

## Planning Committee

Tuesday, 15th October 2024, 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.

<b>Agenda No</b>	<b>Item</b>	
<b>3</b>	<b>Planning applications to be determined</b>	
	The Head of Planning and Enforcement has submitted six planning applications to be determined.	
	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> .	
3a	<b>24/00242/FUL - Rotherham Top Farmhouse, Preston Road, Whittle-le-Woods</b>	(Pages 3 - 20)
3b	<b>24/00557/FUL - 2 Heath Paddock, Hut Lane, Heath Charnock</b>	(Pages 21 - 40)
3c	<b>23/00981/FULMAJ - Land North Of Town Lane, Town Lane, Whittle-Le-Woods</b>	(Pages 41 - 84)
3d	<b>24/00459/CB3 - Gillet Playing Fields, Weavers Brow, Heath Charnock</b>	(Pages 85 - 96)
3e	<b>24/00515/FULMAJ - Dalziel Unit C3, Chorley North Industrial Park, Drumhead Road, Chorley</b>	(Pages 97 - 104)
3f	<b>24/00659/OUT - Jack Green Farm, Oram Road, Brindle</b>	(Pages 105 - 116)
3g	<b>23/00462/FULMAJ - Croston Hall Farm, Carr Lane, Croston</b>	
	Item withdrawn	

Chris Sinnott  
Chief Executive

Electronic agendas sent to Members of the Planning Committee

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Meeting contact Matthew Pawlyszyn on 01257 515034 or email [matthew.pawlyszyn@chorley.gov.uk](mailto:matthew.pawlyszyn@chorley.gov.uk)

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**APPLICATION REPORT – 24/00242/FUL**

**Validation Date: 28 March 2024**

**Ward: Buckshaw and Whittle**

**Type of Application: Full Planning**

**Proposal: Erection of 6no. dwellings following demolition of outbuildings**

**Location: Rotherham Top Farmhouse Preston Road Whittle-le-woods Chorley PR6 7PG**

**Case Officer: Chris Smith**

**Applicant: Primrose Holdings Ltd**

**Agent: MacMarshalls Ltd**

**Consultation expiry: 25 April 2024**

**Decision due by: 13 September 2024 (Extension of time agreed)**

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**UPDATE REPORT**

1. The recommendation remains that full planning permission be granted subject to conditions and a S106 legal agreement to secure a financial contribution of £804.00 towards the improvement of equipped play areas for children/young people.
2. Members will recall that this application was deferred at the Planning Committee meeting held on 10 September 2024 to allow time for Members to visit the application site. The original committee report from 10 September 2024 follows on below.
3. Two drainage conditions have been added to the end of the report (nos. 17 and 18) following discussions in this regard during Planning Committee on 10 September 2024.

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**RECOMMENDATION**

1. It is recommended that planning permission is granted, subject to conditions and a S106 legal agreement to secure a financial contribution of £804.00 towards the provision of equipped play area for children/young people.

**SITE DESCRIPTION**

2. The application site is located within the settlement area of Whittle le Woods on the northern side of the residential cul de sac Lea Road. The site is an irregularly shaped parcel of land measuring approximately 0.46 hectares, and it is positioned around a Grade II listed residential property (Rotherham Top Farmhouse), which is not itself located within the red edge of the application site.
3. The site contains a pair of buildings including, immediately to the west of the listed building, a large, pitched roof timber building with an adjoining flat roof car port and in the north west corner of the site there is a large brick built building. The immediate locality is predominantly residential and characterised by a variety of housing types including single

and two storey dwellings as well as dwellings that are detached, semi-detached and terraced.

4. There is an existing vehicular access point to the site from Lea Road in the south west corner of the site. There is also a separate pedestrian access from Lea Road adjacent to a pair of modern semi-detached dwellings.

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

5. The application seeks planning permission for the erection of 6no. dwellings, following the demolition of the existing buildings located across the site. The proposed dwellings would be of a traditional form with contemporary features and would have driveway parking to the frontages with garden areas at the front and rear. Four of the dwellings would have detached garages.
6. Vehicular access to the site would be via an existing access point which leads to the site from Lea Road and sits between nos. 4 and 8 Lea Road. A new driveway to serve the dwelling at plot no. 8 would be built and this would be accessed directly from Lea Road.
7. It should be noted that the proposed development has been amended since first being received by the Council at the request of the case officer. Amended plans have been submitted in order to reduce the size of the dwellings at plots 3 and 4 and reposition the dwelling at plot 8. This was in response to comments provided by the Council's heritage advisors at Growth Lancashire regarding the potential impacts of the development on the Grade II listed farmhouse.

#### **REPRESENTATIONS**

8. 11no. representations have been received citing the following grounds of objection to the proposed development –
  - There are no plans for plot 1.
  - Why do 8 dwellings require 3 access roads?
  - Who will maintain grass verges at the gated entrance?
  - How wide will access adjacent to no. 2 Lea Road be?
  - Site will be used as a rat run.
  - Access road via a gate on Lead Road is not wide enough for two vehicles.
  - How will refuse and emergency vehicles enter the development?
  - How will the developer enter the site during construction?
  - Plot 5 will be directly behind my house.
  - Loss of trees.
  - Ecological impacts.
  - Loss of privacy and outlook.
  - Highway safety.
  - Construction traffic.
  - Drainage.
  - Site boundaries.
  - Traffic.
  - The dwellings will have minimal positive impact on meeting local housing targets.
  - Building materials/waste will be deposited on highways.
  - Design out of keeping with the character of the locality.
  - Highways comments relate to 6 properties when there will be 8 new properties at the site.
  - Loss of property values.
  - Bats / ecology.
  - Underground power cable.
  - Noise and disruption during construction.
  - Development will undermine the historic value of the Grade II listed building.
  - There is no requirement to build on the site.

## CONSULTATIONS

9. Chorley Council's Tree Officer – Has stated that it is proposed to remove eleven trees to facilitate the development and the trees to be removed do provide a moderate level of visual amenity and have value as a screen from the adjacent properties, however, they are not of exceptional arboricultural significance.
10. Greater Manchester Ecology Unit (GMEU) – Have no objections subject to conditions.
11. Growth Lancashire (GL) – Have advised that the key considerations in respect of the impact of the proposal on the heritage asset, are whether the proposed development would harm the setting and the significance of the Grade II listed Rotherham Top Farmhouse.

GL initially advised that the dwellings at plots 3 and 4 would be overly large and that they would be positioned in such a way that they would encroach upon the space currently afforded to the listed building, despite the proposed dwellings being in the location of the existing large and partially dilapidated building in the north west portion of the site. They also advised that the proposed dwelling at plot 8 would obscure some views of the listed building from Lea Road. Overall, they considered that the proposed scheme would be overly dense as the new properties would encroach on the listed building thereby diminishing its significance.

However, following the Council's receipt of amended plans to address the identified heritage issues, GL have advised that the amendments are welcomed and although the changes do not completely alleviate the harm previously identified, this would be less than substantial (low level) harm to the significance of the listed building which would require the LPA to undertake a weighted balance under paragraph 208 of the National Planning Policy Framework.

12. Lancashire County Council Highway Services (LCC Highways) – Have no objections subject to conditions.
13. The Coal Authority – Recommend low risk/standing advice.
14. United Utilities (UU) – Have no objections subject to conditions.
15. Whittle le Woods Parish Council – No comments have been received.

## PLANNING CONSIDERATIONS

### Principle of the development

16. The National Planning Policy Framework (The Framework) states that housing applications should be considered in the context of the presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved without delay. One of the core principles of the Framework is that development should be focussed in locations that are sustainable. The site is located in a sustainable location with access to public transport and local amenities such as shops, schools, community centre facilities, churches, sports and leisure facilities, employment sites and public houses, and the means to access other nearby amenities relatively easily.
17. Policy 1(d) of the Central Lancashire Core Strategy states that some growth and investment will be encouraged in Urban Local Service Centres to help meet housing and employment needs. Whittle le Woods is identified as one of the Urban Local Service Centres and therefore the proposed development is in line with this policy.
18. The application site appears to be in a mix of uses with the planning history of the site demonstrating that it has been used for a variety of activities including industrial processing as a meat cutting factory (app ref: 74/00524/FUL) and agriculture as a chicken hatchery

(app ref: 74/00097/S53). The site is not, therefore, solely domestic, however, some areas of the site clearly do form a part of the residential curtilage and domestic garden to Rotherham Top Farmhouse and, therefore, for the avoidance of doubt an assessment has also been carried out in relation to policy HS3 of the Chorley Local Plan 2012 – 2026. This states that development within private residential gardens on sites not allocated for housing will only be permitted for:

- (a) appropriately designed and located replacement dwellings where there is no more than one for one replacement.*
- (b) the conversion and extension of domestic buildings.*
- (c) infill development on gardens which is classified as the filling of a small gap in an otherwise built-up street frontage which is typically a gap which could be filled by one or possibly two houses of a type in keeping with the character of the street frontage.*

