on both sides and links the between the A49 Wigan Road and Orchard Close. This section of School Lane up to approximately 20m east of Orchard Close is subject to 20mph speed limit and has street lighting. From a point 20m east of Orchard Close up to a point 70m west of Pear Tree Lane, School Lane is narrower with an average width of 3.8m. This section up to Pear Tree Lane is subject to the national speed limit and has no footway or street lighting.

75. Traffic surveys conducted close to Wigan Road/School Lane on 7 May 2019 show 210 two-way vehicle flows on School Lane during weekday AM peak of 08:00-09:00 and 175 two-way vehicle flows during PM peak of 16:30-17:30.

76. A 12-hour survey of pedestrians and cyclists carried out from 07:00-19:00 on three consecutive days (Thursday, Friday and Saturday) show 187 (pedestrian) and 14 (cyclists) two-way flows on School Lane during weekdays, while the Saturday 12-hour two-way flows were 111 (pedestrians) and 46 (cyclists).

Pear Tree Lane:

77. Pear Tree Lane is a single 2-way local access road just over 1.2km long extending from Euxton Lane in the north to Washington Lane in the south. It is subject to the national speed limit with varying carriageway widths. It has no footways or street lighting, but there are

localised widenings to allow vehicles to pass each other. From School Lane to Euxton Lane, the width of Pear Tree Lane ranges from 3.8m to 5.5m.

Pear Tree Lane (north of School Lane):

78. Traffic, pedestrians and cyclists flows on Pear Tree Lane (north of School Lane) Traffic counts conducted from 22-28 June 2017 (7-day count) for weekday AM and PM peaks of 08:00-09:00 and 17:00-18:00 show 210 two-way vehicle flows during the AM peak and 140 two-way vehicle flows during the PM peak. This is estimated to be an average of 3.5 and 2 vehicle movements respectively per minute. Between 12:00- 13:00 (mid-day), the vehicle flows were 68 two-way, equating to an average of over one vehicle per minute traveling on Pear Tree Lane (north of School Lane) during the midday peak. Approximately 2% of vehicles recorded during the survey were HGVs.

79. A 12-hour survey of pedestrians and cyclists carried out from 07:00-19:00 on three consecutive days (Thursday, Friday and Saturday) from 22 - 24 June 2017 show 91 (pedestrian) and 23 (cyclists) two-way flows on Pear Tree Lane (north of School Lane) during weekdays, while the Saturday 12-hour two-way flows were 122 (pedestrians) and 67 (cyclists).

Traffic speeds

80. Traffic speeds recorded in the survey for Pear Tree Lane (north of School Lane) shows 85th percentile speeds of 25.7mph (northbound) and 25.9mph (southbound).

Pear Tree Lane (south of School Lane):

81. Traffic survey conducted on 7 March 2019 shows 45 and 36 two-way flows respectively during AM peak of 08:00-09:00 and PM peak of 16:45-17:45. Turning counts carried out at School Lane/Pear Tree Lane show 6 vehicles turning right from School Lane towards Pear Tree Lane (south) during the AM peak while 3 vehicles turned right in the same direction in the PM peak. During the peak hours 14 and 6 vehicles respectively turned left from Pear Tree Lane (south) into School Lane.

Studied network/ junctions

82. The existing network and junctions studied as part of the 2019 TA are listed in paragraph 3.5.1 with the accompanying drawings of the junctions shown in paragraph 3.6.1. The findings of the study including details of traffic accidents are in paragraphs 3.6.2 – 3.7.16. These are the same as those studied in 2016 TA and are aspects of the assessment already seen by LCC Highways and considered a fair representation of the existing conditions. As such, further highway comments would not be provided on the studied network/junctions. It should however be noted that improvements were identified for two of the junctions which the applicant has agreed to implement. These are the introduction of MOVA to the traffic signal at Wigan Road/School Lane and widening of the end of Pear Tree Lane at its junction with Euxton Lane.

Traffic accidents

83. The accident data provided of the studied road network and junctions is the same as that submitted in the 2016 TA and was for the period from 1 January 2010 to 31 October 2015. The applicant explained in paragraph 3.7.1 of the 2019 TA that there was a delay in response from Lancashire Constabulary regarding a request for an updated accident record and that this would be submitted at a later date. LCC Highways accept the explanation, however, as the accident information is an important element of the TA, the applicant should be requested to provide the updated accident appraisal for the most recent 5-year period (2013-2018). This should ideally be provided at this stage prior to the grant of any outline planning permission, so that where the accident trends reveal repetitive causative factors, the applicant can propose measures to mitigate the accident impacts. If the LPA is however minded to grant planning approval prior to the applicant submitting the updated accident analysis, then planning provision must be made to allow for the implementation of the mitigation measures if necessitated by the result of the analysis. The applicant may use Mario or Crashmap for the accident data.

