

**Application Number** 07/2020/00505/OUT

**Address** Land Rear of Oakdene  
Chain House Lane  
Whitestake  
Lancashire

**Applicant** Wainhomes (North West) Ltd

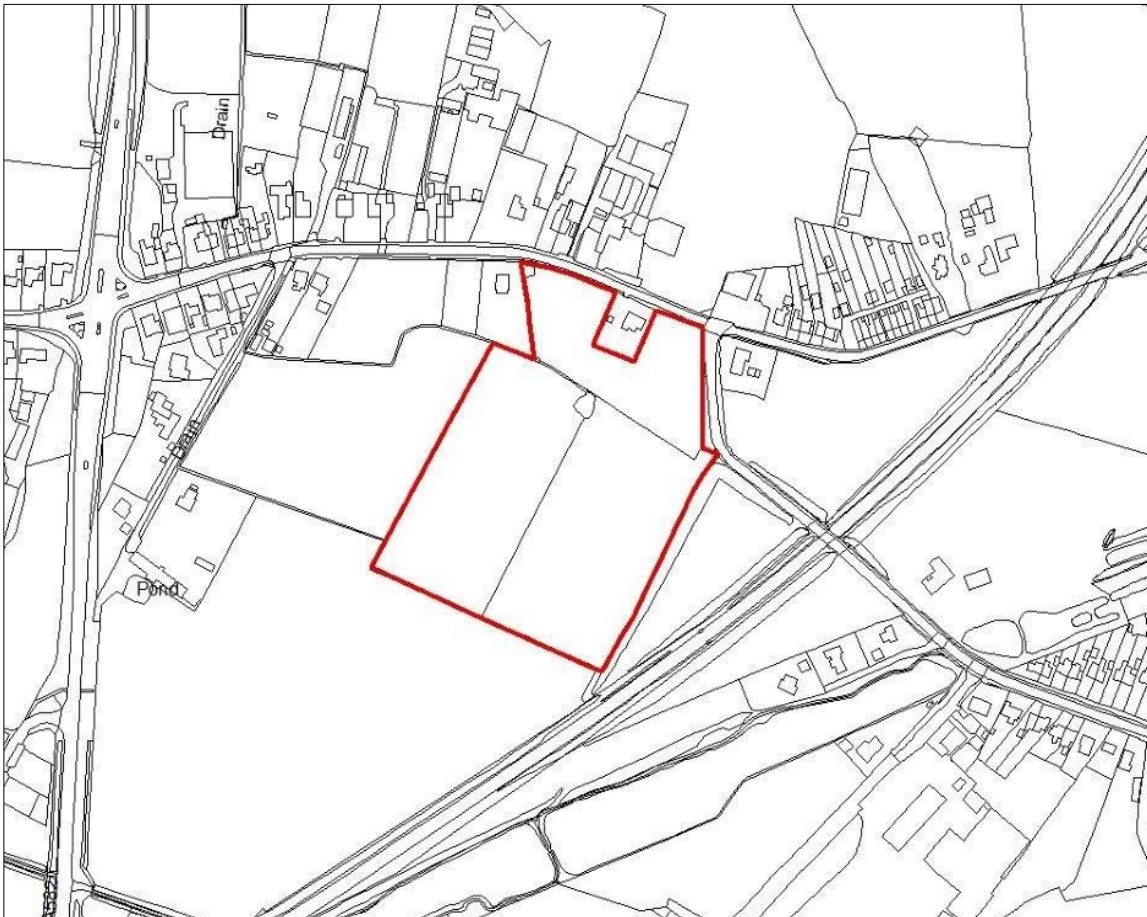
**Agent** Mr Stephen Harris  
Units 2-4 South Park Court  
Hobson Street  
Macclesfield SK11 8BS

**Development** Outline Permission for up to 100 dwellings with access and associated works

**Officer Recommendation** Refusal

**Officer Name** Mrs Catherine Lewis

Validation Date 26.06.2020  
Target Determination Date 25.09.2020  
Extension of Time 05.11.2020



## Summary

1.1 The application seeks outline planning permission, with all matters reserved save for access and associated works, for the construction of 100 dwellings (30% of which would be affordable housing) on a site measuring 3.6 hectares. The site comprises agricultural land and is located to the south of Chain House Lane, Whitestake.

1.2 The current planning application is a resubmission of application ref: 07/2018/9316/OUT which was refused by the Planning Committee on 27 June 2019. The decision was the subject of an appeal via a Public Inquiry. The Appeal was dismissed by the Planning Inspectorate on 13 December 2019.

1.3 The appeal decision was the subject of a legal challenge by the developer and the Secretary of State concluded that their appeal decision was legally flawed in respect of a single ground and should be quashed. However, this Council decided to defend the Appeal Decision and a Court hearing took place on 17 June 2020. The High Court Judgment published on 21 August 2020 ruled that the appeal decision should be quashed on ground 5 (the ground on which the SoS consented to judgment). Whilst ground 1 was also conceded, the Judge held that ground 3 (which failed) also had to succeed for the decision to be quashed on ground 1. This means that the Public Inquiry would need to be rerun for a formal decision on the acceptability of the planning application ref: 07/2018/9316/OUT to be determined. The Planning Inspectorate has confirmed that the Public Inquiry will be held on 16 March 2021.

1.4 South Ribble is one of three authorities forming the Central Lancashire Core Strategy. The housing requirement in Core Strategy Policy 4 Housing Delivery, which required South Ribble to provide for a minimum of 417 dwellings per annum, is considered to be out of date. The Standard Method figure of 191 dwellings per annum is derived from the NPPF/NPPG and should form the basis of the housing requirement against which to determine the five-year housing land supply at the current time.

1.5 The application site is designated by Policy G3 as Safeguarded Land in the South Ribble Local Plan 2015 and is specifically referenced as S3 South of Coote Lane, Chain House Lane, Farington. In the light of the Planning Court's judgment, Policy G3 is also considered to be technically out of date but still of considerable weight. Under the NPPF, the tilted balance is engaged. This requires a balancing exercise to be undertaken as to the merits of the application as planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

1.6 The developer attaches great weight to the following benefits: the scale of the development would accord with the settlement hierarchy as set out in the Development Plan; the delivery of open market housing and affordable housing- which would assist in boosting the supply of housing in South Ribble; there is no conflict to Policy G3 as this policy safeguards land for future development; the development is in an accessible location and funds would be made available for a bus service for 5 years and there would be a range of social and economic benefits including in terms of Council Tax, CIL and construction jobs.

1.7 The Council conclude that, whilst Policy G3 may be technically out of date (for the reasons set out by the Planning Court), significant weight should be attached to the policy in the application of the tilted balance and substantial weight should be attached to the policy conflict with Policy G3. The Council can demonstrate a significant housing land supply position, under the application of the standard method, which means that safeguarded land is not required to be developed now (and/or in advance of any statutory review of the Plan). The site forms part of a parcel of land allocated as Safeguarded by Policy G3 of the SRBC and on that basis the principle of the development is not supported as the land is

safeguarded until the end of the plan period 2026 or the plan is formally reviewed. Furthermore, the piecemeal development of part of the site would not constitute sustainable development and would cause harm to the possible comprehensive development of the area, as found by the previous Inspector. Limited weight is given to a bus service that may only run for 5 years, and limited weight is attached to the benefits associated with the Council Tax, CIL and employment opportunities as these would arise on any site that were to be developed. Section 9.28- 9.40 in the report provides further clarity of these issues.

1.8 Provision of on-site open space and contributions to off-site play space are to mitigate the impacts of the development. Development in an accessible location is a requirement for all development schemes, and this is not a highly accessible location. These are considerations which are neutral in the planning balance.

1.9 Whilst concerns have been raised by third parties about the ability of the local highway network to cope with the additional traffic, together with concerns about ecology, drainage, noise and air pollution, there are no formal objections raised from any of the statutory consultees.

1.10 Therefore, having undertaken a planning tilted balance exercise, the adverse impact of the development on a site distant from the existing urban area, in a piecemeal way, in conflict with Policy G3 of the South Ribble Local Plan, would significantly and demonstrably outweigh the benefits of allowing 100 dwellings (30% affordable) and other benefits. The proposal is therefore considered to be contrary to the development plan. Further, material considerations would further support the refusal of consent because the proposal is not sustainable development, for the purposes of the NPPF, having applied the tilted balance.

1.11 The application is therefore recommended for refusal and it is intended that this will also be the position of the Council at the reconvened Public Inquiry. This Report should be read together with the Statement of Case, which is appended to this Report.

## **2. Site and Surrounding Area**

2.1. The application site is located approximately 1.3km to the west of Lostock Hall and 5km south of the centre of Preston. Measuring 3.6 hectares, the site is bordered by Chain House Lane to the north, Church Lane to the east and agricultural land to the south and west.

