

## Planning Committee

Tuesday, 13th June 2023, 6.30 pm

Council Chamber, Town Hall, Chorley and YouTube

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

Agenda No	Item	
<b>3</b>	<b>Planning applications to be determined</b>	
	The Head of Planning and Enforcement has submitted four planning applications to be determined (enclosed).	
	Plans to be considered will be displayed at the meeting or may be viewed in advance by following the links to the current planning applications on our <a href="#">website</a> .	
a	<b>21/01076/FULMAJ - Land 53M West Of Belvedere, 31 Darlington Street, Coppull</b>	(Pages 7 - 48)
b	<b>22/01142/OUTMAJ - Land 75M South East Of 33 Town Lane, Whittle-Le-Woods</b>	(Pages 49 - 86)
c	<b>22/00748/REMAJ - Land At Tincklers Lane, Tincklers Lane, Eccleston</b>	(Pages 87 - 96)
d	<b>22/01080/FULMAJ - Canal Mill, Botany Bay, Chorley</b>	(Pages 97 - 116)

Chris Sinnott  
Chief Executive

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**APPLICATION REPORT – 21/01076/FULMAJ**

**Validation Date: 3 September 2021**

**Ward: Coppull**

**Type of Application: Major Full Planning**

**Proposal: Demolition of existing dwelling and erection of 67no. dwellings (including 30% affordable housing) with associated access, car parking and landscaping**

**Location: Land 53M West Of Belvedere 31 Darlington Street Coppull**

**Case Officer: Mike Halsall**

**Applicant: Miller Homes, Geoffrey Dickinson And The Blackburn Diocese**

**Agent: Lichfields**

**Consultation expiry: 24 November 2022**

**Decision due by: 30 June 2023 (Extension of time agreed)**

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**RECOMMENDATION**

1. It is recommended that planning permission is granted, subject to conditions and a S106 legal agreement to secure the following:
  - A highways contribution of £3,000 for a traffic regulation order (TRO) for additional waiting restrictions at the Darlington Street / Hewlett Street junction;
  - a public open space contribution of £153,430; and
  - 30% of the dwellings to be affordable houses.

**SITE DESCRIPTION**

2. The application site is located to the west of Darlington Street and north of Hewlett Avenue, on the edge of the defined settlement boundary of Coppull. The majority of the site is identified as Safeguarded Land on the Chorley Local Plan Policies Map, i.e. land for future development needs beyond the plan period, to which policy BNE3 of the Chorley Local Plan 2012-2023 applies. A small section of the site, at its south eastern corner where it adjoins Darlington Street, is located within the defined settlement boundary of Coppull.
3. The site consists of approximately 2.8 hectares of mostly agricultural land, largely bound by hedgerows with interspersed trees. A playing field is located to the east, with further open agricultural land to the north and west. There are dwellings and allotments bounding the site to the south west on Tanyard Close, dwellings to the south on Hewlett Avenue and east/south east on Darlington Street. There is a public right of way (FP27) located approximately 20m to the north east of the site boundary. The grade II listed Church of St John The Devine is located approximately 20m to the east, on the opposite side of Darlington Street.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

4. Planning permission is sought for the demolition of an existing dwelling, St Johns Vicarage, to enable site access from Darlington Street, and the erection of 67no. dwellings (including 30% affordable housing) with associated access, car parking and landscaping.

5. The site access would be gained via Darlington Street where the detached dwelling of St. Johns Vicarage is currently located. The submitted drawings show an internal access road proposed to run along the southern and western perimeter of the site with a further central road bisecting through the middle of the site in an easterly and then northerly direction. Open space and landscaped buffers would be provided between the proposed dwellings and most of the existing dwellings that bound the site. The proposed dwellings would be located along the inner side of the perimeter road and either side of the central road. The proposed 67 dwellings would consist of 21 four-bed dwellings, 32 three-bed dwellings (including 6 affordable dwellings), 6 affordable two-bed dwellings and 8 affordable one-bed dwellings (apartments). All dwellings are proposed to be a maximum of two storeys and nine metres in height with a mixture of detached, semi-detached and terraced dwellings.
6. A policy compliant 20 affordable units would be provided as part of the scheme, 70% (14 units) would be social rent and the remaining 30% (six units) would be shared ownership.
7. The submitted plans have been amended since their original submission to change the mix of affordable housing, at the request of the Council's Housing Officer. Whilst the mix still slightly differs from that requested by the Council's Housing Officer, Jigsaw Homes have provided a letter stating that they support the proposed mix, as follows:

Shared ownership

4 x 3-bed house

2 x 2-bed house

Social rented

2 x 3-bed house

4 x 2-bed house

8 x 1-bed apartment

8. Jigsaw Homes have stated that *"there is sufficient demand in Coppull for the above type of accommodation for affordable housing. The 1 bed apartments are more popular than the two bed apartments and for this reason we would support the provision of the suggested number of 1 bed apartments on this development."*
9. Other changes have included changing the dwelling types, which the applicant's agent has stated was to ensure compliance with updated Building Regulations requirements coming into force since the application was submitted. The rear first floor bedroom window of Plot 3 has also been moved to the side of the dwelling, to avoid directly overlooking the rear garden of no. 29 Darlington Street.

## REPRESENTATIONS

10. Representations have been received from the occupiers of 75 addresses in objection to the proposal. A summary of the issues raised within the representations is as follows:
  - Increase in traffic
  - Highway and pedestrian safety
  - The above issues being exacerbated during school pick-up / drop-off times
  - Access roads are too narrow, emergency services would struggle to access
  - Insufficient local amenities / services – doctors, chemist, A&E, schools etc.
  - Poor drainage / increase in flooding
  - Green Belt harm
  - Impact on wildlife / ecology
  - Visual and landscape impacts
  - Carbon emissions
  - Noise pollution
  - Water pollution
  - Harder to access walking routes
  - Light pollution

- Hedgerow disturbance
  - Darlington Street is prone to collapsing / sink holes
  - Property value diminishing
  - Previous refusal of planning permission at the site
  - Plenty of affordable housing in the area
  - Demolition of a lovely house
  - Coppull crime rate is already high with the Police struggling to cope
  - Criticism of neighbour notification process
  - Should use brownfield sites instead
  - Loss of privacy
  - Land stability / coal issues
  - Small village with a growing population
  - Don't need any more housing in small village
  - Won't be in keeping with local surroundings
  - Loss of the vicarage – part of the history of Coppull and St. John's Church
  - Contrary to the policies of the Local Plan
  - Contrary to policy BNE3 Safeguarded Land
  - Unsustainable development
  - Other approved development will affect highway safety
  - Loss of trees / green space
  - Substation close to residents
  - Deficiencies in the submitted documents
11. A petition in objection to the proposal has also been submitted with 774 names and post codes or partial post codes. Full addresses have not been provided.
12. Any impact upon property value is not a material planning consideration. Other issues are covered in the following sections of this report.
13. It is noted that a previous planning application for development on the site was refused. The currently proposed scheme is however materially different to the previously appealed scheme (ref. APP/D2320/A/10/2123370) which was dismissed for 3no. dwellings on land to the rear of 31 Darlington Road. Setting aside the clear differences in the scale of development proposed, the refused scheme included an access immediately adjoining the side boundary of no.2 Hewlett Avenue which continued along the boundary for approximately 18 metres. In the appeal decision, the Inspector noted that the access would be about 12 metres from the kitchen and dining area of no.2 and would make these rooms and the garden a much less pleasant place to be because of potential disturbance by noise, fumes, lights and a loss of privacy. The Inspector also considered that the access would be visually intrusive when viewed from no.2's garden and its rear-facing rooms because of the lack of intervening screening or vegetation. The proposed access of the current application is significantly different in this instance, as explained elsewhere in this report. The appeal decision was also made in July 2010 which presented a different national and local policy context to the current scheme.

## CONSULTATIONS

14. Coppull Parish Council: Have commented in objection to the proposal as follows:

*"The Parish Council strongly object to the above planning application on the following grounds:*

*1. Demolition – the Vicarage is part of the heritage of the Church which is a listed building and should be protected. The Diocese allegedly would receive all the money from this sale and will not be donating any to the church, which is in dire need of a new roof. The trees which are mainly native trees (Oak and Beech) have TPO's on them and should be preserved.*

2. *Green Belt – the area behind the Vicarage is green belt land and although the area has been classed as “safeguarded” for future development in the local plan, this should not be until 2026. The potential developers are very premature with this application. The area is also a haven for wildlife and this should also be protected.*

3. *Infrastructure:*

- *The roads giving access to this development are extremely narrow (Darlington Street) and have traffic calming measures (Park Road). They are already severely congested at peak times, due to there being a primary school and church/church hall in close proximity. Darlington Street also has a recent history of sink holes.*
- *Contractors trying to navigate down these streets will make it extremely dangerous for children going to and from school and will find it extremely difficult themselves to negotiate the narrow roads and parked cars. The effect of building so many new houses in the area will place a high burden on all local services and will increase traffic tremendously, given there will most likely be at least two cars per house. Drainage is already at capacity and flooding will also be a concern. The noise and disturbance resulting from the proposed development is of great concern and the current properties will be overlooked and some will lose their privacy.*
- *Parking – Very limited for residents, school and church. Although there is a church car park which is very well used, cars are continually double parked on all the surrounding streets making the roads passable in just one direction at a time. The exit from Darlington Street is dangerous, as you have to pull out onto Spendmore Lane due to the sight lines.*
- *School/Nursery/After School Club – already hazardous for parents children, teachers due to the amount of traffic already using these roads.*
- *Doctors Surgery, Library, Dentist, Chemist – only one of each and already under enormous strain. Also have residents from nearby villages, i.e. Charnock Richard, Heskin.*

4. *The proposed site is in a high risk area for previous coal mining and shafts and the precise siting of these is not known. There is also contaminated waste on this site, which could release harmful smells.*

5. *An archaeological investigation needs to take place, as this may be a site of significant interest.*

*The Parish Council sincerely hope that you take all the objections from residents into account when making a decision on this matter”*

15. *The Coal Authority: In their most recent comments the Coal Authority confirm that they withdraw their initial objection, subject to conditions.*
16. *Environment Agency: No objections raised. The Environment Agency advise that they have reviewed the Phase 1 and 2 reports and that the investigation is adequate given the previous use of the site. They note that minor contamination associated with the magazine on site has been discovered and that this would be removed.*
17. *Greater Manchester Ecology Unit: Have responded with no objection to the proposal and have suggested conditions with regards to safeguarding nesting birds, the watercourse, trees, hedgerows and great crested newts and the provision of a detailed landscaping scheme and management plan.*
18. *Lancashire County Council (Education): Have responded stating that there is no requirement for a financial contribution towards education provision.*
19. *Waste & Contaminated Land Officer: Advise that the investigation is satisfactory, and that minor contamination has been identified which will be removed. No objection is raised,*

subject to the development progressing in accordance with the works outlined in the Phase 2 report.

20. Lancashire County Council Highway Services (LCC Highway Services): Have responded with no objection to the proposal, subject to conditions.
21. Lancashire County Council Archaeology: Conditions for building recording and archaeological investigation recommended.
22. Lead Local Flood Authority (LLFA): Initially responded with no objection to the proposal, subject to conditions. Objectors commissioned consultants, JBA, to undertake a review of the flood risk associated with the proposals, to which the LLFA responded as follows:

*"I have done a detailed breakdown of JBA's review of the submitted FRA for 21/01076/FULMAJ. Please see my comments on the recurring themes raised within the review of the FRA.*

*The only real viable issue the review raises that has any policy backing is the greenfield runoff rate. However they are comparing the results from the FRA to their own results, which have been calculated using a different methodology. This is somewhat flawed, as a different method will produce a different result as the methods are based on different parameters. The method in the FRA is actually a more up to date method which is more suitable for smaller drainage catchments. The method used in the FRA is an accepted method and the proposed runoff rate meets the required technical standards. In addition to this, the difference in the two calculated rates is 0.7 l/s which is a less than 10% difference between the two rates and likely comes down to the different methods used to calculate it, rather than the calculation being wrong in any way. As such I do not consider this to be an issue.*

*The review of the FRA has issues with existing off-site flood risk surrounding Tanyard Brook, this is a pre-existing issue and because the developer is restricting the discharge rate to the pre-development greenfield runoff rate, then these existing issues should not be exacerbated, they will theoretically remain the same. This meets the required technical standards. There is no policy backing that can make the developer resolve any off-site existing flooding issues, so there is no ground for objection in association with this from the LLFA. When reviewing the downstream flood risk it should be noted that this is to allotment gardens and fields, the risk won't be to people or properties. To get technical about it the surface water flood risk is predominantly medium/low for the adjacent area of tanyard brook, this means that this area has a chance of flooding of between 1% AEP (annual exceedance probability) and 3.3% AEP each year. The proposed drainage strategy is restricting the discharge rate to Greenfield Qbar (approximately the runoff rate experienced in the 50% AEP rainfall event from the pre-developed site) for these more extreme rainfall events, which is much lower than the equivalent pre-developed greenfield runoff rate. In theory this should see a reduction, or no change in flood risk for these more extreme rainfall events, not any increase.*

*I do not disagree with some of the other principles within the review of the FRA, such as the implementation source control and NFM 'slow the flow' techniques, however there is no policy backing to make any of this a requirement of the developer, and without a robust policy backing any objection from myself based on these would not stand in an appeal situation. These are nice to have and what we would LIKE to see, but they are definitely NOT a requirement.*

*The other missing information such a flood exceedance routes and a maintenance plan I have asked for in pre-commencement conditions and are not principles of development so securing these through conditions is fine in my opinion. I am almost certain they want UU to adopt the system under a S104 agreement, you can tell by the way they have done the drainage drawing!*

*In conclusion, I do not believe there are any omissions in the submitted FRA which the applicant needs to address, as explained above. The proposal meets all the required technical standards and any missing information will be secured by the recommended pre-commencement conditions in my response.”*

23. Lancashire Police: Make a number of recommendations in relation to designing out crime.
24. Council's Tree Officer: Have responded to state that this proposed development would result in the loss of a linear group of Beech and seven individual trees protected by TPO. Some of these are category A and B trees. Should the development proceed, an appropriate site specific tree protection plan and an arboricultural method statement should be produced and adhered to.
25. Air Quality Officer: Have responded to state that *“the methodology followed in the applicant's submission is appropriate, and their conclusion that a detailed air quality assessment is not needed is acceptable in this case. I'm also happy that they propose to install EV charging in the properties, so as long as this is followed through it should be fine as a mitigation measure. Where gas-fired boilers are used, would propose them to meet a minimum standard of <40 mg NOx/kWh. With a presumption against using biomass burning within the properties.”*

There is no planning policy requirement in relation to EV charging or setting boiler/biomass standards. These issues are covered under separate legislation.

26. United Utilities: Recommend that the development should be carried out in accordance with the principles set out in the Foul & Surface Water Drainage Design.

## **PLANNING CONSIDERATIONS**

### Principle of development

27. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that if regard is to be had to the development plan for any determination then that determination must be made in accordance with the plan unless material considerations indicate otherwise.
28. The Development Plan comprises the adopted Central Lancashire Core Strategy (2012) and the adopted Chorley Local Plan 2012- 2026. The Central Lancashire Core Strategy was adopted in July 2012 and covers the three neighbouring authorities of Chorley, South Ribble and Preston. The three authorities are a single Housing Market Area (HMA).
29. A small section of the site near Darlington Street is located within the defined settlement boundary of Coppull. The site access and five dwellings would be located within this part of the site, covered by policy V2 of the Chorley Local Plan, where there is a presumption in favour of appropriate sustainable development, subject to material planning considerations and the other policies and proposals within the Plan.
30. Core Strategy Policy 1 sets out the locations for growth and investment across Central Lancashire. Coppull is identified as an Urban Local Service Centre where some growth and investment will be encouraged to help meet housing and employment needs.
31. Located on the edge of the settlement, the site is in an accessible and sustainable location, within a reasonable walking distance of bus stops, community facilities and shops that would provide for the day to day needs of residents. The Education Authority has indicated there would be sufficient primary and secondary school places within the catchment area of the site.
32. It is noted that some neighbour representations have made comments regarding pressure on Primary Care provision and other local services. However, this is not substantiated by evidence and the providers of these services have not made representations relating to



existing shortcomings or requested contributions towards additional provision. The proposed development is considered to be consistent with Policy 1 of the Core Strategy.

33. The majority of the site, where the remaining 62 dwellings would be situated, is identified as Safeguarded Land, as defined in Policy BNE3 (Areas of Land Safeguarded for Future Development Needs) of the Chorley Local Plan 2012 – 2026, known as BNE3.5 North of Hewlett Avenue, Coppull.
34. The site was designated as Green Belt in the 1993 Lancashire Structure Plan. It was removed from the Green Belt designation and reallocated as Safeguarded Land along with a number of other sites in the 1997 Chorley Borough Local Plan under the Safeguarded Land policy (Policy C3). In the Chorley Borough Local Plan Review in 2003 the site was again designated as Safeguarded Land under Policy DC3.12 (North of Hewlett Avenue, Coppull’).
35. The areas of Safeguarded Land covered by Policy DC3 were reviewed as part of the current Local Plan process which started in 2010. The review included a sustainability assessment, and consultation with Lancashire County Council and United Utilities. In order to meet Chorley’s housing, employment and open space requirements in the Chorley Local Plan 2015, safeguarded sites that were considered the most suitable, specifically those that were natural extensions to existing settlements, and proved most viable in terms of highways access and the characteristics of the site were allocated. The remaining Safeguarded Land was retained as Safeguarded Land under Policy BNE3 to provide for potential future development needs beyond the Plan period (i.e. after 2026).
36. Policy BNE3 is a restraint policy and states that development other than that permissible in the Green Belt or Area of Other Open Countryside (under Policy BNE2) will not be permitted on Safeguarded Land. The proposal is, therefore, contrary to Policy BNE3.
37. Core Strategy Policy 4 sets out the minimum housing requirements for the plan area and is assessed later within this report.

#### Other material considerations

38. The National Planning Policy Framework (the Framework) is a key material consideration. The purpose of the planning system is to contribute to the achievement of sustainable development. There are three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). These are set out at paragraph 8 and it is fundamental that development strikes the correct balance between:
  - Environmental - the protection of our natural, built and historic environment
  - Economic - the contribution to building a strong and competitive economy
  - Social - supporting strong, vibrant and healthy communities
39. Paragraph 10 of the Framework states that; so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).
40. Paragraph 11 of the Framework states for decision-taking this means:
  - c) approving development proposals that accord with an up-to-date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - a. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
    - b. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
41. The Footnote (6) to paragraph 11 sets out examples of the type of policies that may indicate development should be refused. Footnote 7 makes clear that the tilted presumption

in favour of sustainable development will apply where a Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites.

42. Paragraph 59 of the Framework confirms the Government's objective of significantly boosting the supply of homes.
43. Paragraph 60 of the Framework reinforces that requirements represent the minimum number of homes needed.
44. Paragraph 73 of the Framework requires Local Planning Authorities to maintain a supply of deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategies or against their local housing need where the strategic policies are more than five years old. Footnote 37 states in circumstances where strategic policies are more than five years old, five year housing land supply should be calculated against Local Housing Need calculated using the Government standard methodology, unless those strategic policies have been reviewed and found not to need updating.

#### Housing land supply

45. The following planning appeal decisions are of relevance.

#### **Land adjacent to Blainscough Hall, Blainscough Lane, Coppull Decision APP/D2320/W/21/3275691**

46. On the 3 February 2022 a decision was issued for the appeal for Land adjacent to Blainscough Hall, Blainscough Lane, Coppull. The appeal was allowed and outline planning permission was granted for the erection of up to 123 dwellings (including 30% affordable housing) with public open space provision, structural planting and landscaping and vehicular access points from Grange Drive.
47. The main issues in the appeal were:
  - Whether or not the Council can demonstrate a 5 year supply of deliverable housing land, having particular regard to the development plan, relevant national policy and guidance, the housing need or requirement in Chorley and the deliverability of the housing land supply;
  - Whether or not the most important policies of the development plan for determining the appeal are out of date, having particular regard to the 5 year housing land supply position and relevant national policy;
  - Whether this, or any other material consideration, would justify the proposed development on safeguarded land at this time.
  - Whether or not there are adequate secondary school places to serve the development.
48. In respect of the Housing Requirement in Chorley:
49. The Decision Letter includes an assessment of Core Strategy policy 4 (which sets out the minimum housing requirements for the plan area) in the context of Paragraph 74 of the Framework, and whether the policy has been reviewed and found not to require updating. It also considers whether the introduction of the standard method in itself represents a significant change in circumstances that renders Core Strategy policy 4 out of date with reference to the PPG (paragraph 062).
50. The Decision Letter concludes that it is appropriate to calculate the housing requirement against local housing need using the standard method due to the significant difference between the local housing need figure and the housing requirement in policy 4 amounting to a significant change in circumstances which renders Policy 4 out of date.
51. With regards to the appropriate housing requirement figure to use when calculating the housing land supply position of the authority, the Blainscough Hall Inspector, therefore, sets

out that the standard method should be used. Applying this to the Council's current supply results in a housing land supply position between 2.4 and 2.6 years.

52. The Inspector concluded that as such the Council can no longer demonstrate a 5-year supply of housing land meaning that the tilted balance, and presumption in favour of sustainable development was, therefore, engaged under paragraph 11(d) of the Framework.

**Land to the East of Tincklers Lane, Tincklers Lane, Ecclestone PR7 5QY Appeal A Ref: APP/D2320/W/21/3272310**

**Land to the North of Town Lane, Town Lane, Whittle-Le-Woods PR6 8AG Appeal B Ref: APP/D2320/W/21/3272314**

53. On the 18 February 2022 decisions were issued for the above appeals. Appeal A was allowed and outline planning permission was granted for the construction of up to 80 dwellings with all matters reserved aside from vehicular access from Doctors Lane. Appeal B was dismissed on grounds of highway safety.

54. The main issues in the appeals were:

- Appeal A: Whether or not the proposal integrates satisfactorily with the surrounding area with particular regard to patterns of movement and connectivity Appeal B: The effect of the proposal on highway safety including accessibility of the appeal site.
- Whether or not the Council is able to demonstrate a five-year supply of housing land;
- Whether or not the most important policies of the development plan are out of date; and,
- Whether any adverse effects, including conflict with the development plan as a whole, would be outweighed by other material considerations.

55. In respect of housing land supply:

56. The Inspector for the conjoined appeals assessed Core Strategy Policy 4 against Paragraph 74 of the Framework which requires the local planning authority to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5 years' worth of housing against their requirement as set out in adopted strategic policies, or against their local housing need when strategic policies are more than five years old. The Core Strategy is more than five years old.

57. The Inspector considered MOU1 to have constituted a review of Core Strategy Policy 4 and was an up-to-date assessment of need at that point in time but that the situation moved on considerably since it was signed.

58. Paragraph 44 of the Inspector's report notes that national guidance indicates local housing need will have considered to have changed significantly where a plan was adopted prior to the standard method being implemented based on a number that is significantly below the number generated by the standard method. The implications for Chorley would result in an annual requirement of 564 dwellings and the CS figure would be significantly below this. In this instance, Chorley's local housing need has changed significantly.

59. The Inspector noted that the standard method figure is particularly influenced by the level of development in the area between 2009 and 2014 but considers that this does not necessarily render the standard method itself as invalid. Any proposed redistribution of standard method figures for the Central Lancashire authorities, such as MOU2, would need to be considered at an examination.

60. The Inspector considered oversupply and the delivery rates of housing, which was weighted towards the early years of the plan period. However, the requirement in Policy 4 itself is not expressed as an overall amount to be met over the plan period. Policy 4 does not refer to any potential oversupply despite the known potential of Buckshaw Village contributing to

growth in Chorley and it clearly states that it is a minimum annual requirement. (paragraph 49)

61. Paragraph 50 of the Inspector's report states: *"the inclusion of oversupply against Policy 4 would reduce the requirement for Chorley to just over 100 dwellings per annum. This would be considerably below anything which has been permitted in previous years in the area and would even be below the redistributed standard method figures for Chorley in MOU2. I consider it would be artificially low and would in greater probability, lead to significantly reducing not only the supply of market housing but also affordable housing within the area. It would thus run counter to the objective of the Framework to boost the supply of housing and to paragraph 74 of the same, which seeks to maintain the supply and delivery of new homes."*
62. The Inspector concludes at paragraph 51 of the report that; *"in the circumstances before me having regard to both MOU1 and MOU2, I conclude that the situation has changed significantly for Chorley in respect of local housing need and that Policy 4 is out of date. The standard method is the appropriate method for calculating housing need in Chorley. It is agreed between the parties that a 5% buffer should be applied. In terms of sites which contribute to the housing land supply within Chorley, there is a very narrow area of dispute between the two main parties which relates to only 2 sites and amounts to 116 dwellings. This is a marginal number that has little effect on the result in respect of the requirement. Accordingly, against the application of the standard method there would be less than three years supply of housing land in Chorley, and I conclude that the Council is unable to demonstrate a five-year supply of deliverable housing sites."*

**Land south of Parr Lane, Eccleston  
Decision APP/D2320/W/21/3284702**

63. On the 17 March 2022 a decision was issued for the appeal for Land south of Parr Lane, Eccleston. The appeal was allowed and outline planning permission was granted for up to 34 dwellings and associated infrastructure on land south of Parr Lane, Eccleston, Lancashire in accordance with the terms of the application, Ref 20/01193/OUTMAJ, dated 4 November 2020, and the plans submitted with it, subject to the conditions.
64. Following the LPAs withdrawal of the reasons for refusal of the application, based upon the LPA not having a 5-year housing land supply as born out through recent appeal decisions, the main issue in the appeal was whether there were any material considerations that would justify dismissing the appeal.
65. The Inspector concluded the following with regards to housing land supply:

*"Framework paragraph 11d indicates that where the most important policies for the determination of a proposal are out-of-date, (which includes applications for housing, where the LPA cannot show a 5-year HLS), permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole; the tilted balance.*

*The most important policies for determining this appeal are CS Policies 1 and 4 and LP Policy BNE3. Whilst the proposal would be consistent with CS Policy 1, it would conflict with LP Policy BNE3, safeguarding land for future development. The LPA accepts that it cannot show a 5-year HLS and as such CS Policy 4 and LP Policy BNE3 are out-of-date. Taking the development plan as a whole, the most important policies for determining this appeal are out-of-date and the tilted balance applies.*

*The proposal would provide for up to 34 dwellings of which 35%, would be affordable homes (CS Policy 7). Given the absence of a 5-year HLS, the proposal would make, albeit a modest one, a material contribution to meeting local housing needs. As a benefit this attracts significant weight. The development would secure economic benefits through construction investment and the contribution future occupants would make to the local economy. These benefits attract moderate weight. The site has limited biodiversity value*

*and the development has the potential to provide biodiversity net gain. This is a benefit of limited weight. Given my assessment above, the harm arising from the conflict with LP Policy BNE3 is significantly and demonstrably outweighed by the benefits when assessed against the policies of the Framework as a whole.”*

**Land off Carrington Road, Adlington  
Decision APP/D2320/W/21/3284692**

66. On the 17 March 2022 a decision was issued on the above referenced appeal. The appeal was allowed and outline planning permission was granted for residential development of up to 25 dwellings on land off Carrington Road, Adlington, Lancashire PR7 4JE in accordance with the terms of the application, Ref 20/01200/OUTMAJ, dated 5 November 2020, and the plans submitted with it.
67. Following the LPAs withdrawal of the reasons for refusal of the application, based upon the LPA not having a 5-year housing land supply as born out through recent appeal decisions, the main issue in the appeal was whether there were any material considerations that would justify dismissing the appeal.
68. The Inspector concluded the following with regards to housing land supply:

*“Framework paragraph 11d indicates that where the most important policies for the determination of a proposal are out-of-date, (which includes applications for housing, where the LPA cannot show a 5-year HLS), permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole, the tilted balance.*

*The most important policies for determining this appeal are CS Policies 1 and 4 and LP Policy BNE3. Whilst the proposal would be consistent with CS Policy 1, it would conflict with LP Policy BNE3, safeguarding land for future development. The LPA accepts that it cannot show a 5-year HLS and as such CS Policy 4 and LP Policy BNE3 are out-of-date. Taking the development plan as a whole, the most important policies for determining this appeal are out-of-date and the tilted balance applies.*

*The proposal would provide for up to 25 dwellings of which 30%, would be affordable homes (CS Policy 7). Given the absence of a 5-year HLS, the proposal would make, albeit a modest one, a material contribution to meeting local housing needs. As a benefit this attracts significant weight. The development would secure economic benefits through construction investment and the contribution future occupants would make to the local economy. These benefits attract moderate weight. The site has limited biodiversity value and the development has the potential to provide biodiversity net gain. This is a benefit of limited weight. Given my assessment above, the harm arising from the conflict with LP Policy BNE3 is significantly and demonstrably outweighed by the benefits when assessed against the policies of the Framework as a whole.”*

**Land east of Charter Lane, Charnock Richard  
Decision APP/D2320/W/22/3313413**

69. On the 5 May 2023 a decision was issued for the appeal on Land east of Charter Lane, Charnock Richard. The appeal was allowed and full planning permission was granted for the erection of 76 affordable dwellings and associated infrastructure at the site in accordance with the terms of the application, ref 21/00327/FULMAJ, dated 11 March 2021, and the plans submitted with it, subject to conditions.
70. Following the LPAs withdrawal of the reasons for refusal of the application, based upon the LPA not having a 5-year housing land supply, the main issue in the appeal was whether the site is suitable for development, in the light of the locational policies in the development plan, highway safety and other material considerations.
71. The Inspector concluded the following with regards to housing land supply:

*“Paragraph 74 of the Framework requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5-years worth of housing against their local housing need where the strategic policies are more than 5 years old.*

*The Council can currently only demonstrate a 3.3 year supply of deliverable housing. That position is agreed between the Council and appellant.*

*While this is disputed by a number of interested parties, this position has been extensively tested at appeal, including most recently in a decision dated December 2022. Accordingly, I am satisfied that there is a critical housing need across the Borough.”*

**Land at Blackburn Road, Wheelton  
Decision APP/D2320/W/22/3312908**

72. On the 30 May 2023 a decision was issued for the appeal on Land at Blackburn Road, Wheelton. The appeal was allowed and outline planning permission was granted for the residential development of up to 40 dwellings with access from Blackburn Road and all other matters reserved, subject to conditions.
73. The main issue in the appeal was whether the proposal is consistent with the objectives of local and national planning policies relating to the location of housing, and if there are any adverse effects of the development proposed, including conflict with the development plan as a whole, whether they would be outweighed by any other material considerations.
74. The Inspector concluded the following with regards to housing land supply:

*“the evidence before me has drawn my attention to recent appeal decisions in Chorley, including those where planning permission previously has been granted for up to 123 dwellings at Land adjacent to Blainscough Hall, Blainscough Lane, Coppull1, for up to 80 dwellings at Land to the East of Tincklers Lane, Eccleston2, for up to 34 dwellings at Land south of Parr Lane, Eccleston3 and for up to 25 dwellings at Land off Carrington Road, Adlington. Following those appeal decisions including the developments subject of Inquiries at Blainscough Lane, Coppull and Tincklers Lane, Eccleston, it is not a matter of dispute between the main parties that Policy 4 of the CS is more than five years old and is out of date due to changes to national policy since its adoption including a different method for calculating local housing need. I have no reason to take a different view. Furthermore, even if I were to accept the stated Council position of a 3.3 year deliverable supply of housing based on a local housing need calculation of 569 dwellings per annum (following the standard method set out in paragraph 74 of the Framework and Planning Practice Guidance) rather than the deliverable supply of between 2.4 and 2.56 years identified by previous Inspectors, the shortfall in supply remains significant and clearly below five years. It follows that as I have found Policy 4 of the CS to be out of date and that the Council cannot demonstrate a five-year supply of deliverable housing sites that the ‘tilted balance’ in the Framework is to be applied which I necessarily return to later in my decision.”*

Summary - the tilted balance

75. Paragraph 11 d (ii) of The Framework essentially comes into play whereby the most important policies for determining an application are out of date, then 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.
76. Policies 1 and 4 of the Central Lancashire Core Strategy and policies BNE3 of the Chorley Local Plan are the most important policies for determining the planning application.
77. As previously discussed, the eastern part of the proposal that is located within the settlement area of Coppull complies with policy 1 of the Core Strategy and policy V2 of the Chorley Local Plan, although this is only a small section of the site. The rest of the proposal

also complies with Policy 1 as it represents growth to help meet a housing need. Policy V2 of the Local Plan does not apply to the larger section of the site as it is not located in the settlement boundary. It is therefore not considered that Policy V2 of the Local Plan is one of the most important policies in the determination of the application.

