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Town and Country Planning Act 1990

Land at Carrington Road, Adlington

Appeal by Hollins Strategic Land LLP

against the decision of Chorley Borough Council to refuse an outline application (specifying the access point) for the development of up to 25 dwellings and associated infrastructure (including 35% affordable housing).

Summary of the Proof of Evidence of Paul Sedgwick

Dip TP MRTPI

Planning Inspectorate Reference: APP/D2320/W/21/3284692
Chorley Council Reference: 20/01200/OUTMAJ
Sedgwick Associates Reference: sa 4939

1. INTRODUCTION

- 1.1. I am Paul Kenneth Sedgwick. I confirm that the evidence that I give in this proof has been prepared in accordance with the guidance of the RTPI and I also confirm that the opinions expressed are my true and professional opinions.
- 1.2. The planning application was refused on 13/04/2021 for three reasons, but in its Statement of Case, the LPA has agreed to not pursue RFRs 2 and 3, and the concerns can be resolved by condition.
- 1.3. As this appeal is being heard at a conjoined public inquiry, the appellants have sought to provide joint evidence where possible. Accordingly, Mark Saunders, of NJL Consulting is giving evidence on housing land supply and the evidence of Chris Betteridge deals with planning policy matters relevant to both appeals. I rely on their evidence in coming to my conclusions on this appeal.

2. THE APPLICATION PROPOSALS

2.1. The description of development is:

Outline application (specifying the access point) for the development of up to 25 dwellings and associated infrastructure (including 35% affordable housing).

2.2. The reasons for refusing the application, and dismissing the previous appeal, were that the applicant failed to show that the Council's assertion of a 5-year housing land supply was incorrect and there was no reason to over-ride the restraint of Safeguarded Land Policy BNE3. There were no technical objections from statutory consultees and no site-specific development impacts that the LPA considers unacceptable.

Case Management

2.3. It was agreed that joint evidence on housing requirement and land supply will be presented by Mr M Saunders and matters of policy interpretation will be dealt with by Mr C Betteridge. My evidence will focus on site specific matters and planning balance for Appeal A only.

3. THE APPEAL SITE AND ITS SETTING

- 3.1. The application site is 0.85 ha in extent and forms part of a wider parcel of land designated as Safeguarded Land under Chorley Local Plan 2012 – 2026 policy BNE3 (BNE3.3 North of Bond's Lane, Adlington).
- 3.2. Vehicular access into the site is proposed along the existing Carrington Road, which is an adopted residential access road. Pedestrian and cycle access is also proposed from the southern corner of the site along Stonor Road.

Planning History

- 3.3. The site has been subject to two previous outline applications for the same scale as the appeal site 17/00411/OUTMAJ, and 18/00863/OUTMAJ. This second application was appealed by means of written representations and was dismissed on 31/07/2019 as the appellant had not shown material considerations that outweighed the safeguarded land policy.

4. RELEVANT PLANNING POLICIES

4.1. The adopted Development Plan comprises:

- The Central Lancashire Core Strategy (CS) which was adopted in July 2012 and covers the period 2010-2026.
- Chorley Local Plan 2012-2026 (Site Allocations and Development Management Policies DPD), which was adopted in July
- Joint Lancashire Minerals and Waste Local Plan

4.2. The weight to be attached to the policies that are most important for determining the application is discussed in the evidence of Mr Betteridge.

4.3. The three Central Lancashire Authorities are currently undertaking a review of the development plans for the area and are working towards the preparation of a Joint Local Plan for Central Lancashire to cover the period 2021 to 2036.

5. SUITABLE AND SUSTAINABLE LOCATION

- 5.1. The adopted Local Plan identifies a settlement hierarchy within the borough which seeks to focus development in the urban areas of Chorley Town, Buckshaw Village and the Urban Local Service Centres in order to maximise access to services, facilities, employment and to help reduce the need to travel. Adlington is identified as an 'Urban Local Service Centres' and is, therefore, considered to be a sustainable and accessible location.
- 5.2. Adlington station is easily accessible on foot from the appeal site and offers access to employment and leisure destinations. There are also bus stops on Park Road, within 190m of the site and on Chorley Road, within 1,300m.
- 5.3. This planning application was supported by a suite of technical assessments and documentation allowing scrutiny through the application process. There are no technical objections to the application.

The proposed housing development is of a scale most suitable for build-out by and SME housebuilder and Hollins Homes has expressed a keen interest in the site.

- 5.4. My view, set out in detail in the proof of evidence, is that the proposals represent sustainable development, are appropriate in principle and benefit from scrutiny and support.