2.2 The site comprises of three fields that are separated by hedges and ditches and the fields are currently used for grazing. A railway embankment is adjacent to the southern boundary. The south, west and eastern boundaries of the property known as Oak Dene abut the application site and the property known as The Bungalow abuts part of the west boundary.

2.3 Access to the site is taken from Chain House Lane which is subject to a 40mph speed limit. To the north of Chain House Lane is safeguarded land with Pickering's Farm located further north. The site is generally level with a slight fall in a southerly direction.

2.4 The application site is specifically referenced as S3 South of Coote Lane, Chain House Lane Farington as part of the land designated as subject to Policy G3 Safeguarded Land of the South Ribble Local Plan.

2.5 Comprising open fields with no built development on either side, the site is not an infill plot or a naturally logical housing site in the manner one might expect of a comprehensive development.

### **3. Planning History**

3.1 The current planning application is a resubmission of application ref: 07/2018/9316/OUT which was refused by the Planning Committee on 27 June 2019. The decision was the subject of an appeal via a Public Inquiry and which was dismissed by the Planning inspectorate on 13 December 2019.

3.2 The appeal decision was the subject of a legal challenge by the developer. The Secretary of State concluded that their appeal decision was legally flawed (on ground 5 alone) and should be quashed. However, this Council decided to defend the Appeal Decision Notice and a Court hearing took place on 17 June 2020. The Planning Court Judgment published 21 August 2020 ruled that the appeal decision be quashed on ground 5. Ground 1 also succeeded but (as the Judge held) it also required ground 3 to succeed to justify the quashing of the decision. Grounds 2-4 all failed and the decision was not therefore quashed on the basis of ground 1.

3.3 This means that the Public Inquiry would need to be rerun for a formal decision on the acceptability of the planning application ref: 07/2018/9316/OUT to be determined. The Council has been advised that the reconvened date for the Public Inquiry is 16 March 2021. A previously quashed decision can be capable of being a material consideration, depending on the basis on which the decision was quashed. The LPA may, therefore, take into account parts of the decision unaffected by the quashing. The weight to be attached to them is a matter for the Committee as decision maker (see *Davison v Elmbridge BC* [2019] EWHC 1409 (Admin)).

### **4. Proposal**

4.1 The application seeks outline planning permission, with all matters reserved save for access, for the erection of up to 100 dwellings (30% of which would be affordable housing).

4.2 As the matters of appearance, landscaping, layout and scale are not being applied for within this application, the submitted layout plan is only for indicative purposes at this stage. It must, nonetheless, show in principle a development which is acceptable, the detail of which can then be considered at the reserved matters stage.

4.3 Access to the site is proposed off Chain House Lane which would be located approximately 160 metres from the main junction known as A582 Penwortham Way /Chain House Lane. The scheme details include a reduction from 40mph to 30mph from this junction through to the existing 30mph reduction on Coote Lane.

4.4 Vehicular access to the application site would be provided through the introduction of a priority-controlled T- junction onto Chain House Lane.

### **5. Summary of Supporting Documents**

5.1. The application is supported by a number of drawings and the following documents which is listed below:

- Location Plan
- Illustrative Masterplan Layout Plan ref 1638/WHD/CHL/IMOL Rev B /by DGL Associates
- Ecology Survey and Assessment (October 2018) by ERAP
- Access Arrangements Plan ref: SCP/18355/FO2 Rev B
- Tree Survey Report dated 2018 by Trevor Bridge
- Phase 1 Geo Environmental Desk Study dated August 2018 REFA (Ref:18119)

- Transport Impact Assessment Doc. No. SCP/18355/TA/01 (April 2019)
- Planning, Design and Access Statement Ref 18-294 dated June 2020
- Planning Statement Addendum and Appendices dated September 2020
- Advice Note from Vince Fraser QC dated 1 September 2020
- Travel Plan Ref: CT/18355/TP/00 dated April 2019
- Air Quality Assessment 443536/AQ/01/ (05)
- Flood Risk report dated April 2019 Iron Farrar

## **6.0 Summary of Neighbour Consultation**

6.1 In July 2020, properties were consulted and several site notices were posted together with an advert in the newspaper.

6.2 A total of 90 letters of representation have been received which raised the following issues summarised below:

### **Policy**

- Concern has been raised that the application has been resubmitted when the appeal decision notice is the subject of a Planning Court challenge.
- Green Spaces are more important due to the impact of lockdown during COVID 19.
- The development would be contrary to the designation of Safeguarded land in the local plan.
- There is a need to protect the Green Belt and no further development should take place.
- Too much development taking place with Pickering's Farm already included for development.
- The Council can demonstrate enough housing and as it is meeting the Government's targets there is no need for this application.

### **Character**

- The proposed dwellings are not in keeping with the area. The development would destroy a pleasant walking area.
- Cannot keep expanding Leyland and Penwortham outwards in to the Green Belt area as this would be a social and environmental disaster.
- Green space is being eaten away by speculative development.
- Currently very little light pollution and wildlife would be affected by the urbanisation of the area.
- The proposed development would introduce a disconnect pocket of housing.
- The housing density is not in keeping with the local vernacular of low density detached houses/bungalows/dormer bungalows.

### **Highway Issues**

- Increase in cars and congestion on an already busy road.
- Chain House Lane and Church Lane are used as a rat run and the roads are often subject to congestion if there are accidents on the wider high way network
- Lack of footpaths to make the site sustainable.
- Impact on Lostock Hall as vehicles try to exit Coote Lane at the Browndedge Junction.
- There is a weight restriction on railway bridge on Coote Lane and Church Lane.
- No public transport in the area.

- Impact of further queuing at the junction with Penwortham Way. The proposed entry/exit would be located in a dangerous place.
- Church Lane is busy with a 20/30mph zone but is not policed, would this lead to traffic lights at key junctions?

### **Drainage**

- Surface water problems will be made worse by the proposed increase across the site.
- The outline application details provide for the surface water to be drained to Mill Brook. Concern is raised about the need to protect properties downstream of the proposed development.
- The site would be raised by 1.5 metres which would be out of keeping with the surrounding area
- The site is Moss land which is difficult to drain

### **Trees and Wildlife**

- Ecology at risk as the wildlife depend upon this environment which will be lost.
- Owls and bats regularly seen hunting in the fields.
- Destruction of Green Space.

### **Residential amenity**

- Loss of privacy to the residents of Oakdene
- The proposed development would be directly overlooking and overbearing in terms of residential amenity.
- Potential for loss of light and privacy to existing residents.

### **Other Issues**

- Pollution and noise due to the increase in the development.
- The local Faith school is at full capacity.
- South Ribble recently won the accolade of being the Best place to Live in the UK and the Government are making mistakes in requiring more housing. The impact of more housing on green fields will have a negative impact on this accolade.
- Loss of view and devalue of property.
- Need to reuse existing properties within Preston and Leyland before building on green fields.
- No local shops at Whitestake.
- No schools or health provision within the area.
- Should develop the failed IKEA site for housing.
- Although electric vehicle recharge points are to be provided and do not emit exhaust fumes they do omit tiny particles from brake and tyre dust adding to Air quality issues.
- What will happen to the local dairy business that currently use the land to graze cows. Loss of precious farmland will continue if more housing is constructed.

6.3 A further letter has been received which provides a link to a web page which advises that when the application Ref: 07/2020/00505/OUT was put forward on the 26.06.20 a new petition was started. As of 26.11.2020 this shows some 1,238 signatories of people objecting to the proposed plan and the letter details a number of concerns which are summarised below:

- The Transport Assessment fails to demonstrate in detail the existing situation.

- Concern is raised about whether the affordable units can really be affordable in this current economic crisis.
- There are a few variations in the documentation associated with the current application than previously submitted for example the house types are not listed, there is no detail about waste storage or about habitat and wildlife.
- Concern is raised that as more development has come forward since the previous application the roads are more congested. Some of the information in the TA is incorrect including the Traffic Survey which is now considered out of date and there is concern that the assessment is not a reflection of the vehicle movements for the area.
- Concern about more accidents that have happened but which people do not report to the police and therefore they are not recorded.
- The site is not sustainable and concern is raised about information contained in the Sustainable Transport Appraisal.
- Concern is raised about the ability of the site to provide for enough electric car points if some house types do not have driveways.
- There has been a change in who is operating the bus service for LCC and there is no service in the area to take you to the main nearest shopping area of Lostock Hall or the Railway station in Lostock Hall.
- The PROW does not provide the level of connectivity as set out in the Transport Assessment. They are blocked and are not suitable for all modes of transport.
- The proposed development shows imaginary access to land not in the ownership of the applicant.
- Concern the area is becoming urbanised and the site has not been put forward as an allocated site
- The Council can demonstrate enough housing.
- What happens if there is a power cut for the provision of the electric cars.
- Concern is raised about flooding and drainage across the site with more photos included.
- Concern is raised about Air Pollution and the increased level of development.