Accessibility by non-car modes

84. In the highway response to the refused application 16/00489/OUTMAJ, it was stressed that for the proposal to meet the requirements of the NPPF, the development should be located where there is access to good public transport, have connectivity with the existing built environment with provision of a network of direct, functional and safe access for pedestrians and cyclists to local services. The response considered that with improvements the site could be made sustainable for new residents to access public transport and to walk and cycle to local services.

Walking

85. The local services, facilities and amenities near the site are shown on Figure 3 of the 2019 TA. As shown, a number of services are within the then IHT recommended 'acceptable' and 'preferred maximum' walking distances of 800m and 1.2km. However, none of these facilities, including bus stops are within the 'desirable' 400m walking distance from the centre of the site. Walking is an important mode of travel, offering a more sustainable alternative to the car. Therefore, providing good quality walking links from the development to local facilities, the public transport network and other established walking routes are fundamental to achieving more sustainable patterns of movement and to reducing people's reliance on the car. It is however considered the proposed footpath connection and the pedestrian safety measures for Pear Tree Lane (north of School Lane) would encourage non car trips in that direction.

Cycling

86. The only defined on-road cycle routes in the area are on Euxton Lane, but it is recognised that cycling can be part of a longer journey by public transport or can replace car trips for shorter journeys. A number of local services and facilities including Runshaw College are within reach by cycle and Buckshaw Village is also convenient from the site by cycle and provides links to employment sites and rail services. Given the need for connectivity of cycle routes in the area, as in the highways response to the refused application, should the proposed development be approved, the developer's contribution as identified in the amended Community Infrastructure Levy (CIL) should be targeted towards improved cycle routes in the area. It should be noted that the diverted public right of way in the adjacent development to the north is a pedestrian/cycle link, therefore the proposed connection from the development should be consistent as a pedestrian/cycle link provided to 3m width.

Public transport

Bus:

87. There are bus stops near the site on Euxton Lane and Wigan Road however the walking distances to the bus stops are approximately 500m which is more than the IHT recommended 'desired' 400m from the centre of the site. However, considering that the MfS recommends that residents would be able to access a range of facilities within 10 minutes (up to about 800m) comfortably on foot, the proposal would be acceptable subject to delivery of improvements.

88. The only active public service on Euxton Lane and Wigan Road is Service 109 which provides half hourly service from Preston to Chorley. Services 109A and 109B referred to by the applicant in paragraphs 6.2.3 and 6.2.4 of the 2019 TA cannot be verified. It is considered that the services provided are easy for passengers to understand and attractive to use. As such, LCC Highways would not insist on slavish adherence to the 400m walking distance. However, as the NPPF requires developments to have access to high quality public transport facilities, it is considered that the applicant carries out improvements to a bus stop each on Euxton Lane and Wigan Road. The improvements should be made to the two bus stops closest to the site and should be to quality disability compliant standard to include raised kerbs and boarding area; provision of bus stop bays, worded markings and clearways etc.

Rail:

89. The nearest railway stations to the site are Buckshaw Parkway and Euxton Balshaw Lane. The distance to Buckshaw Parkway from the site is far more than the 1.6km stated by the applicant and outside the recommended 2000m 'preferred maximum' commuting distance. Nonetheless, the delivery of pedestrian/cyclists and bus accessibility improvements as

requested would allow greater combination of commuting journeys with trains as other sustainable transport modes.

Proposed development

90. The current application as described above is an outline proposal similar to the refused application, but for an increased number of 180 dwellings including 30% affordable housing from the 165 dwellings including 30% affordable housing previously refused. The current application submission does not include an indicative layout of the development, but as stated, the proposal would include an on site Sustainable Drainage System (SuDS) to improve surface water flood risks and new access arrangements and highway improvements to School Lane and Pear Tree Lane. The plan of highway improvements is shown on drawing no. 1318/09 rev. F (26.03.19).

91. In the LCC Highways response to the refused application, the need for designing the site layout compliant to LCC standard and specification to make the proposal acceptable for highway adoption was emphasized including parameters such as the acceptable widths of carriageways, footways and service margins, sizes of garages and turning heads; and the level of off-street parking which should be provided to accord with the local authority parking standard. It must be re-iterated that for the current proposal, these measures are essential if the development is to be accepted for adoption and maintenance at public expense.

Site access:

92. The proposal is to realign School Lane through the application site by creating two new priority controlled accesses (SJ1A & SJ1B – submitted drawing Figure 2 'Study Junctions'). The concept of the access proposal detailed on previous drawing no. 1318/09 rev B (10.05.16) associated with refused application remains the same for the current proposal except for minor changes to the layout of the proposed access to the southwest (SJ1A). Also, in the current proposal, footways (or footpaths depending on the site layout) would be provided through the site to the west rather than along School Lane to avoid impacts on existing trees. The proposed highway improvement measures on Pear Tree Lane have also been redesigned in the current proposal to include physical traffic calming measures. The current proposed layout is shown on drawing no. 1318/09 rev F (26.03.19) included in the 2019 TA.