78. Also as previously noted, Policy BNE3 is a restraint policy and states that development other than that permissible in the Green Belt or Area of Other Open Countryside (under Policy BNE2) will not be permitted on Safeguarded Land. Much of the site is allocated as Safeguarded Land and the proposal is, therefore, contrary to Policy BNE3.
79. At 1st April 2022 there was a total supply of 1,888 (net) deliverable dwellings which is a 3.3 year deliverable housing supply over the period 2022 – 2027 based on the annual housing requirement of 569 dwellings which includes a 5% buffer. Chorley does not have a five-year deliverable supply of housing plus 5% buffer and the shortfall is significant. Significant weight should therefore be attached to the delivery of housing provided by this proposal and that 30% of the of the dwellings would be affordable houses.
80. In light of the above, Policy 4 of the Central Lancashire Core Strategy and BNE3 of the Chorley Local Plan are out of date and the tilted balance is, therefore, engaged.
81. The High Court decision [Gladman Developments Limited v Sec of State for Housing, Communities and Local Government and Corby Borough Council and Uttlesford District Council [2021 EWCA Civ 104] concerned the application of para 11d of the Framework and the tilted balance. In particular, the effect of footnote 7 in this case, where there was not a five year housing land supply, was simply to trigger paragraph 11(d) and that it did not necessarily render all policies out of date. It was noted that where 11(d) is triggered due to the housing land supply position it is for the decision maker to decide how much weight should be given to the policies of the development plan including the most important policies and involve consideration whether or not the policies are in substance out of date and if so for what reasons.
82. Policy 1 of the Core Strategy sets out the settlement strategy for the area and is not out of date. That said, the Council cannot demonstrate an adequate supply of housing and the shortfall is significant. Policy 1 of the Core Strategy therefore forms part of a strategy which is failing to deliver a sufficient level of housing. As such, the policy should only be afforded moderate weight in the planning balance.
83. Whilst Policy BNE3 of the Local Plan is broadly consistent with the Framework it is also out of date as it safeguards land based on the housing requirement in Policy 4 which is also out of date. As such, limited weight should be attached to the conflict of the scheme with policy BNE3.
84. In accordance with the Framework, planning permission should be granted for the proposal, unless:
  - c. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - d. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

#### Emerging Central Lancashire Local Plan

85. Chorley Council is working with Preston and South Ribble Councils to produce a Central Lancashire Local Plan (CLLP). Once adopted, this will replace the existing joint Core Strategy and Chorley Local Plan. The CLLP is at the Preferred Options Stage and public consultation on Preferred Options Part 1 closed in February 2023.
86. The application site was consulted on as part of the Preferred Options Part 1 consultation, site ref CH/HS1.28 'North of Hewlett Avenue'. Responses to this consultation are being reviewed and will inform Preferred Options Part 2. In addition, a number of assessments are ongoing and will inform decisions made on sites to be taken forward as part of the

development of the CLLP. The Part 2 consultation document will comprise a full suite of draft policies, both strategic and development management (non-strategic) policies, in addition to proposed allocations for all land uses. It will also set out the infrastructure that will be required to support the growth that is planned for Central Lancashire.

#### Impact on heritage assets

87. As previously noted in this report, the site is located within 20m of the grade II listed Church of St John The Devine ((List Entry Number 1281357). The proposal also includes an existing dwelling 27 Darlington Street, which was formerly a Vicarage, which has been identified as a non-designated heritage asset (NDHA). The proposal therefore needs to be assessed in relation to its impact upon the setting of the listed building and upon the non-designated heritage asset.
88. The Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act) sets out the principal duty that a Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Great weight and importance is attached to this duty.
89. The Framework at Chapter 16 deals with conserving and enhancing the historic environment. It recognises that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. The following paragraphs contained therein are considered to be pertinent in this case:
90. The Framework at paragraph 197 states that in determining applications, local planning authorities should take account of:
  - a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c) the desirability of new development making a positive contribution to local character and distinctiveness.
91. At paragraph 199 the Framework provides that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
92. At paragraph 200 the Framework confirms that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
93. Paragraph 201 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
  - a) the nature of the heritage asset prevents all reasonable uses of the site; and
  - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
  - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
  - d) the harm or loss is outweighed by the benefit of bringing the site back into use.



94. At paragraph 202 the Framework provides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
95. The adopted Central Lancashire Core Strategy (2012) policy 16 (Heritage Assets) states: Protect and seek opportunities to enhance the historic environment, heritage assets and their settings by:
- a) Safeguarding heritage assets from inappropriate development that would cause harm to their significances.
  - b) Supporting development or other initiatives where they protect and enhance the local character, setting, management and historic significance of heritage assets, with particular support for initiatives that will improve any assets that are recognised as being in poor condition, or at risk.
  - c) Identifying and adopting a local list of heritage assets for each Authority.
96. Chorley Local Plan 2012 - 2026 policy BNE8 (Protection and Enhancement of Heritage Assets) states that:
- a) Applications affecting a Heritage Asset or its setting will be granted where it:
    - i. Is in accordance with the Framework and relevant Historic England guidance;
    - ii. Where appropriate, takes full account of the findings and recommendations in the Council's Conservation Area Appraisals and Management Proposals;
    - iii. Is accompanied by a satisfactory Heritage Statement (as defined by Chorley Council's advice on Heritage Statements) and;
  - b) Applications will be granted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment and where they show consideration for the following:
    - i. The conservation of features and elements that contribute to the heritage asset's significance and character. This may include: chimneys, windows and doors, boundary treatments, original roof coverings, earthworks or buried remains, shop fronts or elements of shop fronts in conservation areas, as well as internal features such as fireplaces, plaster cornices, doors, architraves, panelling and any walls in listed buildings;
    - ii. The reinstatement of features and elements that contribute to the heritage asset's significance which have been lost or damaged;
    - iii. The conservation and, where appropriate, the enhancement of the setting of heritage assets;
    - iv. The removal of additions or modifications that are considered harmful to the significance of any heritage asset. This may include the removal of pebbledash, paint from brickwork, non-original style windows, doors, satellite dishes or other equipment;
    - v. The use of the Heritage Asset should be compatible with the conservation of its significance. Whilst the original use of a building is usually the most appropriate one it is recognised that continuance of this use is not always possible. Sensitive and creative adaptation to enable an alternative use can be achieved and innovative design solutions will be positively encouraged;
    - vi. Historical information discovered during the application process shall be submitted to the Lancashire Historic Environment Record.
97. The policy also states that development involving the demolition or removal of significant heritage assets or parts thereof will be granted only in exceptional circumstances which have been clearly and convincingly demonstrated to be in accordance with the requirements of the Framework.

#### Assessment

98. The Council's heritage advisors, Growth Lancashire, have reviewed the proposal and have commented as follows:

*"The key heritage issues for the LPA to consider under the application are:*

1. *Whether the proposal would harm the setting of the adjacent Grade II listed building (Church of St John the Divine).*
2. *In respect of NPPF P.203, – whether the scheme will cause any harm to the non-designated heritage asset (NDHA).*

#### The proposal

*The application seeks the demolition of the existing building (former Vicarage) and the erection of 67no. dwellings with associated access, car parking and landscaping. The submission documents present a mixture of detached, semi-detached, terraced and apartment homes, comprising of one, two, three and four-bedrooms. Each unit will have its own area of private amenity space and car parking. All homes proposed will be two storeys, with a maximum ridge height of under 9m from floor level.*

*The proposed landscaping incorporates retained tree planting to the periphery of the site and native hedgerow and shrub planting. The layout incorporates ancillary open space and green infrastructure; with open space proposed to the western part of the site.*

*The site will be accessed via Darlington Street (between No's 25 and 29), via land that is currently occupied by an existing dwelling (formerly a Vicarage), which is proposed to be demolished.*

#### Impact on the setting to designated heritage assets

*The issue from a heritage viewpoint is whether the proposal would harm the setting of the grade II listed 'Church of St John the Divine', which overall can be attributed as having a high significance. The properties significance is in its aesthetic and historic context, primarily evidenced in the buildings fabric and architectural form/appearance and continual use as a place of worship.*

*In relation to setting, Historic England's advice is contained in its Planning Note 3 (second edition) entitled The Setting of Heritage Assets. This describes the setting as being the surroundings in which a heritage asset is experienced and explains that this may be more extensive than its immediate curtilage and need not be confined to areas, which have public access. Whilst setting is often expressed by reference to visual considerations it is also influenced by the historic relationships between buildings and places and how views allow the significance of the asset to be appreciated.*

*The church was designed by Dudley Newman with carving by Esmond Burton, constructed in the early C20 of Rock faced stone, with a green slate roof in a Perpendicular style with some C12/C13 details. Map regression can determine that originally, the building was adjacent to extensive open (agricultural) land to its north and west. Over time, the land surrounding the church and its immediate context, has been developed with residential dwellings from various periods/styles. However, the land to the north and north-west largely remains as open fields.*

*The proposal site lies directly to the west of the listed building, extending to its north-west, on the opposite side of Darlington Street. The submission documents outline that access to the proposal site will be directly opposite the Church of St. John the Divine.*

*According to the first edition OS map, as noted above, the site was a relatively isolated setting, which gradually changed through the 20th century, with the arrival of the mix of residential dwellings within close proximity on the western side of the church. These 20th century developments have resulted in physical changes to the wider setting of the listed building and have overtime contributed to some gradual erosion of the historic setting. I do not regard the wider setting to contribute, to any significant level, to the overall significance of the listed church.*

*The views to and from the proposal site are limited because of the intervening dwellings. Nevertheless, due to the spacious plots at the northern end of Darlington Road, the*

*proposal site may be glimpsed, between the gaps between dwellings and from where the new access drive will be created once the former Vicarage is demolished. However, I note that to some extent the retention of the existing trees located behind No's 29 & 31 Darlington Street, will limit any views to and from the listed building.*

*Taking into consideration the screened nature of most of the proposal site, (with the exception of the parcel of land directly opposite the listed church containing the former vicarage); I do not regard that site contributes any level of significance to the listed building and can be considered, for the basis of this assessment, to be of a neutral value. With regards to the demolition of the former Vicarage, whilst the existing dwelling is proposed to be demolished, a replacement dwelling will be located in a similar location, albeit closer to the existing boundary wall and church, which to some extent will go some way to retaining the existing relationship and screening the wider proposal site.*

*Whilst the development proposals would lead to a permanent visual change within the setting of the church, I note that change within the setting of a heritage asset does not necessarily equate to harm or loss of significance. As the wider setting contains a mix of dwelling types built at different times throughout the C20 in a variety of styles, I do not feel that a new dwelling, in a different style, will cause any additional harm to the setting.*

*I consider that the significance of the listed building is largely defined by the retained fabric of the building itself, primarily in the buildings design, form and materials, and in its immediate setting confined to the surrounding church grounds.*

*In the context of the setting of the church, I do not think that the new residential development will be noticeable in the immediate context as the listed building. Given the already slightly eroded nature of the setting to the listed building and the neutral importance of the proposal site, in my view, the impact of the new development on the value of the setting will be negligible. Subsequently, I feel the proposal will have no discernible impact on the contribution made by the setting to the significance of the heritage asset.*

#### *Impact to the Non-Designated Heritage Asset*

*The Governments guidance identifies NDHA's as being buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets.*

*P.203 of the national Framework makes reference to the LPA's need to consider the effect of an application on the significance of a NDHA when determining an application. In carrying out its planning balance, an LPA should have regard to the scale of any harm or loss and the significance of the heritage asset.*

*The proposal site contains a NDHA (former Vicarage) to which its significance is based in its aesthetic and historic/associative value. This is primarily evidenced by the historic association of the former Vicarage to the adjacent Church of St. John the Divine. I do however recognise that as a NDHA it has a lower heritage value and as such, can only be afforded (within the national context) as having a low importance or significance.*

*Unlike in the case of designated assets, LPA's are only required to carry out a simple weighing exercise of those material matters and that any impact (which carries no statutory duty on behalf of the LPA) should be considered against the merits of the whole application including the benefits generated by sustainable new development. It is for the Council to apply what weight it considers appropriate, to those material matters in its decision, so long as it is being reasonable.*

*The NDHA is of local importance, and is an early C20 dwelling, which as noted above is associated to the adjacent church, which used to serve as its Vicarage and therefore has some associated value. The existing red brick gatepiers with terracotta capping's are inscribed with 'The Vicarage', which indicates the former status of the building. The plans*

*show that existing gatepiers are to be retained and incorporated into the redesigned Darlington Street frontage.*

*It is my view that the former Vicarage does not visually evidence an obvious or clear association (apart from the named gatepiers), as there is no shared architectural detailing. The former vicarage presents as a further detached residential dwelling, amongst a varied, residential street-scape.*

*In regards to the proposal for it to be demolished, even in the event of its total loss, I can only assign a level of harm that is at the very low end of a scale, which in the national context, would be minimal loss of heritage significance.*

*Nevertheless, lower levels of harm should not be seen as a lesser objection and any harm should be given weight in the LPA's planning judgement. It is for the LPA to have regard to the impact of the works on the NDHA asset (which has been identified as being low). In this case it may be reasonable to expect the LPA to consider the benefits of the proposed scheme to outweigh the low level of harm identified.*

*To help mitigate the loss should the LPA approve the application, then I recommend that a Condition should be applied requiring the production of a photographic record of the former Vicarage, prior to its demolition.*

#### Conclusion / recommendation

*As I am required to do so, I have given the duty's imposed by s.66(1) of the P(LBCA) Act 1990 considerable weight in my comments and I have provided a balanced judgement in my comments in relation to the NDHA's and the need to preserve heritage.*

*In regards to the setting of the listed building, I consider the proposal would meet the statutory test 'to preserve', causing no discernible harm to the contribution made by the setting to the significance of the Grade II Listed Building (Church of St. John the Divine).*

*In relation to the loss of the former Vicarage, as indicated above, in my view the proposals, which result in the buildings demolition, would cause some degree of harm or loss of significance. However, given the former Vicarage is a NDHA of low significance, the level of harm caused by the proposals would be similarly limited (low). As such under the NPPF P203 assessment, it is for the LPA to consider if the benefits of the proposed development outweighs the level of harm identified from its demolition.*

*In undertaking that balance should the LPA consider the public benefits to outweigh the harm identified, then the scheme would meet the requirements contained in Chapter 16 NPPF and be deemed to accord with Policy BNE 8 of the Local Plan and Policy 16 of the Core Strategy."*

99. Taking the above comments into account, it is clear that the proposal will have no discernible impact on the contribution made by the setting to the significance of the listed church. This part of the proposal does therefore meet the statutory test 'to preserve', causing no discernible harm to the contribution made by the setting to the significance of the Grade II Listed Building. However, the loss of the NDHA of the Vicarage would give rise to low level harm.
100. The Local Planning Authority must therefore consider the wider public benefits of the proposal against the low level of harm caused by the loss of the Vicarage. As discussed later in this report, there are significant benefits from the delivery of housing from this proposal. This should also be given significant weight in the planning balance.
101. On balance it is considered that the benefits of the proposal outweigh the harm from the loss of the NDHA and therefore the proposal complies with the aforementioned heritage related policies.

Impact on the character and appearance of the area

102. Core Strategy policy 17 seeks to ensure that the design of new buildings takes into account the character and appearance of the local area, including among other things, linking in with surrounding movement patterns and not prejudicing the development of neighbouring land; and protecting existing landscape features and natural assets
103. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials; and that the layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area; and that the proposal would not have a detrimental impact on important natural habitats and landscape features such as historic landscapes, mature trees, hedgerows, ponds and watercourses. In some circumstances where on balance it is considered acceptable to remove one or more of these features, then mitigation measures to replace the feature/s will be required either on or off-site.
104. Policy BNE10 (Trees) of the Chorley Local Plan 2012 -2026 stipulates, among other things, that proposals that would result in the loss of trees, woodland areas or hedgerows which make a valuable contribution to the character of the landscape, a building, a settlement or the setting thereof will not be permitted. Replacement planting will be required where it is considered that the benefit of the development outweighs the loss of some trees or hedgerows.
105. When considering any development proposal, the Council must be mindful of the Framework that states that the Government attaches great importance to the design of the built environment and good design is a key aspect of sustainable development. The Framework also states that planning policies and decisions should aim to ensure that developments (amongst other things) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
106. Chorley Council plans positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes and seeks to create well-mixed and integrated developments, which avoid segregation and have well-planned public spaces that bring people together and provide opportunities for physical activity and recreation.
107. The application site is an irregular shaped plot, extending beyond the existing built development of Coppull. In order to access the site, the proposal involves the demolition of the Vicarage building to make way for a vehicular access off Darlington Street and to erect 5no. dwellings on the Vicarage plot.
108. The layout has been designed with a green edge to the perimeter of the site to the north, west and south, with properties being outward facing and fronting the greenspace, providing an attractive outlook for future occupiers. In addition, the greenspace would also act as a visual buffer, providing a soft edge to the countryside.
109. The building to plot ratios would be in-keeping with the surrounding area and the overall density of the development is 24 dwellings per hectare. Whilst not necessarily low density in terms of surrounding properties, there are various constraints across the site associated with coal mining legacies, easements, and existing natural features situated to the west, which means that the whole site is not developable. In this regard, it is considered that the proposed development makes the most efficient use of the developable area of land and makes good use of site constraints by incorporating green infrastructure and ecological enhancements within the scheme. In addition, the green infrastructure also serves to provide separation to neighbouring properties.

110. The proposed development provides a mix of 1 bed, 2 bed, 3 bed and 4 bedroomed properties which would achieve a well-mixed and balanced community. The scale of the development is reflective of the predominantly two storey scale found within the surrounding area, and prominent corner plots are well designed with the use of dual fronted properties to add visual interest to the streetscene. The proposed materials are appropriate to the locality and the use of render on some corner plots would not appear incongruous within the development as they are intended to stand out as feature plots, and the use of render can be found in the locality.
111. There are a number of natural features to site boundaries in the form of hedgerows and trees. In particular those to the north and east of the site have value for foraging bats and nesting birds and are proposed for retention as part of the scheme. Further hedgerow and tree planting is proposed to the site boundaries, and ornamental planting within certain plots. In order to facilitate access to the site, the proposal involves removal of a number of trees which are protected by way of a Tree Preservation Order. The purpose of a Tree Preservation Order is to protect trees that bring significant amenity benefit to the local area.
112. Within the curtilage of the Vicarage there are 8 TPO trees and 2no. groups. These vary in terms of quality and categorisation. Of these, only 2no. of the protected trees are proposed for retention and the remainder would be felled to facilitate plots 1 to 6 and the access road. The loss of these trees would affect the amenity of the area and this is a shortfall of the scheme. Consideration does, however, need to be given to the wider benefits of the scheme and that replacement planting could mitigate this impact in the longer term.
113. Overall, it is considered that the proposal is acceptable in terms of its impacts upon the character and appearance of the site and the wider area and complies with policy BNE1 of the Chorley Local Plan and Core Strategy policy 17 in this regard. The proposal conflicts with policy BNE10 of the Local Plan with regards to the loss of trees, but this is outweighed by the benefits of the proposal, as outlined later in this report.

#### Impact on neighbouring amenity

114. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, where relevant to the development the proposal would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact; and that the proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses.
115. The application proposes a residential development of 67no.dwellings adjacent to an existing residential area. The proposed vehicular access would be situated adjacent to no.25 Darlington Street and the internal road would run parallel with the side of this property to the north. The road would extend into the application site, also running parallel with the rear boundaries of nos. 2 to 6 Hewlett Avenue.
116. It is acknowledged that the location of the proposed access would result in a change to the existing amenity situation experienced from the private garden areas of these neighbouring properties as it would generate comings and goings of vehicles, including the associated noise and disturbance arising from these movements, where currently the land has an agricultural use with agricultural traffic. However, a landscaping strip would be provided between the access road and these neighbouring properties along the boundary which would vary between approximately 6 metres and 12 metres in width to the side boundary of no.25 and approximately 8 metres in width to the rear garden boundaries of 2 to 6 Hewlett Avenue. The majority of existing trees would be retained, with further tree, hedgerow and bulb planting proposed as part of the landscaping scheme. The landscaped buffer zone would provide an adequate degree of separation from the road to ensure that these neighbouring dwellings would not be subject to unacceptable adverse impacts of noise, disturbance, or visual intrusion, although it is recognised that some degree of noise and disturbance would be unavoidable due to the introduction of a road where none currently

exists. In addition, the applicant has confirmed that they are willing to provide new boundary fencing within the application site.

117. A substation is proposed to be located adjacent to the rear garden of no.25 Darlington Street. Whilst the final details of the substation would be dealt with by planning condition, it would be single storey and of a typical design and scale to other such buildings seen on modern housing estates. It is not considered that the proposed substation would give rise to unacceptable impacts upon the amenity of the occupants of no.25.
118. A number of objections make reference to a previous appeal (APP/D2320/A/10/2123370) on land which forms part of the application site (part of 31 Darlington Street), and they suggest that this demonstrates that the proposed development is unacceptable, in particular the impact of the road on those nearest properties along Hewlett Avenue and Darlington Street. As previously noted however, the proposed scheme is materially different to the appeal scheme for a number of reasons.
119. The officer assessment recognises that there would be some impact on the amenity afforded to these neighbouring properties due to the introduction of a road and associated vehicle movements and activity on land which is currently an agricultural field. However, it is not considered that this amenity impact would be so adverse to warrant refusal of the application and in addition, the proposed residential use would be a compatible land use within a predominantly residential area.
120. Plot 1 would be situated adjacent to no.29 Darlington Street with a separation of approximately 9 metres between the direct side facing elevations. As no.29 has no directly facing habitable windows, and none are proposed in the Ingleton house type of plot 1, this would be an acceptable relationship.
121. The rear elevation of Plot 3 would be approximately 5m from the side boundary of no.29 Darlington Street. A first floor bedroom window has been moved from the rear elevation to the side elevation of the proposed dwelling to avoid directly overlooking the rear garden of no.29. Given that the rear garden of no.29 is elongated and the dwelling on Plot 1 would be located approximately 15m from the dwelling at no.29, it is not considered there would be an overbearing impact upon the occupants of no.29.
122. Plots 2 to 12 would be situated to the north of the proposed internal access road as the site is entered off Darlington Street. Separation distances of approximately 21 metres would be achieved between the facing elevations of the proposed dwellings and the rear garden boundaries of 25 Darlington Street and 2 to 6 Hewlett Avenue. This separation is well in excess of the Council's standards and would ensure that the existing neighbouring properties are not detrimentally affected by overlooking, loss of privacy, or overbearing impacts.
123. Plots 47 and 36, the northernmost of the proposed dwellings on the site, are corner plots which would directly face each other. The separation distance achieved is approximately 14 metres, and whilst this is below the Council's standards for directly facing habitable windows, the plots do provide a dual frontage to the streetscene on these corner plots, and this benefit outweighs the slight reduction to the separation standards. The remainder of the proposed development would be acceptable in terms of the separation standard, and the size of the private amenity areas would be adequate to ensure that that future occupiers have sufficient space to carry out day-to-day domestic activities. Apartments 25-28 would benefit from an amenity area, whereas the outdoor space for apartments 19-22 would be limited. This is not, however, uncommon for apartments, and nonetheless, amenity greenspace would be provided within the wider site for future occupiers to enjoy.
124. All other interface distances between the existing surrounding dwellings and the proposed dwellings meet the Council's minimum guideline distances and so are considered acceptable. The proposed dwellings have been designed in such a way so as to be compatible with each other without creating an amenity impact of adjacent plots. There would be an adequate degree of screening around the plots.

125. With regards to noise, dust and other potential pollution during the construction period, these would be short in duration and limited in intensity. Such impacts could be adequately controlled through a construction environmental management plan (CEMP) which can be required to be submitted to the Local Planning Authority for approval prior to works commencing.
126. Having regard to the above, the proposed development is considered to accord with Chorley Local Plan policy BNE1 in respect of amenity.

#### Impact on ecological interests

127. Policy BNE9 (Biodiversity and Nature Conservation) of the Chorley Local Plan 2012 – 2026 stipulates that Biodiversity and Ecological Network resources will be protected, conserved, restored and enhanced; and that priority will be given to, among other things, protecting, safeguarding and enhancing habitats for European, nationally and locally important species. The policy also requires, among other things, that where there is reason to suspect that there may be protected habitats/species on or close to a proposed development site, the developer will be expected to carry out all necessary surveys in the first instance; planning applications must then be accompanied by a survey assessing the presence of such habitats/species and, where appropriate, make provision for their needs.
128. The application is accompanied by an ecological survey and assessment which includes a licensed bat survey. The site is identified as being dominated by species-poor improved agricultural grassland, although there are locally important habitats present, including a water course (Tanyard Brook), hedgerows to the site boundaries and trees. There are a number of ponds off-site which support great crested newts (GCNs). The application has been assessed by the Council's appointed ecologists at Greater Manchester Ecology Unit (GMEU) who advise that further ecological assessments are not required, and that there are no objections to the scheme on nature conservation grounds.
129. In respect of GCNs, four ponds in proximity to the site were assessed for their suitability to support GCNs. These ponds ranged from 60 metres to 300 metres in distance of the site and are connected terrestrially across improved grassland fields. GCN eDNA surveys of the ponds were carried out, although pond 2 was dry at the time of the survey. Ponds 1,3 and 4 were positive for GCN eDNA.
130. While much of the habitat within the development site is considered to be sub-optimal for use by amphibians, nevertheless the site may be used occasionally by amphibians and the development may cause harm to amphibians, including great crested newts. Measures have, therefore, been proposed to protect GCNs, including by establishing landscape buffer zones between the built development and the ponds, by implementing measures to avoid possible harm to newts during groundworks and construction operations and by installing new habitats which could benefit amphibians (including new hibernaculae). GMEU advise that provided that the mitigation and compensation measures are implemented in full, the proposed development would not significantly affect the nature conservation status of GCNs. In addition, as the development would require a Natural England Licence or district level licensing scheme, confirmation of such shall be provided to the Local Planning Authority. The above could be secured by way of appropriate planning conditions.
131. It is considered possible to deliver the development proposals without significantly affecting the nature conservation status of great crested newts, providing that the mitigation and compensation measures described are implemented in full. A protected species Licence will be required to be obtained from Natural England before undertaking any work which could cause harm to newts, or if the scheme is to be entered into the District Level Licensing Scheme for great crested newts operated by Natural England a certificate must be obtained demonstrating that the development has been entered into the DLL scheme.
132. Bat surveys have been carried out at the Vicarage building which is identified for demolition. Whilst no evidence of bats was found, there are suitable habitats bordering the property and a number of potential access points, therefore the building has been assessed as



having moderate suitability for use by roosting bats. Bat emergence surveys did not detect the emergence of any bats. Bat inspections have also been carried out at the trees on site. No bat roosts have been recorded on the site, but some of the trees on the site have been shown to have the potential to support roosts. If works are planned to remove these trees, they must be further inspected for the possible presence of bats. All UK bats and their resting places are legally protected.

133. It is noted that the current layout of the development –

- Retains the watercourse, and a wide landscape buffer between the water course and any built development
- Retains the majority of the boundary hedgerows and boundary trees
- Retains the wooded copse *and*
- Provides opportunities for new tree planting and landscaping

134. The application is considered to be acceptable in terms of its potential impacts upon ecological receptors, subject to conditions. It is considered that the proposal complies with policy BNE9 of the Chorley Local Plan 2012-2026.

#### Highway safety

135. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that the residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction.

136. Policy ST1 (New provision of Footpaths, Cycleways, Bridleways and their associated facilities in existing networks and new development) of the Chorley Local Plan 2012 -2026 stipulates that new development and highways and traffic management schemes will not be permitted unless they include appropriate facilities for pedestrian, cycle parking facilities, and/or cycle routes. The policy requires, among other things, that proposal should provide for facilities for pedestrians and cyclists to facilitate access on foot and by bicycle to nearby residential, commercial, retail, educational and leisure areas, where appropriate; and additional footpaths, bridleways and cycleway routes between the countryside and built up areas where appropriate.

137. Lancashire County Council (LCC) as the Local Highway Authority (LHA) is responsible for providing and maintaining a safe and reliable highway network and their initial comments on the application were as follows:

*“The present and proposed highway systems have been considered and areas of concern that potentially could cause problems for the public, cyclists, public transport, motorists and other vehicles in and around the area have been identified.*

*LCC embraces appropriate development within Lancashire in line with local and national policies / frameworks and that which is emerging. This involves working closely with planning authorities, in this case officers of Chorley Council, developers and their representatives and also with National Highways. This approach supports the delivery of high quality, sustainable development and an appropriate scale of development that can be accommodated both locally and strategically.*

#### Access

*The developer is proposing to demolish 31 Darlington Street to provide access to the site from Darlington Street. The proposed access is a simple priority junction. The access road is proposed to be 5.5m wide with 2m wide footways on both sides and 6m radii.*

Sightlines of 2.4m x 25m are to be provided. The form of the junction and its geometry are acceptable to LCC Highways.

#### Local Highway Network

The B5251 Spendmore Lane is the main distributor road through Coppull with Darlington Street joining it on its northerly side. Spendmore Lane has a two lane carriageway with footways on both sides, it is subject to a 30mph speed limit and is lit by a system of street lighting.

The proposed site access onto Darlington Street lies approximately 170m north of Spendmore Lane. Darlington Street has a two lane carriageway and footways on both sides, although for the first 70m from Spendmore Lane the carriageway is generally around 5.3m wide with footway on both sides with widths of 1.2m or less.

The desirable carriageway width for residential developments is 5.5m although there are circumstances where narrower carriageways would be acceptable. Footways should have a desirable width of 2m and again there are circumstances where narrower footways would be acceptable. The combination of narrow carriageway and narrow footway is not conducive for a significant increase in vehicle movements or footfall.

The development site can be accessed without having to negotiate the narrow section of Darlington Street, via Park Road and Hewlett Street, where standard carriageway and footway widths exist. In terms of travel distance from the development site to Spendmore Lane it is a little further but not excessively so.

Darlington Street, Hewlett Street and Park Road are all subject to a 20mph speed restriction and all have traffic calming measures. Road traffic collision in the area that result in an injury tend to be limited to Spendmore Lane as confirmed in the TS.