6.4 Nigel Evans MP for Ribble Valley has written dated 30 July 2020 to register his objection to the application. The following summarised concerns are raised:

- He finds it highly questionable that another application has been submitted before the results of the judicial review for the previous application is made known.
- Since the new application has been made more than a 1,000 people have signed a petition against the proposed development demonstrating the strength of feeling about the development in the local community.
- He hopes the Council feel able to refuse the application as has previously been done given the lack of change between the old and the new applications.

6.5 Farington Parish Council- Object to the proposal on the following grounds:

- The Parish Council unanimously agreed to object to this application. They are disappointed that this is almost identical to 07/2018/9316/OUT which was previously refused.
- The proposal would be out of keeping with the character of the area, and not suitable for a semirural/rural area.
- Concern is raised about the proposed entry/exit opposite the proposed Pickering's Farm site.
- Lack of suitable infrastructure in the area.
- Traffic congestion on Chain House Lane and Coote Lane at peak times of the day
- Air quality is poor and the area is a "moss" area is prone to flooding.

- Concern is raised about the lack of suitable infrastructure and a lack of services for the local community.

## **7. Summary of Statutory Consultations**

**7.1** Comments received from Statutory Consultees are summarised below:

**7.2 Lancashire County Council Highways (LHA)** Raise No objections subject to conditions controlling the site access, Construction Management Plan and a legal agreement to secure off-site contributions.

**7.3 Lancashire County Council Education** has advised that an education contribution is not required at this stage in regard to this development.

**7.4 Ecology (GMEU)** – Recommends that the Ecology report is reviewed and updated as necessary. The applicant has undertaken further surveys and the report is due to be submitted as soon as possible. A further verbal update will be provided at the Planning Committee meeting.

**7.5 South Ribble Borough Council Arboriculturist** – No objections to the development. Conditions controlling trees to be protected, and a method statement if development enters into the root protection area. A walk over survey as recommended in the tree report is required prior to commencement A landscape plan to be submitted detailing new tree planting, numbers and species size, which should include broadleaf deciduous upright trees.

**7.6 United Utilities** - Have raised no objections to the proposal subject to the imposition of conditions relating to foul and surface water drainage details. The water mains would need extending and the applicant may be required to pay a contribution. A foul water sewer, a critical surface water sewer, and a water main crosses the site which may have implications for any detailed layout.

**7.7 Lead Local Flood Authority** (Lancashire County Council) – Have no objections to the scheme subject to the inclusion of conditions to manage the risk of flooding.

**7.8 Environment Agency** have no comment to make upon the application.

**7.9 South Ribble Borough Council Environmental Health (EHO)**- The EHO has suggested a number of conditions no burning, dust management plan, wheel wash facilitates, control of the storage compound and site cabins, hours of construction, piling activities, contamination report, control of importation of material, cycle storage to be provided, and electric vehicle recharging points.

**7.10 South Ribble Borough Council Strategic Housing** –The application details provide for up to 100 dwellings with 30% affordable housing to be provided on site meeting the targets set out in Policy 7 of the CLJCS. The borough has a need for smaller affordable units including one and two bedroomed flats/apartments and two- and three-bedroom houses. Population projections highlight an ageing population for South Ribble: provision to meet the needs of this group would be welcomed as housing for older people has been identified as a priority.

**7.11 NHS Chorley and South Ribble Clinical Commissioning Group (CCG)** – No comments received.

**7.12 Network Rail** – Raise concerns about the impact of the proposed development upon the railway crossing known as Lodge Lane Level Crossing. Any proposed development near to the



crossing must be accompanied by an assessment to appraise the impact on the crossing and include any necessary mitigation as part of the planning process.

**7.13 Crime Prevention Officer** (Lancashire Constabulary) – Has no objections to the scheme but makes recommendations that the development is designed and constructed to Secure by Design “Homes 2016” in relation to security and minimising the risk of crime. These comments have been forwarded to the applicant.

**7.14 Fire and Rescue** Have provided advice about the access arrangements required within any site layout in case of an emergency.

## **8. Policy Background**

**8.1 National Planning Policy Framework (NPPF)** - sets out the Government’s economic, environmental and social planning policies for England. At the heart of the planning system is a presumption in favour of sustainable development.

- Chapter 2: Achieving Sustainable Development states that ‘at the heart of the framework is a presumption in favour of sustainable development’. The NPPF supports sustainable economic growth to deliver, amongst other things, homes. Paragraph 11 states “Plans and decisions should apply a presumption in favour of sustainable development”.
- For decision taking this means where the policies which are most important for determining the application are out of date granting planning permission unless any adverse impacts of doing so would significantly outweigh the benefits when assessed against the policies in the Framework taken as a whole (known as the tilted balance).
- Annex 1 paragraph 213 is also applicable existing policies should not be considered out of date simply adopted prior to the publication of the Framework. Due weight should be given according to their degrees of consistency with the Framework
- Chapter 4: Decision Making states that Local Authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions in the area.
- Chapter 5: Delivering a sufficient supply of homes – a sufficient amount and variety of land to come forward where it is needed. Land with permission should be developed without unnecessary delay- Paragraph 59. Policies should be informed by local housing need assessment conducted using the standard method in national planning guidance - Paragraph 60. Local planning authorities should identify and update annually a specific supply of deliverable sites against the local housing need where strategic policies are more than 5 years old. Footnote 73 sets out where local housing need is used as a base for assessing the deliverability of specific sites this should be calculated using the standard method set out in national planning guidance.
- Where major development involving the provision of housing is proposed, decisions should expect at least 10% of the homes to be available for affordable home ownership (as part of the overall affordable housing contribution from the site). Within this context, the size, type and tenure of housing needed for different community groups - including older people, must be taken into account. Chapter 5 also details its requirements for affordable housing provision.

- Chapter 6 Building a strong, competitive economy: Planning policies and decisions should create conditions in which businesses can invest, expand and adapt- paragraph 80. Comprising open fields with no built development on either side the site is not an infill plot or a naturally logical housing site associated with comprehensive development.
- Chapter 8 Promoting healthy and safe communities: Planning decisions should aim to create healthy, inclusive and safe places to promote social interaction, are safe and accessible. The need to plan positively for the provision of shared spaces and community facilities to enhance residential environments is encouraged.
- Chapter 9 Promoting sustainable transport: The Planning system should actively manage patterns of growth to support the objectives of sustainable transport. Paragraph 108 sets out criteria to consider the impact of development proposals. Criterion (b) requires a safe and suitable access to the site to be achieved for all users. With Paragraph 110 requiring development to create places that are safe, secure and attractive.
- Planning decisions should ensure that new development can be integrated effectively within existing businesses and community facilities (paragraph 182).
- Chapter 11: Making effective use of land: Decisions should promote effective use of land and paragraph 118 criterion (c) states substantial weight should be given to the value of using brownfield land within settlements for homes and other identified needs.
- Chapter 12: Achieving well-designed places - Paragraph 124 "*Good design is a key aspect of sustainable development*". Developments should add to the overall quality of the area, establish a strong sense of place, optimise the potential of the site, by creating and sustaining an appropriate mix of uses, and create safe, accessible environments which are visually attractive. Para 127 sets out a number of criteria which developments should meet to deliver well-designed sustainable development. Permission should be refused for development of poor design which fails to take the opportunities available for improving the character and quality of an area. Read together, it is not considered that the NPPF supports the development of sites in isolation of their surroundings.
- Protecting Green Belt Land: Paragraph 139 (c) and (d) states the importance of Safeguarded land in order to meet longer term development needs stretching well beyond the plan period and makes clear that planning permission for permanent development of safeguarded land shall only be granted following an update to a plan which proposed the development.
- Chapter 14: Meeting the challenge of climate change, flooding and coastal change - Paragraph 148 makes clear that the transition to a low carbon future in a changing climate should be supported through the planning system. When determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere.
- Chapter 15: Conserving and enhancing the natural environment. Planning decisions should contribute to and enhance the natural environment (Paragraph 170). There is a need to minimise impacts on and provide net gains for biodiversity. Ground conditions and contamination issues need to be fully assessed but where a site is affected by contamination or land stability issues responsibility for securing a safe development rests with the developer/ and or landowner (Para 179). New development needs to be appropriate to its location and have regard to potential pollution on health (Para 180).