93. The details of the access proposal and the associated highway improvements are provided below. Although some of the highway measures may have been agreed with LCC Highways during the assessment of the previously refused application, due to the proposed increased scale of development and the potential for further development of lands in the area LCC highways have considered it necessary to carry out further appraisals in respect of the required highway improvements.

Trip generation and distribution

94. The studied network/junctions listed in paragraphs 3.5.1 and 8.1 of the 2019 TA. Peak hours identified from traffic surveys conducted on 11 November 2015 and 7 May 2019 at the individual study junctions were grouped according to locations to derive peak hours for each group, as shown in paragraph 8.3.2 for use to assess the traffic flows.

Assessment years / Committed developments:

95. While the traffic flows in the 2016 TA were based on an assessment year of 2022, the current 2019 TA adopts an assessment year of 2025.

96. The applicant took into account a number of committed developments in the area as listed in paragraph 8.5.1 of the 2019 TA and provided the estimate of traffic each of these developments generate. The total trip generation of the committed developments are shown in Figure 10, appendix C of the current TA. It is assumed 75% of existing traffic would use the realigned School Lane while 25% would continue using School Lane.

Trip generation:

97. The current 2019 TA has estimated the amount of traffic the development would generate and the impacts it would have on the surrounding transport network based on trip rates

previously agreed with LCC and taking into accounts the highway response to the 2016 TA. The estimate shows that the proposed development would generate 105 two-way trips (25 arrivals and 80 departures) during the AM peak and 119 two-way trips (79 arrivals and 41 departures) during the PM peak. It is considered that this volume of traffic is a reasonable prediction of what might generally be generated on a day to day basis. The 'with development' traffic flows are shown on Figure C15, appendix C.

Trip distribution:

98. The TA predicts what routes traffic to be generated by the proposed development might take (based on 2011 census journey to work data) which allows the impact it would have on the key junctions on the highway network to be tested. This is shown on Figure C13, appendix C of the 2019 TA. For the most part, the prediction of routes newly generated traffic might take is considered to represent a reasonable assessment of how things would work out if the development were to go ahead. However, following a materiality test conducted by the applicant, it was noted that the new junctions of the realigned School Lane (SJ1A and SJ2B), Wigan Road/School Lane (SJ2) and Euxton Lane/Pear Tree Lane (SJ5) would generate an increase in traffic in excess of the test values of '30 vehicles or more of the 2025 base flow' and '2.5% or more of the total 2025 base flow'. As such, a more detailed assessment (junction modelling) was made of the four junctions using PICADY for the priority junctions of SJ1A, SJ2B and SJ5 and LINSIG for the signalised junction, SJ2. The results are shown on Tables 2 to 6 of the 2019 TA.

Traffic impacts

99. The results of the junction modelling show the new junctions, SJ1A and SJ2B would operate well with spare capacity in the 2025 'with development' scenario (Tables 2 & 3).

100. Euxton Lane/Pear Tree Lane (SJ5) is also predicted to operate well with spare capacity, however, notwithstanding the proposed improvements to the bellmouth of the junction, the modelling shows there would be queues and delays when exiting Pear Tree Lane onto Euxton Lane during the AM peak in the 2025 'with development' scenario (Table 6).

101. The modelling of Wigan Road/School Lane (SJ2) show the junction would be operating at near capacity levels in all arms in both AM and PM peaks in the 2025 'with development' scenario except the Bank Lane arm. To mitigate the impact, the applicant proposes to install Microprocessor Optimised Vehicle Actuation (MOVA) traffic signal control system for improved signal function and increased capacity at the junction.

Highway improvements

Proposed improvements to School Lane

102. The applicant's proposed access arrangements and highway improvements to School Lane are as follows.

- Realign School Lane through the proposed site and form two new priority controlled accesses (SJ1A & SJ1B) with the realigned site access forming the major road. The realigned site access to be designed to 20mph speed limit, is to be 5.5m wide with 2.0m wide footways on both sides.
- School Lane currently has 20mph speed limit from Wigan Road up to a point approximately 20m northeast of Orchard Close. The applicant proposes to extend the 20mph speed limit from this point to Pear Tree Lane and then continued on Pear Tree Lane up to Euxton Lane. The extended 20mph speed limit is to include the proposed site accesses SJ1A & SJ1B for consistency with the realigned access road and the rest of the internal site accesses following development.
- Based on the proposed 20mph speed limit extension, visibility splays of 2.4m x 22m are to be provided at each of the two new site accesses. It should be noted that this falls short of the MfS requirement of 2.4m x 25m, therefore the 'y' distance would need to be increased to be acceptable. At present, there are no details submitted setting out how the visibility splays would be achieved and the existing features and trees (given that some have preservation Orders) that will need to be removed to keep the visibility splays clear. These details would be required before any planning permission is granted as it would not be appropriate to deal with this using a planning condition.