The traditional peak hours for traffic movements are 08:00 – 09:00 and 17:00 – 18:00, which would result in 39 vehicle movements in the AM peak and 44 vehicle movements in the PM peak. This level of traffic raises no concerns regarding highway capacity.

#### Highway Concerns

Additional pedestrian and vehicle movements along the narrower section of Darlington Street shouldn't be encouraged. Although it should be noted that there have been no recorded injury accidents in the last 5 years.

Given the limited carriageway and footway widths no alterations to the existing highway have been identified that would allow a wider footway to be provided and allow two-way traffic to be maintained without imposing waiting restriction. Introducing waiting restriction is unlikely to be received favourably by local residents and any displaced parking could create additional highway access and safety issues as well as impacting upon residential amenity.

The alternative route to / from the development site is via Hewlett Street and Park Road and would create additional traffic movements in the immediate vicinity of the local primary school and could be perceived to create additional hazard. Again, there are no recorded injury accident in the last 5 years on this route.

The junction of Darlington Street and Spendmore Lane has poor sightlines for vehicles emerging from Darlington Street as well as tight radii along with narrow footways on both Darlington Street and Spendmore Lane. Physical alterations to the junction to improve matters have not been identified due to the limiting width of carriageway and footway. It is also noted that there are no recorded injury accidents here in the past 5 years.

LCC Highways have been liaising with the developers transport consultants over a number of matters which has led to additional plans being submitted. LCC Highways are satisfied

*that the highway mitigation measures now proposed by the developer are sufficient to address those concerns.*

#### Highway Mitigation

*To address LCC's concerns the developer has agreed to provide a junction table at the junction of Darlington Street and Hewlett Street and change the traffic priority so the traffic on Darlington Street must give way.*

*The benefits of this are that it forces drivers travelling from the development site to Spendmore Lane to give way and in doing so give the opportunity to make the decision to continue along Darlington Street knowing that it has limited width and poor sightline at its junction with Spendmore Lane, or utilise the alternative route of Hewlett Street and Park Road.*

*This solution has the potential to put additional traffic past the primary school, however, they would not be significant at times when congestion around the school is at its greatest.*

*The worst times for school congestion and when safety concerns tend to occur is at school finishing time when parent park up as close to the school as they can. At most school this tends to be up to 20 minutes before school finishing time until around 10 minutes after finish time.*

*The assessment in the TS considers the peak traffic hours, but not the impact at school finishing time. An interrogation of the TRICS database would reveal that a development of this scale would generate around 25 vehicle movements in the hour that school finishing time occurs. Half of these movements would be gaining access to the development which is likely to be along Darlington Street from Spendmore Lane and as such these movements can be discarded as having no impact on safety at school finishing time. As concerns at school finishing times are generally short lived, around half an hour, additional trips can be discarded. This together with drivers having a choice would result in around 5 or 6 additional movements.*

#### Layout

*The layout of the development is generally acceptable for be [sic] accepted for adoption under a s38 agreement.*

*Any proposed sustainable drainage systems under the adoptable highway will only be considered acceptable where they are adopted by United Utilities under the powers of the Water Industry Act 1991 or they only retain highway surface water.*

*The developer has provided swept paths to show that servicing is achievable.*

*The sightlines for the parking spaces at plots 06 and 11 would be restricted due to landscaping unless a protection of sightline condition was imposed to limit the height of vegetation to less than 1m height.*

#### Construction

*To ensure that road safety is not compromised during the construction period a Construction Traffic Management plan will be required.*

*In addition to this it is considered appropriate to require a highway survey condition to be undertaken to address the potential highway damage during the construction period.*

#### Conclusion

*Traffic to and from the development site has a choice of routes which are traffic calmed and have a good road safety record and as such the development traffic would not have an unacceptable impact on highway safety.*

*No highway objections are raised subject to the following conditions being imposed.”*

138. In summary, the highways mitigation measures agreed with the applicant are as follows:

- Junction table and change of traffic priority at the junction of Darlington Street and Hewlett Street to give priority to Hewlett Street traffic, as shown on plan 3442-F02 Rev A within the Transport Statement (to be undertaken by LCC Highways Services through a S278 agreement with the developer).
- Tactile paving at the junction of Darlington Street and Spendmore Lane as shown on Plan 3442-F02 Rev A within the Transport Statement (to be undertaken by LCC Highways Services through a S278 agreement with the developer).
- Miller Homes have committed to a Traffic Regulation Order (TRO) for additional waiting restrictions at the Darlington Street / Hewlett Street junction and will provide a financial contribution of £3k to cover the cost.

139. The Council has commissioned an independent review of the transportation issues associated with some of the major housing applications currently awaiting decision, by a transport planning consultancy. A short summary of the conclusions of their assessment of this application is provided below:

*“The site is located within acceptable walking and cycling distances of key services in Coppull, although cycling provision would be on-road for all ages and abilities. Chorley Council should seek contributions with the aim of improving facilities for cyclists on the network in this area.*

*The site provides satisfactory access to sustainable modes of transport including regular bus services.*

*Based on the information presented in the transport statement it would be reasonable to conclude that the cumulative impact of traffic generated by the development proposals would not be severe.*

*It is recommended that Chorley Council ask the Highway Authority to provide an evaluation of the appropriateness of physical characteristics of the Darlington Street/Spendmore Lane junction to accommodate the development traffic.”*

140. The independent review report was issued to LCC Highway Services for comment, and they responded to state that whilst additional cycling improvements could be supported by LCC Highway Services, it was not identified as necessary to make the development acceptable in highway and planning terms and it is doubtful that it would meet the necessary tests. With regards to providing an evaluation of the appropriateness of physical characteristics of the Darlington Street/Spendmore Lane junction to accommodate the development traffic, LCC state that this point was covered in their original response and those comments still stand.

141. In conclusion, the level of proposed parking and other highway implications of the proposal are considered to be acceptable, subject to conditions and a S106 agreement to secure the above referenced TRO contribution. The other measures would be delivered by a S278 agreement under the Highways Act 1980.

#### Drainage and flood risk

142. Core Strategy Policy 29 (Water Management) seeks to improve water quality, water management and reduces the risk of flooding in a number of ways including, among other things, appraising, managing and reducing flood risk in all new developments.

142. The site lies in Flood Zone 1, as defined by the Environment Agency Flood Maps for Planning. Flood Zone 1 has the lowest probability of flooding (from rivers or sea) and residential development is appropriate in flood zone 1 in terms of the flood risk vulnerability classification as set out in the Planning Practice Guidance at Table 3.

143. The application is accompanied by a Flood Risk Assessment and United Utilities, the Lead Local Flood Authority (Lancashire County Council) and the Environment Agency have been consulted on the proposals. All three consultees raise no objection to the proposed development and the former two have recommended drainage conditions.
144. As noted earlier in this report, objectors commissioned consultants, JBA, to undertake a review of the flood risk associated with the proposals. The Lead Local Flood Authority reviewed the JBA report and concluded that they do not believe there are any omissions in the submitted Flood Risk Assessment which the applicant needs to address. They consider that the proposal meets all the required technical standards and any missing information will be secured by the recommended pre-commencement conditions they have suggested.
145. Having regard to the advice obtained from the United Utilities and the Lead Local Flood Authority, it is considered that satisfactory drainage of the proposed development could be secured by way of conditions.

#### Affordable housing

146. Core Strategy policy 7 (Affordable and Special Needs Housing) sets down the approach to the delivery of affordable and special needs housing:
- “Subject to such site and development considerations as financial viability and contributions to community services, to achieve a target from market housing schemes of 30% in the urban parts of Preston, South Ribble and Chorley and of 35% in rural areas on sites in or adjoining villages.....”*
147. The proposed development includes 30% affordable on-site provision which is in accordance with Core Strategy policy 7. This equates to 20 affordable housing units in total, of which 70% (14 units) would be social rented and the remaining 30% (6 units) would be intermediate affordable housing. The breakdown is as follows:

#### Social rented:

- 2 x 3-bed house (Ingleton house type)
- 4 x 2-bed house (Highmont house type)
- 8 x 1-bed apartment (Apartment types 1 and 2)

#### Shared ownership (Intermediate affordable housing):

- 4 x 3-bed house (Ingleton house type)
- 2 x 2-bed house (Highmont house type)

148. The proposed mix would meet the demand in the area and the proposed layout as shown on the submitted affordable housing plan would ensure that the affordable housing units are fully integrated within the development. Subject to the affordable housing provision being secured by way of a s106 legal agreement, the proposal accords with Core Strategy policy 7.

There is an acute shortfall in the provision of affordable housing in the borough. This development would make a valuable contribute to the borough-wide need for affordable housing, which is afforded significant weight in the planning balance, as identified in recent appeal decisions.

#### Public open space

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

space and recreation facilities. The requirements for the proposed development are as follows:

*Amenity Greenspace:*

150. Chorley Local Plan Policy HS4A sets a standard of 0.73 hectares per 1,000 population. There is currently a deficit of provision in Coppull in relation to this standard, and in line with policy HS4A a contribution towards new provision in the ward is therefore required. As the proposal is for residential development in excess of 10 or more dwellings, amenity greenspace is required to be provided on-site with a provision of 0.117384 hectares. The submitted Public Open Space Area Plan shows the location of the proposed amenity green space, and the area exceeds the Council's requirements at 0.194 hectares (1940m<sup>2</sup>) in area one and 0.0991 hectares (991m<sup>2</sup>) in area 2. The applicant confirms that this would be managed by a private maintenance company.

*Provision for children/young people:*

151. Chorley Local Plan Policy HS4A sets a standard of 0.08 hectares per 1,000 population. There is currently a surplus of provision in Coppull in relation to this standard and the site is within the accessibility catchment (800m) of an area of provision for children/young people. A contribution towards new provision in the ward is, therefore, not required from this development. However, there are areas of provision for children/young people within the accessibility catchment that are identified as being low quality and/or low value in the Open Space Study and contribution towards improvements to either of these sites is required.

152. The identified sites are:

- site 1472 Play Area Opposite 14 Manor Way, Coppull
- site 1373.1 Byron Crescent Play Area
- site 1373.2 Byron Crescent MUGA
- site 1369.1 Hurst Brook Play Area
- site 1363.1 Play area adjacent 105 Longfield Avenue

153. The financial contribution required is £134 per dwellinghouse = £8,978.

*Parks and Gardens:*

154. The requirement for a new on-site park or garden within the scheme is not triggered by this development. In addition, there are no parks/gardens within the accessibility catchment (1,000m) of this site identified as being low quality and/or low value in the Open Space Study and, therefore, a contribution towards improving existing provision is not required.

*Natural and Semi-Natural Greenspace:*

155. The requirement for new on-site natural/semi natural greenspace is not triggered by this development. However, the site is within the accessibility catchment (800m) of areas of natural/semi-natural greenspace that are identified as being low quality and/or low value in the Open Space Study and a contribution towards improving this site is required.

156. The identified site is:

- site 1728 Reservoir, Mill Lane Coppull.

157. The financial contribution required is £557 per dwellinghouse = £37,319.

*Allotments:*

158. The requirement for a new on-site allotment within the scheme is not triggered by this development. In addition, the site is not within the accessibility catchment (10 minutes' drive time) of a proposed new allotment site and a contribution towards new allotment provision is not, therefore, required.

*Playing Pitches:*

159. A Playing Pitch Strategy was published in June 2012 which identifies a Borough wide deficit of playing pitches, but states that the majority of this deficit can be met by improving existing pitches. Under policy HS4B a financial contribution towards the improvement of existing playing pitches is, therefore, required. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements.

160. The identified sites are:

site ref: 211: Gillet Playing Fields and/or site ref: 222: Jubilee Recreation Playing Fields

161. The financial contribution required is £1,599 per dwellinghouse = £107,133.

162. The total financial contribution required from this development is as follows:

Equipped play area	= £8,978
Parks/Gardens	= £0
Natural/semi-natural	= £37,319
Allotments	= £0
Playing Pitches	= £107,133
<b>Total</b>	<b>= £153,430</b>

163. The on-site amenity greenspace provision and the financial contributions have been agreed by the applicant and could be secured by way of a s106 legal agreement. Subject to securing the above, the proposed development would accord with Chorley Local Plan policy HS4 A and B.

Sustainability

164. Policy 27 of the Core Strategy requires all new dwellings to be constructed to Level 4 of the Code for Sustainable Homes or Level 6 if they are commenced from 1<sup>st</sup> January 2016. It also requires sites of five or more dwellings to have either additional building fabric insulation measures or reduce the carbon dioxide emissions of predicted energy use by at least 15% through decentralised, renewable or low carbon energy sources. The 2015 Deregulation Bill received Royal Assent on 26th March 2015, which effectively removed the Code for Sustainable Homes. The Bill does include transitional provisions which include:

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

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

165. Given this change, instead of meeting the code level, the Local Planning Authority required that dwellings should achieve a minimum dwelling emission rate of 19% above 2013 Building Regulations in accordance with the transitional provisions. Building Regulations 2022 have now been brought into force and under Part L require a 31% improvement

above 2013 Building Regulations. This exceeds the Council's previous requirement and now supersedes the requirement for a planning condition.

#### Education

166. Central Lancashire Core Strategy policy 14 (Education) seeks to provide for education requirements in a number of ways including asking developers to contribute towards the provision of school places where their development would result in or worse a lack of capacity at existing schools.
167. Lancashire County Council, as the Education Authority, seek to secure financial contributions towards any additional school places required as a result of new housing development in order to mitigate the impact upon the education infrastructure which new housing developments may have.
168. Based upon the latest assessment, Lancashire County Council advise that an education contribution is not required in regard to this development.

#### Employment skills provision

169. The Central Lancashire Employment Skills Supplementary Planning Document (SPD) was adopted in September 2017. The SPD introduces Employment Skills Statements and provides clarity as to how this requirement relates to the relevant policies set out in the Core Strategy and Local Plan as well as the guidance set out in the Framework. The SPD goes on to state that one of Central Lancashire's priorities is to encourage economic growth within Central Lancashire that benefits the people and businesses in the three boroughs. The SPD seeks to;
- increase employment opportunities by helping local businesses to improve, grow and take on more staff
  - help businesses to find suitable staff and suppliers, especially local ones improve the skills of local people to enable them to take advantage of the resulting employment opportunities
  - help businesses already located in Central Lancashire to grow and attract new businesses into the area
170. For housing developments which exceed 30 units, the SPD requires development over certain thresholds to be accompanied by an Employment and Skills Statement to ensure the right skills and employment opportunities are provided at the right time. This is to the benefit of both the developer and local population and covers the following areas:
- Creation of apprenticeships/new entrants/graduates/traineeships
  - Recruitment through Job Hub and Jobcentre plus and other local employment vehicles.
  - Work trials and interview guarantees
  - Vocational training (NVQ)
  - Work experience (14-16 years, 16-19 years and 19+ years) (5 working days minimum)
  - Links with schools, colleges and university
  - Use of local suppliers
  - Supervisor Training
  - Management and Leadership Training
  - In house training schemes
  - Construction Skills Certification Scheme (CSCS) Cards
  - Support with transport, childcare and work equipment
  - Community based projects
171. An employment and skills plan could be secured by way of a planning condition.



Community Infrastructure Levy

172. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development would be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

Planning balance

173. Paragraph 11. d) ii. of the Framework indicates that, where the most important development plan policies for determining the application are out-of-date, planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; the tilted balance.

174. The adverse impacts of the development relate to conflict with Policy BNE10 of the Chorley Local Plan due to tree loss and conflict with policy BNE3 of the Chorley Local Plan, which can only be attributed limited weight.

175. In terms of benefits, the provision of new housing would bring construction and supply chain jobs, places for the economically active to live, increased local spend and greater choice in the local market. These benefits have not been quantified and would apply to any housing development of this scale but are still considerable.

176. The scheme would deliver a policy compliant level of affordable homes to the area of which there is a significant shortfall across the Borough. The new affordable dwellings would provide homes for real people in real need.

177. The proposal would boost the supply of housing in a situation where there is no five-year supply and an under-provision of affordable housing and, as a result, moderate weight can be given to the economic and social benefits the proposal would deliver.

178. The provision of open space and its ongoing management and maintenance and mitigation measures, such as highway improvement measures, are neutral considerations because they are needed to make the development acceptable.

179. The adverse impacts of the proposed development relating to the conflict with policies BNE10 and BNE3 of the Chorley Local Plan would not significantly and demonstrably outweigh the moderate economic and social benefits that the scheme would deliver.

**CONCLUSION**

180. Members will be aware of the current shortfall in housing delivery in the Borough and that this has resulted in the most important policies for the determination of this application being out-of-date, which triggers the engagement of the tilted balance of paragraph 11d of the Framework.

181. Whilst the proposal conflicts with policies BNE10 (tree loss) and BNE3 (safeguarded land) of the Chorley Local Plan 2012-2026, it is considered that these issues would not significantly and demonstrably outweigh the benefits of the proposal in delivering much needed housing in the borough. It is, therefore, recommended that the application is approved subject to conditions and a S106 Agreement.

**RELEVANT HISTORY OF THE SITE**

**Ref:** 09/00200/OUT      **Decision:** WDN      **Decision Date:** 17 August 2009  
**Description:** Outline application for 3 detached dwellings

**Ref:** 09/00765/OUT      **Decision:** REFFPP      **Decision Date:** 10 February 2010  
**Description:** Outline application for 3 detached dwellings, specifying access and layout (re-submission of application 09/00200/OUT)

**RELEVANT POLICIES:** In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.

Suggested conditions

1. The proposed development must be begun not later than three years from the date of this permission.

*Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.*

2. The development hereby permitted shall be carried out in accordance with the approved plans below:

Title	Plan Ref	Received On
Location Plan	LP-01	3 September 2021
Planning Layout	PL-01 Rev H	30 May 2023
Potential Site Access Arrangement	3442-F01 Rev C	30 May 2023
Landscape Layout	101 Rev E	30 May 2023
Affordable Housing Plan	AH-01 Rev F	30 May 2023
Boundary Treatments Layout	BT-01 Rev F	30 May 2023
Route of Build Layout	ROB_001 Rev C	30 May 2023
Proposed Residential Development	CL-01 Rev E	30 May 2023
Electric Vehicle Charging Strategy Layout	EV-01 Rev F	30 May 2023
Materials Layout Facing & Surfacing	MT-01 Rev F	30 May 2023
Ownership & Maintenance Layout	OM-01 Rev F	30 May 2023
Refuse Strategy Layout	RF-01 Rev F	30 May 2023
POS AREA PLAN	POS-01 Rev A	30 May 2023
Tree Protection Plan	6482.02 Rev B	30 May 2023
Schematic Drainage Strategy	21063/D801 Rev C	30 May 2023
Drive Swept Path Analysis	21063/DSP01 A	30 May 2023
Drive Swept Path Analysis	21063/DSP02 A	30 May 2023
Schematic External Levels and Features	21063/SK01(i)C	30 May 2023
Schematic External Levels and Features	21063/SK01(ii)C	30 May 2023
Schematic External Levels and Features	21063/SK01(iii)C	30 May 2023
Flood Routing Plan	21063/SK161 A	30 May 2023
Schematic Road and Drainage Sections	21063/SK201 B	30 May 2023
Schematic Storm and Foul Manhole Schedules	21063/SK250 B	30 May 2023
1 BED MAISONNETTES - APT1	n/a	30 May 2023
L358 - 3B / 4P / 947 - WHITTON	L251801V	30 May 2023
L468 - 4B / 8P / 1368 - DENWOOD	L468801V	30 May 2023
L351 - 3B / 5P / 806 - INGLETON	L351801V	30 May 2023
L251 - 2B / 4P / 725 - HIGHMONT	L251801V	30 May 2023
L354 - 3B / 5P / 837 - WILTON	L354801V	30 May 2023
L455 - 4B / 5P / 1144 - SKYWOOD	L455801V	30 May 2023
L454 - 3B / 4P / 1130 - HAYWOOD	L454801V	30 May 2023
L362 - 3B / 5P / 1018 - CLAYTON	L362801V	30 May 2023
L362 - 3B / 5P / 1018 - CLAYTON - PLOT 3	L362801V - PLOT 3	30 May 2023

*Reason: For the avoidance of doubt and in the interests of proper planning.*

3. The external facing and hard surfacing materials, detailed on approved drawing Materials Layout Facing & Surfacing ref. MT-01 Rev F, shall be used and no others substituted.

*Reason: To ensure that the materials used are visually appropriate to the locality.*

4. Before the development hereby permitted is first commenced, full details of the alignment, height and appearance of all fences and walls and gates to be erected (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.

*Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.*

5. The development shall be carried out strictly in conformity with the approved ground and finished floor levels shown on approved drawings:

Schematic External Levels and Features Layout Plan - Sheet 1 of 3 ref. 21063/SK01(i)C

Schematic External Levels and Features Layout Plan - Sheet 2 of 3 ref. 21063/SK01(ii)C

Schematic External Levels and Features Layout Plan - Sheet 3 of 3 ref. 21063/SK01(iii)C

*Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.*

6. No removal of or works to any hedgerows, trees or shrubs or other vegetation shall take place between 1st March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.

*Reason: Nesting birds are a protected species.*

7. All planting, seeding or turfing comprised in the approved details of landscaping shown on approved drawing Landscape Layout ref.101 Rev E, shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the earlier, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species..

*Reason: In the interest of the appearance of the locality.*

8. Prior to the construction/provision of any services within a phase, a strategy to facilitate super-fast broadband for future occupants within that phase shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a super-fast broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works within the site boundary only.

*Reason: To ensure a sustainable form of development.*

9. The development shall not commence until an Employment and Skills Plan that is tailored to the development and will set out the employment skills opportunities for the construction phase of the development has been submitted to and approved by the council as Local Planning Authority (unless otherwise agreed in writing by the council). The development shall be carried out in accordance with the Employment and Skills Plan (in the interests of delivering local employment and skills training opportunities in accordance with Core Strategy Policy 15: Skills and Economic Inclusion).

*Reason: In the interests of delivering local employment and skills training opportunities as per the Central Lancashire Core Strategy Policy 15: Skills and Economic Inclusion and the Central Lancashire Employment Skills Supplementary Planning Document September 2017. No Employment and Skills Plan was submitted with the application.*

10. The development shall be carried out in full accordance with the Outline Strategy for Risk Reduction / Remediation Strategy as set out at Chapter 15 of the Desk Study and Ground Investigation Report (dated July 2021) Report no: 20MIL045/GI By Betts Geo Consulting Engineers.

*Reason: To ensure that contamination on site is remediated to an appropriate standard for the end use.*

11. All site works and construction shall be carried out in full accordance with drawing number 6482.02 Rev B titled 'Tree Protection Plan' and the Arboricultural Impact Assessment and Method Statement (Revision B) as received by the Local Planning Authority on 30 May 2023.

*Reason: To safeguard retained trees and hedgerows and in the interests of visual amenity.*

12. The drainage for the development hereby permitted, shall be carried out in accordance with principles set out in the Schematic Drainage Strategy Drawing 21063 / DS01 C, received on 30 May 2023.

No surface water shall drain directly or indirectly into the public sewer.

The development shall be completed in accordance with the approved details.

*Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.*

13. The development hereby permitted shall be carried out in accordance with the principles set out within the Flood Risk Assessment Rev 02 (dated May 2022).

The measures shall be fully implemented prior to first occupation of any dwelling (or of each phase) and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

*Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site.*

14. No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to and approved in writing by the Local Planning Authority.

The detailed sustainable drainage strategy shall be based upon the site-specific flood risk assessment (and indicative sustainable drainage strategy) submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems and no surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

Those details shall include, as a minimum:

- a) Sustainable drainage calculations for peak flow control and volume control (1 in 1, 1 in 30 and 1 in 100 + 40% climate change), with allowance for urban creep.
- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
  - i. Plan identifying areas contributing to the drainage network, including surface water flows from outside the curtilage as necessary;
  - ii. Sustainable drainage system layout showing all pipe and structure references, dimensions, design levels;
  - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;

- iv. Plan and cross section drawing of outfall in watercourse. A further cross section of watercourse 10m downstream of proposed outfall is also required and this should include both banks, bed and actual water levels.
- v. Report detailing the condition of the watercourse on the Western boundary of the development with list of any remedial works required.
- vi. Breakdown of attenuation in pipes, manholes and attenuation tanks.
- vii. Flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
- viii. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each plot to confirm minimum 150mm+ difference for FFL;
- ix. Details of proposals to collect and mitigate surface water runoff from the development boundary;
- x. Measures taken to manage the quality of the surface water runoff to prevent pollution, protects groundwater and surface waters, and delivers suitably clean water to sustainable drainage components.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

*Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site.*

15. No development shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the Local Planning Authority. Those details shall include for each phase, as a minimum:

- a) Measures taken to ensure surface water flows are retained on-site during construction phase(s) and, if surface water flows are to be discharged they are done so at a restricted rate to be agreed with the Lancashire County Council Lead Local Flood Authority.
- b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The development shall be constructed in accordance with the approved details.

*Reason: To ensure that the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue flood risk on site or elsewhere; and to ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies.*

16. No dwellhouse on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report and Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The Verification Report shall demonstrate that the sustainable drainage system has been constructed as per the approved scheme (or detail any minor variations), and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and the submission of a final 'operation and maintenance manual' for the sustainable drainage scheme as constructed.

Details of appropriate operational, maintenance and access requirements for each sustainable drainage component are to be provided, with reference to published guidance, through an appropriate Operation and Maintenance Plan for the lifetime of the development as constructed. This shall include arrangements for adoption by an appropriate public body or statutory undertaker, and/or management and maintenance by a Management Company and any means

of access for maintenance and easements, where applicable. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

*Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained.*

17. No development shall commence until;

a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by the recorded mine entry (shaft), and;

b) any remediation works and/or mitigation measures to address land instability arising from the mine entry, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

*Reason: To ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site, in the interests of the safety and stability of the development.*

18. Prior to the occupation of any dwelling a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to and approved in writing by the Local Planning Authority.

This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by the mine entry.

*Reason: To ensure that all remedial work is carried out before the development is occupied.*

19. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to and approved by the Local Planning Authority. The submitted scheme shall include, unless otherwise agreed in writing, the following:

- junction table at the junction of Darlington Street and Hewlett Street and change the traffic priority so that the traffic on Darlington Street must give way.
- a Traffic Regulation Order (TRO) for additional waiting restrictions at the Darlington Street / Hewlett Street junction
- Tactile paving at the junction of Darlington Street and Spendmore Lane
- an agreed timetable for the delivery of the off-site works of highway improvement.

The scheme of off-site works of highway improvement shall be completed in accordance with the approved details and timetable.

*Reason: To satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.*

20. No dwelling shall be occupied until the approved scheme for the site access and off-site works has been constructed and completed in accordance with the approved details.

*Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.*

21. The new estate road for the approved development shall be constructed in accordance with the Lancashire County Council Specification for Estate Roads to at least base course level up to the entrance of the site compound before any development takes place within the site and shall be further extend before any development commences fronting the new access road.

*Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.*

22. No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the local planning authority. The CEMP shall provide for:

- a) vehicle routing and the parking of vehicles of site operatives and visitors;
- b) hours of operation (including deliveries) during construction;
- c) loading and unloading of plant and materials;
- d) storage of plant and materials used in constructing the development;
- e) siting of cabins, site compounds and material storage area(s);
- f) the erection of security hoarding where appropriate;
- g) wheel washing facilities that shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway;
- h) measures to mechanically sweep the roads adjacent to the site as required during the full construction period;
- i) measures to control the emission of dust and dirt during construction;
- j) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- k) measures to ensure that construction and delivery vehicles do not impede access to adjoining properties; and
- l) measures to be taken to protect important habitats during the course of the development (including the water course, trees and hedgerows).

The approved development shall be carried out in accordance with the approved CEMP.

*Reason: To protect existing road users and to maintain the operation ad safety of the local highway network and to minimise the impact of the construction works on the local highway network.*

23. No development shall take place (including investigation work, demolition, siting of site compound/welfare facilities) until a survey of the condition of the adopted highway has been submitted to and approved in writing by the Local Planning Authority. The extent of the area to be surveyed shall first be agreed by the Highways Authority prior to the survey being undertaken. The survey must consist of:

- o A plan to a scale of 1:1000 showing the location of all defects identified.
- o A written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time, and weather conditions at the time of the survey.
- o An agreed a timescale for repeated surveys.

No dwelling hereby permitted shall be occupied or the use commenced until any damage to the adopted highway has been made good to the satisfaction of the Highway Authority, which shall be confirmed to the Local Planning Authority in writing.

*Reason: To ensure that any damage to the adopted highway sustained throughout the development process can be identified and subsequently remedied at the expense of the developer.*

24. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the local planning authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the local planning authority.

*Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.*

25. Prior to the commencement of development, other than site enabling works, an Estate Street Phasing and Completion Plan shall be submitted to and approved in writing by the Local Planning Authority. Estate Street Phasing and Completion Plan shall set out the development phases and the standards to which estate streets serving each phase of the development will be completed. No dwelling or dwellings shall be occupied until the estate streets affording access to those dwellings has been constructed to base course in accordance with the Lancashire County Council Specification for Construction of Estate Roads.

*Reason: To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway.*

26. No dwellings shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets and any other areas within the development not to be adopted, including any details of any Management Company have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details, until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

*Reason: To ensure that the estate streets serving the development are maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway.*

27. Prior to any development taking place above DPC level, a phasing plan for the delivery of the on-site public open space shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the provision of these areas shall be carried out in strict accordance with the approved details and retained as such thereafter.

*Reason: To ensure the delivery of the public open space.*

28. Site clearance works and / or groundworks shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations (Amendments) (EU Exit) 2019. authorizing the specified activity/development to go ahead; or
- b) a statement in writing from the relevant licensing body or the Council's ecological advisors to the effect that it does not consider that the specified activity/development will require a licence.

*Reason: to safeguard a protected species.*

29. All site works and construction activities shall be carried out in full accordance with the Reasonable Avoidance Measures (RAMs) Method Statement at paragraph 5.6.5 of the submitted Ecology Survey and Assessment, dated July 2021, produced by ERAP.

*Reason: to safeguard a protected species.*

30. Prior to the construction of the superstructure of any of the dwellings hereby permitted a landscape and environmental management plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- o A description and evaluation of the habitat features to be created and enhanced (to include but not necessarily exclusively ponds, grasslands, tree planting and bird nesting and bat roosting habitat / boxes)



- o Aims and objectives of management
- o Preparation of a work schedule for implementation
- o Details of the organisations responsible for implementation and management
- o A five year monitoring and maintenance plan

The approved plan will be implemented in accordance with the approved details.

*Reason: To contribute to and enhance the natural and local environment.*

31. No development, site clearance/preparation, or demolition shall commence until the applicant or their agent or successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which shall be submitted to, and approved in writing by, the local planning authority. The programme of works shall include an initial phase of geophysical survey and trial trenching, as well as the compilation of a report on the work undertaken and the results obtained. These works should aim to establish the presence or absence of buried archaeological remains and their nature, date, extent and significance. If remains are encountered then a subsequent phase of impact mitigation (which may include preservation in situ by the appropriate design or siting of new roads, structures and buildings, formal excavation of remains or other actions) and a phase of appropriate analysis, reporting and publication shall be developed and a further written scheme of investigation submitted to and agreed with the local planning authority before development commences. All archaeological works shall be undertaken by an appropriately qualified and experienced professional archaeological contractor and comply with the standards and guidance set out by the Chartered Institute for Archaeologists (CIfA). The development shall be carried out in accordance with the agreed details.