## 8.2 Central Lancashire Core Strategy (adopted July 2012)

- Policy 1: Locating Growth focuses growth and investment on brownfield sites in the main urban areas, and the Strategic Sites, whilst protecting the character of suburban and rural areas.
- Policy 3: Travel seeks to reduce the need to travel, manage car use, promote more sustainable modes of transport and improve the road network.
- Policy 4: Housing Delivery provides for and manages the delivery of new housing. For South Ribble this sets a housing requirement which amounts to 417 dwellings per annum. However, this figure is based on evidence which is significantly out of date and derived from the RSS, which has been revoked and did not provide an objectively assessed need for housing. The current methodology for boosting significantly the supply of housing in the NPPF (2019) is significantly different.
- Policy 5: Housing Density seeks to secure housing densities which are in keeping with the local areas and which will have no detrimental impact on the amenity, character, appearance, distinctiveness and environmental quality of an area.
- Policy 6: Housing Quality seeks to improve the quality of housing by facilitating the greater provision of accessible housing and neighbourhoods and use of higher standards of construction.
- Policy 7: Affordable Housing seeks to ensure sufficient provision of affordable and special housing to meet needs.
- Policy 9 Employment seeks to ensure economic growth and employment is delivered through a number of measures.
- Policy 17: Design of New Buildings expects the design of new buildings to take account of the character and appearance of the local area; be sympathetic to surrounding land uses and occupiers; ensure that the amenities of occupiers of the new development will not be adversely affected by neighbouring uses and vice versa; minimise opportunity for crime; provide landscaping as an integral part of the development, protecting existing landscape features and natural assets, habitat creation, provide open space and enhance the public realm; be adaptable to climate change and adopt the principles of sustainable construction including sustainable drainage systems and ensure that contaminated land is addressed through appropriate remediation and mitigation measures.
- Policy 22: Biodiversity & Geodiversity aims to conserve, protect and seek opportunities to enhance and manage the biological and geological assets of the area
- Policy 26: Crime and Community Safety plans for reduced levels of crime and improved community safety, including the inclusion of Secured by Design principles in new developments.
- Policy 27: Sustainable Resources and New Developments seeks to ensure sustainable resources are incorporated into new development.

- Policy 29: Water Management aims to improve water quality, water management and reduce the risk of flooding through a number of measures, including encouraging the adoption of Sustainable Drainage Systems.
- Policy 30: Air Quality aims to improve air quality through the delivery of Green Infrastructure initiatives and through taking account of air quality when prioritising measures to reduce road traffic congestion.
- Policy 31: Agricultural Land seeks to preserve the best and most versatile agricultural land.
- Policy MP states that Councils will take a proactive approach which reflects the NPPF's presumption in favour of sustainable development, and that applications which accord with the policies of the Local Plan will be approved without delay unless material considerations indicate otherwise.

### **8.3 South Ribble Local Plan (adopted July 2015)**

- Policy A1: Developer Contributions expects new development to contribute to mitigating its impact on infrastructure, services and the environment and to contribute to the requirements of the community.
- Policy G3 Safeguarded Land for Future Development: Site S3 South of Coote Lane is identified within the Policy as one of those locations that should for the most part remain undisturbed during the plan period or until the plan is reviewed. Development should not be granted which would prejudice potential longer term, comprehensive development of the land.
- Policy G8 Green Infrastructure (provision in new developments): Developments should provide appropriate Green Infrastructure and landscaping including green corridors to join up the Borough's green and built up areas.
- Policy F1: Parking Standards requires all development proposals to provide car parking and servicing space in accordance with parking standards adopted by the Council.
- Policy G10: Green Infrastructure states that all new residential development resulting in a net gain of 5 dwellings must provide sufficient green infrastructure to meet the recreational needs of the development, in accordance with specific but flexible standards.
- Policy G13: Trees, Woodlands and Development states that development will not be permitted where it affects protected trees and woodland unless justified. Where loss of the same is unavoidable, this policy accepts suitable mitigation.
- Policy G16: Biodiversity and Nature Conservation protects, conserves and enhances the natural environment at a level commensurate with the site's importance and the contribution it makes to wider ecological networks.
- Policy G17: Design Criteria for New Development considers design in general terms, and impact of the development upon highway safety, the extended locale and the natural environment.

- Chapter J: Tackling Climate Change looks to reduce energy use and carbon dioxide emissions in new developments; encouraging the use of renewable energy sources.

#### **8.4 Supplementary Planning Documents (SPDs)**

- Central Lancashire Design Guide SPD provides an overview of the design principles that are employed throughout the three Central Lancashire authorities. It draws on key policy and good-practice guidance in order to raise the level and quality of design of new buildings in the built environment.
- Central Lancashire Affordable Housing SPD gives guidance on a range of approaches to deliver affordable housing which meets local needs.
- Central Lancashire Open Space and Playing Pitch SPD advises on provision and retention of open space in existing and proposed developments.
- Central Lancashire Employment Skills SPD – this document was adopted in September 2017 and as such carries considerable weight in planning decisions. The SPD has been driven by the Council's aspiration to see additional benefits (social value) incorporated into development opportunities; 'social value' in this case being a contribution towards employment and skills enhancement in the Borough.
- Central Lancashire Biodiversity and Nature Conservation SPD provides guidance for developers in relation to improving biodiversity of the Central Lancashire area. Its main goal is to ensure that there is no net loss of nature conservation assets and where appropriate there is an improvement in them. It also explains the Council's approach towards conserving, protecting and enhancing biodiversity and ecological networks.
- South Ribble Residential Design SPD discusses design in very specific terms. Whilst more attuned to residential extensions this document is also used to assist with the design of new build residential development and with regards to separation with properties beyond the site bounds.

### **9. Assessment of the Scheme**

#### **BACKGROUND**

9.1 The current planning application is a resubmission of application ref: 07/2018/9316/OUT which was refused on 27 June 2019. The decision was the subject of an appeal via a Public Inquiry and which was dismissed by the Planning Inspectorate on 13 December 2019. The appeal decision was the subject of a legal challenge by the developer. The Secretary of State agreed that the appeal decision should be quashed on ground 5 (alone) as it was legally flawed. However, this Council decided to defend the decision made by the Secretary of State and a Court hearing took place on 17 June 2020. The Planning Court Judgment published on 21 August 2020 ruled that the appeal decision should be quashed. This means that the Public Inquiry would need to be reconvened to reconsider a formal decision on the acceptability of the planning application ref: 07/2018/9316/OUT.

9.2 An appeal decision has recently been issued by the Planning Inspectorate dated August 2020 for a residential development on Safeguarded land at Pear Tree Lane, Euxton, Chorley. The applicant has advised that both these decisions have fundamental implications for the current application. The Pear Tree Lane decision is considered to be a material consideration

of significant weight. It addresses a number of issues which are relevant to the determination of this application.

9.3 The applicant argues that:

- Should the Council consider that a 5-year housing land supply should be calculated against the housing requirement in Core Strategy Policy 4, a 5 year housing land supply cannot be demonstrated and the tilted balance should be engaged (NPPF Para 11).
- Should the LPA consider that the 5 year housing land supply should be assessed on the basis of the standard method local housing need (set out in the NPPF), then Core Strategy Policy 4 and Local Plan Policy G3 are out of date and the tilted balance should apply for the following reasons:
  - As the development plan housing target is out of date, the settlement boundaries must be out of date. This is the conclusion reached by the recent Pear Tree Lane appeal decision.
  - The application of the Standard Method results in a radically different spatial distribution of housing across the Central Lancashire Housing Market Area, when compared with the adopted development plan strategy. This proposition is endorsed in the High Court Judgement.

9.4 The main issues are:

- Whether the proposal complies with G3 of the Local Plan;
- Whether the Council can demonstrate a 5-year supply of deliverable housing land,
- Whether or not the most important policies of the development plan are out of date, having regard to the 5-year supply or to other considerations (see 9.3 above);
- Whether there are adverse impacts which significantly and demonstrably outweigh the benefits of the development;
- Whether there are any material considerations which would justify the proposed development on safeguarded land at this time.

9.5 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the application consists of the Central Lancashire Core Strategy (CLCS) adopted in July 2012 and the South Ribble Local Plan (SRLP) adopted in July 2015.

9.6 The site comprises 3.6 hectares of agricultural land and is designated in Policy G3 of the SRBC as land to be safeguarded for future development needs beyond the plan period which runs until 2026. Paragraph 139 of the Framework states (amongst other things) that local plans should 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” (NPPF 139(c)); and plans should make clear safeguarded land is not allocated for development at the present time (NPPF 139(d)). Planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development (NPPF 139(d)). It is considered that policy G3 is consistent with the NPPF.

9.7 There is an emerging update to the development plan- the Central Lancashire Local Plan (CLLP) which is being prepared for the period 2021 to 2036. The application site forms part/all

of five site submissions to the emerging Central Lancashire Local Plan. Of these five submissions, three are for the whole site (two suggest it be used for housing, one that it be protected). Of the two submissions this site forms only part of, one suggests it be used for housing and one that it be protected. However, the emerging plan is at an early stage with further consultation required before it can be submitted for examination. Therefore, the emerging local plan is afforded limited weight in the consideration of this application, as the policy may change during the process through to adoption.