19. The proposed development does not specifically comply with criteria (a) or (b) due to the nature of what is proposed. With regards to criteria (c), the site does form a gap in the pattern of development along Lea Road and is located within a built-up area of urban character, comprising residential housing estates. The application site is a relatively large garden area to the existing dwelling Rotherham Top Farmhouse which is a visual deviation from the more conventionally proportioned residential gardens which characterise neighbouring dwellings and, therefore, the site appears somewhat incongruous within the context of its surroundings. Consequently, it is accepted that there is an opportunity for infill development.
20. Paragraph 5.27 of the preamble to Policy HS3 states that when assessing applications for garden sites, the Council will also have regard to the relationship of development with surrounding character in terms of density, siting, layout, massing, scale, design, materials building to plot ratio and landscaping. The preamble also states that the Council will have regard to sustainability issues such as access to public transport, school, businesses and local services and facilities.
21. It is noted that the immediate locality is characterised by a variety of property types from different architectural time periods, including single storey, two storey, detached and semi-detached properties although to the east Preston Road is much more urbanised and less residential in character with a variety of commercial premises evident including a petrol filling station and an associated retail convenience store. The character of the most immediate locality adjacent to the north, west and south of the site, however, is overwhelmingly residential with a low-density suburban form. The proposed development comprises 4no. detached dwellings and 2no. semi-detached dwellings. The layout is such that it would reflect the siting and scale of neighbouring properties located along Lea Road and Bluebell Close and Lupin Close to the west and north. At a density of 13 dwellings per hectare the density of the proposed scheme would be low and consistent with the character of the area, whilst the dwelling to plot ratio would provide similarly sized garden areas to other nearby properties and would be largely reflective of local character.
22. At present, most of site is a relatively large parcel of mixed-use land with a limited planning history, although this does indicate that there has been a history of industrial processing at the site which contains a pair of detached outbuildings including a large storage building which is a remnant of the former agricultural use of the site. This building appears relatively discordant and is not reflective of the local residential character, and its preservation would be of no particular value to the distinctiveness of the area. It is considered that the replacement of the building which appears somewhat tired and is relatively dilapidated, would represent a significant visual improvement, which would make a positive contribution to the visual characteristics of the immediate locality.
23. Policy HS3 includes the additional sustainability criteria detailed above, and in terms of this issue there are factors which weigh in favour of the proposal. The site is located in the settlement area of Whittle le Woods and has a good level of accessibility to shops, schools and other services and amenities, public transport and local employment opportunities and is within 1.5km of a Tesco superstore. There is also a petrol filling station immediately to the

east. In terms of bus stops, there are bus stops on both side of Preston Road within close proximity to the site.

24. In consideration of the above, the proposed development is considered to be acceptable in principle.

#### Impact on character and appearance of locality

25. 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. The policy is considered to be consistent with the Framework and should be attributed full weight.
26. The nearest housing stock to the development comprises two storey semi-detached residential properties to the south west at Lea Road as well as several bungalow properties also at Lea Road. To the north west the site is bounded by a low density housing estate characterised by relatively large detached two storey properties. Neighbouring residential properties are of a relatively traditional and standard design with rectangular footprints and dual pitched roofs. The proposed dwellings would be laid out in a low-density pattern that reflects the layout of the properties referred to above. The proposed dwellings would be of a fairly traditional design with rectangular footprint, dual-pitched roofs and a brickwork finish, the details of which are to be confirmed. There would be in-curtilage parking to the frontages with some garden areas to the front and larger gardens to the rear. It is considered that the proposed layout has taken into account the natural constraints and layout of the site as the proposed dwellings would be dispersed evenly across the site and around the existing dwelling at Rotherham Top Farmhouse. Whilst the development would result in the loss of eleven low category trees, the significant boundary trees located in the southern portion of the site are to be retained and replacement tree planting can be secured through the imposition of a planning condition. The existing stone-built boundary wall at the rear of plots 2, 3 and 4 would be retained.
27. Currently the site appears somewhat anomalous and at odds with the existing residential development that characterises the area and the outbuildings suffer a sense of abandonment and appear relatively dilapidated. The proposal represents an opportunity to introduce an active use and to address the poor appearance of the outbuildings and the development would, therefore, represent a significant visual improvement, which would make a positive contribution to the visual characteristics of the immediate locality.
28. Overall, the proposed development would improve the appearance of the site and would not be harmful to the character of the area in line with policy BNE1 of the Chorley Local Plan 2012-2026.

#### Impact on neighbour amenity

29. Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development provided that the development would not cause harm to any neighbouring property by virtue of overlooking, overshadowing or by creating overbearing impacts.
30. The existing dwelling at Rotherham Top Farmhouse would be surrounded by the proposed development on all sides and would, therefore, be most affected by it. However, it is under the ownership of the applicant, and it is also noted that the degree of separation between

the proposed dwellings and this property would be adequate to ensure that there would be no unacceptable adverse impacts on the amenity of the occupiers of the dwelling.

31. The proposed dwellings would be located to the north west of neighbouring dwellings at Lea Road, to the east of dwellings at Bluebell Close and south of dwellings at Lupin Close. The proposed dwelling at plot 1 would be approximately 11m to east of the neighbouring property at no. 6 Bluebell Close. Although the western side elevation of plot 1 would contain two first floor bedroom windows, they would not face directly towards any of the main areas of private residential amenity space associated with the neighbouring property and views from the windows would predominantly be towards the blank side elevation of this property. Consequently, there would be no unacceptable adverse impact on the amenity of the occupiers of no. 6 Bluebell Close as a result of privacy loss. To its south, the dwelling at plot 1 would bound with the neighbouring property at no. 4 Lea Road, however, it would be approximately 22m away from this neighbouring property and it is not considered, therefore, that there would be any unacceptable adverse impacts upon the levels of amenity currently enjoyed by the occupiers of this neighbouring property as a result of light loss, overlooking or a loss of outlook.
32. There would be no windows within the side (south west) facing elevation of plot 2 which would be approximately 10m to the north east of no. 6 Bluebell Close and approximately 6.7m to the south east of no. 5 Bluebell Close. There would, however, be a first floor window within the rear (north west) facing elevation of plot 2 which would be approximately 6m away from the rear boundary of the site with no. 5 Bluebell Close. This would not accord with the Council's separation distance for windows to habitable rooms at first floor level which overlook neighbouring garden areas, which should be a minimum of 10 metres from the boundary they face. However, this window would serve an en-suite bathroom and would, therefore, be obscure glazed and it can be conditioned that this is retained at all times.
33. The proposed dwellings at plots 3 and 4, a pair of semi-detached dwellings, would be located immediately to the south of two detached neighbouring properties at nos. 18 and 19 Lupin Close. However, the Council's separation distance of 21m between parallel facing habitable room windows would be complied with and, therefore, there would be no unacceptable adverse impacts on the amenity of the occupiers of nos. 18 and 19 Lupin Close as a result of privacy loss and the degree of separation would also be adequate to ensure that there would no unacceptable levels of light loss.
34. The proposed detached garages at plots 1, 2, 3 and 4 would be modestly proportioned low profile structures with a maximum height of approximately 3.8m, and there would be an adequate degree of separation between the garages and the nearest neighbouring residential properties at Lupin Close to ensure that they have no unacceptable adverse impacts on neighbouring amenity as a result of light loss or overbearing.
35. The proposed dwelling at plot 5 would occupy the north east corner of the site where it would bound with nos. 17 and 18 Lupin Close to the west and nos. 67, 69 and 71 Preston Road to the east and no. 73 Preston Road to the north. The side (east) facing elevation of plot 5 would contain a window at first floor level, however, it would serve a non-habitable room in the form of a landing area. There would also be a first floor window within the side (west) facing elevation, however, this would serve a bathroom and would be obscurely glazed and would be in excess of 10m away from the boundary with the neighbouring plot 4. The degree of separation between plot 5 and neighbouring properties would also be adequate to prevent any light loss or loss of outlook. First floor bedroom windows within the rear (north) facing elevation would be 10m away from the rear boundary of the plot which bounds with no. 73 Preston Road. It is not considered therefore, that the proposed dwelling at plot 5 would have any unacceptable adverse impacts on neighbouring amenity as a result of privacy loss, light loss or a loss of outlook.
36. Plot no. 8, to be located in the south east corner of the site, would be approximately 15m to the north east of no. 2 Lea Road and due to this degree of separation and the northern orientation relative to this neighbouring property, it is not considered that there would be



any unacceptable adverse impacts on the amenity of the occupiers of this property as a result of light loss and the degree of separation would be adequate to ensure that there would be no loss of outlook.

37. The proposed dwellings have been designed in such a way as to be compatible with each other without creating any amenity impacts with adjacent plots. There would be an adequate degree of screening around the plots and sufficient private amenity space for future occupiers to carry out day-to-day domestic activities.
38. In light of the above, it is considered that the proposal would be acceptable in terms of amenity impacts and accords with Policy BNE1 in this regard.

#### Highway safety

39. Policy BNE1 of the Chorley Local Plan 2012-2026 states that developments must not cause severe residual cumulative highways impact or prejudice highway safety, pedestrian safety, the free flow of traffic.
40. Policy ST4 of the Chorley Local Plan 2012-2026 requires that proposals for development need to make parking provision in accordance with the standards set out in Appendix A of the Local Plan which sets out the Council's minimum parking standards for dwellinghouses (Use Class C3) in all other areas outside Chorley Town Centre as being two spaces for 2- or 3-bedroom dwellings and three spaces for 4+ bedroom dwellings.
41. Parking spaces are proposed to serve the development by way of driveway parking spaces and detached garages for plots 2, 3 and 4. LCC Highways do not raise any objections in relation to the car parking proposed. It is considered that the parking provision is acceptable and accords with the Council's parking standards set out at policy ST4 of the Chorley Local Plan 2012 - 2026.
42. Access to the proposed dwellings (apart from plot 8) would be via an existing access point from the existing 20mph estate road - Lea Road. LCC Highways have reviewed the scheme and advised that there are no reported collisions from the 5-year data supplied by Lancashire Constabulary on the estate road. They stated that they do not have any objections to the proposed development and are of the opinion that it would not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.
43. It is noted that there is also an existing vehicular access from Preston Road to Rotherham Top Farmhouse which runs between the petrol filling station and no. 67 Preston Road and representations have been received raising concerns that this would enable the development to be used as a means of gaining access to Preston Road as a 'rat run'. However, the access leads directly to Rotherham Top Farmhouse only which is not part of the application site and to gain entry to the access vehicles would have to pass through the private amenity space of Rotherham Top Farmhouse. It is accepted that currently there are no boundary treatments between the farmhouse and the application site to serve as a deterrent to this, however, the provision of appropriate boundary treatments can be conditioned.
44. Consequently, it is considered that subject to the implementation of various proposed highway improvements, the cumulative impact of the development on the road network would not be severe and is considered to accord with Chorley Local Plan policy BNE1 in respect of highway safety.