*Reason: To ensure and safeguard the investigation and recording of matters of archaeological/historical importance associated with the development.*

32. No development, site clearance/preparation, or demolition shall take place on the site until the applicant or their agent or successors in title has secured the implementation of a programme of building recording and analysis works. This must be carried out in accordance with a written scheme of investigation which shall first have been submitted to and agreed in writing by the Local Planning Authority. The programme of works should include the creation of a photographic record of The Vicarage, 27 Darlington Street, as set out in "Understanding Historic Buildings" (Historic England 2016) and the submission of a copy of that record to the Lancashire Historic Environment Record. The record should include a rapid description of the building, inside and out and a full photographic coverage, inside and out with plans showing the locations and directions of the photographs. This work should be undertaken by an appropriately qualified and experienced professional contractor to the standards and guidance of the Chartered Institute for Archaeologists (CIfA). The development shall be carried out in accordance with the agreed details.

*Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the buildings/site.*

33. Prior to any development of the superstructure of the approved substation taking place, details of its scale and appearance shall have first been submitted to and approved by the Local Planning Authority.

*Reason: The interests of the amenity of local residents and the character and appearance of the site.*

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**APPLICATION REPORT – 22/01142/OUTMAJ**

**Validation Date: 31 October 2022**

**Ward: Buckshaw And Whittle**

**Type of Application: Major Outline Planning**

**Proposal: Outline planning application for the construction of up to 250no. dwellings and associated infrastructure (including 30% affordable housing) with all matters reserved aside from the access from Town Lane (resubmission of application ref. 20/01347/OUTMAJ)**

**Location: Land 75M South East Of 33 Town Lane Whittle-Le-Woods**

**Case Officer: Mike Halsall**

**Applicant: Redrow Homes Ltd**

**Agent: N/A**

**Consultation expiry: 28 November 2022**

**Decision due by: 30 June 2023 (Extension of time agreed)**

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**RECOMMENDATION**

1. It is recommended that planning permission is granted, subject to conditions and a S106 legal agreement to secure the following:
  - 30% of the dwellings to be affordable with 70% of these to be social rented and 30% for shared ownership.
  - A public open space contribution of £468,250 (or £434,750 if private maintenance proposed).
  - Highways contributions of £18,000 towards LCC Highways Services involvement in a Travel Plan and £150,000 per annum for 5 years for public transport improvements.

**SITE DESCRIPTION**

2. The application site forms part of a wider parcel of land designated as Safeguarded Land under Chorley Local Plan 2012 – 2026 policy BNE3 (BNE3.10 West of M61 Whittle-le-Woods), although a small section of the site to the southwest falls within the settlement boundary of Whittle-le-Woods.
3. The site is a large parcel of land of some 13.27 hectares, situated between the M61 motorway which is to the east, and the defined settlement boundary of Whittle-le-Woods which is to the west. It falls immediately to the north of Town Lane and several public rights of way run through the site.
4. A previous planning application on this site was the subject of an appeal by the applicant against non-determination, ref. 20/01347/OUTMAJ. That application was reported to the Council's Planning Committee on 12 April 2021 and Members confirmed that they would have been minded to refuse the application for the following reasons:
  1. The proposed development would be located within an area of Safeguarded Land as defined by the Chorley Local Plan 2012 - 2026. Chorley has a five-year housing land supply as required by the National Planning Policy Framework. The proposal therefore

conflicts with policy BNE3 of the Chorley Local Plan 2012 - 2026. It is not considered that there are material considerations put forward in favour of the development are sufficient to outweigh the presumption against it.

2. The application site is proposed in isolation from the wider site allocation BNE3.10 of the Chorley Local Plan 2012 -2026 and, therefore, leads to a piecemeal approach to the development of the wider site which results in an unsustainable form of development. It fails to consider patterns of movement and connectivity which means that the development does not integrate or function well with the surrounding area. The proposal does not, therefore promote sustainable transport options for people or secure a high-quality inclusive design. The proposal is, therefore, contrary to policy 17 of the Central Lancashire Core Strategy 2012, policy ST1.
3. The application fails to demonstrate that the proposed development can be safely accessed on foot and by cycling and bus stops are not within desirable walking distance of the site to allow use of public transport. The footways on Town Lane are of inadequate width and no improvement measures of the Public Rights Of Way in the area are proposed by the applicant. The applicant has also not proposed any measures towards overcoming the numerous constraints on Town Lane. The proposal is, therefore, contrary to policy BNE1 (d) of the Chorley Local Plan 2012 -2026.
5. The appeal was subsequently dismissed by the Planning Inspectorate ref. APP/D2320/W/21/3272314 on 18 February 2022. The reason for dismissing the appeal was as follows:

*“Appeal B would also conflict with Policy BNE3 of the LP and there would also be conflict with Policy BNE1 of the LP. This policy is consistent with the Framework where it relates to promoting sustainable development and I give it full weight. The proposal would cause harm to highway safety of pedestrians and cyclists and importantly would fail to provide a suitable alternative access which is an [sic] vital requirement for this scheme. In the case of Appeal B, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole. Material considerations here do not indicate a decision to be taken other than in accordance with the development plan. For these reasons, Appeal B is dismissed.”*

#### **DESCRIPTION OF PROPOSED DEVELOPMENT**

6. The application is a resubmission of the previously refused application and is an outline application proposing up to 250no. dwellinghouses, including the provision of a new access from Town Lane to the south of the site, almost opposite 82 Town Lane. All other matters are reserved.
7. The applicant has sought to overcome the reason for dismissal of the previous appeal by proposing alternative access routes for pedestrians and cyclists, as explained in more detail later in this report. It should be noted that highway safety was the only technical matter which the Council and the Planning Inspectorate considered could not be addressed by planning conditions. This report contains an assessment of the housing land supply situation, ecology, character and appearance, residential amenity, contaminated land, drainage and flood risk aspects of the proposal and notes any updates since the previous application / appeal. However, the appeal decision is a significant material consideration in the determination of this application and the key issue for consideration is whether the reason for the dismissal of the appeal has now been overcome.
8. The submitted drawing of the site access has been amended slightly during the consideration period of this application to add a topographic underlay to the plan. The details of the proposed scheme itself have remained unchanged.

**REPRESENTATIONS**

9. Approximately 100 representations have been received in objection to the proposal, including from Town Lane Residents Association, on the following grounds:

Traffic and Transportation:

- Town Lane cannot support extra traffic
- Roads around Whittle are already congested
- Width of the road and footpath of Town Lane can't handle the traffic an additional 250 cars would bring
- Town Lane and Shaw Brow need amending in order for the development to sustain additional vehicles
- Large building contractor vehicles using the surrounding roads will struggle and will cause problems for residents
- Not viable unless Town Lane is widened, the bridge over the Leeds/Liverpool canal is re-built & widened and a new major link to the A6 is also constructed
- Already construction vehicles due to Sycamore Manor development, will be too many construction vehicles using Town lane
- The east end of Town Lane has a weight limited single track canal bridge followed by limited access due to resident parking and a Primary School
- The main vehicular access is still just after the bad bend and very close to ingress and egress of the cut off part of Town Lane
- More traffic in recent years in the area exacerbating journey times
- The traffic report isn't fit for purpose as it was carried out during the pandemic lockdown, when traffic numbers were greatly reduced
- The footpaths immediately beyond the canal bridge are not wide enough in parts for people to walk with a pram or wheelchair and therefore there are pedestrians walking in the road
- Redrow appear to be promoting the use of nearby Lucas Lane as a quick access for residents to the A6. Access to Royton Drive is via Lucas Lane, which is unsuitable for traffic; the northern section of this lane is narrow, unlit and with no passing places
- The introduction of road buildouts and parking bays near to the Chorley Old Road junction preventing two-way traffic for a stretch close to the junction, will only increase problems for those who currently live on, or use Town Lane and its access roads
- Increase in cars and lorries/building vehicles will increase asthma and COPD sufferers and putting more strain on doctor facilities
- No pavements on Lucas Lane
- The revised access and traffic controls being proposed would be even more dangerous than what was suggested/existed previously
- Moving the bus stop up Chorley Old Road discriminates against those who have problems walking up hill
- The chicane at 44-48 Town Lane will further frustrate motorists at peak times
- Proposed new pedestrian and cycling ramps are unsuitable, unsafe
- Inspector's judgement has not been adequately assessed
- Increase in traffic
- Highway safety
- Unsuitability of bus stop and other off-site improvements
- Cycling infrastructure is not suitable
- Surveys have not been undertaken at the correct locations

Amenities:

- Schools are at capacity
- Surgery is at capacity
- Public services in the area are all at capacity
- No plans to expend the current provisions to accommodate new residents
- No bus route along Town Lane
- Following the re-location of the GP the limit of a 1m walking distance from the development has now been exceeded

- Need a new local high school as children are now travelling as far Walton le Dale to attend

#### Flood risk:

- Flooding is an issue around the river Lostock along Waterhouse Green, development will only serve to worsen this due to loss of green land that absorbs and stores water
- Building on any scrap of land increases the risk of flooding
- Drainage issues would most likely cause flooding at Waterhouse Green
- The area downstream and the associated history of flooding to properties (some grade 2 listed), businesses and thus far luckily the substation on Waterhouse green has not flooded but that is not to say that it won't resulting in hundreds of homes being impacted
- This area sits in the highest rated flood risk zone as classified by EA
- Run off rates will increase considerably based on a 250-home development site thus increasing the likelihood of flooding considerably
- Surface water from such a large development would be channelled through the existing drainage network - this network will not manage with such volumes based on run off rates
- Increase in on and off-site flood risk

#### Pollution:

- Noise pollution and air pollution of added vehicles
- Already have major noise pollution from the nearby Sycamore manor development this development will increase this two-fold

#### Ecology / green space:

- Need to preserve some green areas around Whittle
- Use brownfield sites instead of ruining green space
- In danger of destroying what is left of rural Chorley
- Impact on wildlife and habitats
- This development is going to cut off vital routes for deer, badgers and foxes which is going to cause species fragmentation
- The plans should have more wildflower planting areas and green corridors to facilitate wildlife movement

#### Other:

- What has changed since the last time these plans were rejected
  - Consider the residents of Whittle and the impact this will have on them
  - Can't keep letting them resubmit until it gets approved
  - The map accompanying this application fails to show the existing new Redrow Sycamore Manor development that is already introducing a further 50+ dwellings adding a further 100+ vehicles in the area
  - The property range on offer on the new development are far out of the price range that people can afford and do not cater to the local community but rather to commuters who wish to settle in country areas
  - Should be a time clause to stop resubmissions
  - Access to the areas for wheelchairs
  - The importance of putting the deposit of wastes into historical context, especially in respect of what information might be available (email on file 25 Nov 2022). Basis of contaminated land and potential leaching into the River Lostock of radio active material from White Hill Quarry
  - Other contaminated land issues
  - Residents have not been consulted properly
  - Conflicts with National and Local planning policy.
  - No need for more houses in the area
10. Councillor Mark Clifford has commented that he believes the LCC Highways report is seriously flawed, the independent Highways report has not been taken into account and



that a proper investigation into leaching on the opposite hillside with the potential to contaminate the wider area has not been conducted.

## CONSULTATIONS

11. Environment Agency: Have responded with advice to the applicant in relation to permits required for undertaking works in proximity to a main river and to state the following:  
*“Part of the site boundary lies within Flood Zones 2 & 3 which is land defined by the planning practice guidance (PPG) as having a medium and high probability, respectively, of flooding. We have reviewed the Illustrative Masterplan and appreciate that the areas of the site that sit within the flood zones are designated for SuDS and attenuation. We support the use of this land for this reason.”*
12. Canal & River Trust: Have noted that the Leeds and Liverpool Canal passes some distance to the east of the site, beyond the M61 and so would not be impacted by the proposal. The development, during its construction phase, may however impact on ‘bridge 81’ which forms part of Town Lane, over the canal, and is grade II listed. They do not consider the bridge is suitable for long or wide construction vehicles or those with a low ground clearance. With this in mind, they have requested a Construction Environmental Management Plan be required by planning condition, to include measures to direct construction traffic to come from the A6 to the west, rather than from the east over the bridge.
13. National Highways: Have no objection.
14. Greater Manchester Ecology Unit: Have responded to request a biodiversity net gain calculation from the applicant, which was subsequently provided, and to identify that the following should be controlled by conditions:
  - Retention and management of woodland to the north
  - Buffer along northern site boundary and the River Lostock
  - Enhancement of Field 6 (north of fishing lodge)
  - Control of invasive species (Himalayan balsam)
  - Retention of hedgerows, ditches and trees
  - Lighting strategy
  - Installation of bat roost features in properties
  - Protection of nesting birds during breeding season (March – August inclusive)
  - Installation of bird boxes
  - Maintenance of habitat connectivity and ecological permeability of boundary/curtilages features
  - Locally native planting scheme
  - Landscape and Ecological Management Plan
15. Lancashire County Council (Education): No contribution is required for additional school places.
16. Regulatory Services - Environmental Health Officer: Have no objection, subject to conditions requiring a noise insulation scheme and lighting scheme.
17. Lancashire Fire and Rescue Service: No comments have been received.
18. Ramblers' Association (Chorley Branch): No comments have been received.
19. Lancashire County Council Public Rights of Way Officer: No comments have been received.
20. Waste & Contaminated Land Officer: Have no objection subject to conditions.

21. Lancashire County Council Highway Services (LCC Highway Services): Have no objection subject to conditions.
22. Lead Local Flood Authority: Have no objection subject to conditions.
23. Natural England: Have no objection.
24. Lancashire Police: Standard response with information for the applicant on designing out crime.
25. Council's Tree Officer: Have noted that there are numerous high quality trees within the site, the majority around the edges of the site or on field boundaries. Some of these provide high levels of visual amenity. They have requested that an appropriate Arboricultural Method Statement and Tree Protection Plan be submitted in support of any future Reserved Matters application.
26. United Utilities: Have no objection subject to conditions.
27. Whittle-le-Woods Parish Council:

The Parish Council has also engaged with a transport consultancy to undertake a review of the proposals. The executive summary of their report is as follows:

*"DTPC have been engaged by Whittle Le Woods Parish Council to assess if an objection to the above application can be made on their behalf on highways, transport and safety matters, the following assessment concludes the scheme as presented is unacceptable in highway safety terms, the residual impact is severe, and the location is unsustainable in nature.*

*The application is for 250 units with access the only detailed matter for approval, the vehicular access is shown but the walk/cycle access is now in more detailed form. Without the delivery of the walk/cycle route the schemes accessibility and therefore sustainability is further reduced with additional walk/cycle distances.*

*The scheme does not meet the walking distances to local facilities when measured correctly to the centre of the site, the report submitted uses the westerly edge of the site and therefore again significantly overstates the accessibility of the site.*

*Town Lane lacks a continuous footpath along its length and where a path is provided the width is substandard in nature. The path often reduces in width to such a point it becomes too narrow to use and thus walkers on their own must use the road for long lengths creating an unsafe conflict with traffic flows, for couples, parents with children, users with prams or wheelchairs the path is even more substandard and greater sections of the route are traversed using the road.*

*Despite this the mitigation for less able and vulnerable road users maintains the need to use the narrow path until the new connection is provided some 200m east of the able bodied connection point, this is considered divisive in nature and does little for inclusivity or active travel for the less abled bodied.*

*Traffic is increased from the site upwards of 44% and at these points all pedestrian movements are in the road. This is considered to be an unacceptable impact on road safety.*

*Town Lane joins the main network to the west however operationally there is upwards of 90m along the terrace properties where on street parking occurs preventing two-way flows, vehicles have to give priority to others and the level of conflict that occurs will increase with an extra 108 vehicles using this section. There is room for one hgv or two cars to wait heading eastwards, one additional vehicle will block back onto Chorley Old Road creating a safety hazard. This is again compounded by the vehicles attending the nursery to the north*

*side of this section of the road. A mitigation scheme is set out but does not actually allow two way flows passed the parking layby and suggest using coloured surfacing to show area of conflict, no priority is shown.*

*The conclusion of the above is that the scheme provides insufficient detail to make an informed judgement for the path connections and whilst the solution set out are technically deliverable, they do not afford the same level of useability or service for the more vulnerable and disabled pedestrians. In addition the access to the solution still remains very substandard and forces walkers etc into the road., does not provide mitigation to areas where significant safety issues arise and the operation of the route is impacted by the increase in flows, the scheme should be refused on unacceptable safety impacts and residual impacts that are severe.*

*The deadline given on site notices and on consultation / notification letters is the minimum statutory period of 21 days for such responses. That said, the Council will accept and take into consideration any comments received up until a decision is made on an application.”*

28. Lancashire County Council Archaeology Service: Have no objection.

## **PLANNING CONSIDERATIONS**

### Principle of development

29. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that if regard is to be had to the development plan for any determination then that determination must be made in accordance with the plan unless material considerations indicate otherwise.
30. The Development Plan comprises the adopted Central Lancashire Core Strategy (2012) and the adopted Chorley Local Plan 2012- 2026.
31. The Central Lancashire Core Strategy was adopted in July 2012 and covers the three neighbouring authorities of Chorley, South Ribble and Preston. The three authorities are a single Housing Market Area (HMA).
32. The application seeks outline planning permission for up to 250 dwellings on 13.27 hectares of land. The site is adjacent to the settlement area of Whittle-le-Woods and is located on designated safeguarded land, as defined in policy BNE3 'Areas of Land Safeguarded for Future Development Needs' of the Chorley Local Plan 2012 - 2026. This application site forms part of a wider parcel known as BNE3.10 West of M61, Whittle-le-Woods.
33. The site was designated as Green Belt in the 1993 Lancashire Structure Plan. It was removed from the Green Belt designation and reallocated as Safeguarded Land along with a number of other sites in the 1997 Chorley Borough Local Plan under the Safeguarded Land policy (Policy C3). In the Chorley Borough Local Plan Review in 2003 the site was again designated as Safeguarded Land under Policy DC3.18.
34. The areas of Safeguarded Land covered by Policy DC3 were reviewed as part of the current Local Plan process which started in 2010. The review included a sustainability assessment, and consultation with Lancashire County Council and United Utilities. In order to meet Chorley's housing, employment and open space requirements in the Chorley Local Plan 2015, safeguarded sites that were considered the most suitable, specifically those that were natural extensions to existing settlements, and proved most viable in terms of highways access and the characteristics of the site were allocated. The remaining Safeguarded Land was retained as Safeguarded Land under Policy BNE3 to provide for potential future development needs beyond the Plan period (i.e. after 2026).
35. Policy BNE3 is a restraint policy and states that development other than that permissible in the Green Belt or Area of Other Open Countryside (under Policy BNE2) will not be permitted on Safeguarded Land. The proposal is, therefore, contrary to Policy BNE3.

36. Core Strategy Policy 1 sets out the locations for growth and investment across Central Lancashire and identifies Whittle le Woods as an Urban Local Service Centre where some growth and investment will be encouraged to help meet local housing and employment needs.
37. Located on the edge of the settlement, the site is in an accessible and sustainable location, within a reasonable walking distance of bus stops, community facilities and shops that would provide for the day to day needs of residents. The Education Authority has indicated there would be sufficient primary and secondary school places within the catchment area of the site.
38. It is noted that some neighbour representations have made comments regarding pressure on Primary Care provision and other local services. However, this is not substantiated by evidence and the providers of these services have not made representations relating to existing shortcomings or requested contributions towards additional provision. The proposed development is considered to be consistent with Policy 1 of the Core Strategy.
39. Core Strategy Policy 4 sets out the minimum housing requirements for the plan area and is assessed later within this report.

Other material considerations

40. The National Planning Policy Framework (the Framework) is a key material consideration. The purpose of the planning system is to contribute to the achievement of sustainable development. There are three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). These are set out at paragraph 8 and it is fundamental that development strikes the correct balance between:
  - Environmental - the protection of our natural, built and historic environment
  - Economic - the contribution to building a strong and competitive economy
  - Social - supporting strong, vibrant and healthy communities
41. Paragraph 10 of the Framework states that; so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).
42. Paragraph 11 of the Framework states for decision-taking this means:
  - c) approving development proposals that accord with an up-to-date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - a. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
    - b. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
43. The Footnote (6) to paragraph 11 sets out examples of the type of policies that may indicate development should be refused. Footnote 7 makes clear that the tilted presumption in favour of sustainable development will apply where a Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites.
44. Paragraph 59 of the Framework confirms the Government's objective of significantly boosting the supply of homes.
45. Paragraph 60 of the Framework reinforces that requirements represent the minimum number of homes needed.
46. Paragraph 73 of the Framework requires Local Planning Authorities to maintain a supply of deliverable sites sufficient to provide a minimum of five years' worth of housing against their

housing requirement set out in adopted strategies or against their local housing need where the strategic policies are more than five years old. Footnote 37 states in circumstances where strategic policies are more than five years old, five year housing land supply should be calculated against Local Housing Need calculated using the Government standard methodology, unless those strategic policies have been reviewed and found not to need updating.

Housing land supply

47. The following planning appeal decisions are of relevance.

**Land adjacent to Blainscough Hall, Blainscough Lane, Coppull  
Decision APP/D2320/W/21/3275691**

48. On the 3 February 2022 a decision was issued for the appeal for Land adjacent to Blainscough Hall, Blainscough Lane, Coppull. The appeal was allowed and outline planning permission was granted for the erection of up to 123 dwellings (including 30% affordable housing) with public open space provision, structural planting and landscaping and vehicular access points from Grange Drive.
49. The main issues in the appeal were:
- Whether or not the Council can demonstrate a 5 year supply of deliverable housing land, having particular regard to the development plan, relevant national policy and guidance, the housing need or requirement in Chorley and the deliverability of the housing land supply;
  - Whether or not the most important policies of the development plan for determining the appeal are out of date, having particular regard to the 5 year housing land supply position and relevant national policy;
  - Whether this, or any other material consideration, would justify the proposed development on safeguarded land at this time.
  - Whether or not there are adequate secondary school places to serve the development.
50. In respect of the Housing Requirement in Chorley:
51. The Decision Letter includes an assessment of Core Strategy policy 4 (which sets out the minimum housing requirements for the plan area) in the context of Paragraph 74 of the Framework, and whether the policy has been reviewed and found not to require updating. It also considers whether the introduction of the standard method in itself represents a significant change in circumstances that renders Core Strategy policy 4 out of date with reference to the PPG (paragraph 062).
52. The Decision Letter concludes that it is appropriate to calculate the housing requirement against local housing need using the standard method due to the significant difference between the local housing need figure and the housing requirement in policy 4 amounting to a significant change in circumstances which renders Policy 4 out of date.
53. With regards to the appropriate housing requirement figure to use when calculating the housing land supply position of the authority, the Blainscough Hall Inspector, therefore, sets out that the standard method should be used. Applying this to the Council's current supply results in a housing land supply position between 2.4 and 2.6 years.
54. The Inspector concluded that as such the Council can no longer demonstrate a 5-year supply of housing land meaning that the tilted balance, and presumption in favour of sustainable development was, therefore, engaged under paragraph 11(d) of the Framework.

**Land to the East of Tincklers Lane, Tincklers Lane, Ecclestone PR7 5QY Appeal A Ref: APP/D2320/W/21/3272310**

**Land to the North of Town Lane, Town Lane, Whittle-Le-Woods PR6 8AG Appeal B Ref: APP/D2320/W/21/3272314**

55. On the 18 February 2022 decisions were issued for the above appeals. Appeal A was allowed and outline planning permission was granted for the construction of up to 80 dwellings with all matters reserved aside from vehicular access from Doctors Lane. Appeal B was dismissed on grounds of highway safety.
56. The main issues in the appeals were:
- Appeal A: Whether or not the proposal integrates satisfactorily with the surrounding area with particular regard to patterns of movement and connectivity Appeal B: The effect of the proposal on highway safety including accessibility of the appeal site.
  - Whether or not the Council is able to demonstrate a five-year supply of housing land;
  - Whether or not the most important policies of the development plan are out of date; and,
  - Whether any adverse effects, including conflict with the development plan as a whole, would be outweighed by other material considerations.
57. In respect of housing land supply:
58. The Inspector for the conjoined appeals assessed Core Strategy Policy 4 against Paragraph 74 of the Framework which requires the local planning authority to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5 years' worth of housing against their requirement as set out in adopted strategic policies, or against their local housing need when strategic policies are more than five years old. The Core Strategy is more than five years old.
59. The Inspector considered MOU1 to have constituted a review of Core Strategy Policy 4 and was an up-to-date assessment of need at that point in time but that the situation moved on considerably since it was signed.
60. Paragraph 44 of the Inspector's report notes that national guidance indicates local housing need will have considered to have changed significantly where a plan was adopted prior to the standard method being implemented based on a number that is significantly below the number generated by the standard method. The implications for Chorley would result in an annual requirement of 564 dwellings and the CS figure would be significantly below this. In this instance, Chorley's local housing need has changed significantly.
61. The Inspector noted that the standard method figure is particularly influenced by the level of development in the area between 2009 and 2014 but considers that this does not necessarily render the standard method itself as invalid. Any proposed redistribution of standard method figures for the Central Lancashire authorities, such as MOU2, would need to be considered at an examination.
62. The Inspector considered oversupply and the delivery rates of housing, which was weighted towards the early years of the plan period. However, the requirement in Policy 4 itself is not expressed as an overall amount to be met over the plan period. Policy 4 does not refer to any potential oversupply despite the known potential of Buckshaw Village contributing to growth in Chorley and it clearly states that it is a minimum annual requirement. (paragraph 49).
63. Paragraph 50 of the Inspector's report states *"the inclusion of oversupply against Policy 4 would reduce the requirement for Chorley to just over 100 dwellings per annum. This would be considerably below anything which has been permitted in previous years in the area and would even be below the redistributed standard method figures for Chorley in MOU2. I consider it would be artificially low and would in greater probability, lead to significantly*

*reducing not only the supply of market housing but also affordable housing within the area. It would thus run counter to the objective of the Framework to boost the supply of housing and to paragraph 74 of the same, which seeks to maintain the supply and delivery of new homes.”*

64. The Inspector concludes at paragraph 51 of the report that; *“in the circumstances before me having regard to both MOU1 and MOU2, I conclude that the situation has changed significantly for Chorley in respect of local housing need and that Policy 4 is out of date. The standard method is the appropriate method for calculating housing need in Chorley. It is agreed between the parties that a 5% buffer should be applied. In terms of sites which contribute to the housing land supply within Chorley, there is a very narrow area of dispute between the two main parties which relates to only 2 sites and amounts to 116 dwellings. This is a marginal number that has little effect on the result in respect of the requirement. Accordingly, against the application of the standard method there would be less than three years supply of housing land in Chorley, and I conclude that the Council is unable to demonstrate a five-year supply of deliverable housing sites.”*

**Land south of Parr Lane, Ecclestone  
Decision APP/D2320/W/21/3284702**

65. On the 17 March 2022 a decision was issued for the appeal for Land south of Parr Lane, Ecclestone. The appeal was allowed and outline planning permission was granted for up to 34 dwellings and associated infrastructure on land south of Parr Lane, Ecclestone, Lancashire in accordance with the terms of the application, Ref 20/01193/OUTMAJ, dated 4 November 2020, and the plans submitted with it, subject to the conditions.
66. Following the LPAs withdrawal of the reasons for refusal of the application, based upon the LPA not having a 5-year housing land supply as born out through recent appeal decisions, the main issue in the appeal was whether there were any material considerations that would justify dismissing the appeal.
67. The Inspector concluded the following with regards to housing land supply:

*“Framework paragraph 11d indicates that where the most important policies for the determination of a proposal are out-of-date, (which includes applications for housing, where the LPA cannot show a 5-year HLS), permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole; the tilted balance.*

*The most important policies for determining this appeal are CS Policies 1 and 4 and LP Policy BNE3. Whilst the proposal would be consistent with CS Policy 1, it would conflict with LP Policy BNE3, safeguarding land for future development. The LPA accepts that it cannot show a 5-year HLS and as such CS Policy 4 and LP Policy BNE3 are out-of-date. Taking the development plan as a whole, the most important policies for determining this appeal are out-of-date and the tilted balance applies.*

*The proposal would provide for up to 34 dwellings of which 35%, would be affordable homes (CS Policy 7). Given the absence of a 5-year HLS, the proposal would make, albeit a modest one, a material contribution to meeting local housing needs. As a benefit this attracts significant weight. The development would secure economic benefits through construction investment and the contribution future occupants would make to the local economy. These benefits attract moderate weight. The site has limited biodiversity value and the development has the potential to provide biodiversity net gain. This is a benefit of limited weight. Given my assessment above, the harm arising from the conflict with LP Policy BNE3 is significantly and demonstrably outweighed by the benefits when assessed against the policies of the Framework as a whole.”*

**Land off Carrington Road, Adlington  
Decision APP/D2320/W/21/3284692**

68. On the 17 March 2022 a decision was issued on the above referenced appeal. The appeal was allowed and outline planning permission was granted for residential development of up to 25 dwellings on land off Carrington Road, Adlington, Lancashire PR7 4JE in accordance with the terms of the application, Ref 20/01200/OUTMAJ, dated 5 November 2020, and the plans submitted with it.
69. Following the LPAs withdrawal of the reasons for refusal of the application, based upon the LPA not having a 5-year housing land supply as born out through recent appeal decisions, the main issue in the appeal was whether there were any material considerations that would justify dismissing the appeal.
70. The Inspector concluded the following with regards to housing land supply:

*“Framework paragraph 11d indicates that where the most important policies for the determination of a proposal are out-of-date, (which includes applications for housing, where the LPA cannot show a 5-year HLS), permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole, the tilted balance.*

*The most important policies for determining this appeal are CS Policies 1 and 4 and LP Policy BNE3. Whilst the proposal would be consistent with CS Policy 1, it would conflict with LP Policy BNE3, safeguarding land for future development. The LPA accepts that it cannot show a 5-year HLS and as such CS Policy 4 and LP Policy BNE3 are out-of-date. Taking the development plan as a whole, the most important policies for determining this appeal are out-of-date and the tilted balance applies.*

*The proposal would provide for up to 25 dwellings of which 30%, would be affordable homes (CS Policy 7). Given the absence of a 5-year HLS, the proposal would make, albeit a modest one, a material contribution to meeting local housing needs. As a benefit this attracts significant weight. The development would secure economic benefits through construction investment and the contribution future occupants would make to the local economy. These benefits attract moderate weight. The site has limited biodiversity value and the development has the potential to provide biodiversity net gain. This is a benefit of limited weight. Given my assessment above, the harm arising from the conflict with LP Policy BNE3 is significantly and demonstrably outweighed by the benefits when assessed against the policies of the Framework as a whole.”*

**Land east of Charter Lane, Charnock Richard  
Decision APP/D2320/W/22/3313413**

71. On the 5 May 2023 a decision was issued for the appeal on Land east of Charter Lane, Charnock Richard. The appeal was allowed and full planning permission was granted for the erection of 76 affordable dwellings and associated infrastructure at the site in accordance with the terms of the application, ref 21/00327/FULMAJ, dated 11 March 2021, and the plans submitted with it, subject to conditions.
72. Following the LPAs withdrawal of the reasons for refusal of the application, based upon the LPA not having a 5-year housing land supply, the main issue in the appeal was whether the site is suitable for development, in the light of the locational policies in the development plan, highway safety and other material considerations.
73. The Inspector concluded the following with regards to housing land supply:

*“Paragraph 74 of the Framework requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5-years worth of housing against their local housing need where the strategic policies are more than 5 years old.*



*The Council can currently only demonstrate a 3.3 year supply of deliverable housing. That position is agreed between the Council and appellant.*

*While this is disputed by a number of interested parties, this position has been extensively tested at appeal, including most recently in a decision dated December 2022. Accordingly, I am satisfied that there is a critical housing need across the Borough.”*

**Land at Blackburn Road, Wheelton  
Decision APP/D2320/W/22/3312908**

74. On the 30 May 2023 a decision was issued for the appeal on Land at Blackburn Road, Wheelton. The appeal was allowed and outline planning permission was granted for the residential development of up to 40 dwellings with access from Blackburn Road and all other matters reserved, subject to conditions.
75. The main issue in the appeal was whether the proposal is consistent with the objectives of local and national planning policies relating to the location of housing, and if there are any adverse effects of the development proposed, including conflict with the development plan as a whole, whether they would be outweighed by any other material considerations.
76. The Inspector concluded the following with regards to housing land supply:

*“the evidence before me has drawn my attention to recent appeal decisions in Chorley, including those where planning permission previously has been granted for up to 123 dwellings at Land adjacent to Blainscough Hall, Blainscough Lane, Coppull1, for up to 80 dwellings at Land to the East of Tincklers Lane, Eccleston2, for up to 34 dwellings at Land south of Parr Lane, Eccleston3 and for up to 25 dwellings at Land off Carrington Road, Adlington. Following those appeal decisions including the developments subject of Inquiries at Blainscough Lane, Coppull and Tincklers Lane, Eccleston, it is not a matter of dispute between the main parties that Policy 4 of the CS is more than five years old and is out of date due to changes to national policy since its adoption including a different method for calculating local housing need. I have no reason to take a different view. Furthermore, even if I were to accept the stated Council position of a 3.3 year deliverable supply of housing based on a local housing need calculation of 569 dwellings per annum (following the standard method set out in paragraph 74 of the Framework and Planning Practice Guidance) rather than the deliverable supply of between 2.4 and 2.56 years identified by previous Inspectors, the shortfall in supply remains significant and clearly below five years. It follows that as I have found Policy 4 of the CS to be out of date and that the Council cannot demonstrate a five-year supply of deliverable housing sites that the ‘tilted balance’ in the Framework is to be applied which I necessarily return to later in my decision.”*

Summary - the tilted balance

77. Paragraph 11 d (ii) of The Framework essentially comes into play whereby the most important policies for determining an application are out of date, then 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.
78. As was the case with some of the aforementioned appeal cases, the most important policies for determining this application are Policies 1 and 4 of the Central Lancashire Core Strategy and Policy BNE3 of the Chorley Local Plan. Whilst the proposal would be consistent with Policy 1 of the Core Strategy, it would conflict with Policy BNE3 of the Local Plan, safeguarding land for future development.
79. At 1st April 2022 there was a total supply of 1,890 (net) deliverable dwellings which is a 3.3 year deliverable housing supply over the period 2022 – 2027 based on the annual housing requirement of 569 dwellings which includes a 5% buffer. Chorley does not have a five-year deliverable supply of housing plus 5% buffer and the shortfall is significant. Significant

weight should therefore be attached to the delivery of housing provided by this proposal and that 30% of the of the dwellings would be affordable houses.