9.8 The presumption in favour of sustainable development in paragraph 11(d) of the Framework directs that where the policies which are most important for determining the application are out of date the “tilted balance” applies. This means that permission should be granted unless the policies of the Framework that protect areas, of particular importance provide a clear reason for refusing the development proposed, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

9.9 Paragraph 73 of the Framework also requires the Council to maintain a supply of deliverable sites sufficient to meet a minimum of 5 years’ worth of housing against the Council’s requirement or local housing need. If the Council cannot demonstrate a 5-year supply of deliverable sites, Footnote 7 of the Framework establishes that the policies of the Development Plan which are most important for determining the application are out of date.

### **Five-year Housing Land Supply**

9.10 Under paragraph 73 of the Framework, there are two main elements to consider: (i) what is the housing requirement against which the supply should be measured; and (ii) whether the site identified in the land supply can deliver the required number within the next 5 years.

### **Housing Requirement**

9.11 The housing requirement in the adopted strategic policy (for the purposes of NPPF 73) is Policy 4 of the CLCS, which sets out a minimum of 417 dwelling per annum (dpa) for South Ribble to 2026. The CLCS was adopted in 2012. It was based on evidence for the housing requirement which is out of date as it relates to the RSS, which has been revoked. The RSS housing requirement for Central Lancs was not based on an objective assessment of housing need, it was derived from the RSS. Paragraph 73 and footnote 37 of the Framework states that if strategic Housing Policies are more than 5 years old, a 5-year housing land supply (5YHLS) should be calculated against an area’s local housing need (LHN), unless the strategic housing policies have been reviewed and found not to require updating. It is considered that the CLCS housing requirement has been reviewed and found not to require updating (in the light of the evidence at the last Inquiry and the Planning Court Judgment). The outcome of the review was the first Memorandum of Understanding (MoU 1), which sought (in essence) to continue with the housing requirement in Policy 4, for a limited period of 3 years and/or until the position had been further reviewed. The position has been further reviewed (for the purposes of NPPF 73 and fn 37), particularly in the light of the re-publication of the NPPF and establishment of the standard method as the basis on which housing requirements should now be based, in order to boost significantly the supply of housing (see e.g. NPPF 59, 60 and 73). Other factors have also been considered, including the Planning Court decision, the process which has resulted in the Second Memorandum of Understanding (such as the period of consultation), the Pear Tree Lane decision, the challenge to the adoption by Preston CC of the Second MoU and the consequences for housing delivery across the Central Lancs Housing Market Area. It is considered that Policy 4(a) is out of date and that the housing requirement should be calculated against the standard methodology contained in NPPF. The introduction of the standard methodology is considered to be a very material change in circumstances,

since the adoption of the CLCS, which renders it out of date. Indeed, this was the conclusion of the Inspector at the Appeal, which was the subject of an express challenge (ground 3) which failed. The Court concluded that this was a planning judgment which the Inspector was entitled to reach and was properly reasoned (see paras 42 and 43).

9.12 Footnote 37 states that where the LHN is used as a basis for assessing whether a 5-year supply of deliverable sites exists, it should be calculated using the standard method set out in national guidance. As of the first of April 2020, the minimum LHN calculated using the standard method for South Ribble is 191 d/pa. This is significantly less than 417 d/pa, which informs the judgment that the housing requirement in Policy 4 is out of date. Accordingly, while the distribution may be different (such that policy G3 is technically out of date), the significant reduction in the housing requirement does not lead to the conclusion that *more* land is required (outside settlement boundaries and/or in safeguarded land). Accordingly, Policy G3 can still be afforded significant weight, together with Policy 1 JCS.

9.13 A Memorandum of Understanding (MOU2), dated April 2020, aggregated and redistributed the LHN figures across the Central Lancashire area to reflect the most sustainable pattern of development in the sub region and to align with City Deal aspirations of Preston and South Ribble (consistent with a recent housing study). This provided for an increase to 328 d/pa for South Ribble from the LHN housing requirement figure of 191 d/pa, with consequent reductions in housing land supply in Chorley.

9.14 At a recent Public Inquiry (July 2020) in Chorley (Appeal by Gladman Developments at Pear Tree Lane), the Inspector considered the MOU2 in great detail and concluded “that there are significant and substantive objections to the proposed redistribution of the LHN and the evidence which supports it, which remain outstanding and will need to be resolved, ultimately through the CLLP examination”. (Paragraph 31 of APP/D2320/W/20/3247136).

9.15 The Inspector noted too that in the previous Chain House Lane Appeal decision, which dealt with the draft version of the MOU2, the Inspector gave limited weight to the draft MOU2 and concluded that the Standard Method LHN figure for South Ribble should be used in that case. The Pear Tree Lane decision nonetheless post-dated the adoption of MOU2 but found that the weight to be given to it was limited, whereas full weight could be given to the standard method LHN figure. Of course, the Pear Tree Lane decision has consequences for the housing land supply in Chorley, which were found not to have a 5-year supply of housing.

9.16 The latest position is that Preston City Council's Cabinet has taken the decision to withdraw from the position in MOU2 in light of and a legal challenge to its decision to sign the MOU and the Pear Tree Lane appeal decision.

9.17 Based upon the above (and the other factors mentioned in 9.11), it is considered that the Council's housing requirement is the LHN for South Ribble of 191 dpa, which should be used for calculating the 5YHS for this application.

### **Housing Land Supply Needs**

9.18 Based upon the table below using the LHN standard methodology the Council can demonstrate a very significant 5-year housing supply which includes a 5% buffer and excludes 10% for small sites too. The evidence demonstrates that there is no imperative to release this site now, contrary to the local and national policy on safeguarded land and in advance of a comprehensive review of the local plan and a consideration of which are the most sustainable locations to be developed (if any), in order to meet a need for housing.



<b>Minimum Requirement (standard methodology)</b>	<b>190.59</b>
Annual Requirement (standard methodology) plus 5% buffer	200.12
Current five year supply	2685.00
Supply excluding 10% of small sites	2664.60
<b>Years Supply</b>	<b>13.32</b>

### **Conclusion on five-year Housing Land Supply**

9.19 Overall, considering the provision of the development plan and the relevant national policy and guidance, the Council is able to demonstrate a 5-year supply of deliverable housing sites measured against LHN for South Ribble. Indeed, the supply is healthy and the weight to be attached to the benefits of delivering more market housing in this area is significantly reduced. There is no imperative to release safeguarded land at this time or in advance of any statutory review of the development plan.

### **Most Important Development Plan Policies**

9.20 Policy 1 of the CLCS set out the spatial strategy for South Ribble Borough, guiding development to suitable sites and settlements. Policy 4 of the CLCS sets out the minimum housing requirements of 417 per annum for the South Ribble (and Chorley and Preston) and is an important policy.

9.21 Policy G3 of the SRLP is one of the most important policies for this application and the application site is specifically referenced as S3 South of Coote Lane, Chain House Lane, Farington. It constrains the proposed development and makes clear that: the land is safeguarded and not designated for any purpose during the plan period; and that planning permission will not be granted for development which would prejudice longer term comprehensive development of the land. The principle of constraint is up to date and consistent with the NPPF.

9.22 For completeness Policy G3 is set out below:

#### ***Policy G3 – Safeguarded Land for Future Development***

*Within the borough, land remains safeguarded and not designated for any specific purpose within the Plan period at the following locations:*

- S1** *South of Factory Lane and east of the West Coast Main Line*
- S2** *Southern area of the Major Development Site at Pickering's Farm, Penwortham*
- S3** *South of Coote Lane, Chain House Lane, Farington*
- S4** *Land off Church Lane, Farington*
- S5** *Land off Emnie Lane, Leyland*

*Existing uses will for the most part remain undisturbed during the Plan period or until the Plan is reviewed. Planning permission will not be granted for development which would prejudice potential longer term, comprehensive development of the land.*

9.23 These three policies are the most important policies defining the need and appropriate locations for housing in South Ribble and the limitations on development on the appeal site as Safeguarded Land.

9.24 Policy 4 of the CLCS is considered out of date as there has been a change in national policy regarding the calculation of the housing requirements for the borough (see above). The applicant argues that because of the redistribution of housing within the Central Lancashire which arises as a result of the use of the Standard Methodology- Policy G3 of the South Ribble Local Plan is out of date too.