#### Impact on a designated heritage asset

45. The Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act) sets out the primary 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.

46. The Framework at Chapter 16 deals with conserving and enhancing the historic environment. It sets out that 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.
47. Paragraph 205 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.
48. Paragraph 206 states that any harm or loss of significance to a designated heritage asset (from alteration or destruction or from development within its setting) should require clear and convincing justification.
49. Paragraph 208 states that where a development will lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal.
50. 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.
51. 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.
52. 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 that have been clearly and convincingly demonstrated to be in accordance with the requirements of the Framework.
53. The key considerations in respect of the impact of the proposal on the heritage asset are:
1. Whether the proposed development would harm the setting and the significance of the Grade II listed Rotherham Top Farmhouse.

### **Assessment**

54. Paragraph 208 of the Framework states that where a development will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal. According to paragraph 020 (ref ID: 18a-020-20190723) of the Government's planning practice guidance, public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described at paragraph 8 of the Framework and benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.
55. In this case it is accepted that the public benefits to the proposal would be relatively limited, nevertheless, it is considered that there would be social and economic benefits through the provision of 6no. new dwellings, which is in accordance with the aims of the Framework. Paragraph 60 of the Framework states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. It is also noted that there would be some additional economic gain through supporting construction jobs and supply chain.
56. Some weight does, therefore, have to be attached to these benefits and given that the significance of the listed building would remain largely unaffected, it is considered that the benefits would be sufficient to outweigh the identified less than substantial (low level) harm to the significance of the designated heritage asset.

### Ecology

57. Policy BNE9 of the Chorley Local Plan 2012-2026 sets out how development should safeguard biodiversity. Any adverse impacts on biodiversity should be avoided, and if unavoidable should be reduced or appropriately mitigated and/or compensated.
58. Policy BNE11 of the Chorley Local Plan 2012-2026 states that planning permission will not be granted for development which would have an adverse effect on a priority species, unless the benefits of the development outweigh the need to maintain the population of the species in situ.
59. The application has been supported by the provision of a preliminary ecological appraisal (PEA) and a nocturnal bat survey by Collington Winter. The Council's ecological consultants at the Greater Manchester Ecology Unit (GMEU) reviewed the documents and did not raise any objections to the proposed development. They stated that the stone wall associated with one of the outbuildings on the site was judged to have low potential to support roosting bats, and as such one activity survey was undertaken and no bats or evidence of bats were found roosting on the site.
60. GMEU also stated that buildings have the potential to support nesting birds (Wildlife and Countryside Act, 1981 (as amended) and that the invasive Cotoneaster (Schedule 9, Wildlife and Countryside Act, 1981) was recorded on the site, and it is an offence to plant or

cause this species to spread in the wild. Consequently, they advised that works should be timed to avoid the main bird nesting season (March - August inclusive) unless it can otherwise be demonstrated that no active bird nests are present and that any works to the buildings must follow the precautionary working methods for bats identified in 4.1.1 to 4.1.2 in the bat survey report and also the precautionary method of works for badger, hedgehog, amphibians and reptiles identified in the PEA report, should also be followed during the works. They also advised that no site clearance or vegetation removal should be undertaken until a method statement for the control and prevention of spread of invasive species has been submitted to the LPA for approval. This is to be secured by means of a planning condition.

61. It also noted that the planning application was received by the Council before the 2<sup>nd</sup> April 2024 which is the date on which the Government's new rules for biodiversity net gain (BNG) came into force, and BNG requirements cannot, therefore, be applied to the proposed development.
62. Having regard to the above, and subject to relevant conditions, it is considered that the nature conservation interest would be sustained, and the proposal is considered to accord with Chorley Local Plan policies BNE9 and BNE11 in respect of ecology.

#### Impact on trees

63. It is proposed to remove eleven trees to facilitate the proposed development. While the trees to be removed do provide a moderate level of visual amenity and provide some screening from adjacent properties, they are not of exceptional arboricultural significance. Appropriate replanting should be undertaken, and this is to be secured by means of a planning condition. Furthermore, it is considered that tree protection measures submitted in the Arboricultural Method Statement are adequate and adherence to these is to be secured by a planning condition.

#### Flood risk and drainage

64. The application site is not located in an area that is at risk of flooding from pluvial or fluvial sources, according to Environment Agency mapping data. In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.
65. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. As such the developer should consider the following drainage options in the following order of priority:
  1. into the ground (infiltration);
  2. to a surface water body;
  3. to a surface water sewer, highway drain, or another drainage system;
  4. to a combined sewer.
66. It is, therefore, recommended that a condition be attached to any grant of planning permission requiring a surface water drainage scheme to be submitted that includes details of an investigation of the hierarchy of drainage options in the National Planning Practice Guidance.

#### Public open space

67. 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:
68. The Council does not require contributions from developments of fewer than 11 dwellings in respect amenity greenspace, parks and gardens, natural and semi-natural greenspace,

allotments and playing pitches. No contributions are, therefore, required in this case for these standards.

69. With regards to provision for children and young people, there is currently a surplus of provision in Buckshaw and Whittle in relation to this standard and a contribution towards new provision in the ward is therefore not required from this development.
70. However, there are areas of provision for children/young people within the accessibility catchment that are identified as being low quality in the Open Space Assessment Report (February 2019) (sites: 1428.1 Orchard Drive Playground; 1430 Harvest Drive Play Area and 1431 The Ridings Play Area).
71. A contribution towards improvements to these sites is therefore required from this development. The amount required is £134 per dwelling.
72. The total financial contribution required from this development is as follows:

Amenity greenspace	= £0
Equipped Play Area	= £804
Parks/Gardens	= £0
Natural/semi-natural	= £0
Allotments	= £0
Playing Pitches	= £0
<b>Total</b>	<b>= £804</b>

73. The equipped play area provision could be secured by way of a s106 legal agreement. Subject to securing the above, the proposed development would accord with Chorley Local Plan policies HS4 A and B.

#### Community Infrastructure Levy

74. 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**

75. The proposed development is considered to be acceptable in principle and it would be compatible with the pattern and character of development in the area. There would be no unacceptable impact on the amenity of nearby residential occupiers, and it would not give rise to undue harm to ecology, trees, drainage, highway safety and the less than substantial harm to the significance of the identified heritage asset would be outweighed by the public benefits of the proposal. It is, therefore, recommended that planning permission be granted subject to conditions and a s106 agreement.

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

**Ref:** 5/5/06292      **Decision:** WDN      **Decision Date:** 5 January 1968  
**Description:** Extension

**Ref:** 5/5/05397      **Decision:** WDN      **Decision Date:** 10 November 1965  
**Description:** Garage

**Ref:** 5/5/10231      **Decision:** WDN      **Decision Date:** 20 December 1973  
**Description:** Change of use from Chicken Hatchery to Meat packing plant

**Ref:** 82/00220/FUL      **Decision:** PERFPP      **Decision Date:** 13 July 1982  
**Description:** Re-roofing and reinstating fire damaged store building

**Ref:** 89/00547/FUL **Decision:** PD **Decision Date:** 3 July 1989  
**Description:** Erection of car port

**Ref:** 95/00023/FUL **Decision:** PERFFP **Decision Date:** 3 May 1995  
**Description:** Erection of conservatory to rear,

**Ref:** 95/00024/LBC **Decision:** PERLBC **Decision Date:** 3 May 1995  
**Description:** Listed Building Application for the erection of a conservatory to the rear,

**Ref:** 24/00099/TPO **Decision:** PERTRE **Decision Date:** 22 April 2024  
**Description:** Application for works to protected trees - Chorley BC TPO 4 (Whittle-le-Woods) 2010: T5 Aspen - Crown lift 2no. limbs as per photograph; T6 Aspen - Crown lift as per photograph; T7 Aspen - Crown lift as per photograph; and install root deflectors

**Ref:** 24/00251/LBC **Decision:** PENDING **Decision Date:**  
**Description:** Application for listed building consent for the erection of 2no. single storey extensions to existing dwellinghouse (following removal of conservatory) and subdivision to form 2no. separate dwellinghouses

**Ref:** 24/00250/FUL **Decision:** PENDING **Decision Date:**  
**Description:** Erection of 2no. single storey extensions to existing dwellinghouse (following removal of conservatory) and subdivision to form 2no. separate dwellinghouses

**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 external facing materials, detailed on the approved plans, shall be used and no others substituted unless alternatives are first submitted to and agreed in writing by the Local Planning Authority, when the development shall then be carried out in accordance with the alternatives approved.