- The section of School Lane between the proposed site access (SJ1B) and Pear Tree Lane would for most of its length be 5.5m wide, however at a point approximately 18m west of School Lane/Pear Tree Lane, there is an existing pinch point where due to the absence of highway land, the carriageway width of 5.5m and the footway of 1.8m cannot be achieved. At the pinch point, the applicant proposes a carriageway width of 4.8m citing the MfS and the traffic survey result in paragraph 4.2.5.3 of the 2019 TA which shows one HGV movements each during the surveyed periods of 07:30-09:30 and 16:15-18:15 at School Lane/Pear Tree Lane. The applicant therefore considers the 4.8m wide carriageway and the 1.8m footway adequate.

  In the absence of any available highway land to allow the width of carriageway to be provided to 5.5m, LCC Highways would not object to the proposed 4.8m carriageway width at the pinch point. However, the safety implications of this should be tested by stage one safety audit to be submitted as part of the wider package of highway improvement measures on School Lane and Pear Tree Lane.

- Provide a new 2.0m wide footway (or footpath depending on the site layout) from the new realigned School Lane through the development to link the diverted footpath within the adjoining on-going development (Rowland Homes Site) to the north. This footway (footpath) is then to be extended westerly through the site to School Lane to tie-in with the existing footway on the south side of School Lane at the point of change of speed limit of the road (outside 70 School Lane). As indicated above, the diverted footpath in the Rowland Homes Site is a 3m wide pedestrian/cycle link, therefore the proposed connection from the development should also be a 3m wide pedestrian/cycle link.

- Provide new street lighting on School Lane from where the lighting currently ends approximately 20m northeast of its junction with Orchard Close to Pear Tree Lane and then continued on Pear Tree Lane up to Euxton Lane.

- Install traffic calming features on School Lane on the approach to the new site access in the southwest (SJ1A) from the direction of Wigan Road.

  The above proposed improvements to School Lane are acceptable, however as regards the proposed traffic calming features on the approach to the new access to the southwest (SJ1A) the details of which the applicant wishes to agree with LCC Highways, it is considered that any such scheme should not be isolated, but extended over the rest of the existing School Lane up to Wigan Road.

Proposed improvements to Pear Tree Lane (north of School Lane)

103. The applicant's proposed improvements to Pear Tree Lane (north of School Lane) are as follows.

- Continuation of the proposed 20mph speed limit extension from School Lane on Pear Tree Lane (north of School Lane) up to Euxton Lane referred to above.
- Continuation the proposed new street lighting provision from School Lane on Pear Tree Lane (north of School Lane) up to Euxton Lane referred to above.
- Implementation of safety improvement scheme on Pear Tree Lane between School Lane and Euxton Lane. The proposed scheme to include the following.
  - Provision of 5.5m wide carriageway from School Lane/Pear Tree Lane with 1.8m wide footway on the east side of Pear Tree Lane towards north for a distance of approximately 80m (up to the south boundary of Pear Tree House Farm) to include the installation of two sets of speed cusions, signage and road markings.
  - Provision of 5.5m wide carriageway from Euxton Lane/Pear Tree Lane with 1.2m wide footway on the east side of Pear Tree Lane towards south for a distance of approximately 60m (up to the entrance of Fairview Cottage) to include the installation of two sets of speed cushions, signage and road markings.
  - Provision of signs to be agreed with LCC Highways for the middle section (approximately 90m) of Pear Tree Lane to continue to operate as existing the

width being increased and without footways. The width of the existing carriageway within the middle section currently ranges from 4.0m to 4.9m.
- Provide widening to the junction of Euxton Lane and Pear Tree Lane as per drawing referenced 1318/23/ rev A (04.09.16)

- Change the existing traffic island to the east of Euxton Lane/Pear Tree Lane to a pedestrian refuge island to incorporate dropped kerbs and tactile pavings, beacons and the necessary signage.

104. The proposed safety improvements to Pear Tree Lane (north of School Lane) are acceptable in principle, however, LCC do not consider that the scheme as currently designed would be able to deliver safe and suitable access to the site for all people as required by the NPPF. The comments of the Planning Inspector in paragraphs 45 and 46 of the Appeal Decision of the refused application, 16/00489/OUTMAJ are noted by LCC, however, LCC Highways have reassessed the highway situation in consideration of the current increase in the number of proposed dwellings, the potential for further development of lands in the area and the potential increase in traffic to be brought about by possible use of the new realigned School Lane as a rat run between Euxton Lane and Wigan Road.