9.25 The development plan housing target is derived from the North West Regional Spatial Strategy and is out of date (see above). It is acknowledged that there is a difference in the housing distribution contained in the LHN requirements for Preston, Chorley and South Ribble, compared with the housing distribution in Policy 4. On that basis, policy G3 could be considered to be out of date. However, the absolute housing numbers which are now required to be delivered in South Ribble are considerably less than required in the CLCS. Accordingly, whilst G3 might be considered to be technically out of date, it should still retain substantial weight, in the application of the tilted balance, especially in circumstances where there is a very healthy land supply position against an up to date housing requirement, the policy is consistent with the NPPF and there is no requirement to release safeguarded land to meet development needs now. Conversely, Policy 1 of the CLCS provides for growth to be concentrated in the Preston/South Ribble Urban Area, key service centres and strategic sites and is considered not to be out of date.

9.26 It is therefore considered that the proposal is contrary to policy G3 and to the development plan as a whole. Nonetheless, policy G3 is out of date and the tilted balance is engaged. Policy G3 nonetheless should be afforded substantial weight in the application of the tilted balance and any conflict with policy G3 and the development should be afforded substantial weight.

9.27 On that basis Paragraph 11 d of the Framework requires, in applying the titled balance, that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. As each application must be assessed on its merits a balancing exercise must now be undertaken.

### **Planning Balance**

9.28 The applicant sets out in the addendum to the Planning Statement dated September 2020 the following:

On the positive side of the planning balance, the following apply:

- i. The scale of development accords with the settlement hierarchy as expressed in Policy 1 of the Core Strategy and paragraph 3.4 of the Local Plan.*
- ii. The delivery of open market housing to assist in boosting the supply of housing in South Ribble. South Ribble is an authority which signed up to the City Deal with the Government in 2013 along with Preston to deliver 17,420 new homes in 10 years. Both authorities have failed to meet this requirement of the City Deal and this only adds further beneficial weight.*
- iii. The delivery of 30% affordable housing which accords with the development plan and would assist in addressing the very significant and persistent shortfall in affordable housing delivery.*
- iv. There would not be conflict with the purpose of the reason for the site being identified in Policy G3, i.e. it has been safeguarded for development.*

- v. *The development is in an accessible location which can accommodate the development scheme socially, economically and environmentally.*
- vi. *The provision of open space to meet the needs of existing and proposed residents.*
- vii. *The development will fund the existing bus service for a 5-year period to the benefit of not only the prospective residents but the communities between Preston and Chorley.*
- viii. *A range of social and economic benefits including the provision of New Homes Bonus, CIL, Council Tax revenue now, construction jobs and increased spending for local services and facilities.*

*The great weight to be afforded to the benefits associated with open-market and affordable housing is consistent with the approach taken by the Secretary of State in recent appeals (e.g. the Stapeley case) and by the Inspector for the recent Pear Tree Lane appeal decision. If it were concluded, that harm arises from any conflict with Policy G3 the applicant argues this would not significantly and demonstrably outweigh the above range of benefits for the following reasons:*

- ix. *Any conflict with Policy G3 results in limited harm for the purposes of the planning balancing exercise given that it is out-of-date. See paragraphs 45, 48, 49 and 50 of the recent Pear Tree Lane appeal decision.*
- x. *The LPA conceded through the appeal to be redetermined at Chain House Lane that the Council cannot demonstrate a 5-year supply using Core Strategy Policy 4.*
- xi. *Any contention that the release of allocated sites would be harmed by the release of the site is not evidenced and Safeguarded Land is required now to meet the persistent and significant under delivery to date.*
- xii. *Land designated under Policy G3 has been specifically chosen to meet development needs. This is a site that can come forward now as the open market and affordable housing need is clear. This is particularly the case in a Green Belt authority where the only significant opportunity to increase supply is from safeguarded land*
- xiii. *The emerging Local Plan Review is in the very early stages and therefore there can be no concerns on prematurity or prejudice to that plan.*
- xiv. *The development meets the three dimensions to sustainable development and is in the control of one of the North West's most active developers who have and wish to continue to invest in South Ribble.*

9.29 The applicant is clear that the principle of development is therefore, acceptable. The Council contest this conclusion and consider that significant weight must be attached to the following:

9.30 Significant weight should be attached to Policy G3 (as set out above). Whilst it may be technically out of date, the Council can deliver the housing numbers that have been set by Central Government (191 d/pa). To the extent that it can be demonstrated that neither Preston nor Chorley can meet their LHN figures, this is an issue which needs to be addressed through the Plan making process, which is the clear logic of the Pear Tree Lane decision and the legal challenge to second MoU. It is only during a Local Plan process that the need for South Ribble to accommodate housing above its own requirement can be assessed, in the light of an examination of constraints to delivery. This is entirely consistent with Policy G3, which seeks to

protect this site from development in this Plan period and beyond, in order to meet longer term needs. It is also consistent with the LPA's demonstration of a land supply over 13 years.

9.31 The Housing Delivery Test compares the delivery of housing within each local planning authority over the past three years against the required number of net additional dwellings. Delivery of the full requirement would result in a score of 100%. South Ribble has scored more than 100% in each year since the introduction of the HDT in 2018 – delivering 126% of its required number in 2018/19 and 191% in 2019/20

In South Ribble, during the first six months of the year, despite the COVID-19 pandemic, the housing surveys identified the completion of 147 dwellings in the borough, above 50% of the Standard Method target for the year. This gives the Council confidence that the LHN target using the standard methodology will be met. Further, the Council consider that South Ribble can (on the most recent figures) demonstrate a 13-year housing supply. This would confirm that there is no under delivery of housing in the LPA using the standard method. This significantly tempers the weight to be attached to the benefit of delivering more market housing (see Appellant's point (ii) above). The site is not required now to meet any persistent under-supply of housing (as claimed).

9.32 The proposed development would clearly conflict with the site's designation as Safeguarded Land. The policy remains consistent with Paragraph 139 of the Framework in not only safeguarding land to meet longer term development needs but until the Plan is reviewed. Policy G3 is not specifically safeguarded land solely for the purposes of residential development. Rather, Policy G3 states "*land remains safeguarded and not designated for any specific purpose*". The Policy explains that existing uses will for the most part remain undisturbed until the plan is reviewed. At that stage the land designation will be considered through the statutory process. Therefore, significant weight should be attached to ensuring Policy G3 remains safeguarded until the Local Plan is reviewed. The Appellant's case (see point iv above) is not accepted.

9.33 The Framework makes clear at Paragraph 15 that the planning system should be genuinely plan led with local plans providing a positive vision for the future of the area... and a platform for local people to shape their surroundings. The application site forms part of a wider site that has been safeguarded and the ethos of the current local plan for large scale sites is to require masterplans to be prepared to ensure that such sites are developed in a comprehensive manner. Therefore, should this site be required for development, concern is raised about the piecemeal nature of the application without due regard to the surrounding site.

9.34 The current review of the local plan will provide the opportunity to consider whether new development of a garden village type settlement is the more appropriate way to plan for sustainable growth within South Ribble. The problems associated with Air Quality have become more understood and through the local plan review, safeguarded land may be required to remain free from development while other forms and settlement patterns within the Borough can be considered. It is acknowledged that little weight can be attached to the review of the local plan at this stage, however the proposed development as a permanent development is considered to be contrary to Policy G3 of the South Ribble Local Plan as it would prevent the possible long-term comprehensive development of the land.

9.35 In 2014 the site known as Coote Lane, Farington, Leyland adjacent to the current application was the subject of a planning application for 105 dwellings which was dismissed at Appeal (Appeal ref; APP/F2360/A/13/22022973). Paragraph 18 of the said Decision Letter concludes that the proposal (which was subject to similar policies of the current application) would seriously undermine the Council's ability to manage the comprehensive development of the area. Paragraph 22 of the Decision Letter concludes that the proposal would harm the

Council's ability to manage the comprehensive development of the area "That is to ensure sufficient land of the right type is available in the right places and at the right time to support growth, and to coordinate development requirements".

9.36 Significant weight should be attached to this aspect and this argument was accepted by the Inspector at the original Public Inquiry for this site without challenge (see paragraph 66 of the Appeal Decision Notice ref; APP/F2360/W/19/3234070).

9.37 A further concern in relation to the lack of comprehensive development relates to the location of the site at a distance from the existing urban area, thus creating a disconnected pocket of housing which would not establish a strong sense of place or optimise the potential of the site. Again, significant weight should be attached as these points too were accepted by the Inspector without subsequent challenge (See paragraph 71 and 72 of the Appeal Decision Notice Ref: APP/F2360/W/19/3234070).

9.38 A comprehensive approach to managing development in this area is necessary to maintain the separation and identity of Penwortham, Farington and Lostock Hall, and to coordinate the provision of services infrastructure, which the 2019 NPPF identifies is necessary to achieve sustainable development. The Council's approach for requiring preparation and adoption of masterplans for larger sites has been successfully pursued in respect of other strategic sites in the Borough and was endorsed by the Local Plan Inspector (IR Para 48). It proves the opportunity to properly coordinate place-making and the provision of infrastructure and services, achieve well-designed places, and for the effective engagement of local communities.