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

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

Title	Plan Ref	Received On
Location Plan	23/076/L02	27 March 2024
Proposed Elevations and Floorplans Plot 1	Proposed House Type 3H1269 (Plot 1)	10 April 2024
Proposed Elevations and Floorplans Plot 2	Proposed House Type 3H1269 (Plot 2)	27 March 2024
Proposed Plans - Plot 8	PR-RE-010-PR-100 (8)	15 August 2024
Proposed Elevations - Plot 8	PR-RE-010-PR-200 (8)	15 August 2024

Proposed Elevations and Floorplans Plot 5	Proposed House Type 4H1633 (Plot 5)	27 March 2024
Detail 01 - Boundary Wall Plot 3/4	XX-YY-000-ZZ-400	5 June 2024
Detached Single Garage - Proposed Floorplans and Elevations	23/076/G01	27 March 2024
Detached Single Oak Canopy - Proposed Floorplans and Elevations	23/076/G02	27 March 2024
Proposed Plans - Plots 3 and 4	PR-RE-010-100 (3)	27 August 2024
Proposed Elevations - Plots 3 and 4	PR-RE-010-200 (3)	27 August 2024

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

4. The car parking areas and manoeuvring areas of the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least sub base before any development takes place within the site.

*Reason: To ensure that provision is made for the storage of materials and contracting staff.*

5. No part of the development hereby approved shall be occupied 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 in consultation with the Highway Authority.

*Reason: In order 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 and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.*

6. Prior to the commencement of development a Traffic Management Plan (TMP) shall be submitted to and approved in writing by the Local Planning Authority (in conjunction with the highway authority). The TMP shall include and specify the provisions to be made for the following:-

- o The parking of vehicles of site operatives and visitors;
- o Loading and unloading of plant and materials used in the construction of the development;
- o Storage of such plant and materials;
- o Wheel washing facilities;
- o Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
- o Routes to be used by vehicles carrying plant and materials to and from the site;
- o Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

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

7. No building works and tree works together with any vegetation clearance 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 written confirmation provided that no active bird nests are present which has been agreed in writing by the local planning authority.

*Reason: Wild birds and their eggs are protected under Part 1 of the Wildlife and Countryside Act 1981, which makes it illegal to kill or injure a bird and destroy its eggs or its nest whilst it is in use of being built.*

8. Work should be undertaken in line with working practices outlined in sections 4.1.1 to 4.1.2 inclusive of the 'Nocturnal Bat Survey Report September 2023' carried out by Collington Winter Environmental, received on 27th March 2024. If at any time any protected species are

suspected of being present on the site, work should cease immediately, and an ecologist contacted.

*Reason: To safeguard protected species*

9. The precautionary method of works for badgers, hedgehogs, amphibians and reptiles should be undertaken in line with working practices outlined in the 'Preliminary Ecological Appraisal Report' by Collington Winter Environmental, received on 27th March 2024. If at any time any protected species are suspected of being present on the site, work should cease immediately, and an ecologist contacted.

*Reason: To safeguard protected species*

10. Prior to any earthworks or demolition a management strategy and bio-security plan for cotoneaster shall be submitted to and agreed in writing by the local planning authority. The agreed strategy and plan shall thereafter be adhered to and implemented in full.

*Reason: Due to the presence of species, listed under schedule 9 part 2 of the Wildlife & Countryside Act 1981 (as amended).*

11. Prior to the first occupation of the dwellings hereby approved bird and bat box provision shall have been created detail of which shall be submitted to and approved in writing by the local planning authority.

*Reason: To mitigate habitat loss and offset biodiversity losses.*

12. Foul and surface water shall be drained on separate systems. Surface water shall be drained in accordance with the hierarchy of drainage options in national planning practice guidance. In the event of surface water discharging to public sewer, the rate of discharge shall be restricted to the lowest possible rate which shall be agreed with the statutory undertaker prior to connection to the public sewer.

*Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.*

13. Prior to any works taking place above DPC level, the following details shall be submitted to and approved in writing by the Local Planning Authority:

- a) Details of the colour, form and texture of all external facing materials to the proposed dwellings
- b) Details of the colour, form and texture of all hard ground- surfacing materials.
- c) Location, design and materials of all fences, walls and other boundary treatments.
- d) The finished floor level of the proposed dwelling and any detached garages

The development thereafter shall be completed in accordance with the approved details. Prior to the first occupation of the dwelling hereby permitted all fences and walls shown in the approved details to bound its plot shall have been erected in conformity with the approved details.

*Reason: In the interests of the visual amenities and character of the area and to provide reasonable standards of privacy to residents.*

14. During the construction period, all trees to be retained shall be protected in line with the measures in the 'Arboricultural Impact Assessment and Arboricultural Method Statement' carried out by GM Tree Consultants, received on 27th March 2021.

*Reason: To safeguard the trees to be retained.*

15. Before any tree felling is carried out full details of 11no. replacement trees shall have been submitted to and approved in writing by the Local Planning Authority. The replacement tree planting shall be carried out in accordance with the approved details within the first planting season (October to March inclusive) following completion of development



*Reason: To safeguard the visual amenity of the area.*

16. The window to the en-suite bathroom in the first floor of the rear elevation of Plot 2 (shown on plan ref: 3H1269 (Plot 2), Received on 27 March 2024) shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the local planning authority.

*Reason: In the interests of the privacy of occupiers of neighbouring property.*

17. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
- (iii) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

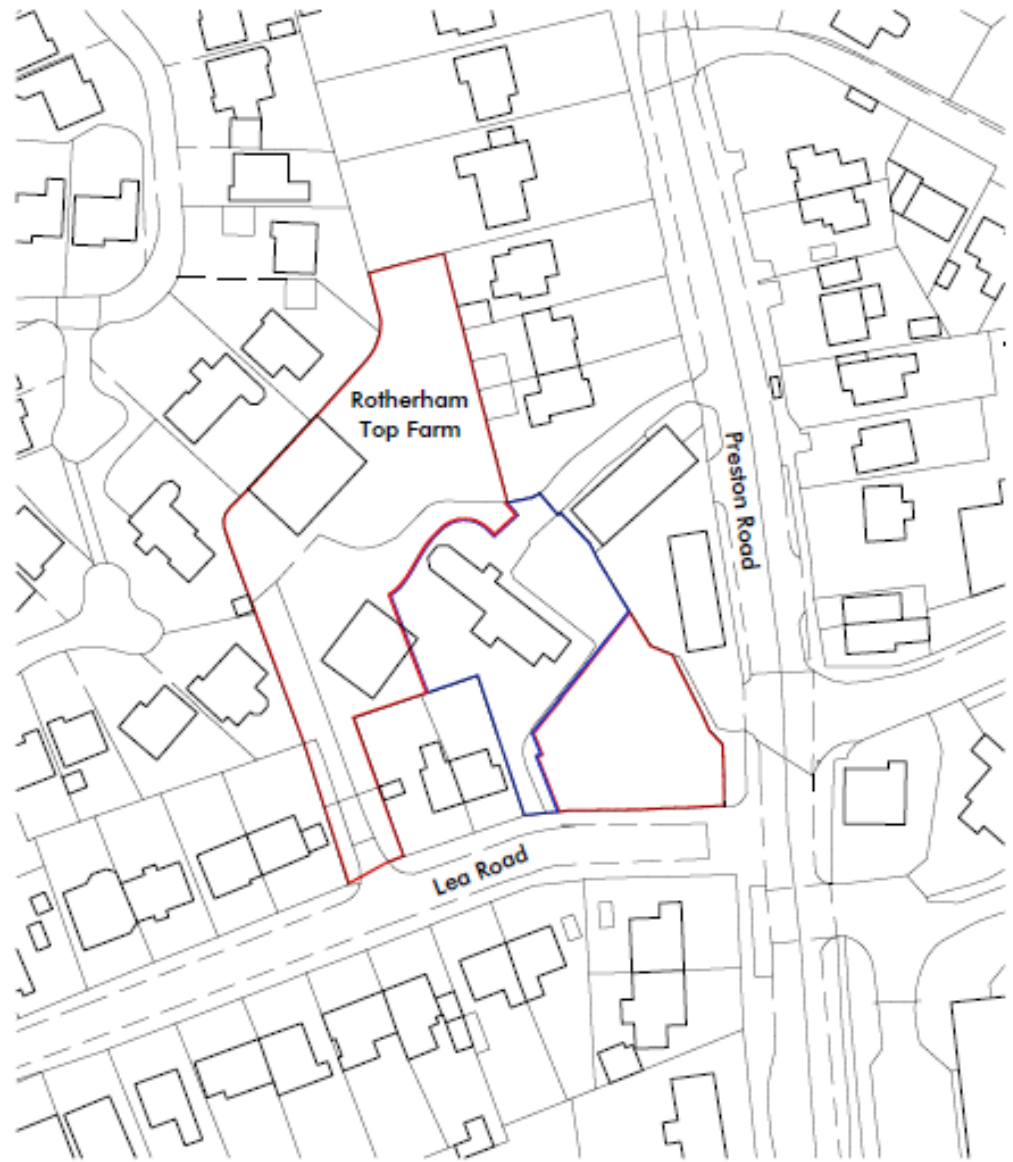
The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

*Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.*

18. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

*Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.*

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**LOCATION PLAN 1:1250**

0m 125m

Scale 1:1250

Revision Notes:

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**APPLICATION REPORT – 24/00557/FUL**