80. The LPA accepts that it cannot show a 5-year HLS and as such CS Policy 4 and LP Policy BNE3 are out-of-date. Taking the development plan as a whole, the most important policies for determining this appeal are out-of-date and the tilted balance applies.
81. The High Court decision [Gladman Developments Limited v Sec of State for Housing, Communities and Local Government and Corby Borough Council and Uttlesford District Council [2021 EWCA Civ 104] concerned the application of para 11d of the Framework and the tilted balance. In particular, the effect of footnote 7 in this case, where there was not a five year housing land supply, was simply to trigger paragraph 11(d) and that it did not necessarily render all policies out of date. It was noted that where 11(d) is triggered due to the housing land supply position it is for the decision maker to decide how much weight should be given to the policies of the development plan including the most important policies and involve consideration whether or not the policies are in substance out of date and if so for what reasons.
82. Policy 1 of the Core Strategy sets out the settlement strategy for the area and is not out of date. That said, the Council cannot demonstrate an adequate supply of housing and the shortfall is significant. Policy 1 of the Core Strategy therefore forms part of a strategy which is failing to deliver a sufficient level of housing. As such, the policy should only be afforded moderate weight in the planning balance.
83. Whilst policy BNE3 of the Local Plan is broadly consistent with the Framework it is also out of date as it safeguards land based on the housing requirement in Policy 4 which is also out of date. As such, limited weight should be attached to the conflict of the scheme with policy BNE3.
84. In accordance with the Framework, planning permission should be granted for the proposal, unless:
  - c. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - d. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

#### Emerging Central Lancashire Local Plan

85. Chorley Council is working with Preston and South Ribble Councils to produce a Central Lancashire Local Plan (CLLP). Once adopted, this will replace the existing joint Core Strategy and Chorley Local Plan. The CLLP is at the Preferred Options Stage and public consultation on Preferred Options Part 1 closed in February 2023.
86. The application site was part of a wider site consulted on as part of the Preferred Options Part 1 consultation, site ref CH/HS1.53 'West of M61. Responses to this consultation are being reviewed and will inform Preferred Options Part 2. In addition, a number of assessments are ongoing and will inform decisions made on sites to be taken forward as part of the development of the CLLP. The Part 2 consultation document will comprise a full suite of draft policies, both strategic and development management (non-strategic) policies, in addition to proposed allocations for all land uses. It will also set out the infrastructure that will be required to support the growth that is planned for Central Lancashire.

#### Impact on ecological interests

87. Policy BNE9 (Biodiversity and Nature Conservation) of the Chorley Local Plan 2012 – 2026 stipulates that Biodiversity and Ecological Network resources will be protected, conserved, restored and enhanced; and that priority will be given to, among other things, protecting, safeguarding and enhancing habitats for European, nationally and locally important species. The policy also requires, among other things, that where there is reason to suspect that there may be protected habitats/species on or close to a proposed development site,

the developer will be expected to carry out all necessary surveys in the first instance; planning applications must then be accompanied by a survey assessing the presence of such habitats/species and, where appropriate, make provision for their needs.

88. The Inspector concluded the following at paragraphs 62 and 63 of the appeal decision, with regards to ecological issues:

*“Residents and interested parties raise concerns about the effect of the proposed development on the Lucas Lane Biological Heritage Site (BHS) which is the subject of a management plan requiring a light grazing regime in respect of its ecology. The BHS is located to the south of the site and is not physically linked. The scheme before me seeks to retain open space at the appeal site’s western end, and also at the southwest and northwest boundaries. There is the potential for these areas to be appropriately planted and to retain the opportunity for habitats to be compatible with the BHS. The retention of these open areas would ensure that habitats for wildlife species found in the site are retained.*

*In respect of the potential presence of otters on the River Lostock, there would be a suitable buffer between the developed part of the site and no artificial lighting close to the river. These and other measures proposed such as protection of ecology during construction, habitat creation, enhancement and management could be secured by appropriate conditions and the scheme would be in accordance with Policy 22 of the CS and BNE9 of the LP.”*

89. The applicant has submitted an Ecological Survey and Assessment and Indicative Access and Parameters Plan in support of the proposed development which provides an update to that submitted in support of the previous application. The information has been reviewed by the Council’s ecology advisors Greater Manchester Ecology Unit (GMEU) who have responded with no objection to the proposal and have recommended conditions to cover the following:

- Retention and management of woodland to the north
- Buffer along northern site boundary and the River Lostock
- Enhancement of Field 6 (north of fishing lodge)
- Control of invasive species (Himalayan balsam)
- Retention of hedgerows, ditches and trees
- Lighting strategy
- Installation of bat roost features in properties
- Protection of nesting birds during breeding season (March – August inclusive)
- Installation of bird boxes
- Maintenance of habitat connectivity and ecological permeability of boundary/curtilages features
- Locally native planting scheme
- Landscape and Ecological Management Plan

90. GMEU also requested a biodiversity net gain assessment as part of the proposal which was later provided by the applicant and, as such, a condition should also be attached to any grant of planning permission to require the detailed application at Reserved Matters stage to demonstrate the net gain can be achieved.

91. The Report concludes that the site supports a number of features of some value to biodiversity: -

- Woodland to north (outside the edge red)
- Ditches and hedgerows
- Semi-improved grassland to north of fishing lodge

92. All other protected/principal importance species matters were reasonably discounted. There is currently no known reason to contradict the findings of the Report and the application can be forwarded to determination in respect of biodiversity without the need for any further work.

93. The Access and Parameters plan demonstrates that the level of proposed development can be accommodated while still retaining features of value and providing sufficient buffer and enhancement of the site.
94. It is considered that the proposed development can be delivered in line with policy BNE9 of the Chorley Local Plan 2012 – 2026 if carried out in accordance with the recommendation of the ecological survey and assessment.

#### Highway safety

95. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that the residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction.
96. Policy ST1 (New provision of Footpaths, Cycleways, Bridleways and their associated facilities in existing networks and new development) stipulates that new development and highways and traffic management schemes will not be permitted unless they include appropriate facilities for pedestrian, cycle parking facilities, and /or cycle routes. The policy requires, among other things, that proposal should provide for facilities for pedestrians and cyclists to facilitate access on foot and by bicycle to nearby residential, commercial, retail, educational and leisure areas, where appropriate; and additional footpaths, bridleways and cycleway routes between the countryside and built up areas where appropriate.
97. The Inspector concluded the following at paragraphs 20 and 27 of the appeal decision, with regards to the reason for dismissing the appeal:

*“Due to the deficiencies of the footway on Town Lane, combined with the distances to bus stops and some services and facilities, to my mind it is essential that the scheme delivers an attractive and safe alternative for pedestrians and other users than the proposed main access. The parties agree that a separate access closer to the settlement than the main access would be necessary, and this is proposed to be at the west part of the site.*

*The proposed access solutions indicate this would be a path of around 190 metres long to reach the residential element of the scheme. To accommodate the distance to the houses from Town Lane, due to the sloping nature of the site the route would be ‘meandering’ with approximately 130 metres of a path with a gradient of over just 8% and 30 metres of just over 6%.*

*There are various standards which refer to gradients when considering the design of new footpaths and pedestrian areas. These range from a 2.5% gradient being manageable by most people, with a standard of 5% being borne in mind for over 30 metres. There are a number of references to 8% as an absolute maximum gradient but over very short distances or as a practical maximum. This is because of a range of considerations such as the physical effort required for wheelchair users and taking account of the risk of wheelchairs toppling over. People can also cycle short but steep gradients.*

*I note that it is acknowledged there may be local difficulties in applying standards. I accept that preferences may not be achievable in every circumstance. However, taking account of the extent of the proposed path incorporating the maximum gradient of 8% for a very significant distance, this would be challenging for many users especially taking account of the some of the distances to reach some services and facilities in the area.*

*Where the entrance of the access would meet Town Lane, there would be a short footpath on the north side of the Lane with tactile paving. Appropriate visibility splays could be incorporated into the scheme to ensure that pedestrians would be able to see traffic using Town Lane. However, given the potential speeds of cyclists and other users meeting here,*

*there is the possibility for conflict at this crossing point and at the entrance to the access. There would be a lower gradient near the entrance but there would remain the potential for accidents as the stopping distances would be increased due to the overall gradient. I consider this could be the case even with residents who become familiar with the path as it will largely depend on individual circumstances at the time.*

*I accept that the route would be designed to ensure that it would be adequately lit, surfaced and maintained. However, in terms of other perceptions of safety and overlooking of the path by homes, the indicative layout indicates that dwellings would be located some distance from the entrance to the proposed access meaning that parts of the path may not be overlooked. Existing residences on Town Lane would not provide adequate surveillance given the distances from the site and topography. To my mind, the combination of steep gradients for some distance, potential for user conflict and lack of surveillance would result in the path appearing unattractive and potentially unsafe.*

*The appellant indicates that the design of the path could be a matter which would be resolved at the detailed planning application stage. I note that there are options including a stepped footpath and separate ramps and a lower gradient and the potential for different layouts. However, the appellant also indicates that it is not yet possible to assess what could be delivered until cut and fill details have been considered as part of any detailed layout. To my mind there is not enough information to confirm that a satisfactory solution could be found.*

*In the circumstances of this case, it would be essential to demonstrate that an attractive and safe access for pedestrians and other users could be provided. The scheme as proposed would fail to do this and it would be unlikely to be used to the extent necessary for it to be seen as a viable alternative in place of using Town Lane. There would be harm caused to pedestrians and other users in terms of highway safety."*

98. The proposal has been amended compared to the previously dismissed appeal scheme to provide multiple pedestrian and cycling connections from the site to Town Lane.
99. Lancashire County Council (LCC) as the Local Highway Authority (LHA) is responsible for providing and maintaining a safe and reliable highway network and their comments on the application were as follows:

*"Development Proposal*

*The development proposal is a resubmission of application 20/01347/OUTMAJ which was dismissed at appeal. The proposal is for the erection of up to 250 dwellings on land to the northerly side of Town Lane. The application is in outline form with all matter reserved save for access. A vehicular access to Town Lane is proposed immediately east and opposite of 82 Town Lane. A pedestrian / cycle access to Town Lane is proposed approximately 50m east and opposite of 48 Town Lane. A pedestrian access to Town Lane is proposed approximately 20m west and opposite its junction with Lady Crosse Drive.*

*Background*

*LCC highlighted their concerns on application 20/01347/OUTMAJ in the response dated 12 April 2021 stating "It has not been demonstrated that the proposed development can be safely accessed on foot and by cycling and bus stops are not within desirable walking distance of the site to allow use of public transport. The footways on Town Lane are of inadequate width and no improvement measures of the PROWs in the area are proposed by the applicant. The applicant has also not proposed any measures towards overcoming the numerous constraints on Town Lane. In view of the above, LCC Highways would recommend that the planning application is not approved.*

*The hearing for the appeal took place in August 2021 with the decision issued on 18 February 2022.*

*Highway matters formed a significant part of the planning appeal and as such the same opinion should be reached unless there is additional evidence to counter the matters raised.*

*SCP have produced an updated Transport Assessment (TA) dated October 2022 for the current application and state that "The only change to the current application is the means of access into the site on foot and cycle. A package of off-site improvements were agreed with LCC as part of the preparation of the Statement of Common Ground.*

*Issues to be considered following the Appeal*

*The Inspector concluded that "the proposal would cause harm to highway safety particularly relating to walkers and cyclists and would fail to provide a suitable alternative access which would be needed as an essential part of the scheme.*

*Paragraph 19 of the Inspectors report states "I note the details of a limited number of near misses and accidents along Town Lane provided to me by residents during the Inquiry and the information of police call outs along the whole length of Town Lane. However, it is agreed between the appellant and the Council that the formal accident data from the past five years recorded one personal injury incident. Nevertheless, the number of pedestrians, cyclists and other users would increase significantly as a result of the scheme, and I consider this would increase the potential for accidents and near misses for future residents if they were to use Town Lane."*

*Within paragraph 33 the Inspector concludes that "the proposal would cause harm to highway safety particularly relating to walkers and cyclists and would fail to provide a suitable alternative access which would be needed as an essential part of the scheme. It would conflict with BNE1 of the LP which seeks development that amongst other things would not prejudice highway safety and pedestrian safety. It would not be in accordance with the Framework which amongst other sets out that proposed development should give priority to pedestrian and cycle movements, facilitating access to high quality public transport, address the needs of people with disabilities and reduced mobility, provide access that is safe, secure and attractive and minimises scope for conflict between pedestrians, cyclists and vehicles."*

*Developer's proposals*

*The developer is proposing the following: -*

- 1. Main access – described in detail at 4.3 – 4.6 of the TA*
- 2. Pedestrian and Cycle Access – described in detail at 4.7 – 4.10 of the TA*
- 3. Off-site Improvements – described in detail at 4.11 – 4.18 of the TA.*

*The access and off-site improvements need to be considered as a package of measures put forward by the developer to overcome the issues that the Inspector identified at the appeal.*

*The proposed site accesses provide better pedestrian and cycling connectivity between the site and Town Lane when compared to the original accesses. Gradients for pedestrians at the main site access are still a concern, however, the pedestrian / cycle access provides gradients in line with the recommendations of DfT's Inclusive Mobility. The "zig-zagging" pedestrian and cycle access is visually open and as such, whilst it may be seen as more onerous than a less torturous route for able bodied, it is seen as being acceptable to LCC Highways.*

*Given the limited existing footway and carriageway widths on Town Lane it is difficult to make improvements for pedestrians without prohibiting parking. However, if parking was removed then traffic speeds are likely to increase, and the displaced parking create issues elsewhere. To address the safety concerns the developer is proposing traffic calming feature to reduce vehicle speeds and keep the existing on street parking.*

Conclusion

*Whilst the proposed development that was considered by the Planning Inspector was refused planning permission the developer has made a number of amendments that are considered by LCC Highways to be sufficient to overcome the reasons for refusal and as such no highway objections are raised.*

S106

*It is requested that the developer enter a s106 for the following matters.*

- 1. Travel Plan. £18,000*
- 2. Public Transport. £150,000 per annum for 5 years"*

100. The Council has commissioned an independent review of the transportation issues associated with some of the major housing applications currently awaiting decision, by a transport planning consultancy. A short summary of the conclusions of their assessment of this application is provided below:
- The annual contribution to enhanced bus services should be increased from £100,000
  - The Transport Assessment states that the pedestrian access footpath will link to a new footway on the northern side of Town Lane and the accompanying drawing shows a short section of new footway on the northern side of Town Lane
  - The new footway will only serve to enable pedestrians to cross Town Lane to the existing footway on the southern side of Town Lane. It may not be possible for the developers to link this new footway to the junction of Town Lane and Chorley Old Road as this would involve the use of land outside of the applicant's control
  - Furthermore, the footway on the southern side of Town Lane is very narrow. The developers should improve the width of the footway to the south of Town Road to bring it in line with modern standards
  - The design of the pedestrian / cycle access does not accord with current standards and could result in safety issues for users
101. The applicant's transport consultant, SCP, provided a detailed response to the independent review, summarised as follows:
- The £100,000 figure has been increased to £150,000
  - It is acknowledged that there are sections of Town Lane with no footway; parts of the north side of Town Lane and the section of carriageway outside of 71-74 Town Lane. The proposals bring pedestrians into the most westerly point to link with existing footways on the southern side (via the stepped straight route). This route is intended to be primarily a recreational route, running through the open space. The main pedestrian and cycle access is located midway along the site frontage where there is a footway on the southern side. The speed reduction and build out are intended to assist with crossing to this existing footway. An alternative would be to remove large sections of hedgerow to provide a new 2m footway along the whole of the western site frontage between the main ped/cycle route and Whittle le Woods. However, this would have implications on ecology and the character of the area as well as requiring retaining walls up against the back of footway in places.
  - Existing footways on the southern side are approximately 1m however whilst on site with LCC it was noted that much of the length of footway along Town Lane is overgrown and can be cut back to the fence line or verge. This would improve the footway widths without any physical works (which would reduce the available road width).
  - The new pedestrian and cycle access seeks to improve upon the earlier submission, by providing a more gentle gradient over a shorter distance which is overlooked by houses. The current proposals strike the right balance between gradient and distance, whilst giving able bodied pedestrians the option of steps. On this issue, the Inspector commented 'I note that it is acknowledged there may be local difficulties in applying standards. I accept that preferences may not be achievable in every circumstance'.

102. The independent review report was issued to LCC Highway Services for comment, and they responded to state that they concur with the comments made by the applicant's consultant SCP and have no additional comments to make.
103. In conclusion, the revised access details are considered to be acceptable, subject to conditions and a S106 agreement to secure the above referenced contributions. The other measures would be delivered by a S278 agreement under the Highways Act 1980. A summary of the agreed on and off-site highways works are as follows, as described in more detail at Section 4.0 of the submitted Transport Assessment, to include:-
- The main site access comprising of a 5.5m carriageway with a 2m footway on one side and a 3m shared cycleway/footway on the other, as shown on the approved plans
  - The pedestrian/cycle access as shown on the approved plans
  - The western footpath as shown on the approved plans
  - Off-site works, as follows:
    - A new footway on the northern side of Town Lane with build-out;
    - Build-out on the southern side of Town Lane;
    - The relocation of bus stops on Town Lane;
    - Priority working and parking bays for dwellings on Chorley Old Road;
    - Cycle route signage along Town Lane; and
    - Slow markings and new signage on Town Lane.
104. The applicant has agreed to complete the above works prior to no more than 25% of the approved dwellings being constructed, rather than prior to the occupation of any of the dwellings, as is typically the case. This can be controlled by planning condition.

#### Impact on the character and appearance of the area

105. Core Strategy policy 17 seeks to ensure that the design of new buildings takes into account the character and appearance of the local area, including among other things, linking in with surrounding movement patterns and not prejudicing the development of neighbouring land; and protecting existing landscape features and natural assets.
106. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, among other things, the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials; that the layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area; and that the proposal would not have a detrimental impact on important natural habitats and landscape features such as historic landscapes, mature trees, hedgerows, ponds and watercourses. In some circumstances where on balance it is considered acceptable to remove one or more of these features, then mitigation measures to replace the feature/s will be required either on or off-site.
107. Policy BNE10 (Trees) of the Chorley Local Plan 2012 -2026 stipulates, among other things, that proposals that would result in the loss of trees, woodland areas or hedgerows which make a valuable contribution to the character of the landscape, a building, a settlement or the setting thereof will not be permitted. Replacement planting will be required where it is considered that the benefit of the development outweighs the loss of some trees or hedgerows.
108. The application seeks outline planning permission for up to 250 dwellings, with the illustrative masterplan showing a new access road proposed on Town Lane, on the southern edge of the site. The illustrative masterplan also shows one possible way in which the site could be developed with a single point of vehicular access from Town Lane into the development. Roads leading from the point of arrival include a circular route towards the



east of the site and a cul-de-sac to the west, with secondary roads and private driveways from these roads located throughout the development.

109. When considering any development proposal, the Council must be mindful of the Framework that states that the Government attaches great importance to the design of the built environment and good design is a key aspect of sustainable development. The Framework also states that planning policies and decisions should aim to ensure that developments (amongst other things) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
110. Chorley Council plans positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes and seeks to create well-mixed and integrated developments which avoid segregation and have well-planned public spaces that bring people together and provide opportunities for physical activity and recreation.
111. The Council was initially of the opinion that the previous proposal failed to achieve the above aspiration due to not considering the wider site allocation as a whole or its key features and characteristics, providing a piecemeal and disjointed approach to the proposal and the wider site. This was one of the reasons that Planning Committee was minded to refuse the application (reason for refusal 2). However, the reason was withdrawn during the appeal process due to the topography of the safeguarded land parcel and the intervening River Lostock resulting in difficulty in securing vehicular access to the north from the site. The Council remained concerned about pedestrian and cycle linkages with the wider area but felt this was sufficiently covered by the third reason for refusal.
112. The layout, appearance, scale and landscaping aspects of the proposal do not form part of this outline application and would follow at any reserved matters stage. From the indicative layout plan submitted, it is considered that adequate residential curtilage would be provided with adequate space for parking and general amenity. It is considered that the dwellings could be designed without detriment to the appearance of the site or the character of the streetscene. Nevertheless, this could only be fully assessed at reserved matters stage.

#### Impact on amenity

113. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, where relevant to the development the proposal would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact; and that the proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses.
114. It is considered that the dwellings could be designed without detriment to residential amenity.
115. Any impacts during the construction phase would be temporary and suitable mitigation measures could be imposed by a planning condition, for example, through a Construction Environmental Management Plan.

#### Contaminated land

116. It was apparent during the original application process and appeal and also given the comments made in relation to this application that some local community concerns have been raised with regards to former landfill sites in the area, and the impact that this could have on the future occupiers of any development that may take place on the application site. These landfill sites are located outside the application site but are relatively close to it.
117. Representations that have been received suggest high levels of methane and disposal of low-level nuclear/radioactive waste. Representations also suggest that there is evidence

that the site took asbestos and was not topped off properly and that material/contaminants are leaching into the River Lostock to the north of the site.

118. If the application site included the area of landfill itself then a full investigation into the site prior to development and commencement of development would be required, however, as the site lies outside the boundary of the application site the applicant is not explicitly required to investigate landfill that is nearby, only to consider the risks that the site in its current state may present, based on the available evidence, as part of its site investigation works. The developer must ultimately satisfy itself that there is no unacceptable risk to human health or controlled waters such that the land could be designated as contaminated land as defined under Part2A EPA 1990.

119. The Inspector concluded the following at paragraph 66 of the appeal decision with regards to contaminated land issues:

*"I have been referred to the potential for contamination from two former landfill sites, one to the north and one to the south of appeal site. These relate to the potential presence of ground gas and leachates, and also asbestos, methane and low level nuclear radioactive waste. The evidence relating to the latter concerns does not appear conclusive. In any event, the proposal is accompanied by a Desk Top Study report which refers to the scope for additional investigation. The size and scale of the scheme would require investigations to include the type and nature of contamination including that beyond the site boundary. This could be secured by condition and the scheme would be in accordance with the Framework where proposals should ensure that a site is suitable for its proposed use including any risks from contamination."*

120. In relation the previous application, the Environment Agency (EA) considered the information submitted in support of the proposed development in relation to information available regarding the nearby landfill activities. The EA identified that Lowe Farm is 9 metres south of the proposed development site, and although not well run (at the time), the wastes within this site would be assessed in a later site investigation as proposed by the desk study. Cawood Farm has also been defined 177 metres north of the proposed development site, however, the wastes are incorrectly listed as 'Industrial', when in effect records show this to be Low-Level Radioactive Waste (LLRW) (1953-1959). The EA have again recommended a planning condition in relation to land remediation in their response to the current application, raising no objection to the proposal.

121. The conclusion of the report is that site investigation would be necessary, as shown in the following extract:

### *8.2 Proposed Ground Investigation Scope*

*On assessing the potential risks on site, we have compiled the following recommendations for initial investigation;*

- Three (3 No.) days trial pitting.*
- Ten (10 No.) window sample boreholes to 3mbgl targeting infilled reservoir, worked ground, fossil horizons and offsite landfill deepened to 5mbgl where infilled ground is encountered.*
- Six (6 No.) ground gas monitoring visits over a 3-month period at varying barometric pressures.*
- Forty (40 No.) soil samples (topsoil, made ground and natural) taken for chemical analysis to benchmark contamination levels across the site. Proposed testing will include but not be limited to the following; heavy metals suite (comprising; As, Cd (low level), Cr Vi, Pb, Hg, Se, Ni, Cu, Zn), Organic Matter, Sulphate, pH, speciated polycyclic aromatic hydrocarbons and TPH CWG. Asbestos testing within topsoil and Made Ground (if present) with quantification for positive samples.*

122. The report goes on to state the following:-

- *The scope of works should be agreed with the Local Authority prior to the intrusive ground investigation and as such may change.*
- *Additional SI may be required following completion of the initial SI.*

123. With the issues pertaining to the deposit of wastes at Cawood Farm and any groundwater contamination issues, the EA suggest that the Local Authority and the Environment Agency should request that future site works take this issue into consideration by increasing the parameters to be measured for (to include possible LLR parameters), and consideration of the direction of groundwater flow, establishing if there is any potential for impact upon the outlined development.

124. This could be secured by condition requiring that no development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development, has been submitted to, and approved in writing by, the local planning authority.

#### Drainage and flood risk

125. Paragraph 103 of the Framework requires that surface water arising from a developed site should, as far as it is practicable, be managed in a sustainable manner to mimic surface water flows arising from the site prior to the proposed development, whilst reducing flood risk to the site itself and elsewhere, taking climate change into account.

126. Core Strategy Policy 29 (Water Management) seeks to improve water quality, water management and reduces the risk of flooding in a number of ways including, among other things, appraising, managing and reducing flood risk in all new developments.

127. More generally in consideration of the detailed drainage design for the site the Planning Practice Guidance (PPG) establishes a hierarchy for surface water disposal, which encourages a Sustainable Urban Drainage approach (SuDS): Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:

- i. into the ground (infiltration);
- ii. to a surface water body;
- iii. to a surface water sewer, highway drain, or another drainage system;
- iv. to a combined sewer.

128. Paragraphs 64 and 65 of the Inspector's report concludes the following with regards to flood risk:

*"I note the concerns residents raise in respect of flood risk including those by the Parish Council in relation to the Flood Risk Assessment and Drainage Strategy (FRA). However, the FRA includes information relating to all sources of flooding, proposes measures for any detailed applications, and there is no detailed evidence to indicate that the FRA conclusions that the risks are low are incorrect.*

*The proposal would incorporate sustainable drainage systems. The study is informed by an assessment of the River Lostock, and the drainage system would ensure that runoff would be limited at an appropriate rate. In respect of effects on the fishing area known as Low Mill Lodge, as part of the first reserved matters application it is proposed to provide a Flood and Surface Water Drainage Strategy. This would investigate potential infiltration of surface water and would provide options for drainage. This could be secured by an appropriate condition and would ensure that the use of the fishing lodge would not be negatively impacted by the proposal. The proposal would accord with CS Policy 29 which amongst other things seeks to reduce the risk of flooding."*

129. The applicant has submitted a Flood Risk Assessment and Drainage Strategy, produced by Waterco, dated October 2022 in support of the proposed development. These have been reviewed by the EA and Lead Local Flood Authority (LLFA) who raise no objections to the proposed development.
130. The EA have identified that the proposed site boundary is partly located within Flood Zones 2 and 3, which has a medium and high probability of flooding. They state that they have reviewed the Illustrative Masterplan and appreciate that the areas of the site that sit within the flood zones are designated for SuDS and attenuation. They state that they support the use of this land for this reason.
131. Under the Flood and Water Management Act 2010 the LLFA is the responsible 'risk management authority' for managing 'local' flood risk which refers to flooding or flood risk from surface water, groundwater or from ordinary watercourses. The LLFA is a statutory consultee for major developments with surface water drainage, under the Town and Country Planning (Development Management Procedure) (England) Order 2015.
132. The submitted FRA notes the following:

*“Given the historic quarrying on site, soakaways are unlikely to be feasible. Where soakaways are not feasible, surface water runoff will be discharged to the River Lostock immediately north-west of the site via an existing ditch at a rate of limited 1 in 1 year greenfield runoff rate of 34.2 l/s. Surface water runoff up to the 1 in 100 year plus 45% climate change allowance event will be attenuated on site. A total attenuation volume of 3,125m<sup>3</sup> will be required to achieve the discharge rate and will be provided in the form of attenuation ponds located in the north-western extent of the site*

*The proposed surface water drainage scheme will ensure no increase in runoff over the lifetime of the development. Foul flows will be discharged to the public combined sewer network in Town Lane. A gravity connection can be achieved. the final drainage details will be required to be submitted for agreement prior to any development taking place at the site.”*

133. The proposal is considered to be acceptable with regards to drainage and flood risk and is considered to be policy compliant.

#### Affordable housing

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

*“Subject to such site and development considerations as financial viability and contributions to community services, to achieve a target from market housing schemes of 30% in the urban parts of Preston, South Ribble and Chorley and of 35% in rural areas on sites in or adjoining villages.....”*

*“Aside from rural exception sites the minimum site size threshold will be 15 dwellings (0.5 hectares or part thereof) but a lower threshold of 5 dwellings (0.15 hectares or part therefore) is required in rural areas.”*

135. In accordance with Core Strategy Policy 7, 30% of the dwellings are required to be affordable. This equates to 75 dwellings. 70% (53) of these should be social rented and 30% (22) should be shared ownership.
136. The applicant is proposing 30% affordable housing which is in accordance with Core Strategy Policy 7.
137. The house types to be provided will be determined at the reserved matters stage.