9.39 It is acknowledged that there is an agreement between the land owners to ensure that there would be access from the appeal site through to the land in the control of Homes England. An Illustrative Masterplan has been provided to demonstrate this aspect. However there has been no formal consultation process with statutory consultees on the masterplan nor opportunity for effective community engagement. There are issues regarding the cumulative impact of this and other development schemes in the area.

9.40 In the previous Appeal Decision Notice, the Inspector acknowledged that the proposal would assist with the Government's objective of boosting the supply of homes including the provision of 30% affordable housing. Economic benefits include employment during construction, additional spending by new residents additional Council Tax revenue together with Social and Environmental benefits arising from public and private amenity space. Other benefits would include public transport and cycle parking contributions. However, the Inspector concluded that "the majority of these benefits are generic and no more than would be expected from any major house builder as such they attract limited positive weight." It is accepted that there are benefits derived from the delivery of more market and affordable homes on the site. The benefits of market housing, given the strong housing land supply position, are of no more than moderate weight. The provision of affordable housing is considered to be a significant benefit.

9.41 Perhaps more importantly the Inspector concluded: "The benefits do not address the fundamental issue of the site's location within safeguarded land and the harm which would result from the prejudice to potential longer-term comprehensive development of the land (Paragraph 94 APP/F2360/W/19/3234070). This conclusion is endorsed (and addresses) point viii of paragraph 9.28.

9.42 Development in an accessible location is a requirement for all development schemes. Given the above comments made by the Inspector in terms of accessibility and the site's distance to the edge of the existing urban area, neutral weight is given to point v (accessible location) and point viii (Provision of a bus service). Indeed, the site is located outside a defined urban area and town centre and is surrounded by open countryside. Questions must be raised

about the future of the bus service after 5 years when the funding would no longer apply. The likelihood is that the bus service will not become self-sustaining.

9.43 A City Deal for the South Ribble and Preston area was agreed with the South Ribble and Preston authorities, LCC, the Local Enterprise Partnership and Homes England and was signed by Government in 2013. The Preston, South Ribble and Lancashire City Deal is taking forward £434M of new investment, expanding transport infrastructure, supporting the creation of some 20,000 new jobs and generating the development of 17,000 new homes over a ten-year period.

9.44 It is acknowledged that the proposed development would contribute to the delivery of housing and would support the aspirations of the City Deal. However, the site does not form part of the agreed sites that are subject to the requirements of the Deal and therefore little weight can be attached to this aspect. The Council has identified residential development sites as part of the local plan process of which there has been significant uplift in terms of numbers that support the City Deal agenda e.g. Site P Altcar Lane estimated 430 dwellings in the Local Plan. However, the site was granted permission for 600 dwellings. Further, the Inspector gave limited weight to the benefits of the City Deal in the previous appeal for this site which was not the subject of challenge (Paragraph 78 APP/F2360/W/19/3234070). The Appellant's case on the City Deal does not, therefore, add materially to the benefits of delivering more market and affordable housing.

9.45 To conclude, although Policy G3 is considered out of date, substantial weight should be attached to the harm caused by the proposal as a permanent development. The Council can demonstrate significant housing under the application of the standard method and proposed development would be contrary to Policy G3 of the South Ribble Local Plan as it would prevent the possible long-term comprehensive development of the land.

9.46 Piecemeal development of part of the site is incompatible with the Policy, would not constitute sustainable development and would cause harm to the comprehensive development of the area. Harm would arise from the loss of public confidence in the plan-led approach, to the principle of achieving well-designed places, to the ability to properly coordinate place-making and provision of infrastructure and services and to the engagement of local communities.

9.47 On balance, it is considered that the adverse impacts significantly and demonstrably outweigh the benefits (to which weight has been attached). The proposal is not therefore considered to constitute sustainable development.

## **Planning Obligations**

9.48 Policy A1: Developer Contributions of the South Ribble Local Plan expects new development to contribute to mitigating its impact on infrastructure, services and the environment. South Ribble's Infrastructure Delivery Schedule includes the following project areas to be delivered by 2026:

- Public Transport;
- Cycle Schemes;
- Highway Improvements;
- Health;
- Education;
- Green Infrastructure/Public Realm; and
- There are also pan-Central Lancashire transport schemes.

9.49 Contributions would be secured as a planning obligation through a Section 106 agreement and through the charging schedule associated with the Community Infrastructure Levy (CIL). Additionally, for highways works the use of Section 38 and/or Section 278 would be the agreed delivery mechanism.

9.50 The level of CIL for this development if planning permission is given would be calculated as part of any reserved matters application once the details of the scheme were submitted.

### **Highway and Transport**

9.51 The site is located to the rear of Oakdene on Chain House Lane. Chain House Lane is a classified road with a speed limit of 40mph. The site would be accessed from a new priority junction on Chain House Lane. Chain House Lane currently has a footway under 1m in width running along its northern side and a footway varying in width from 1.6m to 0m along its southern side within the vicinity of the proposed access. LCC as the highway authority has advised that having reviewed the five-year data base for personal Injury Accident (PIA) the data base indicates there have been a total of two slight incidents. LCC Highways has advised that these accidents would not be worsened by the proposed development.

9.52 The application is accompanied by a Transport Impact Assessment which has been reviewed by LCC Highways and found acceptable. No objection is raised to the proposed development on Highway grounds subject to conditions and the signing of a Section 106 agreement to provide for cycle parking and bus contributions.

### **Character and Appearance**

9.53 The site is 3.6 hectares in size and the application is for up to 100 dwellings/apartments which would provide for 27.7 dwellings per hectare (DPH). An illustrative masterplan has been submitted with the application.

9.54 Paragraph 124 of the NPPF provides guidance on design matters and makes clear that great weight should be given to design matters. *“The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”*. The NPPF makes clear that good design is now fundamental to the planning process. This needs to ensure design is not a discretionary. Policy 17 of the CLCS and Policy G17 of the SRLP among other things, requires development to be well related to neighbouring buildings and the locality in terms of its size, scale and intensity (plot coverage).

9.55 The surrounding area is described as semi-rural with housing either one or two storey for the most part in larger than average plot sizes typical of the semi-rural nature of the area. There are some terraces located to the east of the site. The applicant has advised that the proposal seeks up to 100 new dwellings which will consist of a mix of market and affordable housing ranging from 1 to 5-bedroom properties. The Transport Assessment advises that the development would include houses and apartments. Concern is raised about the use of apartments and the potential height of this type of development. The site is relatively flat and there are no three storey residential units within the immediate locality. The applicant has since confirmed that a condition restricting the development to be two storeys would be acceptable.

9.56 As the application is in outline with all other matters of appearance, landscaping, layout and scale reserved, the provided site layout is largely illustrative, with the exception of the proposed access. Whilst a detailed assessment of the application against these aspects would

occur at the Reserved Matters stage, concern is raised that without a comprehensive masterplan for the whole of S3 the opportunity to create well designed places would be lost. Para 127 sets out a number of criteria which developments should meet to deliver well-designed sustainable development. Permission should be refused for development of poor design which fails to take the opportunities available for improving the character and quality of an area. Read together, it is not considered that the NPPF supports the development of sites in isolation of their surroundings.

### **Affordable Housing Needs Provision**

9.57 Core Strategy Policy 7 Housing and special needs is applicable. The development is required to deliver 30% affordable housing which is proposed within the application. The Council's housing officer has stated that there is shortage of certain types of affordable housing. If the application is approved this aspect can be addressed through the Section 106 agreement.

9.58 Therefore, the proposed affordable housing element of the scheme meets Policy 7 of the Central Lancashire Core Strategy.

### **Ground Conditions**

9.59 The application is accompanied by a Geo Environmental Desk Top Study which assesses the impact of the proposal with respect to the ground conditions. The Environmental Health Officer has advised that subject to conditions controlling this aspect the scheme is acceptable.

### **Water Environment: Drainage and Flooding**

9.60 The application is accompanied by a Flood Risk Assessment and Drainage Strategy dated April 2019. The Flood Risk Assessment has reviewed all sources of flood risk which includes fluvial, tidal, pluvial, groundwater, sewers and flooding from artificial sources.

9.61 The proposed development site is located within Flood Zone 1 and covers a site area of 3.7ha. The water course known as Mill Brook runs from east to west across the site through a small pond in the centre of the site. Consisting of three fields separated by hedges and ditches there are tributary ditches which run around the east, south and part of the west boundaries of the site.

9.62 As the proposal is residential in nature the development is classed as "*more vulnerable*" as set out in Table 2: Flood Risk Vulnerability Classification within the Planning Practice Guidance (PPG). The PPG states that this type of land use is appropriate for Flood Zone 1 providing the proposed development would not increase flood risk elsewhere.