105. If allowed to operate as existing without the width being increased, the 90m middle section would be unable to accommodate these impacts with safety implications as two HGVs would not be able to safely pass each other side by side. The applicant's traffic survey relating to the level of HGVs use of Pear Tree Lane are noted, but as indicated above, this would potentially increase with time and the applicant's own predictions show that there would be minimal capacity at Euxton Lane/Pear Tree Lane by 2025 following development.

106. The proposed 20mph speed limit and the link to the diverted footpath north of the site would contribute to improved safety and accessibility of the site, however, LCC consider that these measures alone would be inadequate to deliver the needed impact mitigation and sustainable outcomes of the proposed development. The NPPF states that improvements can be undertaken within the transport network that cost effectively limit the significant impacts of developments and that the development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

107. The safety improvement scheme on Pear Tree Lane is essential to allow safe and suitable access to the site for all people and there is sufficient highway land available on the west side of Pear Tree Lane notwithstanding the presence of trees for the applicant to provide engineering solutions to bridging or culverting the existing ditch to allow the 90m middle section of Pear Tree Lane to be widened to 5.5m with footways for increased capacity of the road consistent with the rest of the sections. As currently designed, the proposed scheme is considered to be unsatisfactory by LCC and would not fulfil the goals stated in paragraph 35 of the NPPF and must be improved to make it acceptable.

108. The additional road widening works required by LCC highways would, however, require the culverting of a ditch and removal of mature landscaping, which would have an ecological impact and would also impact on the character of the lane. This in itself would require further assessment, should be subject to further consultation and would not be a desirable outcome from an amenity perspective. The current proposal differs from the previously assessed scheme through the addition of 15 dwellings over and above the 165 dwellings previously proposed and that was tested at appeal. It is not considered that the proposed development is so materially different as to justify further off site highway works comprising additional road widening to Pear Tree Lane. In addition the proposed development should not be required to deliver off site highway works in anticipation of further potential development in the area of the site.

Travel plan

109. The application reserves all matters (including the Travel Plan) except access. Therefore while the framework travel plan included in the 2019 TA is acceptable, a full Travel Plan would be expected to be submitted following development to include as minimum, the following information.

- contact details of an appointed Travel Plan Co-ordinator.
- results of resident's travel survey.
- details of pedestrian/cycling and public transport links to and through the site
- provision of secure cycle parking for those properties where suitable storage space is not available.
- SMART Targets for non-car modes of travel.
- action plan of measures to be introduced, and appropriate funding.
- details of arrangements for monitoring and review of the Travel Plan for a period of at least 5 years.

110. In addition, LCC would request s106 contribution of £12,000 based on the scale of proposed development, to provide the following range of services.
- appraise the Travel Plan submitted to the LPA pursuant to the Planning Permission and provide constructive feedback.
- Oversee the progression from Interim to full Travel Plan in line with agree timescales.
- Monitor the development, implementation and review of the Travel Plan for a period of up to 5 years.

Highway conclusions

111. The NPPF stresses the need for development proposals to give priority first to pedestrian and cycle movements and so far as possible to facilitating access to high quality public transport. In reviewing the submitted 2019 TA and the associated documents, LCC Highways must ensure that appropriate opportunities to promote sustainable transport modes have been taken up, safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the highway network or on highway safety, can be cost effectively mitigated to an acceptable degree.

112. The additional improvements identified are:
- the entire Pear Tree Lane (north of School Lane) should be widened to 5.5m with footways. It is considered there is sufficient highway land to allow the existing ditch to be culverted for the carriageway to be widened.
- a bus stop each on Euxton Lane and Wigan Road should be improved to quality disability compliant stops.
- to make the proposed footpath connection a 3m wide pedestrian/cyclist link to conform to the diverted public right of way in the adjacent development to the north.
- extend the proposed traffic calming scheme on School Lane from the new realigned access (SJ1A) up to Wigan Road.

113. LCC Highways considers the above measures as relatively straight forward and within the applicant's ability to implement. While the applicant's mitigation measures are noted, LCC do not consider that they are sufficiently far reaching as to deliver the required sustainable and highway safety outcomes. LCC consider that the additional measures are therefore required to ensure safe and suitable access for all users. LCC consider that the additional measures and the applicants proposed mitigation measures are necessary to make the development acceptable in planning terms, they are directly related to the development; and are fairly and reasonably related in scale and kind to the development.

114. Therefore, while LCC considers that the proposal is acceptable in principle, implementation of the above measures are considered by them to be essential for the proposed development and would form part of pre-commencement conditions to be suggested to the Local Planning Authority.