6. LOCAL HOUSING NEED AND HOUSING LAND SUPPLY

- 6.1. The evidence provided by Mr Saunders on the housing requirement and the housing supply demonstrates that the Council can only demonstrate 2.4 years supply. On that basis, the tilted planning balance is engaged, and the appeal proposal is required now.
- 6.2. The Chorley Local Plan (2012-2026) allocated four sites in Adlington. In total, 288 dwellings were allocated and expected to be delivered. One site (HS1.26) was expected to deliver 31 dwellings but has been developed for employment uses, and another site (HS1.24) has a reduced number of homes being delivered. Development of the appeal site would compensate for these losses.

7. DEVELOPMENT BENEFITS

7.1. The appeal proposals will deliver demonstrable benefits which are to count in the favour of the appeal proposals within the planning balance. In summary:

Market Housing

7.2. The Council's forward supply stands at 2.4 years based on the standard method calculation. Should Policy 4 be determined to still apply, with no allowance for 'oversupply', this shortfall would stand at 3.1 years. In either situation, the shortfall is significant. I consider from the evidence presenting by Mr Saunders, and my own experience, that housing land supply is likely to continue to diminish on an annual basis. This is emphasised by the continued delays in the emerging Local Plan and the Council's deliberate attempt to suppress their housing requirement to just a fifth of their actual requirement over the next five years

Affordable Housing

7.3. Data provided by the Council indicates that a total of 1,535 (gross) affordable dwellings have been delivered in Chorley since 2009. However, this excludes Right to Buy sales which result in losses to the overall affordable provision.

7.4. To date the Council has achieved the net delivery of 1,415 affordable dwellings, an average of 129 net affordable dwellings per annum. This is equivalent to 23% of average completions, which falls well below the Core Strategy Policy 7 requirement of 30% to 35% provision.

7.5. House price paid data from HM Land Registry show that house prices have continued to worsen in Adlington. Affordability in Chorley is also markedly higher than the North West region. Affordable housing delivery in Adlington, an Urban Local Service Centre, has also been suffering, with four of the past nine years delivering no affordable housing.

7.6. Chorley seems to acknowledge the issue of affordability in the latest Annual Monitoring Report. The Council's own evidence confirms they will be unable to meet need with delivery of only 369 affordable homes (76 dpa) in the next five years – equating to 25% of the Council's suggested deliverable supply.

- 7.7. Contextually, the Inspector at Pear Tree Lane, put the acuteness of need into sharp focus, and clearly found the Council's proposition of a 278dpa under MOU2 would further undermine the affordability issue within the Borough and fail to properly meet needs. Less than 18 months since that decision, the Council is now promoting a housing supply requirement that has been reduced by a further 60% to only 109 dpa, which is just one fifth of the local housing need figure calculated under the standard method.
- 7.8. This existing shortfall in affordable housing will only worsen under the Council's proposition with no evidence being presented as to how the significant shortfall and identified needs will be addressed.
- 7.9. I therefore attach very significant weight to the provision of 9 affordable dwellings in this case, irrespective of whether the tilted balance is engaged or not.

Provision of on-site Open Space

- 7.10. The appeal proposals can provide up to 1260m² of public open space equating to c.15% of the site coverage. This includes the provision of a SUDs and biodiversity enhancements proposed within the northern area of the site, as well as opportunities for incidental open space and planting across the site.
- 7.11. This scale of on-site provision is set against a minimum policy requirement of 456m² representing a c.276% over-provision above that required by Policy HS4A of the CLP. I give the provision of open space significant weight in the planning balance.

Biodiversity Enhancement

- 7.12. Policy BNE9 of the CLP relates to Biodiversity and Nature Conservation. Whilst the site is greenfield, it has limited value in ecological terms as assessed by the consultant ecologists. It does however have assets which could be enhanced in conjunction with other works to contribute towards achieving a biodiversity net gain
- 7.13. In this context, I believe the accruable benefits to biodiversity exceed the requirements of Policy BNE9 and can be attributed moderate weight in favour of the appeal proposals.

Socio Economic Benefits

7.14. Paragraph 81 of the Framework states that significant weight should be placed on the need to support economic growth through the planning system.

7.15. I have summarised the estimated benefits of the scheme through the construction phase, using the HBF Housing Calculator. Applying the £530 average weekly spend figure to the 25 dwellings and translating this into an annual figure, the proposed development could generate annual household expenditure of £689,000 per annum.