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

Public open space

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

*Amenity Greenspace:*

140. Chorley Local Plan Policy HS4A sets a standard of 0.73 hectares per 1,000 population.

141. There is currently a surplus of provision in Buckshaw and Whittle in relation to this standard and the site is within the accessibility catchment (800m) of an area of amenity greenspace. A contribution towards new provision in the ward is therefore not required from this development. However there are areas of amenity greenspace within the accessibility catchment that are identified as being low quality and/or low value in the Open Space Assessment Report (February 2019)/Open Space Study Paper (February 2019) (sites 2044 Magill Close; 1660 Adjacent Heather Hill Cottage, Hill Top Lane, Whittle-le-Woods). A contribution towards improvements to these sites is therefore required from this development. The amount required is £140 per dwelling.

*Provision for children/young people:*

142. Chorley Local Plan Policy HS4A sets a standard of 0.08 hectares per 1,000 population.

143. There is currently a surplus of provision in Buckshaw & Whittle in relation to this standard and the site is within the accessibility catchment (800m) of an area of provision for children/young people. A contribution towards new provision in the ward is therefore not required from this development. However, there are areas of provision for children/young people within the accessibility catchment that are identified as being low quality and/or low value in the Open Space Assessment Report (February 2019)/Open Space Study Paper (February 2019) (sites 1535.1 Play area opposite 17 Delph Way, Whittle-le-Woods; 1430 Harvest Drive play area, Whittle-le-Woods; 2046 Berry Avenue Play Area, Whittle-le-Woods; 1428.1 Orchard Drive playground, Whittle-le-Woods). A contribution towards improvements to these sites is therefore required from this development. The amount required is £134 per dwelling.

*Parks and Gardens:*

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

145. There are no parks/gardens within the accessibility catchment (1,000m) of this site identified as being low quality and/or low value in the Open Space Assessment Report (February 2019)/Open Space Study Paper (February 2019) therefore a contribution towards improving existing provision is not required.

*Natural and Semi-Natural Greenspace:*

146. There is no requirement to provide new natural/semi natural greenspace on-site within this development.

147. There are no areas of natural/semi-natural greenspace within the accessibility catchment (800m) of this site identified as being low quality and/or low value in the Open Space Assessment Report (February 2019)/Open Space Study Paper (February 2019) therefore a contribution towards improving existing provision is not required.

*Allotments:*

148. There is no requirement to provide allotment provision on site within this development.
149. The site is not within the accessibility catchment (10 minutes' drive time) of a proposed new allotment site, a contribution towards new allotment provision is therefore not required from this development.

*Playing Pitches:*

150. The Playing Pitch Strategy and Action Plan (December 2018) identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is therefore required from this development. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements, with borough-level detail provided in the Chorley Open Space, Sports and Recreation Strategy (OSSR) Action Plan 2020 to 2036. The amount required is £1,599 per dwelling.
151. The total financial contribution required from this development is as follows:

Amenity greenspace	= £35,000
Equipped play area	= £33,500
Parks/Gardens	= £0
Natural/semi-natural	= £0
Allotments	= £0
Playing Pitches	= £399,750
Total	= £468,250

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

Sustainability

153. Policy 27 of the Core Strategy requires all new dwellings to be constructed to Level 4 of the Code for Sustainable Homes or Level 6 if they are commenced from 1<sup>st</sup> January 2016. It also requires sites of five or more dwellings to have either additional building fabric insulation measures or reduce the carbon dioxide emissions of predicted energy use by at least 15% through decentralised, renewable or low carbon energy sources. The 2015 Deregulation Bill received Royal Assent on 26th March 2015, which effectively removed the Code for Sustainable Homes. The Bill does include transitional provisions which include:

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

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

154. Given this change, instead of meeting the code level, the Local Planning Authority required that dwellings should achieve a minimum dwelling emission rate of 19% above 2013 Building Regulations in accordance with the transitional provisions. Building Regulations 2022 have now been brought into force and under Part L require a 31% improvement above 2013 Building Regulations. This exceeds the Council's previous requirement and now supersedes the requirement for a planning condition.

#### Education

155. Central Lancashire Core Strategy policy 14 (Education) seeks to provide for education requirements in a number of ways including asking developers to contribute towards the provision of school places where their development would result in or worse a lack of capacity at existing schools.

156. Lancashire County Council, as the Education Authority, seek to secure financial contributions towards any additional school places required as a result of new housing development in order to mitigate the impact upon the education infrastructure which new housing developments may have.

157. Based upon the latest assessment, Lancashire County Council advise that an education contribution is not required in regard to this development.

#### Employment skills provision

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

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

159. The SPD requires development over certain thresholds to be accompanied by an Employment and Skills Statement to ensure the right skills and employment opportunities are provided at the right time. This is to the benefit of both the developer and local population and covers the following areas:

- Creation of apprenticeships/new entrants/graduates/traineeships
- Recruitment through Job Hub and Jobcentre plus and other local employment vehicles.
- Work trials and interview guarantees
- Vocational training (NVQ)
- Work experience (14-16 years, 16-19 years and 19+ years) (5 working days minimum)
- Links with schools, colleges and university
- Use of local suppliers
- Supervisor Training
- Management and Leadership Training
- In house training schemes
- Construction Skills Certification Scheme (CSCS) Cards
- Support with transport, childcare and work equipment
- Community based projects

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

#### Community Infrastructure Levy (CIL)

161. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development will be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

#### Planning balance

162. Paragraph 11. d) ii. of the Framework indicates that, where the most important development plan policies for determining the application are out-of-date, planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; the tilted balance.

163. The adverse impacts of the development relate to conflict with policy BNE3 of the Chorley Local Plan, which can only be attributed limited weight.

164. In terms of benefits, the provision of new housing would bring construction and supply chain jobs, places for the economically active to live, increased local spend and greater choice in the local market. These benefits have not been quantified and would apply to any housing development of this scale but are still considerable.

165. The scheme would deliver a policy compliant level of affordable homes to the area of which there is a significant shortfall across the Borough. The new affordable dwellings would provide homes for real people in real need.

166. The applicant has volunteered to provide a net gain in biodiversity at the site that goes far beyond the 10% net gain which will eventually become a requirement of most development proposals. The submitted net gain assessment identifies that net gains of 25% habitat gain, 34% gain for hedgerows and 66% gain for river units, can be achieved at the site. As net gains in biodiversity are not required to make the scheme acceptable, they should be weighed as an environmental benefit of the proposal of moderate magnitude.

167. The proposal would boost the supply of housing in a situation where there is no five-year supply and an under-provision of affordable housing and, as a result, moderate weight can be given to the economic and significant weight to the social benefits the proposal would deliver.

168. The provision of open space and its ongoing management and maintenance and mitigation measures, such as highway improvement measures, are neutral considerations because they are needed to make the development acceptable.

169. The adverse impacts of the proposed development relating to the conflict with policy BNE3 of the Chorley Local Plan would not significantly and demonstrably outweigh the economic, social and environmental benefits that the scheme would deliver.

#### **CONCLUSION**

170. Members will be aware of the current shortfall in housing delivery in the Borough and that this has resulted in the most important policies for the determination of this application being out-of-date, which triggers the engagement of the tilted balance of paragraph 11d of the Framework.



171. Whilst the conflicts with policies BNE10 (tree loss) and BNE3 (safeguarded land) of the Chorley Local Plan 2012-2026, it is considered that these issues would not significantly and demonstrably outweigh the benefits of the proposal in delivering much needed housing in the borough. The proposal is therefore recommended for approval.

**RELEVANT HISTORY OF THE SITE**

**Ref:** 20/01347/OUTMAJ **Decision:** APPEAL ALLOWED **Decision Date:** 18 Feb 2022  
**Description:** Outline planning application for the construction of up to 250 dwellings and associated infrastructure (including 30% affordable housing) with all matters reserved aside from the access from Town Lane

**RELEVANT POLICIES:** In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.

Suggested conditions

1. Prior to the commencement of any phase of the development, full details of the layout, scale, appearance and landscaping (hereinafter called "the reserved matters") for that phase shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out as approved.

*Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*

2. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved. The first reserved matters application shall include a plan showing the phasing of the development

*Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*

3. The development hereby permitted shall be carried out in accordance with the approved plans below:

Title	Plan Ref	Received On
Location Plan	TLWW/LP/01	31 October 2023
Potential Site Access Solutions Visibility Splay Review Proposed Access	SCP/220486/SK03 Rev A	16 November 2022
General Arrangement – Pedestrian Access	SCP/220486/D02 Rev A	31 October 2023
General Arrangement – Pedestrian Access	SCP/220486/D02a Rev A	31 October 2023

*Reason: For the avoidance of doubt and in the interests of proper planning.*

4. The reserved matters application for each phase shall be accompanied by a Landscape Retention, Creation and Management Plan for that phase, which shall be submitted to and

approved in writing by the Local Planning Authority prior to the commencement of development. This shall include the following details as far as they relate to each phase of the development:

- a) Retention and management of woodland to the north including details of how this will be protected during any construction period.
- b) Buffer along northern site boundary and the River Lostock
- c) Enhancement of Field 6 (north of fishing lodge)
- d) Control of invasive species (Himalayan balsam)
- e) Retention of hedgerows, ditches and trees including details of how they are to be protected during any construction period.
- f) Lighting strategy
- g) Installation of bat roost features in properties
- h) Protection of nesting birds during breeding season (March - August inclusive)
- i) Installation of bird boxes
- j) Maintenance of habitat connectivity and ecological permeability of boundary/curtilages features
- k) Locally native planting scheme (noting species, planting sizes and proposed numbers/densities where appropriate)
- l) Details of wetland creation;
- m) Written specifications (including cultivation and other operations associated with plant and grass establishment);
- n) Implementation timetables.

The document shall also incorporate a Habitat Management Plan which sets out how habitats will be managed to promote their biodiversity value. It shall provide the detail and the mechanism which can be used to secure this management in the long term (> 10 years).

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any dwellings on each phase or following the completion of the development within the relevant Phase, whichever is the earlier. Any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

The development shall be implemented in accordance with the approved details.

*Reason: In the interests of protecting ecological assets, creating biodiversity enhancements and ensuring the proper landscaping of the site.*

5. No works to trees, shrubs or hedgerows shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and that appropriate measures put in place to protect nesting bird interests on site.

*Reason: All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981 (as amended)*

6. The first reserved matters application for each phase shall be accompanied by an Arboricultural Method Statement covering the whole site that shall include details for the protection of all trees to be retained and details of how construction works will be carried out within any Root Protection Areas of retained trees. The development shall only be carried out in accordance with the approved Arboricultural Method Statement and with British Standard BS 3998:2010 or any subsequent amendment. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the Root Protection Areas.

*Reason: To protect trees to be retained.*

7. Either with any reserved matters application for a phase or prior to the commencement of each phase full details of the existing and proposed ground levels and proposed dwelling

finished floor levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such details shown on previously submitted plans(s). The development shall be carried out strictly in conformity with the approved details.

*Reason: To ensure the final development is not harmful to the character of the area or residential amenity*

8. The first reserved matters applications for each phase shall include, full details of the position, layout, phasing of the public open space with that phase. This shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the provision of these areas shall be carried out in strict accordance with the approved details.

*Reason: To ensure the proposed public open space is appropriate for the site and is delivered at an appropriate time.*

9. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the site-specific flood risk assessment and surface water sustainable drainage strategy 14980-FRA & Drainage Strategy-05 produced on 28/10/2022 by Waterco.

The measures relevant to each phase shall be fully implemented prior to occupation of that phase and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority in consultation with the Lead Local Flood Authority.

*Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.*

10. No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the Local Planning Authority.

The detailed surface water sustainable drainage strategy shall be based upon the sitespecific flood risk assessment and indicative surface water sustainable drainage strategy submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

The details of the drainage strategy to be submitted for approval shall include, as a minimum;

- a) Sustainable drainage calculations for peak flow control and volume control for the:
  - i. 100% (1 in 1-year) annual exceedance probability event;
  - ii. 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep;
  - iii. 1% (1 in 100-year) annual exceedance probability event + 45% climate change allowance, with an allowance for urban creep
- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
  - i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
  - ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels;
  - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate, including the topography of the existing residents bordering the development boundary;
  - iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;

- v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;
- vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
- vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;
- c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with BRE 365.
- d) Evidence of an assessment of the existing on-site watercourse to be used, to confirm that these systems are in sufficient condition and have sufficient capacity to accept surface water runoff generated from the development.
- e) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

*Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.*

11. No development shall commence until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority.

The details of the plan to be submitted for approval shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include for each phase, as a minimum:

- a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.
- b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

*Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue surface water flood risk on-site or elsewhere during any construction phase in accordance with Paragraph 167 of the National Planning Policy Framework.*

12. The occupation of the development shall not be permitted until a site-specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The details of the manual to be submitted for approval shall include, as a minimum:

- a) A timetable for its implementation;
- b) Details of the maintenance, operational and access requirement for all SuDS components and connecting drainage structures, including all watercourses and their ownership;
- c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;

- d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
- e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
- f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- g) Means of access for maintenance and easements.

Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

*Reason: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the sustainable drainage system is subsequently maintained pursuant to the requirements of Paragraph 169 of the National Planning Policy Framework.*

13. The occupation of the development shall not be permitted until a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

*Reason: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the development as constructed is compliant with the requirements of Paragraphs 167 and 169 of the National Planning Policy Framework.*

14. For each phase, notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul waters for that phase has been submitted to and approved in writing by the local planning authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing sewerage systems. The development shall be completed, maintained and managed in accordance with the approved details.

*Reason: To ensure the site is properly drained.*

15. No roads proposed for adoption shall be commenced until full engineering, drainage and constructional details for them have been submitted to, and approved in writing by, the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details.

*Reason: To ensure the roads are suitable for use.*

16. Prior to the commencement of development, other than site enabling works, an Estate Street Phasing and Completion Plan shall have been first submitted to, and approved in writing by, the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the standards to which estate streets serving each phase of the development will be completed. No dwelling or dwellings shall be occupied until the estate street(s) affording access to those dwelling(s) has/have been constructed to base course level in accordance with the Lancashire County Council Specification for Construction of Estate Roads.

*Reason: To ensure the roads are completed in timely manner and to the correct standard.*

17. No dwellings shall be occupied within a phase until details of the proposed arrangements for future management and maintenance of the proposed streets and any other areas within that phase not to be adopted (including details of any Management Company) have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details, until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

*Reason: To ensure such areas are suitably maintained.*

18. No dwellings shall be occupied within a phase until a Full Residential Travel Plan relevant to that phase has been submitted to, and approved in writing by, the Local Planning Authority, together with a timetable for its implementation. All elements of the Full Residential Travel Plan shall continue to be implemented at all times thereafter for a minimum of 5 years after the completion of the development.

*Reason: To encourage the use of sustainable transport options.*

19. No development shall take place, within a phase until a Construction Environment Management Plan (CEMP) for that phase has been submitted to, and approved in writing by, the local planning authority. The approved CEMP shall be adhered to throughout the construction period. The CEMP shall provide for:

- a) vehicle routing and the parking of vehicles of site operatives and visitors;
- b) hours of operation (including deliveries) during construction;
- c) loading and unloading of plant and materials;
- d) storage of plant and materials used in constructing the development;
- e) siting of cabins, site compounds and material storage area(s) (ensuring they comply with the Method Statement for the avoidance of harm to amphibians);
- f) the erection of security hoarding where appropriate;
- g) wheel washing facilities that shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway;
- h) measures to mechanically sweep the roads adjacent to the site as required during the full construction period;
- i) measures to control the emission of dust and dirt during construction;
- j) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- k) details of measures to ensure the routing and directing of large construction vehicles/traffic and deliveries to site is from the west (A6) and not from the east via the Town Lane bridge 81 over the Leeds and Liverpool Canal.

*Reason: to mitigate impacts upon the highway network, residential amenity, the canal bridge and the environment.*

20. The development shall not commence until an Employment and Skills Plan that is tailored to the development and will set out the employment and skills training opportunities for the construction phase of the development has been submitted to, and approved in writing by, the Local Planning Authority, unless the Local Planning Authority gives written consent to any variation. Thereafter, the development shall be carried out in accordance with the Employment and Skills Plan.

*Reason: To promote skills and training opportunities for local people.*

21. An Acoustic Design Statement shall be submitted and approved in writing as part of the first reserved matters application for a phase to demonstrate how any adverse impacts of noise will be addressed and minimised within that phase to avoid any significant adverse noise impact on the finished developments and the achievement of the lowest practicable sound levels.

*Reason: To protect the amenity of future residents.*

22. Due to the size and scale of the proposed development, the past processes and activities on and adjacent to the site, and the proposed sensitive end-use (housing with gardens), no development shall take place until:

- a) a methodology for investigation and assessment of ground contamination has been submitted to and agreed in writing with the Local Planning Authority. The investigation and assessment shall be carried in accordance with current best practice including British Standard 10175:2011+A2:2017 Investigation of potentially contaminated sites - Code of Practice. The objectives of the investigation shall be, but not limited to, identifying the type(s), nature and extent of contamination present to the site, risks to receptors and potential for migration within and beyond the site boundary;
- b) all testing specified in the approved scheme (submitted under a) and the results of the investigation and risk assessment, together with remediation proposals to render the site capable of development have been submitted to the Local Planning Authority;
- c) the Local Planning Authority has given written approval to any remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of remediation works a validation report containing any validation sampling results shall be submitted to the Local Authority.

Measurements shall include possible LLR parameters and consideration of the direction of groundwater flow, establishing if there is any potential for impact upon the development.

Thereafter, the development shall only be carried out in full accordance with the approved remediation proposals.

*Reason: To ensure the development is safe for future residents.*

23. Prior to the construction/provision of any utility services, a strategy to facilitate super-fast broadband for future occupants of the site shall be submitted to, and approved in writing by, the Local Planning Authority. The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a super-fast broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works within the site boundary only.

*Reason: To future-proof the development.*

24. For each phase, with any reserved matters application or prior to excavation of the foundations for any dwellings, samples of all external facing and roofing materials for that phase (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the local planning authority. All works shall be undertaken strictly in accordance with the approved details.

*Reason: to ensure the final development is suitable to the character of the area.*

25. For each phase, with any reserved matters application or prior to the construction of any part of any dwelling above ground level, full details of the alignment, height and appearance of all fences, walls and gates to be erected on the site (notwithstanding any such details shown on previously approved plans) for that phase shall be submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until all fences, walls and gates shown on the approved details to bound its plot have been erected in conformity with the approved details. Other boundary treatments shown in the approved details shall be erected in conformity with the approved details prior to occupation of the final dwelling of the development.

*Reason: To ensure the boundary treatments are appropriate.*

26. For each phase, with any reserved matters application or prior to the laying of any hard landscaping (ground surfacing materials) full details of their colour, form and texture for that phase shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken strictly in accordance with the approved details and shall be completed in all respects before occupation of the final dwelling in that phase.

*Reason: To ensure the hard landscaping measures are appropriate.*

27. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site highway mitigation works, as described in more detail at Section 4.0 of the submitted Transport Assessment, to include:-

- The main site access comprising of a 5.5m carriageway with a 2m footway on one side and a 3m shared cycleway/footway on the other, as shown on the approved plans
- The pedestrian/cycle access as shown on the approved plans
- The western footpath as shown on the approved plans
- Off-site works, as follows:
  - A new footway on the northern side of Town Lane with build-out;
  - Build-out on the southern side of Town Lane;
  - The relocation of bus stops on Town Lane;
  - Priority working and parking bays for dwellings on Chorley Old Road;
  - Cycle route signage along Town Lane; and
  - Slow markings and new signage on Town Lane.

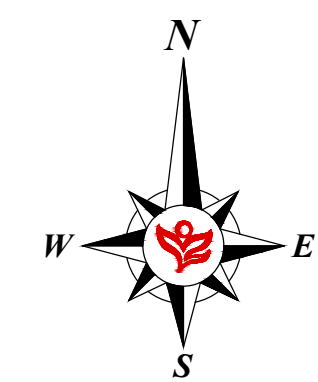
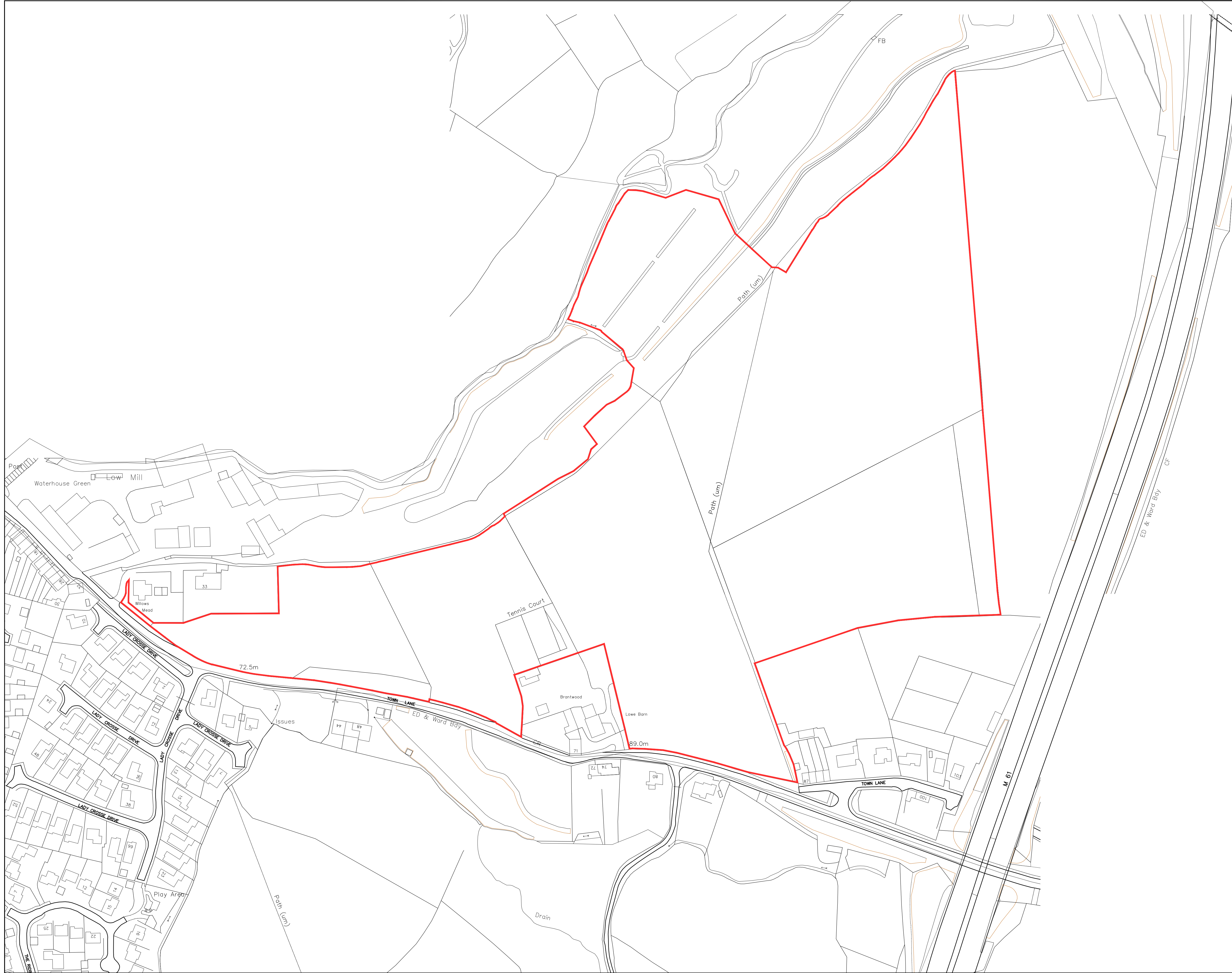
has been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. The applicant/developer shall not permit the construction of more than 25% of the approved dwellings until the approved scheme has been constructed and completed in accordance with the scheme details.

*Reason: To ensure the proposed works are suitable and are carried-out.*

28. The reserved matters application shall be supported by an updated biodiversity net gain assessment that demonstrates a minimum of 25% habitat gain, 34% gain for hedgerows and 66% gain for river units can be achieved at the site.

*Reason: to ensure the biodiversity enhancement measures included as part of the approval of the outline planning permission are achieved.*





Revision	Date	Amendment	Red edge amended as per comments from land	FB	By	Check
A	01.09.2020					

Development		<b>LAND OFF TOWN LANE</b>	
Location		<b>WHITTLE-LE-WOODS</b>	
Marketing Name			
Drawing Title		<b>Location Plan</b>	
Drawing Number	TLWW/LP/01	Revision	-
Drawn By	StB	Scale @ A1	1:1250
Checked by	-	First Issue	08.11.2019

  
**REDROW HOMES**  
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This layout has been designed after due consideration of our Context & Constraints Plan

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**APPLICATION REPORT – 22/00748/REMAJ**

**Validation Date: 7 July 2022**

**Ward: Ecclestone, Heskin And Charnock Richard**

**Type of Application: Major Reserved Matters**

**Proposal: Reserved matters application detailing appearance, landscaping, layout and scale, pursuant to outline planning permission 20/01331/OUTMAJ (outline planning application for the construction of up to 80 dwellings with all matters reserved aside from vehicular access from Doctors Lane. The development includes public open space, structural greenspace and surface water attenuation ponds) (Appeal ref: APP/D2320/W/21/3272310).**

**Location: Land At Tincklers Lane Tincklers Lane Ecclestone**

**Case Officer: Mike Halsall**

**Applicant: Redrow Homes Ltd**

**Agent: N/A**

**Consultation expiry: 3 March 2023**

**Decision due by: 30 June 2023 (Extension of time agreed)**

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**RECOMMENDATION**

1. It is recommended that this application is approved subject to conditions.

**SITE DESCRIPTION**

2. The application site forms part of a wider parcel of land designated as Safeguarded Land under Chorley Local Plan 2012 – 2026 policy BNE3 (BNE3.7 East of Tincklers Lane, Ecclestone). The site is located to the west of the settlement boundary of Ecclestone which is a Rural Local Service Centre, as defined by policy 1 of the Central Lancashire Core Strategy. The site is comprised of agricultural land and covers an area of approximately 3 hectares.
3. Outline planning application ref. 20/01331/OUTMAJ was granted on appeal in February 2022 for the construction of up to 80 dwellings on this site with all matters reserved aside from vehicular access from Doctors Lane (Appeal ref: APP/D2320/W/21/3272310).
4. There is a S106 legal agreement attached to the outline planning permission requiring:
  - 35% of the total units to be affordable housing with 70% being social housing and 30% intermediate housing;
  - £56,000 for the ten year maintenance of amenity green space;
  - £557 per dwelling for the improvement of natural and semi-natural green space at Rear of Larkfield, Ecclestone;
  - £1,599 per dwelling towards playing pitches at Buckshaw Village, Parklands High School and Holy Cross High School;
  - £6,000 to be paid to Lancashire County Council for the supervision of a Travel Plan;

- A contribution towards secondary school places of £23,016.75 per place (to be re-calculated after the reserved matters consent is granted. The calculation as of May 2021 was £276,741).
5. Since the outline planning permission was granted, a Tree Preservation Order (Chorley BC TOP 3 (Eccleston) 2022) has been confirmed for six trees and two groups of trees on the periphery of the application site.

#### **DESCRIPTION OF PROPOSED DEVELOPMENT**

6. The application seeks approval of the reserved matters associated with the above referenced outline planning permission relating to details of appearance, layout, scale and landscaping. Access details were approved as part of the outline consent with vehicular access from Doctors Lane to the south of the site and pedestrian and cycle connections towards the south east, north east and north west corners of the site.
7. Whilst the outline consent was for up to 80 dwellings at the site, the submitted plans identify 65 dwellings, 23 (35%) of which would be affordable, located around a central road with a cul-de-sac arrangements and driveways.
8. There would be 8no. apartment (all affordable), 10no. two-bedroom dwellings (all affordable), 8no. three-bedroom dwellings (5 of which would be affordable), 33no. four-bedroom dwellings and 6no. five-bedroom dwellings. Some properties would have detached garages and some integral ones.
9. Minor alterations have been made to the submitted drawings since their original submission, e.g. to increase garden sizes, the orientation of dwellings, spread of affordable houses, increase in garage sizes and changes to the internal road layout arrangements.

#### **REPRESENTATIONS**

10. 18no. representations have been received in objection to the proposal. A summary of the issues raised is provided below:
- Overstretched local resources – doctors, schools etc.
  - Flood risk / drainage
  - Loss of light, privacy and other aspects of residential amenity
  - Highway and pedestrian safety
  - Loss of trees, hedgerows and other habitats
  - Ecological harm
  - Increase in crime, anti-social behaviour and fly tipping
  - The pond could be dangerous
  - Increase in traffic
11. 2no. representations have been received neither in objection nor support of the proposal, stating that CIL money should be directed towards the redevelopment of the recreation park at the end of Drapers Avenue, fewer houses should be proposed so the site is less cramped, and the fencing should include wildlife gates.

#### **CONSULTATIONS**

12. Lancashire County Council (Education): Have responded to state that, in accordance with the existing S106 agreement, the developer should inform the County Council within 20 days of the grant of reserved matters consent so that they can calculate the final Secondary Education Contribution.
13. Lancashire County Council Highway Services (LCC Highway Services): Initially responded with no objection to the proposal but requested changes to the submitted drawings, including, but not limited to; parking arrangements amended to ensure adequate off-road parking is provided, changes to the shared pedestrian / cycle use links in the north eastern

and north western corners of the site, details of the advisory cycle route be provided and speed limit extensions, and changes to the internal layout of roads, including vehicle tracking and pedestrian crossing points. The submitted details were amended to the satisfaction of LCC Highway Services who have suggested conditions be attached to the reserved matters consent in relation to the marking out of private parking and manoeuvring areas and securing the future management and maintenance of streets.

14. Council's Tree officer: Have noted that the removal of trees and hedgerows would negatively impact on visual amenity, particularly upon the existing residents near the north eastern site boundary. The proposal includes the removal of two Category B oak trees, 25T is near to a substation and so may have limited long term viability, 15T is a field boundary tree and should be retained where possible. Trees to be retained should be protected to the British Standard during construction work.

It is noted that the applicant's Arboricultural Impact Assessment recommends both trees 25T and 15T are removed to facilitate the development.

15. United Utilities: Have not responded.
16. Lead Local Flood Authority: Initially responded in objection to the proposal and requested pre and post-development site levels and details of how the attenuation tanks will be accessed and maintained. Following a response from the applicant, the Lead Local Flood Authority withdrew its objection.
17. Eccleston Parish Council: Have responded stating they wish to highlight existing problems with surface water flooding in the vicinity of the site during periods of heavy or persistent rainfall and request adequate measures are put in place to alleviate these problems and to ensure the proposed development does not exacerbate the issues.

## **PLANNING CONSIDERATIONS**

### Principle of the development

18. The acceptability of the principle of the development has been established by the grant of outline planning permission. Issues for consideration relate to the appearance, layout, scale and landscaping of the proposal.