**Validation Date: 1 July 2024**

**Ward: Chorley South East And Heath Charnock**

**Type of Application: Full Planning**

**Proposal: Use of the land as a residential Gypsy and Traveller site with the siting of up to seven caravans, of which no more than three can be mobile homes, and the retention of the utility block and site entrance.**

**Location: 2 Heath Paddock Hut Lane Heath Charnock Chorley PR6 9FP**

**Case Officer: Mr Iain Crossland**

**Applicant: Mr Michael Linfoot**

**Agent: Mr Michael Hargreaves MH Planning**

**Consultation expiry: 1 August 2024**

**Decision due by: 18 October 2024 (Extension of time agreed)**

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**RECOMMENDATION**

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

**SITE DESCRIPTION**

2. The application site is located in the Green Belt some 5 kilometres from Chorley town centre, and some 2 kilometres from the centre of the village of Adlington, which merges into the adjoining village of Heath Charnock.
3. The site comprises approximately 1,372 square metres of land located on the eastern side of the M61 between the motorway and Hut Lane and lies to the south of residential properties at Olde Stoneheath Court and Red Row. It is situated between the settlement areas of Adlington and Chorley and forms the south western portion of a larger triangular site of 2,527 square metres known as Heath Paddock, which is screened by fencing and tree planting on all three sides.
4. The character of the area is rural, with clusters of housing. The M61 motorway and associated motorway structures are also a defining feature of this area.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

5. This application seeks planning permission for the permanent use of the land as a residential Gypsy and Traveller site with the siting of up to seven caravans, of which no more than three can be mobile homes, and the retention of the utility block and site entrance.

**APPLICANT'S CASE**

6. The applicant's agent has submitted the following comments in support of the application.

7. Apart from being for permanent permission, the proposals are the same as approved for the temporary permission, 21/0072/FUL except for one difference. The difference is that, rather than being for the siting of two mobile homes and five touring caravans, the current application is for up to seven caravans, of which no more than three can be mobile homes. This wording means the site would accommodate the same number of caravans, but with the additional flexibility for three of them to be mobile homes.
8. The assessment of need for 10 pitches in Chorley in the 2015 and 2022 GTAA's is based on assumptions about the needs of the Linfoot / Bird family. Table 6.1 of the 2022 Assessment lists an existing need for accommodation for 4 households and an assumption of a need for accommodation for 6 emerging households.
9. Our understanding is that the 4 existing households who were identified as in need were Mr and Mrs Linfoot and their sons, John Bird and his family, Mr and Mrs Bird senior, and a nephew who was living with his grandparents. The need for accommodation for 6 emerging households was based on the ages of the teenage children and an assumption they would form new households at a relatively young age.
10. The reality is more nuanced. The nephew has left the site and is living elsewhere. One of John Bird's daughters has married and is living with her husband's family in another part of the country. The Linfoots are applying for the third mobile home on the basis of an expectation their eldest son will marry. As Gypsy people do, the family have used the accommodation flexibly to respond to changing needs and avoid family members being made homeless. They intend to carry on doing this, but depending on what happens, there may come a point where the site would not be adequate for all of the family's needs.
11. Each time Mr Linfoot applied for planning permission on Hut Lane, the Council granted a temporary permission decision based on assumptions about how quickly Cowling Farm could be developed, assumptions which always looked optimistic.
12. The Council and Homes England commissioned a significant amount of technical work. We are not party to that work, nor to its financial implications. However, our understanding is that the road access has added to the construction costs, and combined with the costs of drainage, utilities and ground levelling it has meant that development of the Traveller site is likely to be very expensive. From Homes England's perspective the scheme would represent poor value for money. There was consultation on a masterplan in Autumn 2018. This was due to be followed by a planning application, but this has never happened. Given the development constraints and lack of progress it should now be accepted that Cowling Farm is not viable and will not happen.
13. The Linfoot / Bird family are in need of accommodation. The failure to develop Cowling Farm means if the current planning application is refused, that permission in March 2025 at the end of the existing planning, they will be homeless with no suitable alternatives available to them. Together with the lack of a 5 year supply of deliverable sites, these factors should carry substantial weight in favour of granting permanent permission.
14. The Linfoots have had five separate permissions. A further temporary permission would be a sixth. Government policy states that it will rarely be justifiable to grant a second temporary permission. Further permissions should normally be granted permanently or refused if there is clear justification for doing so. A temporary permission may be appropriate where a trial run is needed to assess the effect of the development (which is not the case here) or where it is expected the circumstances will change at the end of the period. The rationale for the temporary permissions was that with the development of Cowling Farm circumstances will change and the Linfoots could relocate to the new site. This position is no longer tenable. There is no evidence Cowling Farm site will ever be developed, which adds significant weight to granting permanent permission.
15. Adequate appropriate residential accommodation is central to the social objective of sustainable development, NPPF para 8b). Accommodation stress and shortage is endemic among Gypsy people and lies behind much of the other deprivation from which many Gypsy

people suffer. Local authorities very often underestimate need for accommodation and fail to make allocations. The shortage of accommodation forces people to provide their own homes, as the Linfoots have done. The fact that they have had to repeatedly apply for permission, but only been granted temporary permission because of relocation to Cowling Farm has been financially costly for the family but also extremely stressful, always having hanging over them uncertainty about how long they will be able to stay in their home.

16. In favour of granting permanent permission, the unmet need for accommodation, the complete absence of alternative accommodation, that the Council does not have a five-year supply of deliverable sites for Gypsies and Travellers, the stress on, and costs for, the applicants from having to make repeated planning applications, and the implications for way indirect discrimination and the public sector equality duty. Apart from that it is the Green Belt, the site at Hut Lane is highly suitable. It is available, and already developed as a good quality Traveller site at zero cost to the public purse, which of itself should carry weight. While it is in the Green Belt, it is not in the open countryside, but with Olde Stoneheath Court and the cottages, farm and related development forms a cluster of development adjacent to the M61. It is well screened by trees and fencing so that views into the site are minimal, and the impact on the loss of openness limited. The fact it was covered by hardcore from when used for motorway construction means it is previously developed land. Together, these factors substantially outweigh the harm consequent on the development and provide the very special circumstances for granting permanent planning permission.

## REPRESENTATIONS

17. Representations in support of the application have been received from 88no. individuals. These include the following comments:
- The site has now been occupied for 15 years and there is no alternative provision.
  - The allocated traveller site at Cowling Farm is not deliverable and has not progressed.
  - There is no reason to spend public money on the delivery of an alternative site at Cowling Farm.
  - There site is well screened and has a limited impact on the openness of the Green Belt.
  - No risk of urban sprawl, the site is within a cluster of development.
  - Other residential development have been granted in the Green Belt.
  - The site is well managed.
  - The family should not be discriminated against and the traveller way of life should be supported.
  - The process and uncertainty is causing the applicant's stress.
  - The family are settled and part of the community.
18. Representations have been received from 45no. individuals citing the following grounds of objection:
- Inappropriate development in the Green Belt.
  - No very special circumstances to outweigh Green Belt harm.
  - The children are no longer in school and are no longer a consideration in the determination of the application.
  - There is no longer an identified need for the family at this site, as two members have left and the application seeks not to restrict the site to family members only.
  - Harmful to the purposes of including land within the Green Belt.
  - Unsustainable location.
  - There are other alternative sites that are not in the Green Belt.
  - There is an application for an alternative site that is not in the Green Belt.
  - Detrimental impact on the appearance and character of the countryside.
  - Granting permission would set a precedent for such developments.
  - The occupiers do not meet the definition of travellers.
  - Lighting causes light pollution.
  - Noise and pollution from the motorway concerns for residents.
  - The site was once wooded and should be returned to its previous state.
  - Commercial activity is carried out contrary to the terms of the temporary permission.
  - The site is too small to meet the applicant's requirements.

- The family have not integrated with the community.
19. An objection has been received from Paul Sedgwick (dated 29 July 2024) on behalf of a group of local residents, in relation to the application as originally submitted, and is set out as follows:

*I represent the group of residents living in the vicinity of the planning application site on land off Hut Lane. My clients again object most strongly to the current application proposals to intensify this inappropriate use and make the site permanent. There are very strong town planning considerations in support of their concerns, which I set out below.*

*The site currently has a limited period planning consent for:*

*Change of use of the land to a residential Gypsy and Traveller site involving the siting of two mobile homes and five touring caravans and retention of the utility block and access*

*Condition 3 of that consent states*

*“3. The permission shall expire on the 31 March 2025, following which the use shall cease and the land restored in accordance with the requirements specified in condition 4 of this permission”.*

*The planning application validated on 01/07/2024 is for:*

*Use of the land as a residential Gypsy and Traveller site with the siting of up to seven caravans, of which no more than three can be mobile homes, and the retention of the utility block and site entrance.*

*The supporting statement submitted as part of the application makes it clear that:*

- *the applicant seeks permanent permission for the traveller’s site,*
- *the children (whose best interests formed much of the past case of very special circumstances justifying the grant of the limited period permission) are no longer children,*
- *two people formerly in need of accommodation have left the site and live elsewhere,*
- *the additional mobile home does not meet an existing need but is sought on the expectation that the applicant’s eldest son will marry in due course and come to live on the site with his wife, as is traveller custom,*
- *The restriction of occupancy of the site to named individuals is opposed, confirming that the Linfoot/Bird family no longer argue that they have a specific need for this Green Belt site, and that it could be marketed generally for traveller accommodation.*