9.63 From the submitted topographical survey Mill brook is between 0.6m and 1.0m below the lowest site levels and the applicant has advised that the site levels will be raised to assist the drainage connections to the existing watercourse, and therefore the site is considered to be at low risk of flooding from rivers.

9.64 The report acknowledges that the site is situated in an area that has the potential for flooding to occur at surface. The finished levels on site will generally be higher than at present and the Drainage Strategy advises that it is not considered to be at significant risk of flooding from ground water. Whilst there are no public sewers crossing the site there is a public combined sewer running from east to west along Chain House Lane. Foul drainage has been assumed as connecting to the existing combined sewer.



9.65 The drainage strategy has been designed to ensure that the site can be developed without increasing flood risk elsewhere. In line with National and Local Policy, infiltration was first considered. However, the Geotechnical report has advised that infiltration techniques would not be appropriate due to top soil overlying stiff boulder clay deposits.

9.66 The next option is to consider discharge to a watercourse and on that basis a series of oversized pipes with flow controls together with underground attenuation tanks acting as storage are proposed. The levels across the site would need to be raised by 1.5m to ensure gravity connections can be achieved.

9.67 Third party representations raise concerns about previous flooding incidents which have had serious repercussions within the area. United Utilities, and the Lead Local Flood Authority (LLFA) have advised that the drainage strategy is acceptable subject to the imposition of appropriate conditions controlling drainage, surface water and the appropriate mechanisms for the maintenance and management of these aspects.

9.68 It is concluded that the submitted documentation and information demonstrates that the proposed development would be at a low risk of flooding. It also confirms that surface water runoff from the development can be drained sustainably ensuring that flood risk is not increased elsewhere. The foul water drainage proposals do not raise any issues, subject to conditions. The development complies with policy including the requirements of NPPF and is considered to be acceptable in terms of drainage and flood risk matters subject to conditions.

9.69 The development thereby complies with Policy 29, Water Management of the Central Lancashire Core Strategy, and Policy G17 of the South Ribble Local Plan and Section 14 of the NPPF.

### **Ecology and Nature Conservation**

9.70 The application is accompanied by an Ecology Survey and Assessment dated October 2018 which at the time of writing is being updated.

### **Trees**

9.71 The application is accompanied by a Tree Survey Report and Tree Survey Drawing and Root Protection Area. which advises just two of the 28 Tree/Hedgerows are classed as U un-categorised one of these trees is dead and one suffers from significant die back. The council's tree officer has advised that subject to appropriate conditions controlling root protection areas during construction and landscape management no objection is raised to the proposed development. The proposed development would meet the aims of Policy G13 of the SRLP.

### **Education**

9.72 LCC Education has been consulted and advised that a contribution towards school places is not required.

### **Open Space Contribution**

9.73 As the proposed development would result in a net gain of ten or more dwellings a contribution per dwelling would be required for playing pitch of £1,507 together with a contribution to equipped play areas. If planning permission was granted this could be secured by a legal agreement.

## **Employment and Skills Statement**

9.74 Employment skills are a key priority across Lancashire, Central Lancashire and South Ribble. Creating employment and ensuring local people can access that employment and have the skills to do so is critical to ensuring the prosperity of our communities.

9.75 Partnership working through LEP and City Deal skills and employment bodies is ongoing to ensure that employment skills issues are prioritised and acted upon to make a real difference and to maximise opportunities coming forward. The proposed development of this residential site provides a key opportunity within the construction industry. On that basis a condition is recommended to secure these aspects and to ensure that the development meets the aims of the Employment and Skills SPD.

## **Air Quality**

9.76 The application is accompanied by an AQM report which has previously been assessed by the Council's Environmental Health officer who concluded that subject to conditions and a financial contribution to monitor air quality the scheme was acceptable.

## **10. Planning Balance**

10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan housing target at Core Strategy Policy 4(a) is considered out of date and the Standard Method should be applied in the calculation of the housing land supply. The proposal conflicts with policy G3. On balance, the proposal fails to comply with the development plan as a whole.

10.2 Policy G3 is considered to be technically out of date because of the different housing distribution which results from the application of the LHN housing requirement across the Central Lancashire HMA. However, that does not necessarily mean the boundaries of the safeguarded land in South Ribble are also out of date, given the significantly reduced housing requirement which results in South Ribble. It is considered that significant weight should attach to policy G3 and safeguarded land designation in the application of the tilted balance.

10.3 Applying the tilted balance, 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, or specific policies in the Framework indicate development should be restricted.

10.4 It is acknowledged that there are benefits to the scheme (as set out above). However, the Council has recently undertaken the end of year completion surveys and produced the annual Housing Land Position statement and is confident that the borough has over 10 years housing supply when using the Standard Method. This tempers the weight to be attached to the benefits of delivering more homes on this site, in advance of a formal Local Plan review, even more so when the site lies in safeguarded land.

10.5 The Council consider that significant weight should be attached to conflict with G3. There is no identified need to release the land for housing at this stage (contrary to the applicant's case). Further, concern is raised about the piecemeal development of part of the site, without any certainty that adjoining land will form part of a comprehensive well-planned development (see 9.30 to 9.47).

10.6 Overall it is concluded that the benefits of the proposed development are significantly and demonstrably outweighed by conflict with the development plan and the adverse impacts of the proposal. Material considerations do not justify the conflict with the development plan. Rather, on balance, the proposal would not constitute sustainable development for the purposes of the Framework and the Development plan policies when taken as a whole.

## **11. Conclusion**

11.1 The proposed development provides for 100 dwellings on a site allocated as Safeguarded Land under Policy G3 of the South Ribble Local Plan. The main issue is whether the proposal would amount to a sustainable form of development with reference to housing supply and the comprehensive development of the area. The Council has demonstrated a 5-year housing supply using the Standard Method as advocated by Central Government in 2020. As the most important policies for determining this application are out of date a tilted balance exercise has been undertaken in line with Paragraph 11 (d) of the Framework.

11.2 Whilst concerns have been raised by third parties about the ability of the local highway network to cope with the additional traffic, together with concerns about ecology, drainage, noise and air pollution, there are no formal objections raised from any of the statutory consultees.

11.3 However, the site forms part of a parcel of land allocated as Safeguarded by Policy G3 of the SRBC and on that basis the piecemeal development of part of the site would not constitute sustainable development and would cause harm to the possible comprehensive development of the area. It is concluded on balance that there are no other material considerations to outweigh the harm identified by granting planning permission.

## **12. Recommendation**

Refusal.

### **REASONS FOR REFUSAL:**

1. The application site is allocated as Safeguarded Land through Policy G3 of the South Ribble Local Plan. The proposal by virtue of its nature, scale and degree of permanence would be contrary to Policy G3 of the South Ribble Local Plan, to which substantial weight should attach. The Council can demonstrate a 5 Year Housing Supply, which should be calculated against the Local Housing Need figure of 191 d/pa. Applying the tilted balance, the proposal does not constitute sustainable development. Material considerations do not justify the conflict with the development plan.
2. The proposal by virtue of its nature, scale and degree of permanence would be contrary to Policy G3 of the South Ribble Local Plan as the development would harm the ability of the Council to manage the comprehensive development of the area. Therefore, the scheme would not amount to a sustainable form of development.

## **RELEVANT POLICY**

**NPPF National Planning Policy Framework**

**Central Lancashire Core Strategy**

1 Locating Growth

- 3 Travel
- 4 Housing Delivery
- 5 Housing Density
- 6 Housing Quality
- 7 Affordable and Special Needs Housing
- 9 Economic Growth and Employment
- 17 Design of New Buildings
- 18 Green Infrastructure
- 22 Biodiversity and Geodiversity
- 26 Crime and Community Safety
- 27 Sustainable Resources and New Developments
- 29 Water Management
- 30 Air Quality

Policy MP

### **South Ribble Local Plan 2012-2026**

- A1 Policy A1 Developer Contributions
- G3 Safeguarded Land for Future Development
- F1 Car Parking
- G8 Green Infrastructure and Networks- Future Provision
- G10 Green Infrastructure Provision in Residential Developments
- G13 Trees, Woodlands and Development
- G14 Unstable or contaminated land
- G16 Biodiversity and Nature Conservation
- G17 Design Criteria for New Development

### **BACKGROUND PAPERS**

Appendix 1: Revised Statement of Case APP/F2360/W/19/3234070

Appendix 2: Planning Court Judgement REF: Case No: CO/234/2020

Appendix 3: Appeal Decision Letter Ref: Appeal Ref: APP/F2360/W/19/3234070

Appendix 4: Ref: 07/2018/9316/OUT Previous Planning Committee Report