### Impact on character and appearance of locality

19. The National Planning Policy Framework (the Framework) attaches considerable importance on achieving good design and a high-quality built environment. It states that planning policies and decisions should respond to local character and history and seek to reinforce local distinctiveness. The importance of high-quality design is reflected in the Central Lancashire Core Strategy (policy 17) and the Chorley Local Plan (policy BNE1). It is considered that detached dwellings of the design proposed on this plot would be appropriate to the character of the area.
20. A wide range of dwelling types and design styles exist in the area. The proposed dwellings are of a modern design and appearance with some interesting features. The materials palette consists of mainly brick elevations and tiled roofs, with some elements of render. The final choice of materials would be agreed through a suitably worded planning condition, as already attached to the outline planning permission.
21. Whilst the density of development is relatively low, it is not considered to be significantly different to other development in the area and is not considered to render the scheme unacceptable.
22. It is accepted that the development would change the character of the area, particularly when viewed from Doctors Lane and Tincklers Lane by urbanising this semi-rural part of Eccleston. Proposed landscaping measures would however help to mitigate this impact to

an acceptable level and the development would be viewed as an extension to the existing built environment.

23. It is considered that the proposed properties in this location would assimilate with the built form of the area. The proposal is considered to be acceptable in terms of character and appearance and complies with policy BNE1 of the Chorley Local Plan 2012 - 2026.

#### Impact on neighbour amenity

24. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, where relevant to the development the proposal would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact; and that the proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses.
25. All separation distances between existing and proposed dwellings meets the Council's minimum interface distances, other than a minor breach between no.109 The Hawthorns and the row of proposed terraces to the east where the interface distance is approximately 20.2m, rather than 21m. However, it is not considered that this would result in any unacceptable impacts upon either the occupants of the existing or the proposed dwellings, given the minor breach and juxtaposition of the properties. There would, therefore, be no unacceptable impact on light, overshadowing, overlooking or loss of privacy on the occupiers of surrounding dwellings as a result of the proposal.
26. The proposed dwellings have been designed in such a way to be compatible with each other without creating an amenity impact of adjacent plots. There would be an adequate degree of screening around the plots.
27. In light of the above, it is considered that the proposal is acceptable in terms of amenity impacts and accords with Policy BNE1 in this regard.

#### Highway safety

28. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that the residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction. The policy is considered to be consistent with the Framework and should be attributed full weight.
29. The outline planning consent, granted on appeal, includes conditions relating to securing on and off-site highway improvement works, as follows:

The offsite highway works conditions covered:

- improvement to 4no. existing bus stops
- extension of 30mph speed limit (with associated gateway, signage and lining)
- signing and lining scheme onto Tincklers Lane for cyclists and pedestrians
- advisory cycle route signage along Tincklers Lane to link into wider cycle network
- Pedestrian crossing points

The internal highway conditions:

- An agreement with LCC as the LHA for adoption of the internal highway
- Estate street phasing and completion plan
- Future management and maintenance details
- Full details of cycle and pedestrian routes to; The Hawthorns, Tincklers Lane and Doctors Lane



- Pedestrian crossing points

A Construction Environmental Management Plan (CEMP) was also conditioned as part of the appeal.

30. LCC Highway Services have responded with no objection to the proposal. Full off-site highway works as detailed above will be subject to a s278 agreement with Lancashire County Council as the Highway Authority.
31. Adequate parking spaces are proposed to serve the development by way of garages, driveway space and parking areas, whilst on-street parking would be acceptable if required without causing any highway safety or traffic issues. It is considered that the surrounding highway network could accommodate the uplift in traffic associated with the delivery of the dwellings and that the residual cumulative impacts on the road network would not be severe. The proposal is considered to be acceptable with regards to highway safety and parking.

#### Impact on trees

32. Policy BNE10 (Trees) of the Chorley Local Plan 2012 -2026 stipulates, among other things, that proposals that would result in the loss of trees, woodland areas or hedgerows which make a valuable contribution to the character of the landscape, a building, a settlement or the setting thereof will not be permitted. Replacement planting will be required where it is considered that the benefit of the development outweighs the loss of some trees or hedgerows.
33. The proposal includes the removal of sections of hedgerow, a group of 3 Hawthorn, part of a group of Willow and 3 early mature Ash. It is noted that a TPO has recently been confirmed by the Council for the protection of some trees and groups of trees to the periphery of the site. It is proposed to remove one of these trees as part of the proposal, 15T, to the western side of the site, to make way for a retaining wall. Whilst the loss of any trees is regrettable, the submitted landscaping scheme identifies the planting of over 100 trees and thousands of shrubs and hedge plants which will adequately compensate for the loss of the small number of existing trees to be removed as part of the proposal.

#### Drainage

34. The submitted drainage details identify that surface water will be attenuated by hydrobrake from a detention tank, prior to discharge into an existing watercourse, and foul water connected to the existing network. The Lead Flood Authority raise no objection to the principle of this strategy. The technical details of the drainage strategy are currently the subject of one of the discharge of conditions applications under consideration by Chorley Council, in consultation with the LLFA. The submitted details are, therefore, considered to be acceptable in this regard, but may be subject to change through the discharge of condition process.

#### Other issues

35. Issues relating to final choice of materials, boundary treatments, ground contamination, on and off-site highway works, site levels, tree protection, construction environmental management, landscape environmental management, ecology (including biodiversity net gain), the delivery of public open space, lighting, dwelling emission rates and site drainage are covered by conditions attached to the outline planning permission. As can be seen from the Planning History section of this report below, discharge of conditions applications are currently under consideration with the Council in relation to the these details.

#### Community Infrastructure Levy

36. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging

commenced on 1 September 2013. The proposed development would be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

## CONCLUSION

37. The submitted details of reserved matters are considered to be acceptable and the application is recommended for approval.

## RELEVANT HISTORY OF THE SITE

**Ref:** 20/01331/OUTMAJ **Decision:** Approved on appeal **Decision Date:** 18 Feb 2022  
**Description:** Outline planning application for the construction of up to 80 dwellings (including 30% affordable housing) and associated infrastructure, with all matters reserved (aside from vehicular access from Doctors Lane)

**Ref:** 22/00698/DIS **Decision:** PCO **Decision Date:** Pending  
**Description:** Application to discharge conditions no.7 (biodiversity enhancement measures), no.11 (arboricultural method statement and impact assessment), no.13 (existing and proposed ground levels), no.14 (position, layout and phasing of public open space), no.15 (foul and surface water drainage strategy), no.21 (details of cycle and pedestrian routes and connections), no.27 (external facing and roofing materials), no.28 (details of fences, walls and gates), no.29 (hard landscape details) and no.30 (electric vehicle charging scheme) of outline permission ref: 20/01331/OUTMAJ (outline planning application for the construction of up to 80 dwellings with all matters reserved aside from vehicular access from Doctors Lane. The development includes public open space, structural greenspace and surface water attenuation ponds) (Appeal ref: APP/D2320/W/21/3272310)

**Ref:** 22/00721/DIS **Decision:** PCO **Decision Date:** Pending  
**Description:** Application to discharge conditions no.5 (construction environmental management plan (CEMP: Biodiversity)), no.6 (reasonable avoidance measures method statement), no.8 (landscape and ecological management plan (LEMP)), no.12 (non-native species protocol), no.16 (surface water regulation system and means of disposal), no.17 (management of surface water and pollution prevention), no.19 (scheme for the disposal of foul waters), no.26 (construction environmental management plan (CEMP)), no.32 (employment and skills plan) and no.33 (strategy to facilitate super-fast broadband for future occupants) of outline permission ref: 20/01331/OUTMAJ (outline planning application for the construction of up to 80 dwellings with all matters reserved aside from vehicular access from Doctors Lane. The development includes public open space, structural greenspace and surface water attenuation ponds) (Appeal ref: APP/D2320/W/21/3272310)

**Ref:** 23/00141/DIS **Decision:** PCO **Decision Date:** Pending  
**Description:** Application to discharge conditions no.20 (scheme for the construction of site access and the off-site highway mitigation works), no.22 (engineering, drainage and constructional details for roads to be adopted) and no.23 (estate street phasing and completion plan) of outline permission ref: 20/01331/OUTMAJ (outline planning application for the construction of up to 80 dwellings with all matters reserved aside from vehicular access from Doctors Lane. The development includes public open space, structural greenspace and surface water attenuation ponds) (Appeal ref: APP/D2320/W/21/3272310)

**RELEVANT POLICIES:** In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.



Suggested condition

1. The proposed development must be begun not later than three years from the date of this permission.

*Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.*

2. The development hereby permitted shall be carried out in accordance with the approved plans below:

<b>Title</b>	<b>Plan Ref</b>	<b>Received On</b>
Location Plan	LC-01	7 July 2022
Detailed Site Layout	DSL-01 Rev D	23 January 2023
Landscape Proposal Full Site Masterplan	6402.06 Rev B	5 June 2023
Landscape Proposal Sheet 1 of 3	6402.03 Rev B	5 June 2023
Landscape Proposal Sheet 2 of 3	6402.04 Rev B	5 June 2023
Landscape Proposal Sheet 3 of 3	6402.05 Rev B	5 June 2023
Boundary Treatment Layout	4353-BTL-01 Rev D	23 January 2023
Dart 5 Block Floor Plans	N/A	23 January 2023
Dart 5 Block Front and Rear Elevations	N/A	23 January 2023
Dart 5 Block Side Elevations	N/A	23 January 2023
Overton Floor Plans and Elevations	N/A	23 January 2023
The Tavy 6 Block Floor Plans	N/A	23 January 2023
The Tavy 6 Block Side Elevations	N/A	23 January 2023
The Tavy 6 Block Front and Rear Elevations	N/A	23 January 2023
The Weaver Plots 11-14 Floor Plans	N/A	23 January 2023
The Weaver Plots 11-14 Elevations	N/A	23 January 2023
Hampstead Floor Plans	N/A	7 July 2022
Hampstead Elevations	N/A	7 July 2022
Harrogate Floor Plans and Elevations	N/A	7 July 2022
Henley Floor Plans	N/A	7 July 2022
Henley Elevations	N/A	7 July 2022
Leamington Lifestyle Floor Plans and Elevations	N/A	7 July 2022
Ledsham Floor Plans	N/A	7 July 2022
Ledsham Elevations	N/A	7 July 2022
Marlow Floor Plans and Elevations	N/A	7 July 2022
Oxford Lifestyle Floor Plans and Elevations	N/A	7 July 2022
Shaftesbury Floor Plans and Elevations	N/A	7 July 2022
Garage	SGS_002	7 July 2022
Garage	DGD_001	7 July 2022
Refuse Vehicle Swept Paths	VSP-1 Rev A	13 April 2023
Affordable Layout	AL-01 Rev E	15 February 2023
Highway Materials Layout Sht 1	103-1 Rev D	23 January 2023
Land Disposal Layout	4353-LDL-01 Rev D	23 January 2023
Materials Layout	4353-ML-01 Rev D	23 January 2023
S38 Layout Phase 1	105-1 Rev E	23 January 2023
Fire Engine Vehicle Swept Paths	VSP-2	23 January 2023
Waste Management Layout	4353-WML-01 Rev D	23 January 2023
The Weaver Plots 42-45 Elevations	N/A	23 January 2023
The Weaver Plots 42-45 Floor Plans	N/A	23 January 2023

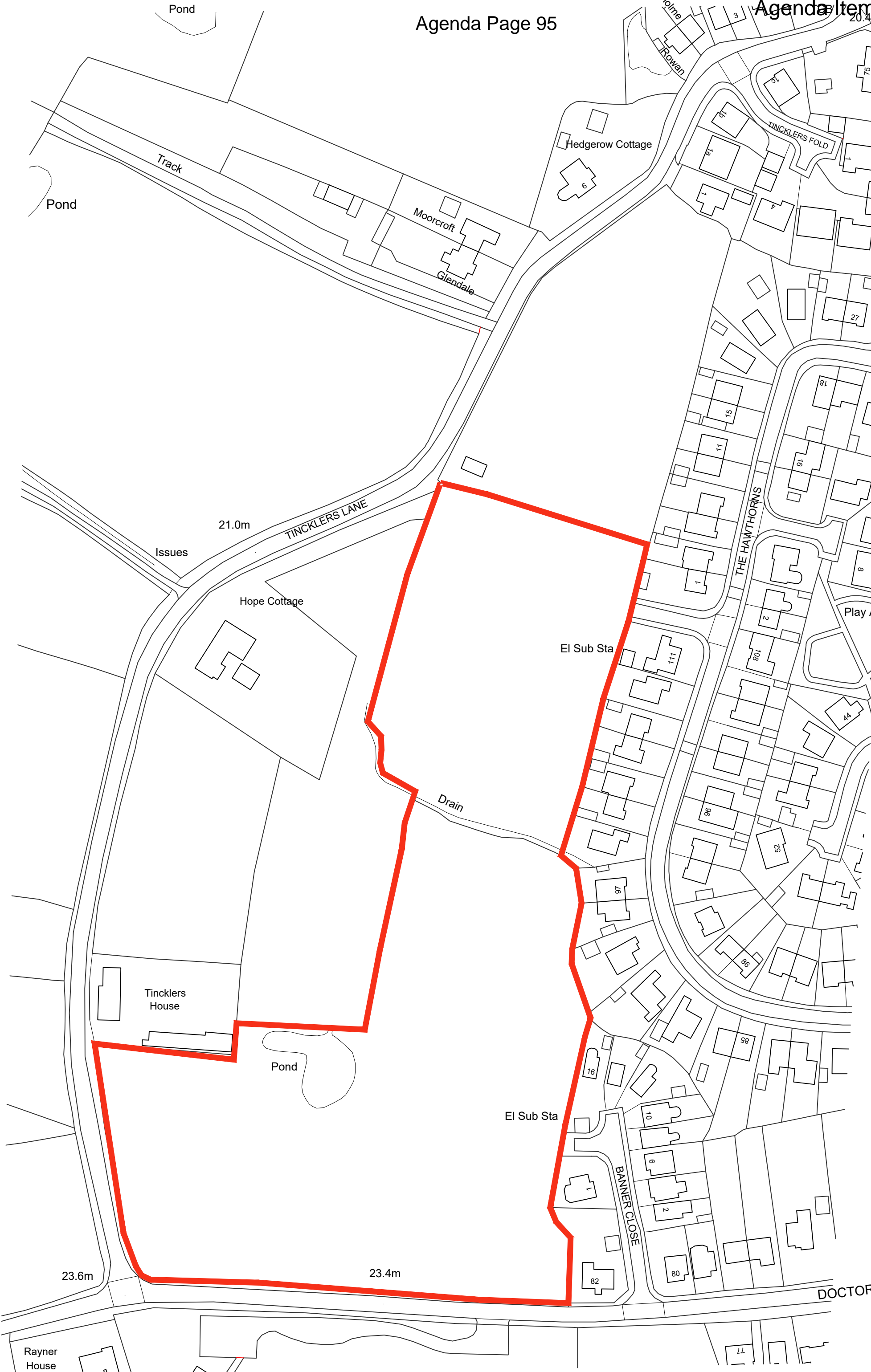
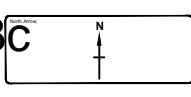
*Reason: For the avoidance of doubt and in the interests of proper planning.*

3. The private car parking and manoeuvring areas shall be marked out in accordance with the approved plans before occupation of the associated dwellings and permanently maintained thereafter.

*Reason: To allow for the effective use of the parking areas.*

4. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. [The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established].

*Reason: To ensure that provision is made for the future management and maintenance of the proposed streets.*



East of Tincklers Lane	
Planning Title	Local Plan
Planning Number	LC-01
Version	1.0
Drawn By	2019-09-20
Checked By	



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**APPLICATION REPORT – 22/01080/FULMAJ**

**Validation Date: 2 November 2022**

**Ward: Chorley North And Astley**

**Type of Application: Major Full Planning**

**Proposal: Erection of podium to provide decked car park (163no. spaces for cars / 9no. for motorcycle / 25no. for cycle), helipad and hangar, multi-purpose sports hall, access and internal circulation, landscaping and ancillary works**

**Location: Canal Mill Botany Bay Chorley**

**Case Officer: Mr Iain Crossland**

**Applicant: FI Real Estate Management Ltd**

**Agent: Mr John Francis Plan Red Ltd**

**Consultation expiry: 6 April 2023**

**Decision due by: 15 June 2023 (Extension of time requested)**

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**RECOMMENDATION**

1. It is recommended that planning permission is granted subject to conditions.

**SITE DESCRIPTION**

2. The application site comprises Canal Mill at Botany Bay and the associated parking and manoeuvring areas that surround it. The site is located to the immediate east of the M61 motorway, due east of Junction 8, and in the settlement area of Chorley. It lies between the motorway and the Leeds and Liverpool canal and south of the roundabout on A674, which provides the main vehicular access into the site. To the north is the A674 and beyond this undeveloped land currently used for agriculture. Beyond the canal to the east is agricultural land rising towards the east and Blackburn Road/Blackburn Brow and Great Knowley. The western boundary of the site is clearly defined by the edge of highway land associated with the M61 Motorway. Beyond the motorway is the eastern fringes of the main developed conurbation of Chorley (industrial estate and residential estates). To the south are other parts of the main developed conurbation of Chorley. There are no dwellings close to the site, which has an industrial character, whilst it is noted that there are long range views of the site from higher land to the east.
3. The mill itself comprises five levels of accommodation (ground to fourth floor) and is partially in use as the offices and headquarters of FI Real Estate Management Ltd (FIREM). It is typical of many mid nineteenth century Victorian Mills in Lancashire and is faced in red brick with stone dressings. The mill is not statutorily listed nor is it on a local list. Nevertheless, it is local landmark and prominent feature of the landscape.
4. It is noted that a hybrid planning application for an industrial business park (ref no. 21/00439/FULMAJ) was approved in January 2023. This excludes but wraps around Botany Bay Mill and its immediate site. Details of this development are as follows:
  - The development will be accessed off the current access road serving wider Botany Bay site

- 10 blocks of development (Blocks A – J) which will accommodate 33 individual units
  - Total floorspace is 37,661 sqm (GIA) contained in Blocks A - J
  - 36,996 sqm (GIA) of employment floorspace contained in Blocks C - J
  - 665 sqm (GIA) of commercial floorspace contained in Blocks A - B
  - Block A is for use as Class E (retail or food and drink) and/or sui-generis (fast food takeaway)
  - Block B is for commercial uses covered under Class E (retail and food and drink uses)
  - Blocks C - J are for employment uses in the form of Class E (light industry only), Use
  - Class B2 (general industry) and Use Class B8 (warehousing)
5. It is noted that the existing helipad has been in situ for some time now and in a report from an application for a hanger in 2003 (ref. 03/00895/FUL) this stated that the site has been used by a helicopter for over 10 years and that the use was lawful through the passage of time.

### **DESCRIPTION OF PROPOSED DEVELOPMENT**

6. This application seeks planning permission for the erection of a podium to provide a decked car park over four levels to provide a total of 163no. spaces for cars, 9no. for motorcycle and 25no. for cycles, helipad and hangar, multi-purpose sports hall, a function room and terrace area, access and internal circulation, landscaping and ancillary works. The concept behind the proposed car park was to replace the parking that would be lost as a result of the industrial business park to be developed either side of the mill and to support the continued operation of the offices and headquarters of FIREM from the mill building.
7. The proposed helipad would facilitate the landing and taking off of the company helicopter, whilst the hangar would enable it to be stored under cover. The multi-use space is proposed at the same level as the hangar, which would extend the full depth of the podium deck. It is separated from the hangar by the changing/ancillary facilities and vertical circulation core. The multi-use space be used by FIREM employees to participate in exercise classes, team bonding sessions and sport, to promote health and wellbeing. The facilities would be for FIREM use only and not open for public use.
8. It is noted that it is the intention of the applicant to convert the ground to third floors of the Mill to self-storage use and to use the top floor for offices with an atrium inserted and a two storey roof extension above for further office use. Although the proposed development has been designed in preparation for these conversion and extension works, they do not form part of this planning application and are currently under assessment as part of a separate application (ref. 23/00164/FULMAJ).

### **REPRESENTATIONS**

9. Two representations have been received citing the following grounds of objection:
- Increased traffic and road safety impacts
  - Road safety impacts on the motorway from helicopter flights
  - Noise and disturbance from traffic and sports events
  - Impact of lighting on residential amenity and wildlife
  - Air quality impacts from helicopter and vehicles
  - No need for a sports facility
  - The development should be on a brownfield site, no need for greenfield development of this type.

### **CONSULTATIONS**

10. Greater Manchester Ecology Unit: Have no objections subject to conditions.

11. Regulatory Services - Environmental Health: Have no objection subject to conditions.
12. Waste & Contaminated Land: Have confirmed that they have no comments to make.
13. Lancashire County Council Highway Services: Final comments to follow.
14. Lead Local Flood Authority: Have no objection subject to conditions.
15. Environment Agency: Have no objection subject to condition.
16. National Air Traffic Services: Have no safeguarding objection to the proposal.
17. United Utilities: Have no objection subject to condition.
18. National Highways: Have no objection and recommend that conditions should be attached to any planning permission that may be granted.
19. Canal & River Trust: Have no objection subject to conditions.

### **PLANNING CONSIDERATIONS**

#### Principle of development

20. The National Planning Policy Framework (the Framework) sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
21. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
  - a. an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
  - b. a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
  - c. an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
22. At the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).
23. For decision-taking this means:
 

approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

24. Paragraph 81 of the Framework covers Building a Strong Competitive Economy and states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
25. It is noted that policy 1(b) of the Central Lancashire Core Strategy, seeks to encourage growth and investment in the key service centre of Chorley Town focussing on the regeneration of the Town Centre\*(as defined by Policy 11) but with some greenfield development.
26. The Chorley Local Plan 2012-2026 allocates specific sites for development or protection in accordance with the policies and general locations for development as set out in the Central Lancashire Core Strategy 2012. The Local Plan meets Chorley's development needs to 2026 and includes policies to either protect sites or guide the way they are developed.
27. The application site is located within the settlement boundary of Chorley, as defined by policy V2 of the Local Plan. Within the settlement areas excluded from the Green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development, subject to material planning considerations and the other policies and proposals within the Plan.
28. Policy EP1 of the Chorley Local Plan 2012 - 2026 sets out the approach to employment allocations. The application site is covered by allocation EP1.2 Botany Bay, which is identified as an employment site for sub-regionally significant development. This means that the site is allocated and protected for uses falling under Use Classes B1 (now within use class E), B2 and B8, with some allowance for C1 to allow for a hotel. The main element of the development proposes a decked car park over four levels to provide a total of 163no. spaces for cars, 9no. for motorcycle and 25no. for cycles, whilst there would also be a helipad and hangar, multi-purpose sports hall, a function room and terrace area all contained within a single structure. The proposal itself has been designed to provide infrastructure and ancillary facilities that would support the office operations that are based at the mill and to provide capacity for the continued operation of the offices and headquarters of FIREM from the mill building accounting for planned development including the conversion for self storage and offices.
29. The proposed development provides infrastructure to support the employment use functions based at the mill and, therefore, effectively falls within the same use. This supports the identified uses set out in policy EP1 of the Chorley Local Plan 2012-2026, and is therefore considered acceptable in principle.
30. The Chorley Local Plan 2012-2026 policy EP3 provides guidance for the development of new business development. This policy sets out a number of criteria to be satisfied by such proposals. The most relevant criteria to this proposal are set out and assessed as follows:
  - a) *they are of a scale and character that is commensurate with the size of the settlement;*
31. The proposed development is a large structure that would in effect form an extension of the mill building to the north east side. It would be of significant mass having a footprint greater than that of the mill building, though the width would be less. The structure would be stepped in height, and whilst the tallest part of the structure would be the same height as the mill the majority of the structure would be lower in height. This would help to reduce the mass and the overall scale is reflective of the mill building itself. The building would reflect the scale of industrial buildings at the nearby Chorley North Industrial Estate located on the opposite side of the M61 motorway, whilst it must be noted that there is an extant planning permission comprising large industrial warehouse units that would be set either side of the existing Canal Mill building, and is anticipated to progress. The design and character of the development is of a modern angular design style that would be juxtaposed to the traditional design style of the mill. A textured finish would be achieved using vertical fins, whilst the



use of rustic metal work would provide an industrial character that would complement the design style of the mill building. This is an appropriate design response to the site and its surroundings given the significant level of development envisaged the recent planning permission for the development of the wider site and the Local Plan allocation and in consideration of the location of the site close to a motorway junction.

*b) the site is planned and laid out on a comprehensive basis;*

32. The proposed development would fit within the context of a previously approved industrial business park development, and has been designed in consideration of the retained mill building. The development would make effective use of the available site area and would support the operation of the mill building as offices and storage. Although the works to the Canal Mill building would not form part of the proposed development at this time, there is a clear intention to retain the mill for employment uses comprising offices and storage.

*c) the site will not prejudice future, or current economic activities within nearby areas;*

33. There is no evidence to suggest that the proposed development would prejudice future, or current economic activities within nearby areas and the site is allocated for the use proposed, therefore, the development seeks to fulfil the planned development for the area;

*d) the proposal will not cause unacceptable harm e.g. noise, smells to surrounding uses;*

34. It is noted that there is currently a range of noise generating sources around the site, most notably traffic passing along the M61 motorway to the west, whilst the nearest residential properties to the site are over 250m to the east at Blackburn Road, and over 150m to the south at Clayburn Close on the opposite side of the motorway. A noise report and air quality assessment have been submitted in support of the proposed development, which have been considered by the Council's Environmental Health Officer (EHO).
35. As part of the application a multi-storey car park is proposed for use solely by FI REM office staff and, therefore, noise from peak vehicle movements as well as the quiet daytime period have been assessed. Associated off-site road traffic noise impacts are expected to be negligible, as no additional traffic would be generated by the proposed car park itself. This is a supporting facility that would replace existing surface level parking.
36. The noise assessment has been carried out to determine the potential noise impact of the operation of the proposed multi-storey car park on existing and future local residents based on the results of a baseline sound level survey and sound propagation modelling carried out in accordance with current guidance and best practice.
37. The assessment concluded that the proposed car park development, and proposed development as a whole, would have 'No Effect' at either existing or proposed residential dwellings. This is primarily due to the existing high ambient and background sound levels due to road traffic on the M61 Motorway to the west. The Council's EHO agrees with the findings of the report and considers that the distance between the development and existing properties is such that the development would not impact on the amenity of nearby residents through noise.
38. Notwithstanding this, the council's EHO has identified that the proposed site plan shows a hatched area labelled as HGV deliveries. It is unclear what the nature and frequency of these deliveries are. However, HGVs are inherently noisier than cars and smaller vehicles and deliveries are usually associated with other noise such as reversing alarms, roller shutter door noise, bangs and clangs from trolleys or pump trucks. Such noise would be more noticeable at night time when background noise levels are reduced, and by their nature and unpredictability can cause disturbance to sleep. Therefore, it is recommended that a restriction is attached to any grant of planning permission that allows deliveries to take place during daytime hours only.

39. The application details a multi-use space, which would have an associated function room. Whilst the application specifies that this area would not be open to the public there is little other detail provided regarding the intentions of this space. There are concerns about the way in which the function room could be used in future, and may involve being used on a regular basis for live music events including live bands. Without a supporting noise assessment, which takes into account the sound insulating properties of the building shell or later down the line it being used as a publicly accessible function room, it is recommended that conditions are attached to any grant of planning permission requiring that no amplified live music be permitted in the multi-use space or associated function room at any time and that the multi-use space and associated function room shall be for private use ancillary to the office use and shall not be available for public use at any time.
40. The application details a helipad use, which the site has an existing lawful use for. The application suggests that there will be no distinguishable increase in use / flights. It is noted that the EHO has concerns about the noise impact from regular use by helicopters landing and taking off upon the amenity of nearby residents and recommends a condition controlling hours of use to protect those noise sensitive receptors, which is a mitigation measure proposed by the applicant. It is, therefore, recommended that a condition is attached to any grant of planning permission limiting operations to avoid unsociable hours.
41. The air quality assessment that has been submitted identifies that the development is not located within an Air Quality Management Area (AQMA), with the nearest AQMA located in Leyland, approximately 5 km north west of the proposed development and has been declared for exceedances of the annual average Nitrogen Dioxide (NO<sub>2</sub>) concentrations of 40µg/m<sup>3</sup>.
42. The nearest monitoring location to the development with data available is located 360m north of the development site boundary, on Blackburn Road, and recorded an annual mean concentration of 23.8µg/m<sup>3</sup> NO<sub>2</sub> in 2021.
43. An air quality assessment has been prepared to determine the significance of air quality impacts during the construction and operational phases of the proposed development.
44. A qualitative assessment of impacts of construction activities upon air quality was undertaken following the Institute of Air Quality Management (IAQM) guidance methodology. A qualitative assessment of from the impact of road traffic emissions on air quality was undertaken using screening criteria contained within relevant best practice guidance.
45. The main findings of the air quality assessment are summarised as follows:
46. Following the construction dust assessment the development site is found, in relation to dust soiling to be medium risk for earthworks, demolition, construction and trackout activities. In regards to human health impacts, there is a low risk for demolition, earthworks, construction and trackout activities.
47. Providing effective mitigation measures are implemented, such as those outlined in Section 6 of this report, impacts from dust emissions during the construction phase would be not significant.
48. In accordance with EPUK/IAQM guidance, the impacts of the development on short-term and annual mean NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations at all the existing receptors are considered to be not significant.
49. The operational impacts of the development on air quality would be negligible in consideration of the existing circumstances of the site, however, given that there would be a 'Medium' risk for dust during construction it is recommended that robust mitigation is put in place to control dust generation during the construction phase, and it is recommended that a Dust Management Plan is required by condition.

50. It is also recommended that conditions relating to the hours of construction, lighting details and storage of chemicals are attached to any grant of planning permission in order to safeguard the amenity of nearby residents.

*e) the site has an adequate access that would not create a traffic hazard or have an undue environmental impact;*

51. Access would be taken utilising the existing access to the site, which connects with an existing roundabout to the north east of the site. This distributor road provides direct access to the national motorway network, at junction 8 of the M61. The acceptability of the highway impacts have been assessed by both Lancashire County Council and National Highways and are set out in detail later in the report.

*f) the proposal will be served by public transport and provide pedestrian and cycle links to adjacent areas;*

52. The closest existing bus stops are to the south of the site, on the B6228 Blackburn Brow. Although the distance to the stops from the site is approximately 500m, these stops provide hourly services, linking Chorley to wider Lancashire. This distance is above maximum standards and is not conducive to supporting the use of public transport. However, the proposed development would not of itself generate trips to the site as it is intended as supporting infrastructure to the office and storage uses based at the mill.

53. The pedestrian and cycle networks in the vicinity of the site are relatively good and provide opportunities for encouraging sustainable access to the site. The proposal includes dedicated secure cycle storage and changing facilities to support cycle use.

*g) open storage areas should be designed to minimise visual intrusion;*

54. No open storage areas are proposed and it is recommended that outdoor storage be restricted by condition.

*h) adequate screening is provided where necessary to any unsightly feature of the development and security fencing is located to the internal edge of any perimeter landscaping;*

55. It is not considered that the development would result in any particularly unsightly elements as it has been designed with a degree of interest including a textured material finish using high quality materials, and would be within the context of an industrial business park being positioned at its centre. The development would be largely screened by the existing mill building from the motorway to the west, whilst only limited security fencing is required controlling access to the rear. This fencing would be set back some distance from the highway serving the development and would have limited impact on the appearance of the site. Nevertheless, full details should be required by condition and it is recommended that an appropriate condition is attached to any grant of planning permission.