*It is relevant in determining this application that there is currently an application on another site in Chorley, off Town Lane, Whittle-le-Woods, for change of use of 0.40ha of land to form a 7-pitch traveller family caravan site. This site is not in the Green Belt, and if it is approved it would meet the council’s current local plan requirement for permanent traveller site provision.*

*National planning policy is set out in PPTS (Planning Policy for Travellers Sites) published in August 2015. Policy E, at §16, states:*

*“Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.”*

*Given the changing circumstances noted above, and in particular that the test of ‘best interests of a child’ no longer applies, any personal circumstances and unmet need of the Linfoot/Bird families does not establish the very special circumstances needed to clearly outweigh harm to the Green Belt.*



*Despite the attempt in the supporting statement to degrade the weight to be attached to the Green Belt in this location, the fact is that the site is within the Green Belt and the development does cause harm to the openness of the Green Belt. This is not mitigated by any arguments that the site is well-screened, is brownfield land, or is otherwise degraded by the presence of the M61 motorway and Olde Stoneheath Court. Contrary to the assertions made in the supporting statement, the site is clearly visible from the public highway and to neighbours, it is in the open countryside, aerial photography from 2000 shows the site and adjacent land to have been greenfield (see annexed views), any screen planting is not permanent and does nothing to mitigate the harm to Green Belt policy that would be caused by inappropriate development.*

*It can be noted that the applicant agrees with the government's planning practice guidance on temporary consents, which states:*

*"It will rarely be justifiable to grant a second temporary permission (except in cases where changing circumstances provide a clear rationale, such as temporary classrooms and other school facilities). Further permissions can normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning permission will then be granted permanently."*

*The LPA has agreed hitherto that changing circumstances have provided adequate rationale for granting more than one temporary permission. However, as discussed above, the circumstances presented by the applicant has changed over time to an extent that there can be no rationale to grant a further consent, temporary or permanent, for a development that offends Green Belt policy without the very special circumstances that could be compliant with Policy E of PPTS.*

*It is therefore requested that the application be refused for not demonstrating the VSC's necessary for development to be permitted in the Green Belt, and that, in due course, the extant temporary consent to 31/03/2025 is not renewed.*

## **CONSULTATIONS**

20. **United Utilities:** provided standard advice and has no further comment on this application.

21. **Heath Charnock Parish Council:** considered this application at its meeting on 8 August 2024. The planning history of the site, Chorley Council's proposal to establish a Gypsy and Travellers site at Cowling Brow and this specific application were all discussed.

The Cowling Farm site is allocated as a mixed use development under policy HS1.5/EP1.6 of the Chorley Local Plan 2012 - 2026. This sets out that provision will be made for a minimum of 5 permanent Gypsy and Traveller pitches on 0.4ha of land. The proposed draft Central Lancashire Local Plan has been subject to initial public consultation. Once formally approved, it will provide the ongoing strategic planning guidance from 2026 onwards. It states that up to 10 pitches are required in Chorley to comply with the UK Government's Planning Policy for Traveller Sites. The Parish Council assumes the focus for this provision will continue to be at the proposed Cowling Farm site despite the delay to its proposed development.

22. The Parish Council proposed that a further temporary extension of the previous consent 21/00072/FUL which is due to expire on 31 March 2025 should be approved to allow the applicant and family to continue to live at Hut Lane under exactly the same terms and conditions until the Cowling Farm site is ready for occupation. As requested, this would retain authorisation for a maximum of seven units of which up to three could be mobile homes to meet the present needs of this family.

## **PLANNING CONSIDERATIONS**

### **Planning history**

23. During the 1990s, the land was used to store timber and wood shavings without planning permission and enforcement action was taken. An appeal against the enforcement notice

was dismissed and the land was cleared of stored timber and sawdust. The land then regenerated naturally with trees and undergrowth covering the site until 2008 when the trees and undergrowth were removed. In 2008, an application was submitted to erect a stable on the land together with an exercise area for horses. The application accorded with both Green Belt policy and the Council's supplementary planning guidance on development involving horses and planning permission was granted.

24. In June 2009, the Council received reports that caravans had been moved onto the land and were being occupied for residential purposes. On investigation it was found that 12no. caravans were being occupied for residential use on the land and that other vehicles and a catering trailer were parked on the land. The land itself had been covered with hardcore materials to form an area of hardstanding and a utility block had been erected, together with gate pillars, lighting and a new vehicular access formed. As the site lies within the Green Belt it was considered expedient to issue a Temporary Stop Notice to prevent any further development taking place.
25. A planning application was submitted retrospectively to the Council for consideration in respect of the development and sought temporary permission for a period of 3-4 years, and this was considered by Development Control Committee on the 18 August 2009 when members resolved to refuse the application and authorised the issue of enforcement notices in respect of the unauthorised development on the land.
26. Following the issue of enforcement notices, the notices were appealed together with the refusal of planning permission. The appeals were heard at a Public Inquiry in March 2010; the appeals were dismissed on 13 May 2010, and the enforcement notices upheld with variations
27. Following the Inspector's notice of decision, legal challenges seeking leave to appeal the Inspector's decision were lodged with the High Court under Sections 288 and 289 of the Town and Country Planning Act 1990 and a hearing was held on the 23 September 2010 in the High Court at Leeds when leave to appeal the decision under Section 289 was refused. The right of appeal was on a point of law and could not, therefore, reconsider the arguments put before the Planning Inspector. However, the challenge under Section 288 was not heard at the same hearing and was subsequently withdrawn on 1 November 2010. As a result of the withdrawal of the challenge under Section 288 the compliance periods allowed with the Enforcement Notices began to run.
28. The first period for compliance expired on the 24 June 2011 when the caravans and other vehicles should have been removed from the land. The second compliance period expired on the 21 September 2011 when other restoration works requiring the removal of hardstanding and other operational development were required to be carried out. Following the expiry of the first period of compliance with the enforcement notice on 24 June 2011 the steps required to comply with the notice were not taken and legal proceedings were commenced. The case was heard at Lancaster Crown Court on the 12 November 2012 for mitigation and sentencing following guilty pleas. The court fined Mr Linfoot £400 and gave a 12 months conditional discharge to Mr Boswell the joint owners of the land.
29. On the 3 June 2011 the Council received a further planning application for the land in respect of:- "Change of use of land for the siting of 4 static caravans and 2 touring caravans for residential use, the storage of 2 touring caravans when not in use for working away, retention of double utility block, provision of double stable block, retention of reduced area of hard surface for exercising horses, retention of hard standing for 3 vehicles plus horse box trailer to north of site and provision of new hardstanding for 3 vehicles plus horse box trailer together with retention of existing access at north west corner of site". This represented a decrease in the number of caravans that were on the site when the unauthorised development originally took place.
30. The planning application was due to be determined by the 23 August 2011. Changes made to the planning application during its consideration required further consultation on the planning application, which meant that the planning application was unable to be determined

until after 23 August 2011. That application was appealed as the Council had not determined the application within the required period. A report on the planning application was made to the Development Control Committee meeting on the 6 September 2011 with a minded to refuse recommendation, which was agreed to by Committee. In other words, Council Members confirmed that, had the Council been in a position to determine the planning application, it would have refused it. The appeal was dealt with by Public Inquiry on the 7, 8 and 9 February and 23, 30 March 2012. On the 22 May 2012 the appeal was dismissed.

31. Following the Inspector's notice of decision a legal challenge was lodged by the applicant against the Inspector's decision with the High Court under Section 288 of the TCP Act 1990 and a hearing was held on the 7 November 2012 in the High Court at Manchester. The decision of the Judge was to quash the Inspector's decision and remit the case back to the Planning Inspectorate for rehearing. The challenge was successful on the very narrow ground of temporary permission and adequate reasoning. A date for a new Public Inquiry was set for the 24, 25, 26 and 27 September and 1 October 2013.
32. On 4 February 2013 the Council obtained an injunction against members of the Bird, Boswell and Linfoot families. As part of that process Mr and Mrs Boswell gave an undertaking, conditional on planning consent not being granted for the siting of caravans on the land, not to take up residence on the site. Mr Linfoot agreed, if the redetermination of the appeal was unsuccessful, that he would vacate the site within 3 months of such a decision.
33. On the 26 April 2013 a planning application was submitted for the continued temporary use of the site relating to a reduced site area. Temporary planning permission was granted for a period of 2 years which expired in July 2015.
34. A further planning application seeking a further temporary permission was submitted in June 2015. This was approved subject to a temporary period of 2.5 years, in consideration of an allocated Gypsy and Traveller site and its anticipated delivery timescale.
35. The Gypsy and Traveller site was not progressed within this time period and, therefore, a further application (ref. 18/00024/FUL) was submitted seeking a permanent consent for the use of the land. This was submitted in January 2018, and in July 2018 the application was approved subject to a temporary period of 3 years, in consideration of a master planning exercise and project plan for the delivery of the Cowling Farm Gypsy and Traveller site, which detailed timescales for delivery.
36. In September 2018 an application (ref. 18/00905/FUL) was submitted that sought to add the ability to accommodate a further two touring caravans at the site in response to a change in circumstances. In the event it was considered that one additional touring caravan could be supported on the basis of very special circumstances owing to the circumstances of the family group to which the application related and their identified need within the Central Lancashire Gypsy & Traveller Accommodation Assessment (GTAA). In January 2019 a temporary permission was granted for a time period reflecting that which had been previously approved under planning permission 18/00024/FUL.
37. The Gypsy and Traveller site was again not progressed within this time period and, therefore, a further application (ref. 21/00072/FUL) was submitted seeking a permanent consent for the use of the land. This was submitted in January 2021, and in December 2021 the application was approved subject to a temporary period of 3 years and 3 months, in the absence of an alternative site and in consideration of a timeline for the delivery of the Gypsy and Traveller site at Cowling Farm that had been devised by the Council's Director of Commercial Services, responsible for Development and Business, and presented to the Local Planning Authority. This set out that a planning application would be submitted in early 2022 with negotiations with Homes England concluded early in 2022. It was anticipated that work would start on site in mid 2023 with the site completed in the middle of 2024 and operational early in 2025.
38. No planning application for the Gypsy and Traveller site at Cowling Farm has been submitted and the site remains undelivered. The current application has been submitted in

the absence of an alternative Gypsy and Traveller site in the area, and on the basis that the temporary permission granted under application reference 21/00072/FUL is due to expire on 31 March 2025, and is seeking permanent consent.