115. In consideration of the previous application (ref. 16/00489/OUTMAJ) for the development of 165 dwellings, which was tested at appeal, it is not considered that the introduction of further works that would have a detrimental impact on public amenity through more extensive widening of Pear Tree Lane and the subsequent loss of verge and landscaping, can be justified on the basis of an additional 15 dwellings. This particular mitigation measure is not therefore considered to be desirable or justifiable in the context of the highways assessment of the previous application.

116. The applicant's proposed mitigation measures and any additional measures considered necessary would be implemented through the s278 agreement of the highways act 1980 with all associated costs borne by the applicant.

Drainage

117. Environment Agency mapping identifies the site as being located in a Zone 1 area of flood risk. On this basis the Sequential and Exception Tests will not apply.

118. The site is not at risk of flooding from water bodies or significant watercourse systems. The risk to development associated with minor ditch systems in the area of and within the site would be addressed by appropriate setting of development levels, incorporating the existing pond as appropriate, to safely direct any flows through the development.

119. It is anticipated ground conditions would be unsuitable for the adoption of infiltration based drainage solutions. It is therefore proposed to drain the southern area (Area A) of the site via the existing outfall pipe to the watercourse system, which runs in valley to the south and the northern area (Area B) into the culvert system that crosses School Lane to the north west.

120. Attenuation from Area A would be provided within a basin located within the south western area of the site and attenuation within Area B would be contained in pipe beneath the adoptable road system.

121. Overall the proposed systems would be designed to accommodate flows generated up to the 1 in 100 event plus allowance for 30% climate change. The piped elements of the system would be put forward for adoption by United Utilities who would therefore become responsible for the long term maintenance of the piped drainage system.

122. Responsibility for the basin would become that of the development management company unless incorporated in the S104 agreement. Private drainage (i.e. not adoptable) serving houses within the development would become the responsibility of the individual householders.

123. Lancashire County Council as Lead Local Flood Authority and United Utilities raise no objection to the proposed development subject to conditions requiring a surface water master strategy and sustainable drainage schemes for each phase of development. On the basis of the information provided it is considered that the development is in accordance with the Framework in that the development can be delivered so as not to be at risk of flooding from external sources, and so as not to increase flood risk to the surrounding area.

Affordable housing

124. Core Strategy policy 7 sets down the approach to the delivery of affordable and special needs housing:

“Subject to such site and development considerations as financial viability and contributions to community services, to achieve a target from market housing schemes of 30% in the urban parts of Preston, South Ribble and Chorley …”
“Aside from rural exception sites the minimum site size threshold will be 15 dwellings (0.5 hectares or part thereof) but a lower threshold of 5 dwellings (0.15 hectares or part therefore) is required in rural areas.”

125. The adopted Central Lancashire Affordable Housing Supplementary Planning Document provides additional information on the delivery of affordable housing, with paragraph 34 stating:

"The size of development should not be artificially reduced to reduce or eliminate the affordable housing requirement as set out in the Core Strategy and at page 5 of this document, for example by sub-dividing sites or reducing the density of all of part of a site."

126. The proposal would provide 30% of affordable housing, which is in line with the requirements of policy 7. This equates to 54 dwellings. 70% (38) of these should be social rented and 30% (16) should be shared ownership.

127. In order to meet housing need the following house types are suggested:

Social rent
6 x 1 bedroom flats
19 x 2 bedroom houses
9 x 3 bedroom houses
4 x 4 bedroom houses

Shared ownership
5 x 2 bedroom houses
11 x 3 bedroom houses

Public open Space

128. Policy HS4A and HS4B of the Chorley Local Plan 2012 – 2026 - Open Space Requirements in New Housing Developments explains that all new housing developments will be required to make provision for open space and recreation facilities, where there are identified local deficiencies in the quantity, accessibility or quality and/or value of open space and recreation facilities. The requirements for the proposed development are as follows:

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 settlement is therefore required from this development. As the development is 10 or more dwellings the required amenity greenspace should be provided on-site. The amount required is 0.32 hectares. A maintenance cost of £126,000 is also required for a 10 year period if private maintenance is not proposed.

Provision for children/young people
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 settlement 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. The amount required is 0.03 hectares. A maintenance cost of £23,400 is also required for a 10 year period if private maintenance is not proposed.

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

There are no parks/gardens within the accessibility catchment (1,000m) of this site identified as being low quality and/or low value in the Open Space Study therefore a contribution towards improving existing provision is not required.

Natural and Semi-Natural Greenspace
There is no requirement to provide new natural/semi natural greenspace on-site within this development.

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

Allotments
There is no requirement to provide allotment provision on site within this development.

The site is not within the accessibility catchment (10 minutes' drive time) of a proposed new allotment site, a contribution towards new allotment provision is therefore not required from this development.