*i) on the edges of industrial areas, where sites adjoin residential areas or open countryside, developers will be required to provide substantial peripheral landscaping;*

56. The site edge bounds with the M61 motorway located to the south west and no landscaping is proposed or required in this position as the current provisions are to be maintained. Either side of the site would be industrial buildings approved as part of the industrial estate development. To the north east elevation facing towards the canal there would be a landscaped area between the building and the internal highway. This would provide a small but well contained area of landscaping that would help to soften the appearance of the development and provide a more interesting and attractive interface between the development and the canal. This is considered to be a suitable level of landscaping in the context of the site and available space.

- j) *the development makes safe and convenient access provision for people with disabilities;*
57. It is proposed that access around the site would be level with minimal gradients, whilst the building itself would include lift access to upper floors and disabled parking provision of six spaces on the ground floor. DDA access would be covered in detail by building regulations.
- k) *the buildings are designed, laid out and landscaped to maximise the energy conservation potential of any development, and to minimise the risk of crime;*
58. The facilities supported by the proposed development would not generate significant energy requirements, the building being mostly taken up with car parking space. There would be some EV charging points contained within the building, and potential to provide further as demand changes.
- l) *the proposal will not result in surface water, drainage or sewerage related pollution problems; and*
59. A Drainage Strategy Report has been submitted in support of the application and sets out flood risk and drainage issues relating to the planning application. This has been assessed by the Lead Local Flood Authority (Lancashire County Council) and is covered in more detail below.
- m) *the proposal incorporates measures which help to prevent crime and promote community safety.*
60. The site would be secured by fencing preventing access to the more vulnerable parts of the site, whilst 24 hour security would be used to further reduce the prospect of crime.

Impact on character and appearance of the locality

61. The proposed development includes a decked car park over four levels (ground, first and second) to provide a total of 163 parking spaces (including 6 accessible spaces, 4 EV charging spaces and 4 visitor spaces), 25 cycle spaces, and 9 motorcycle spaces, a helipad on dedicated pad at upper level (third) to southeast corner, helicopter hangar to side of helipad, multi-purpose sports hall, changing facilities and ancillary uses (third floor), function room and outdoor terrace (fourth floor), stair and lift core link (all floors) to the adjacent mill building.
62. The car park areas of the decked structure are accessed off the proposed loop road of the main spine road serving the previously approved business park. This would also serve the planned self-storage facility in future. It would operate on basis of one-way circulation. The podium level would be served via a stair core and the previously mentioned lift cores. On this level is the replacement helipad, associated hangar, multi-use space with changing facilities, and function and ancillary rooms.
63. The helipad would facilitate the landing and taking off of the company helicopter. The hangar would enable it to be stored under cover. In addition, a multi-use space is proposed at this level which would extend the full depth of the podium deck. It would be separated from the hangar by the changing/ancillary facilities and vertical circulation core. The multi-use space would offer a place for FIREM employees to participate in exercise classes, team bonding sessions and sport, intended to promote mental wellbeing and good health. The facilities would be for FIREM use only and not open for public use.
64. The building would be clad in a series of vertical fins of a rustic colour and texture creating a sense of texture and fabric. Silver fins would be selectively introduced within the rusted façade intended to convey threads catching the light and reinforcing the fabric concept. The permeable nature of the vertical fins would allow natural ventilation of the car park, whilst providing visual interest. The proposed cladding solution would appear contemporary and industrial in feel, which would complement the traditional Victorian design and red brickwork

of the mill. The design would provide an interesting appearance to what would be a utilitarian and functional structure.

65. The appearance of the site and locality is dominated by Canal Mill, which is local landmark and highly prominent from the M61 Motorway. The mill is approximately 20m in height across 5 floors and has been added to over time with extensions and connecting structures, though it retains much of its original form. There are also outbuildings including the existing helicopter hanger. The elevations of the mill are predominantly brickwork in construction and have a number of windows spread in a grid like fashion. The corners of the building have been expressed through brickwork projections running up the entirety of the building and are topped with decorative flags dating back to the previous retail use. The mill building itself is characterful and distinctive, whilst the outbuildings and extensions detract from its appearance. The general character of the area is industrial in nature despite the more recent uses of the mill for retail and leisure.
66. The proposed podium extension would be attached to the north east elevation of the mill, which is visible from the canal and Blackburn Road further away. The extension would be contained within the natural curtilage of the mill and would replace the existing extensions and structures to be removed. It would not extend further to the north or south than the equivalent flank elevations of the mill, i.e., the north and south elevations of the mill, whilst it would be no taller than the highest part of the mill building in its existing form. The stepped profile of the podium would result in a subservient massing relative to the mill building in its current form, whilst the appearance of the proposed extension would provide a contrast that would complement, rather than detract from the character of the mill. Although much of the north east side elevation of the mill would be screened from view by the podium extension this elevation would remain largely unaltered by the development as the podium would only be attached by a central core and so the elevation would remain visible from within the site.
67. The appearance of the mill from the motorway and to the north and south from distance would be largely unaltered, whilst the podium would be screened from the motorway by the mill itself. The proposed podium extension would be highly visible from the canal and would be a large structure comparable to the mill. It is considered that it would be an improvement on the appearance of the existing structures to be removed, although it would be more imposing from the canal. It must be considered, however, that the site will be viewed in the context of large industrial warehouse sheds positioned either side of the site, and would be of commensurate scale. Although the proposed podium extension would sever views of the mill to an extent from the canal and Blackburn Road, it would reflect the industrial character of the site and would not detract from the appearance of the site or wider area to any significantly detrimental degree.
68. In summary, the proposed development would be of a commensurate scale in the context of the site area. The layout of the development would undoubtedly impact on the surroundings and public vantage points, though would be of a suitable design and massing in the context of the existing mill building and previously approved industrial development. Overall, the proposed development would result in an acceptable appearance that would be reflective of the expectations for the site as set out in the Local Plan and would be of a standard of design that responds to the character of the mill providing supporting infrastructure to support the continued use of the mill for FIREM's headquarters and offices. The development therefore complies with policy BNE1 of the Chorley Local Plan 2012-2026.

#### Impact on neighbour amenity

69. The application site occupies a position adjacent to the M61 motorway and the development would be on the opposite side of the mill from the motorway. The site is relatively isolated from residential development and the mill already represents a sizeable structure in this location. Whilst the proposal involves the development of a large scale structure, it would be sited over 250m from Botany Bay and over 150m from Clayburn Close, on the opposite side of the motorway, with those at Blackburn Road over 250m away. This is a significant degree of separation, such that the proposed building itself would

have no adverse impact on the amenity of the occupiers of any residential properties. This does not mean to say that the building would not be visible, but that the separation is so great that there would be no adverse impact on light or outlook. Matters of noise and air pollution have been considered earlier in the report.

#### Impact on the strategic motorway network

70. This application is described as being for the 'erection of a podium to provide decked car park (163 spaces for cars / 9 motorcycle / 25 cycle), helipad and hangar, multi-purpose sports hall, access and internal circulation, landscaping and ancillary works'. A separate application (known as Phase 2 and 3) ref. 23/00164/FULMAJ application has been submitted, comprising of alterations to existing mill to facilitate change of use to self-storage facility and also to facilitate use of upper floor for offices, new roof level offices, access, circulation, ancillary development and landscaping.
71. The mill building has been operational in various guises for many years before the M61 was opened in 1969 and also since. The mill yard enables vehicles to drive around the mill building (i.e. in the space immediately alongside the motorway boundary), which is located alongside the merge of the Junction 8 eastbound entry slip road.
72. Whilst not directly alongside the mainline and whilst there is also a boundary fence with the motorway already within the site, this would unlikely be enough to prevent an errant vehicle from the motorway entering the site itself, which could have catastrophic consequences. Conversely, there is the potential for vehicles operating within the site to breach onto the motorway easily given that the route is shown as part of a one-way system for vehicles within the drawings for this application.
73. At present, there is no safety barrier installed on the motorway verge to prevent vehicle incursions from the motorway. This is not unusual, as standards at the time the motorway was built (and during any subsequent changes of use of the mill since) are different to those at present and standards are not applied retrospectively except during roads construction / improvements and maintenance and renewal schemes.
74. Given that this (and future applications) involve the change of use of the mill building that may alter the current risk dynamic, National Highways requires the applicant to undertake a safety barrier assessment under the Road Restraint Risk Assessment Process (RRRAP) in accordance with Design Manual for Roads and Bridges standard CD377.
75. Verge safety barrier is designed to protect road users from the 'hazard' of colliding with the mill building. However, the applicant also needs to set out what measures would be installed / are present and would be retained to prevent vehicles from the site crashing onto the motorway verge – these features may also need to be included within the RRRAP assessment.
76. It should be noted that the requirement for completion of the RRRAP is consistent with that for the adjacent recently approved employment development (re. 21/00439/FULMAJ) being taken forward by the applicant under a planning condition.
77. The applicants have, therefore, as part of the work to discharge the planning condition, recently completed a RRRAP of the entire land boundary within the applicant's control bordering the motorway (including the mill) in order to address this issue and also that resulting from the applications for the changes of use and alterations to the mill itself. This has concluded that installation of safety barrier is required to protect road users from the 'hazard' posed by collision with the new buildings and mill itself).
78. National Highways will address matters relating to RRRAP and the safety barrier via a planning condition within their responses to application 23/00164/FULMAJ for Phases 2 and 3, which trigger the need for the RRRAP in relation to the mill itself given that these phases involve alterations and changes of use to the mill building itself. It is these changes of use that trigger the need for RRRAP, which is not applied retrospectively to adjacent land

uses save for where National Highways is undertaking its own major renewal schemes of which there is none planned for this section of motorway.

79. At face value, this 'Phase 1' application for the development of the mill site should not in theory generate in and of itself any further traffic than at present based on the assumption that:
- The only staff travelling to and from the mill are the existing FI REM headquarters staff and that this application does not see these number expanded.
  - The rooftop sports pitch is solely for the use of the existing FI REM staff and is not a commercial enterprise open to other users.
  - It would be the Phase 2 and Phase 3 applications for a self-store facility and expansion of offices on site that would by their nature be likely to generate vehicle trips.
80. Notwithstanding this first application, there are uncertainties over what the two future applications will cover and whether the proposals will generate new trips and so there needs to be an agreed basis now for the assessment of those impacts in relation to trips generated by the Canal Mill site itself vis a vis those generated by the committed development within the wider Botany Bay site.
81. As all three phases of the development are interlinked and the traffic generation potential of Phases 2 and 3 are likely to be more substantial, National Highways will (and is) seeking further information relating to traffic impacts separately under application 23/00164/FULMAJ, which is for the self-store facility and expansion of offices on site.
82. As regards the helipad and hanger, the helipad would be created on the roof of the multi-storey car park building. The proposed extension is of similar height to the mill (and would be of less height as a result of the future proposal for roof-level offices to the mill building). This means that helicopters would land and take off 'behind' the mill building when viewed from the M61.
83. When viewed from the motorway, a helicopter take-off or landing would undoubtedly be a source of driver distraction, which is especially important given that the site is located close to the motorway junction (M61 Junction 8), where greater attention has to be given to the driving task (e.g. to ensure safe and timely lane changes associated with vehicles joining and leaving the motorway). Landing helicopters may be a source of additional distraction given that the potential for distraction may be enhanced by what drivers (or their passengers) might perceive as a helicopter about to land (or indeed collide with) the mill building; a location that one may not typically associate with aviation use. The extent to which driver distraction would occur is difficult to prove, but it cannot be doubted that any potential for additional distraction would increase the possibility of accidents happening.
84. In consideration of the application there is an existing ground level helipad facility alongside the mill building that has been in place for some time with a hangar being in use since approximately 2003. Therefore, this use is now lawful result of usage over time. Consequently, precedent for this type of use (and by implication driver distraction) has already been set at this location, regardless of the fact that having such a facility in close proximity to a busy motorway isn't inherently desirable.
85. The application does not state the frequency of future or existing use. National Highways recommend a condition be imposed to the effect of limiting intensive or commercial use of the helipad as a 'heliport' in order to reduce the potential for any safety impacts upon the motorway. The helipad currently operates without restriction and the imposition of such a condition would not, therefore, be reasonable in this context and would be difficult to enforce in any event. Notwithstanding this the scale of the facility would be self-limiting in any event and, therefore, the condition is not necessary.
86. It is recommended that an informative note be attached to any decision notice to ensure that there must be no direct, immediate take-offs or final approaches to land that cross the path of the M61 motorway to help minimise the potential for distraction of aviation incident involving the motorway. Crossing of the path of the motorway should happen at greater

height and at a further distance away from the helipad to the effect that the helicopter in flight might not be expected to result in any greater level of distraction to drivers than normal (i.e. not flying at a low altitude).

Impact on highway safety and capacity on the local highway network

87. The main focus of the proposal is to accommodate existing car parking provision at the site, consolidated into a decked parking structure that is required in the context of the planning permission that has been granted for the wider development of the site for employment use. The Transport Assessment (TA) that has been submitted in support of the proposal notes that the acceptability of the principle of a large amount of commercial development at the wider Botany Bay Site is now established through the planning permission for the industrial business park. This consent established that the site has been determined to be in a sustainable location and is accessible by a range of non-car modes of travel including walking, cycling and public transport.
88. Taking the proposals in the round to include Schemes 2 and 3, the TA considers that the proposed use of the mill as a self-storage facility is found to generate very little additional traffic and what traffic is generated typically visits such facilities outside of morning and evening peak periods. The proposed office use is effectively needed and planned to accommodate an existing office operation currently taking place at the mill (through use of some existing internal accommodation and through add on buildings to the south elevation). As such, although provision is made for growth in the FIREM team, the planned decked car park within the proposed podium could accommodate existing and new employees, in addition to provision through a Travel Plan to promote use of sustainable travel modes.
89. The overall conclusions of the TA are that the transportation effects of the proposed development including the decked car park, as well the use / function of the future Scheme 2 and 3 developments at the mill, are acceptable. This follows on assumption of the delivery of highway mitigation at key local and strategic highway junctions planned through the approved business park scheme, which are secured through planning conditions and relevant highway agreements.
90. Accordingly, from a traffic and transportation perspective the TA concludes that no severe impacts are considered to arise. The assessment of local highway impacts are to follow on receipt of final comments from LCC Highway Services to be reported on the Addendum.

Impact on designated heritage assets

91. A Heritage Statement has been submitted as part of the application submission. Canal Mill, located within the site is not listed nor included on the Council's Local List. It is understood, however, that an application for listing status has been submitted to Historic England. This does not, however, preclude the building from being considered a non-designated heritage asset. For the purposes of this assessment the current building at Canal Mill could be considered as being of some heritage value and as such could be regarded as being a non-designated heritage asset (NDHA). As highlighted by the Canal and Rivers Trust, the Leeds and Liverpool canal, which runs adjacent to the eastern boundary of the site, can also be considered to be a non – designated heritage asset.
92. Non-designated heritage assets are identified as being buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets.
93. The principal statutory duty under the Planning (Listed Building and Conservation Areas) Act 1990 is to preserve the special character of heritage assets, including their setting. LPAs should, in coming to decisions, consider the principle Act, which states the following;



*Listed Buildings – Section 66(1)*

94. In undertaking its role as a planning authority the Council should in respect to listed buildings pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
95. In determining planning applications LPAs should take account of;
  - The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - The desirability of new development making a positive contribution to local character and distinctiveness.
96. Paragraph 199 of the Framework states that when considering the impact of proposals on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be applied. This is irrespective of whether any harm is identified as being substantial, total loss or less than substantial harm to its significance.
97. P. 200 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
98. P.202 of the Framework identifies that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
99. P. 203 of the Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
100. The Framework Glossary defines the setting of a heritage asset as *“the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral”*.
101. The key heritage issue for the LPA to consider is the impact of the proposal on the setting of Canal Mill as a NDHA within the Application Site boundary. The mill building dates from the mid nineteenth century (inscribed with a date plaque from 1855), and is of red-brick construction in English Garden Wall bond, with detailing in stone.
102. Raised over five storeys from a rectangular footprint, the building has principal facades of 20 bays' length, with the return facades being of eight bays. The fenestration (where original) has metal frames with four lights, although many of the windows have been replaced with uPVC casement units.
103. There are slender towers to the four corners of the building, articulated on the façade by vertically channelled brick work and capped with convex pinnacles. The facades are largely plain. There are five blind windows to north eastern elevation of the building, dispersed over the first and second floors, and a number for ground floor entrances, dispersed asymmetrically.

104. The north eastern return façade has an entrance with a stone door surround, supported on Doric pilasters with a cornice above. The entrance bay is set between paired chamfered brickwork piers. Brickwork scars on this façade evidence the removal of doorways and the narrowing of window apertures.
105. Internally the building has been, and is being, refurbished for use as office space. This has led to a degree of partitioning in the office areas, but this has been achieved around the cast iron structural columns that proliferate the open plan spaces. The original goods and passenger lifts remain in situ with their signage, and the apertures for the rope race are extant to most floors.
106. The significance of the building is derived from the age and intactness of its built fabric, the typology and historic function of the building and its status as a local landmark. The building is located within an area of hard surfacing used as car parking, which is flanked to the east by the canal and to the north east and south east by field parcels and tree and shrubland planting. To the south west is the M61 which, although screened in part by tree planting, is highly audible and visible within the setting of the asset.
107. The proposed development comprises the construction of a podium car park with four levels of parking, a helipad, hall and hangar. The building, at its tallest point would be similar in height to the mill. It would be raised from a rectangular footprint and is of a similar massing and scale as the neighbouring mill building.
108. The car park would be linked to the mill building at ground floor level only. The proposal would cause a limited degree of direct impact in terms of the remodelling of the aperture at ground floor to allow for the connecting single storey atrium to the podium car park. The scale of the proposal and its proximity to the mill building mean that there would inevitably be a degree of severance of the relationship between the mill building and the adjacent canal, and a level of challenge to the landmark status of the building in the sense that its historic proportions would be lost in relation to some views.
109. It is, however, noted that the elevation adjacent to the motorway would remain entirely legible with the proposed extension being screened. It is also noted that the level of tree screening in views from Botany Brow would largely screen the proposal from view in this context and the visual prominence of the historic building would remain. It is considered that the level of harm generated by the proposal is of a low/medium in extent, and whilst the proposal would inevitably have an urbanising effect on the canal this harm must be balanced against benefits of the proposal, and the urban infrastructure in close proximity that already impacts upon this setting in addition to the previously approved industrial business park development that has been approved.
110. In consideration of the benefits of the proposal this has been designed to provide improved ancillary facilities that would support the ongoing use of the mill as headquarters and offices of FIREM and for its future conversion and use for storage purposes. These ancillary facilities and the clear intention to continue to use the mill into the future would ensure the investment necessary to maintain a historic structure of considerable scale is secured. The increased attractiveness of the mill as a workspace that would result from the proposed development would have economic benefits through supporting employment retention in the borough. The retention of the mill and economic benefits that would be supported through the proposed development would, on balance, outweigh any disbenefits associated with the severance of relationship between the mill and canal and loss of visual prominence of the mill from some views.
111. Under the duty imposed by s.66(1) of the P(LBCA) Act 1990 it is considered that the proposed development would have a low to medium impact on the setting of Canal Mill and the Leeds to Liverpool Canal in this location.
112. In this instance there is a significant social and economic benefit in retaining and securing the future of the mill building and supporting employment uses as anticipated by the Chorley Local Plan 2012-2026. This is considered to outweigh the low to medium harm

identified to non-designated heritage assets and is in conformity with Chapter 16 of the NPPF, Policy 16 of the Adopted Central Lancashire Core Strategy and policy BNE8 of the Chorley Local Plan.

#### Drainage

113. Policy 29 of the Central Lancashire Core Strategy requires appraising, managing and reducing flood risk in all new developments, avoiding inappropriate development in flood risk areas. A Drainage Strategy Report has been prepared by Thomasons (Ref: PG/AW/11342) and submitted in support of the proposal. The application site is located within an area classified as Flood Zone 1, therefore, the site is considered to be at very low risk from fluvial flooding.
114. It is considered that the proposed drainage strategy provides a robust basis from which detailed surface water drainage proposals for the future development of the site can emerge. Sustainable drainage solutions have been considered for the site in line with the Sustainable Drainage Hierarchy. Infiltration is confirmed as being unviable for the site based on the underlying ground conditions, which comprise clay to depth along with a high ground water level. The next outlay option is discharge to a watercourse, which in this case is deemed to be the viable solution for the site. A 450mm diameter culverted watercourse passes beneath the site in a north westerly direction where it then heads west beneath the M61 motorway. Based on the identified cohesive ground conditions, it is proposed to drain the site to the diverted culverted watercourse via a new connection at a restricted discharge rate.
115. The drainage strategy states that the proposed surface water drainage network shall be designed to attenuate water on site due to the reduction in flow rates up to the 1 in 100-year plus 45% climate change allowance. Attenuation would be achieved through geocellular storage.
116. The Lead Local Flood Authority (LLFA) is a statutory consultee for major developments with surface water drainage, under the Town and Country Planning (Development Management Procedure) (England) Order 2015. The LLFA has reviewed the drainage details provided at this stage and considers these to be acceptable subject to the provision of further details and have recommended conditions requiring:
- Final Surface Water Sustainable Drainage Strategy to be submitted
  - Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations.
  - A site specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system.
  - Site specific verification report, pertaining to the surface water sustainable drainage system
117. It is recommended that appropriate conditions be attached to any grant of planning permission.
118. The flood risk implications arising from both the site itself and the intended development have been given careful consideration and the identified mitigation measures and outline drainage strategy would ensure that the proposal does not give rise to any adverse impacts in respect of flood risk, thereby complying with Core Strategy Policy 29 subject to the provision of further details.

#### Ecology

119. The applicant has submitted a Preliminary Ecological Appraisal in support of the proposed development. This has been reviewed by the Council's ecology advisor who confirms that the ecological surveys undertaken for the site have been carried out by an experienced ecological consultant.

120. The UKHab methodology was used to describe the habitats present within the site, which were primarily buildings, and sealed and unsealed artificial surfaces with scattered ephemeral vegetation. These surfaces have little botanical value.
121. A raptor nest, believed to be that of a peregrine, was identified in a decorative turret on the roof of the mill building. Peregrines and their nests are protected under Schedule 1 of the Wildlife and Countryside Act 1981, which deems it an offence to disturb the birds whilst they are on or near the nest or disturb the nest whilst it contains eggs or dependent young. The plans do not include any works to the mill turrets.
122. The mill was identified as having bat roosting potential, which necessitated further survey work, as although the mill would only be impacted through minor structural alterations at ground floor from this proposal, there would remain some potential for disturbance during building works themselves in such close proximity. A bat presence / absence survey of the building in question was subsequently carried out and found no bats to be present. This provides evidence that the proposed works can be implemented without impacting roosting bats, which is agreed by the Council's ecology advisors.
123. Section 174 of the Framework states that the planning policies and decisions should contribute to and enhance the natural and local environment. The site is generally of limited ecological value, however, there are area of landscaping identified on the proposed site plan and a scheme to include full details of measures to enhance biodiversity at the site and to provide an overall net gain for biodiversity, in line with the aspirations of the Framework should be provided. It is recommended that the landscaping and biodiversity enhancement measures be secured by condition.

#### Minerals and coal mining

124. The site has underlying sand and gravel deposits including Lower Haslingden Flags Sandstone bedrock, which are regarded as a Mineral Resource.
125. Policy M2 of the Lancashire Minerals and Waste Site Allocation and Development Management Policies Local Plan applies. The policy states that planning permission will not be supported if a development is incompatible by reason of "scale, proximity and performance" with mineral safeguarding.
126. The application is supported by a Minerals Assessment, which states that based on the site investigation undertaken at the adjacent site, it is anticipated that the sand and gravel resource is not pure and is likely to have a significant clay content and generally medium to high cobble content. As such the minerals would require significant processing prior to use and therefore may not be an economically viable resource.
127. Furthermore, the mineral resource was not found to be present continuously across the site and varied in depth and thickness. Due to the presence of the M61, the A674 and the Leeds and Liverpool Canal along three of the site boundaries, the significant extraction of the resource is deemed unlikely. The requirements for easements from the highways and canal would be significant and would reduce the workable mineral resource to a level whereby it is likely to be uneconomic.
128. Given that the site has been allocated for employment use as part of the EP1 policy, the site is protected for employment use between 2012 and 2026. The Chorley Local Plan 2012 – 2026, which would have taken into account the presence of the mineral resource at the time of allocation, states that there is potential for economic growth within the area to provide jobs and services if employment land is made available. The value of the land in planning terms is thus considered more valuable to deliver employment uses in line with the Local Plan, than to deliver a marginal and difficult to process mineral resource.
129. Consequently, given the above constraints, it is considered that there is an overarching need for the development that outweighs the need to avoid the sterilisation of the mineral resource.

### Community Infrastructure Levy (CIL)

130. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development would be a CIL liable development and any charge would be subject to indexation in accordance with the Council's Charging Schedule.

### **CONCLUSION**

131. The proposed development would contribute to economic growth within Chorley supporting the provision of employment and meets with the expectations of the Chorley Local Plan 2012-2026, fulfilling the requirements of the allocation. There would be no unacceptable detrimental impact on the amenity of neighbouring occupiers, no significant harm to the appearance of the site and character of the area, and the benefits of the scheme would outweigh the harm to non-designated heritage assets. In addition, there would be no unacceptable impact on the highway network, ecology or drainage. On the basis of the above, it is recommended that planning permission be granted subject to conditions.

### **RELEVANT HISTORY OF THE SITE**

**Ref:** 19/00130/DEMCON      **Decision:** PERDEM      **Decision Date:** 19 March 2019  
**Description:** Application for prior determination for the proposed demolition of buildings at Botany Bay

**Ref:** 20/00919/SCE      **Decision:** RESCEZ      **Decision Date:** 30 November 2020  
**Description:** Request for Screening Opinion pursuant to Regulation 5 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 for the development of industrial and commercial buildings, main and secondary circulation roads, car and HGV parking, landscaping and ancillary works and infrastructure

**Ref:** 21/00439/FULMAJ      **Decision:** PERFPP      **Decision Date:** 25 January 2023  
**Description:** Hybrid planning application seeking detailed and outline planning permission for the development of Botany Bay Business Park comprising development of Blocks A to J (37,661 sqm GIA) as follows: detailed planning permission is sought for Blocks C to J (36,996 sqm GIA) for Use Classes E (light industry only), B2 and B8; retention and improvements to existing vehicular access into site off A674; retention of closed access into site from the south (for emergency vehicle access only); new main and secondary circulation roads; servicing and circulation yards and HGV parking; car parking; pedestrian routes; landscaping and public realm; provision and upgrading of ancillary services and infrastructure and diversion of PROW FP26; and outline planning permission (all matters reserved except for means of access) for Block A (181 sqm) for Use Class E (food and drink)/sui generis (hot food takeaway) and Block B (484 sqm) for Use Class E and related access, car parking, circulation and landscaping

**Ref:** 22/00242/FULMAJ      **Decision:** PERFPP      **Decision Date:** 16 June 2022  
**Description:** Temporary use of land for storage of commercial vehicles (retrospective)

**Ref:** 23/00107/DIS      **Decision:** PCO      **Decision Date:** Pending  
**Description:** Application to discharge conditions nos. 8 (levels), 10 (biodiversity scheme), 15 (arboricultural method statement), 17 (employment and skills plan), 25 (programme of archaeological work) and 36 (road restraint risk assessment (RRRAP)) attached to planning permission ref: 21/00439/FULMAJ (Hybrid planning application seeking detailed and outline planning permission for the development of Botany Bay Business Park comprising development of Blocks A to J (37,661 sqm GIA) as follows: detailed planning permission is sought for Blocks C to J (36,996 sqm GIA) for Use Classes E (light industry only), B2 and B8; retention and improvements to existing vehicular access into site off A674; retention of closed access into site from the south (for emergency vehicle access only); new main and secondary circulation roads; servicing and circulation yards and HGV parking; car parking; pedestrian routes; landscaping and public realm; provision and upgrading of ancillary services and infrastructure and diversion

of PROW FP26; and outline planning permission (all matters reserved except for means of access) for Block A (181 sqm) for Use Class E (food and drink)/sui generis (hot food takeaway) and Block B (484 sqm) for Use Class E and related access, car parking, circulation and landscaping)

**Ref:** 23/00164/FULMAJ      **Decision:** PCO      **Decision Date:** Pending

**Description:** Demolition of temporary buildings and conversion of existing Canal Mill building to self-storage use (Use Class B8) (Ground to 3rd Floor) and office use (Floor 4); and two storey roof extension to provide additional office floorspace (2,564 sqm GEA) (Use Class E(g)(i)), new lift and staircase access, external facade and roof alterations, car parking, servicing and access, landscaping and ancillary works

**Ref:** 23/00403/DIS      **Decision:** PCO      **Decision Date:** Pending

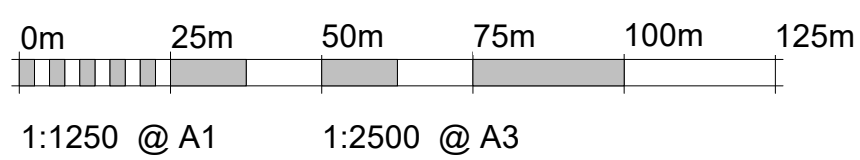
**Description:** Application to discharge conditions nos.16 (remediation strategy), 19 (surface water sustainable drainage strategy), 23 (eastern boundary treatment and landscaping), 32 (CCTV drainage survey of drainage culvert), 34 (constructional details of building foundations, earthworks and retaining structures), 37 (sustainable surface water drainage scheme), 40 (construction management plan) and 49 (scheme of access improvements for pedestrian and cycle provision) attached to planning permission ref:21/00439/FULMAJ (Hybrid planning application seeking detailed and outline planning permission for the development of Botany Bay Business Park comprising development of Blocks A to J (37,661 sqm GIA) as follows: detailed planning permission is sought for Blocks C to J (36,996 sqm GIA) for Use Classes E (light industry only), B2 and B8; retention and improvements to existing vehicular access into site off A674; retention of closed access into site from the south (for emergency vehicle access only); new main and secondary circulation roads; servicing and circulation yards and HGV parking; car parking; pedestrian routes; landscaping and public realm; provision and upgrading of ancillary services and infrastructure and diversion of PROW FP26; and outline planning permission (all matters reserved except for means of access) for Block A (181 sqm) for Use Class E (food and drink)/sui generis (hot food takeaway) and Block B (484 sqm) for Use Class E and related access, car parking, circulation and landscaping)

**RELEVANT POLICIES:** In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.

#### Suggested conditions

To follow





Rev	Date	Version Description	Dm	Chk
A	03/10/22	Planning Issue	FA	CL

- Application Boundary: 3.7073 ac / 1.5003 ha
- Master Plan Boundary

**SAFETY, HEALTH AND ENVIRONMENTAL INFORMATION**

In addition to the hazards/risks normally associated with the types of work detailed on this drawing, refer to Designers Risk Assessment, note the following:

It is assumed that all works will be carried out by a competent contractor working, where appropriate, to an approved method statement

Use Dimensions - DO NOT SCALE

Contractors Must Verify All Dimensions On Site Before Starting Work

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Contractor Logo

Client Logo

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Client  
**FI-REM**

Project Name  
**Canal Mill (Botany Bay Mill)**  
Canal Mill, Botany Brow, Chorley PR6 9AF

Drawing Title  
**Location Plan**

Drawing Details		North
Drawing Status	<b>PLANNING</b>	
Drawn By	Drawn Date	Checked By
FA	22/08/22	
Drawing Number	<b>3908-DMWR-DR-A-0001</b>	
Scale @ A1	1 : 1250	
Status	Revision	
<b>PL</b>	<b>A</b>	

DMWR Job No.  
**3908**

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