### **Principle of development**

39. The site is located in the Green Belt. The National Planning Policy Framework (the Framework) sets out the importance attached to Green Belts at paragraphs 142 to 156. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
40. Paragraph 154 of the Framework states that the construction of new buildings in the Green Belt will be considered inappropriate. There are seven exceptions to inappropriate development listed at paragraph 154, of which none are directly relevant to this case. Paragraph 155 states that six other forms of development are also not inappropriate in the Green Belt provided that they preserve openness and do not conflict with the purposes of including land within Green Belt.
41. The exception set out at paragraph 155.e) allows for:  
*“material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds”).*
42. As such the proposal has the potential to engage with paragraph 155 of the Framework subject to preserving openness. The siting of up to seven caravans, of which no more than three would be mobile homes, and the retention of the utility block results in a spatial and visual impact on openness in this location, where the land was previously free from development. Given that the land was previously open and free from development the change of use of the land to that of permanently sited caravans does not preserve openness and, therefore, the proposed development does not fall within this or any other exception to inappropriate development in the Green Belt.
43. Paragraph 152 states that *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”*
44. Paragraph 153 goes on to state that *“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”*
45. The Government first published ‘Planning Policy for Traveller Sites’ (PPTS) alongside the Framework in 2012. These documents replaced all previous national planning policy in respect of Gypsies and Travellers and Travelling Showpeople. The PPTS was then revised in August 2015.
46. The PPTS is a material consideration in determining planning applications and its overarching aim is to ensure fair and equal treatment for Travellers. It encourages local planning authorities to make their own assessment of need for the purposes of planning, and plan for sites over a reasonable timescale. It aims to promote more private Traveller site provision while recognising that there will always be those Travellers who cannot provide their own sites. It states that plan making and decision taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective.
47. It is within this national policy context that local planning authorities have to plan future provision for Gypsies and Travellers and Travelling Showpeople across their respective areas. The policy emphasises the role of evidence and how it should be used to plan positively and manage development and stresses the need for timely, effective and on-going community engagement (both with Travellers and the settled community). It also requires

the use of a robust evidence base to establish accommodation needs to inform the preparation of local plans and make planning decisions.

48. Policy E (Traveller sites in the Green Belt) of the PPTS states that "*Traveller sites (temporary or permanent) in the Green Belt are inappropriate development.*"
49. PPTS paragraph 27 states that: "*If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary permission. The exception to this is where the proposal is on land designated as Green Belt; sites protected under the Birds and Habitats Directives and / or sites designated as Sites of Special Scientific Interest; Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park (or the Broads).*"
50. The Central Lancashire Core Strategy does not identify any targets for new provision of pitches for Gypsies and Travellers and Travelling Showpeople as no need was identified at that time. Rather, under Policy 8: Gypsy and Traveller and Travelling Showpeople Accommodation, it provides a mechanism through which new provision can be made should a need be identified. This advocates sustainable locations with suitable highway access and space within the site for parking, turning of vehicles and storage of equipment, avoidance of contaminated and unsuitable land, and where there would be no unacceptable impact on the immediate surrounding areas and the wider landscape.
51. Although the site is not in an especially sustainable location, it is within a short driving distance of GP's and other health care provision, education facilities and shops at Adlington and Chorley. There is no immediate public transport available and private vehicle would be the main mode of transport for the occupiers, however, the use of the site would not require or result in long distance travelling. The site benefits from good vehicular access and manoeuvring area, is not contaminated or otherwise unsuitable and is well contained by landscape and other physical features such that there would be no unacceptable impact on the immediate surrounding areas and the wider landscape. Despite the limited sustainability credentials the site is considered to be in general accordance with policy 8 of the Core Strategy.
52. The Chorley Local Plan 2012-26 was adopted on 21 July 2015. Of particular relevance is Policy HS11 relating to provision for Gypsies and Travellers, allocating a site for a minimum of 5 permanent pitches on 0.4ha of land within the mixed use allocation HS1.5/EP1.6 Cowling Farm.
53. This allocation resulted from an updated Gypsy & Traveller Accommodation Assessment (GTAA). This assessed accommodation needs throughout Lancashire, including Chorley and was commissioned in July 2013. It found a need for 5 permanent pitches in Chorley and a transit need of 15 pitches across Central Lancashire (If provided individually Chorley's specific need is 3 transit pitches). No need for a Travelling Showpersons site was found.
54. In June 2015 the final Central Lancashire (GTAA) was published which assessed the accommodation need of Gypsies and Travellers and Travelling Showpeople for each Central Lancashire authority and identified the need for new provision.
55. In July 2019 a Gypsy and Traveller and Travelling Showperson Accommodation Assessment assessed the accommodation need of Gypsies and Travellers and Travelling Showpeople as part of the evidence base for the emerging Central Lancashire Local Plan and also identified the need for new provision and is the most recent evidence available. This identifies a need for:
  - 5 Transit Traveller pitches across Central Lancashire, and
  - A number of Permanent Pitches, 10 of which are required in Chorley.
56. Of this number, the 2019 assessment identified a five-year authorised pitch shortfall between 2019/20 – 2023/23 of 9 pitches (comprising 5 current households living on the application site and 4 emerging households currently on the application site and planning to

live on the site). A longer-term need of 1 additional pitch is identified in the study in the period 2024/25 – 2035/36, bringing the overall total to 10 over this period to 2036.

57. The siting of caravans and mobile homes does not fall within any of the exceptions to inappropriate development as set out in the Framework. Furthermore the PPTS states that *“Traveller sites (temporary or permanent) in the Green Belt are inappropriate development”*. The proposed development, therefore, constitutes inappropriate development in the Green Belt. Substantial weight should be attached to the harm by reason of inappropriateness as set out at paragraph 153 of the Framework. There would also be an impact on openness through the siting of the caravans, mobile homes and utility block.
58. As the proposal is considered to be inappropriate development the tests of paragraph 153 of the Framework are engaged. This sets out that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
59. The harm to the Green Belt comprises:
  - Harm to the Green Belt by reason of inappropriateness to which substantial weight is attached;
  - Harm to openness to which substantial weight is attached.
60. Paragraph 143 of the Framework sets out the five purposes of the Green Belt. An assessment of the application site in relation to the five purposes is set out below:
61. Purpose 1: Check the unrestricted sprawl of large built up areas. The site is located between a housing development at Olde Stoneheath Court, Hut Lane and the M61 motorway, which form clear boundaries to the site. The site is not adjoined to any large built-up area and as such does not fulfil this purpose. The site occupies an enclosed pocket of land and is enclosed by robust and defensible boundaries. Accordingly, the proposed development would not have any material adverse impact on this purpose.
62. Purpose 2: Prevent neighbouring towns merging into one another. Development of the site would not lead to the coalescence of neighbouring villages. The site is located between the nearby settlements of Chorley and Adlington, which are currently separated by existing open countryside. The proposed development would not, therefore, advance the urban form any closer to any of these settlements nor lead to their coalescence.
63. Purpose 3: Assist in safeguarding the countryside from encroachment. The previous development has resulted in the laying of hard surfacing to previously open land for the siting of the caravans and a utility block. This has extended the urban form already presented by the residential development at Olde Stoneheath Court, and introduced built form, moveable structures and domestic paraphernalia further into the open countryside. The proposed development would, therefore, result in encroachment of the countryside.
64. Purpose 4: Preserve the setting and special character of historic towns. This does not apply as the site is not located near a historical town.
65. Purpose 5: Assist in urban regeneration, by encouraging the recycling of derelict and other urban land. The proposed development would have no clear impact on urban regeneration objectives, particularly so given that the allocated Gypsy and Traveller site is not located in an urban area.
66. Based on the above it is considered that the proposed development would be harmful to purpose three of the five purposes of including land in the Green Belt, as the development does result in encroachment to which substantial weight should be attached.
67. The proposed development would result in inappropriate development in the Green Belt, which is harmful by definition, whilst there would be harm to openness and to one of the purposes of including land within the Green Belt. Taken together substantial weight must be attached to these harms.

**Landscape and visual impact**

68. Prior to the current development, the site was open in nature and had been covered with trees/undergrowth. Peripheral trees and shrubs were present, however, gaps in vegetation were wider and more apparent.
69. The development subject of this application is urban in appearance with views of gated access points, stone pillars and caravans and vehicles on the site when seen from public viewpoints, from Hut Lane to the west and, in particular from the motorway bridge at a higher level. This had a discordant effect on the character and appearance of the area, however, it is noted that this effect has reduced to some extent over time as peripheral vegetation has been added to and has become more well established.
70. Existing vegetation outside of the application site serves to filter views of the development during the summer months from most vantage points, and further planting has been added to the site boundaries, although the gated site entrance and stone pillars are very clearly visible from the lane to the north west. During winter months, when there is no leaf cover, the impact of the development is more obvious within the locality and more damaging visually to the rural landscape. This fact was acknowledged by the Inspector during the consideration of the last appeal in 2012 and contributes to the visual dimension of the impact on the openness of the Green Belt. In landscape character terms, however, the development has now been in situ for well over 10 years and has become softened by the peripheral landscaping and vegetation.