Playing Pitches
A Playing Pitch Strategy was published in June 2012 which identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is therefore required from this development. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements. The amount required is £1,599 per dwelling.

129. This would need to be secured through a Section 106 legal agreement if the application was approved.

Sustainability

130. 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 1st 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:

"For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015. This is expected to happen alongside the introduction of zero carbon homes policy in late 2016. The government has stated that, from then, the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the government's intention into account in applying existing policies and not set conditions with requirements above a Code Level 4 equivalent."

"Where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard, or in the case of energy a standard consistent with the policy set out in the earlier paragraph in this statement, concerning energy performance."

131. Given this change, instead of meeting the code level, the dwellings should achieve a minimum dwelling emission rate of 19% above 2013 Building Regulations in accordance with the above provisions. This can be controlled by a condition.

Education

132. The latest information available at this time was based upon the 2019 School Census and resulting projections.

133. Based upon the latest assessment, taking into account all approved applications, LCC would require a contribution for 68 primary school places. However, LCC would not seek a contribution for secondary school places.

134. Calculated at the current rates, this would result in a claim of:

Primary places:

(£12,257 x 0.97) x BCIS All-in Tender Price (324 / 240) (Q1-2019/Q4-2008)

= £16,050.54 per place

£16,050.54 x 68 places = £1,091,436.72

135. This assessment represents the current position on 18th July 2019.

Employment skills provision

136. The Central Lancashire Employment Skills Supplementary Planning Document (SPD) was adopted in September 2017. The SPD introduces Employment Skills Statements and provides clarity as to how this requirement relates to the relevant policies set out in the Core Strategy and Local Plan as well as the guidance set out in the Framework. The SPD goes on to state that one of Central Lancashire's priorities is to encourage economic growth within Central Lancashire that benefits the people and businesses in the three boroughs. The SPD seeks to;

- Increase employment opportunities by helping local businesses to improve, grow and take on more staff
- help businesses to find suitable staff and suppliers, especially local ones
- improve the skills of local people to enable them to take advantage of the resulting employment opportunities
- help businesses already located in Central Lancashire to grow and attract new businesses into the area

137. 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

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

Sustainable Development and Benefits

139. The Council considers that the adopted housing land supply policies are up to date, therefore the proposal is contrary to the development plan. Paragraph 12 of the Framework states "Where a planning application conflicts with an up-to-date development plan […] permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed."

140. The applicant has identified a number of planning benefits of the proposed development, however, it is not considered that these benefits are material considerations that weigh in favour of the development.

141. They have identified several social benefits including provision of market and affordable housing and public open space. They argue that the proposal will boost the supply of land for housing, make a valuable contribution to the five year housing supply and provide a balanced mix of dwellings. However, the Council considers that sufficient land has been allocated for housing in Euxton in the Local Plan in accordance with Core Strategy Policies 1 and 4. In the Local Plan Inspectors Report the Inspector stated "I conclude that the allocations are consistent with the development strategy of the Core Strategy and that they reflect the most sustainable locations for growth." The Council is also able to demonstrate a five year supply. Planned/completed development on housing allocations in Euxton is as follows:

a. HS1.39 – planning permission granted for 140 dwellings – under construction
b. HS1.40 – planning permission granted for 51 affordable dwellings
c. HS1.41 – Site Complete (12 dwellings)
d. HS1.42 – planning application pending for 24 dwellings

142. In regards to affordable housing, they argue that the provision of 30% affordable homes should be regarded as a significant material benefit of the application. In accordance with Core Strategy Policy 7, all residential developments in Euxton would be required to provide a minimum of 30% affordable homes therefore this is not considered a significant benefit especially given that affordable housing will be provided as part of development on other sites in Euxton that are allocated for housing in the Local Plan. In addition, planning permission was recently granted for 51 affordable dwellings in Euxton (18/01211/FULMAJ). There is no need for this development to come forward for affordable housing to be provided. Furthermore, as at 26/06/19 there were 868 people on the Housing Register of which only 34 selected Euxton as their preferred location. Of these only 18 had a local connection to Euxton.

143. The applicant is proposing public open space which they also claim is a significant material planning benefit. However, this open space will mainly serve the needs of the development itself therefore it is not considered a significant benefit.

144. They also claim that the proposal will have economic benefits as housing development is a key component of economic growth. Benefits include the employment created during construction and the spending power of the additional residents. Consideration needs to be given to whether these benefits are significant given the existing amount of proposed housebuilding in Euxton.