Providing Connectively to the Wider BNE3.3 site

7.16. It was part of the Council's reasons for refusal that the development of the appeal site in isolation from "*the wider site allocation*" would lead to a "*piecemeal approach to development*". It is unclear what the Council means by the "wider site allocation" given that the appeal site and BNE3.3 is not currently a housing allocation. Notwithstanding that, I consider the delivery of the appeal site would not have prevented the remaining land within BNE3.3 coming forward in the future, and in any event, this is resolved by our offer of providing an adoptable access through the appeal site to connect to the remaining BNE3.3 area.

7.17. In this context, the appeal site would facilitate the delivery and practical reality of delivering all the safeguarded area for housing. I give positive weight in the planning balance to this.

8. THIRD PARTY CONCERNS

- 8.1. There have been objections from local residents to the application and to the appeal proposals, and from the town council, ward councillors and Adlington Primary School.
- 8.2. The main topic of neighbour concern is traffic generation, with some 30 objections. There is no evidence that the policy threshold for refusal set in NPPF would be met and local highway authority considers that the smooth operation of the highway is unlikely to be affected by the appeal proposals.
- 8.3. Concern is expressed at the poor bus and rail services available in the area. Having a station so close to a proposed development is unusual and is a substantial sustainability benefit for the area, and additional patronage would be beneficial.
- 8.4. The facilities available within this part of Adlington are the subject of a number of representations. I have set out in my evidence the wide range of services in Adlington that are easily accessible on foot and cycle from the site and new development will increase potential trade to the benefit of the centre.
- 8.5. Another topic of concern is that existing facilities, such as GP practices and schools are already over-stretched. There is no evidence of this, save for LCC requiring 4 secondary school places to be funded..
- 8.6. My conclusion on the third-party representations is that they do not weigh against the development.

9. PLANNING BALANCE ASSESSMENT

Engaging the ‘tilted balance’

9.1. The evidence of Mr Betteridge and Mr Saunders shows that the ‘tilted balance’ is engaged, and I show that there are no adverse impacts of development at Carrington Road such as to outweigh the presumption in favour of development. Rather, there are substantial benefits that would arise from the development and the weight to be attributed to each of these are summarised in the table below against the Council’s own assessment:

Positive Benefits	Appellant	Council (Officer Report)	Council (SoC)
Market homes	Significant	None	Limited
Affordable homes	Very Significant	None	Significant
Open space	Significant	Moderate	None
Biodiversity net gain	Moderate	None	None
Economic benefits	Moderate	Little weight/Moderate	Moderate
Connectivity to wider BNE3.3	Moderate	None	None

9.2. My conclusion is that the appeal proposals present a situation where there is no development harm or material adverse impact. The sole issue is temporal. This should be considered against the backdrop of the Council’s diminishing housing land supply which has shrunk noticeably even in the space of 18 months since the Pear Tree Lane inquiry.

Assessment of Benefits under a ‘Flat Balance’ Scenario

9.3. Should the Inspector disagree with me and find that Policy 4 and BNE3 are up to date and that the Council can demonstrate a five-year housing land supply then I accept that the tilted balance is not engaged and the planning balance to be determined in a ‘flat balance scenario’.

9.4. In this instance I have assessed whether there are material considerations which outweigh the policy conflict with Policy BNE3 and I conclude that the planning balance still indicates that planning permission should be granted.

Summary and Conclusion

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.

9.6. I have shown that the proposals accord with all but one policy in the Development Plan, that being conflict with Policy BNE3.

9.7. Policy BNE3 has been found to be out-of-date, given it is underpinned and its boundaries derived by an out-of-date constrained housing requirement under Policy 4 of the CLCS. The fact that the site has been earmarked to deliver housing within the new plan period with a published base date of 2021, and that there are limited opportunities to meet identified needs other than releasing Safeguarded Land, further reduces this policy conflict.

9.8. Having concluded that the most important policies for this decision are out-of-date, both in their own right and because the Council are unable to demonstrate a 5YHLS, I move onto Paragraph 11d of the Framework which sets the clear benchmark for decision making. Accordingly, the 'tilted balance' is engaged, meaning that any adverse impacts must significantly and demonstrably outweigh the associated benefits of development in order to refuse planning permission.

9.9. I have identified there to be an absence of any material harm and adverse impacts, other than conflict to Policy BNE3 and, due to it being out-of-date, Policy MP means the proposals are in accordance with the Development Plan as a whole. Even if BNE3 is not considered out-of-date, there would only be a temporary harm linked to the development of Safeguarded Land. As I submit, this temporal harm is negligible and will continue to diminish. On the contrary, there are logical and sound reasons to allow the appeal in this case which will support the robustness of the emerging plan-making process.

9.10. Set against the significant benefits that weigh heavily in favour of the appeal, I conclude that the appeal should be allowed.