Community Infrastructure Levy (CIL)

145. 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 will be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

CONCLUSION

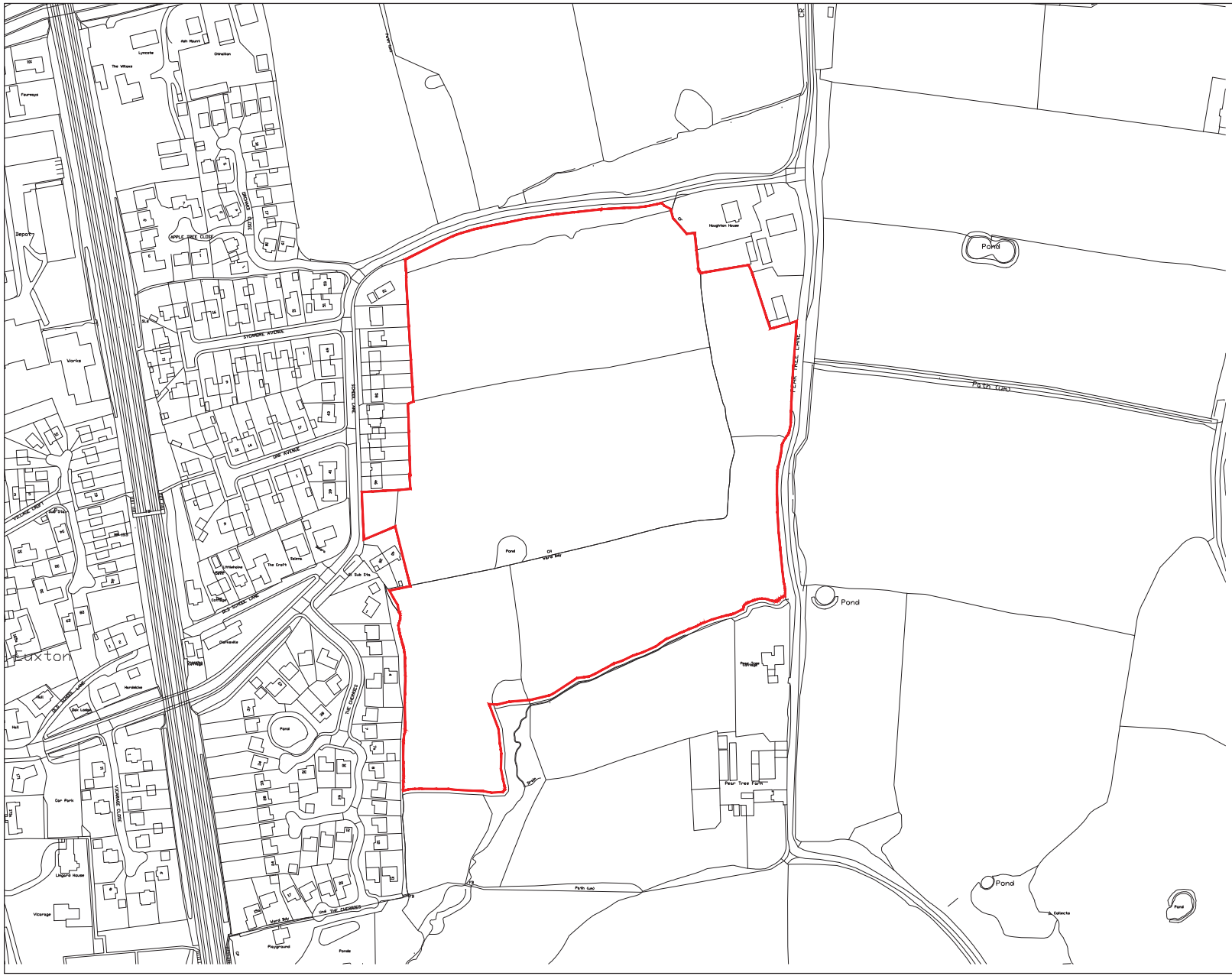
146. The application is contrary to the provisions of the development plan and does not represent a sustainable form of development having regard to the Framework presumption in favour of sustainable development. Overall it is not considered that there are any material considerations that would outweigh the conflict with the development plan and the Framework when taken as a whole.

RELEVANT HISTORY OF THE SITE

Ref: 16/00489/OUTMAJ **Decision:** REFOPP **Decision Date:** 8 December 2016

Description: Outline planning permission for up to 165 dwellings (30% affordable), planting and landscaping, informal open space, children's play area, surface water attenuation, 2 vehicular access points from School Lane and associated ancillary works. All matters to be reserved with the exception of the main site access

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.



NOTES

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Ordnance Survey base mapping - supplied by client.

Site Boundary 7.34ha

Gladman Developments Ltd
Pear Tree Lane
Euxton

LOCATION PLAN

1:2500 @ A3
12 June 2019 MPS / KMN
5219-L-04 rev **A**

masterplanning
environmental assessment
landscape design
urban design
ecology
architecture
arboriculture

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CAD file J:\5200\5219\LANDS\Panel 2nd Application\5219-L-04 Location Plan rev A.dwg

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