**Impact on neighbour amenity**

71. At the Public Inquiry in 2012 the Inspector considered that the effect on the outlook of no. 3 Olde Stoneheath Court (the nearest property to the site) was acceptable as a result of the scale of the original site development, whilst further additional caravans were considered acceptable during the assessment of the previous planning applications, such that the site accommodated two mobile homes and five touring caravans and retention of the utility block. The proposal is now for the siting of up to seven caravans, of which no more than three can be mobile homes, and the retention of the utility block. This would provide the same number of caravans, however, a mobile home would replace a touring caravan. The additional mobile home is identified as being positioned to the north east of the site.
72. Despite this it would be positioned at least 20m from the rear garden to no.3 Olde Stoneheath Court and approximately 40m from the dwellinghouse. Whilst it may be possible to view the site and mobile homes from this property it would be fairly well concealed by boundary fencing with intervening vegetation and the scale of the development is such that it would not result in any neighbour amenity impact. Any resultant increase in traffic movements is not considered to be of a scale that would cause any significant loss of amenity to occupiers of nearby neighbouring properties. It is, therefore, considered that no harm would arise through the impact on neighbour amenity.

**The case for Very Special Circumstances**

73. The applicant's case for very special circumstances centres around the desire of the applicant and his wider family to live in Chorley, and that since their initial occupation of the site in 2009 the family has become settled within the community. In particular the three children attended local schools and Mr and Mrs Linfoot both work in the area, and are active in the community. The family are established in the area and require stability. Similarly Mr Walter Bird and Mrs Sylvia Bird have been settled at the site since 2009, with Mrs Linfoot's brother John Bird, his wife Mrs Jaqueline Bird and their three children having become settled since arriving on the Hut Lane site in December 2018. This occurred due to a lack of alternative accommodation, and their obvious family ties at the Hut Lane site.
74. The July 2019 Gypsy and Traveller and Travelling Showperson Accommodation Assessment (GTAA) identified a need for 5 Transit Traveller pitches and 10 permanent pitches in Chorley, whilst an assessment of need for 10 pitches in Chorley in the 2015 and 2022 GTAA's is based on assumptions about the needs of the Linfoot / Bird family. Table 6.1

of the 2022 Assessment lists an existing need for accommodation for 4 households and an assumption of a need for accommodation for 6 emerging households.

75. It is understood that the 4 existing households who were identified as being in need were Mr and Mrs Linfoot and their sons, John Bird and his family, Mr and Mrs Bird senior, and a nephew who was living with his grandparents. The need for accommodation for 6 emerging households was based on the ages of the teenage children and an assumption they would form new households at a relatively young age, thus totalling a need for 10 pitches.
76. Circumstances have altered since this time with the nephew having left the site and one of John Birds daughters having also left following her marriage. Although this reduces the level of accommodation required at the site, it is clear that there remains a need for pitches at the site that is not currently being met, and at present would appear to amount to 3 existing households and 5 emerging households.
77. The previous temporary planning permission (ref. 21/00072/FUL) allowed for two mobile homes and five touring caravans. This provision is effectively equal to three pitches, which would enable three households to occupy the site, however, this is something of an imbalance considering that a pitch constitutes one mobile home with one touring caravan.
78. It is the applicant's contention that the provision of an additional mobile home in place of a touring caravan would provide the flexibility to meet the family's changing needs. The family intend to continue to manage the site and level of accommodation flexibly to respond to changing needs and avoid family members being made homeless. In this sense and given that the site is occupied by a single family unit there is an insinuation that the site would not be required to achieve the standard level of accommodation prescribed in the PPTS.
79. Policy HS11 of the Chorley Local Plan 2012 – 2026 relating to provision for Gypsies and Travellers, allocates a site for a minimum of 5 permanent pitches on 0.4ha of land within the mixed use allocation HS1.5/EP1.6 Cowling Farm. This site has not yet been progressed and, therefore, no alternative provision for the Linfoot family exists in Chorley at present. The applicant contends that the cost of delivering the Cowling Farm traveller site is not viable and, therefore, the site will not be developed. Nor has there been any progress in delivering the site since the previous temporary application was approved. As such they consider that the rationale for the sequence of temporary permissions, i.e. that the development of the new site at Cowling Farm would enable the Linfoots to relocate, is no longer tenable. As such there remains an unmet need for Gypsy and Traveller residential accommodation in Chorley, and no means of accommodating that need, apart from on the application site at Hut Lane. Without Hut Lane the Council does not have any supply of deliverable sites for Gypsies and Travellers required by para 10a) PPfTS.
80. The applicant contends that the application site is highly suitable to provide the required deliverable site at this present time. It is available, and already developed as a good quality Traveller site. While it is in the Green Belt, it is not in the open countryside, PPfTS para 25, but with Olde Stoneheath Court and the cottages, farm and related development on Hut Lane, forms a cluster of development adjacent to the M61. It is well screened by trees and fencing so that views into the site are limited, and the impact on the loss of openness limited. There is no other alternative suitable site available.

### **Green Belt balancing exercise**

81. It has been established that there is definitional harm to the Green Belt as the proposal is inappropriate development in the Green Belt and also that there is also harm due to the impact on openness, which essentially means free from development, which the site will not be.
82. It is considered that there would be other harm to the purposes of including land within the Green Belt through encroachment. Together these harms must be accorded substantial weight.



83. At the time of the 2013 temporary permission (13/00385/COU) it was considered that very special circumstances were satisfactorily demonstrated on the basis that a temporary consent could be justified due to the accommodation needs of the family. The 2015 application (15/00562/FUL) sought to increase the scale of development by increasing the number of caravans on the site by two (to accommodate other family members who had been identified as part of the assessment of need in the 2015 GTAA). However, in the event the application was subsequently amended to reduce the proposed number of caravans back to the level approved under reference 13/00385/COU i.e. two mobile homes and three touring caravans. It was considered that on the basis of a temporary period and this level of accommodation very special circumstances had been demonstrated as an exception to inappropriate development in the Green Belt.
84. The first 2018 application (ref. 18/00024/FUL) sought to make permanent the consent granted in 2015, given that no alternative accommodation had been forthcoming. The development of a Gypsy and Traveller site in the Green Belt remained inappropriate development and could not, therefore, be supported without the harm being clearly outweighed by very special circumstances. Ultimately it was considered that the needs of the Linfoot family as a settled Gypsy and Traveller group within the Borough, the identified need for Gypsy and Traveller pitches in Chorley as set out in the revised GTAA, and the lack of an alternative Gypsy and Traveller site in the Borough provided very special circumstances to an extent that would support a temporary permission to allow time for alternative accommodation to be made available in the Borough. A temporary consent was, therefore, granted on the basis of a timescale provided by the Council setting out milestones for the delivery of the Cowling Farm Traveller site.
85. The second 2018 application (ref. 18/00905/FUL) sought to increase the scale of development by increasing the number of caravans on the site by one (to accommodate other family members who had been identified as part of the assessment of need in the 2015 GTAA). Again, it was considered that this need could be met for a temporary period on the site, which would be a very special circumstance as an exception to inappropriate development in the Green Belt, given the lack of alternative available accommodation for that specific household at that point in time.
86. A further application in 2021 (21/00072/FUL) sought to make permanent the consent granted in 2018, given that once again no alternative accommodation had been forthcoming. It was considered that the development of a Gypsy and Traveller site in the Green Belt remained inappropriate development and could not be supported without the harm being clearly outweighed by very special circumstances. However, it was acknowledged that the Linfoot family had received more temporary consents than would otherwise be considered justifiable. Nonetheless, the Council continued to remain of the view that the allocated Gypsy and Traveller site at Cowling Farm would be delivered, and had been delayed due to the intervening global pandemic, which has resulted in unprecedented circumstances for Council's in delivering services, and for the development industry.
87. The Council's Director of Commercial Services, responsible for Development and Business confirmed the Council's commitment to delivering the Cowling Farm site and submitted a timeline for the delivery of the site. This demonstrated that although there had been delays to the delivery of the Cowling Farm Gypsy and Traveller site there was a renewed impetus to progress this. The evidence submitted by the Director of Commercial Services set out that the site has been designed to deliver the current need identified in relation to the applicants, currently living at Hut Lane, with the development platform providing an opportunity to increase the number of pitches in the future. It was set out that a planning application would be submitted in the New Year (2022) with negotiations with Homes England concluded early in 2022. It was anticipated that work would start on site in mid 2023 with the site completed in the middle of 2024 and operational early in 2025.
88. Ultimately it was considered that the needs of the Linfoot family as a settled Gypsy and Traveller group within the Borough, the identified need for Gypsy and Traveller pitches in Chorley as set out in the revised GTAA, and the lack of an alternative Gypsy and Traveller site in the Borough provided very special circumstances to an extent that would support a

temporary permission to allow time for the Cowling Farm site to be made available. A temporary consent was, therefore, granted on the basis of a timescale provided by the Council setting a programme for the delivery of the Cowling Farm Traveller site.

89. In the event this programme has not progressed in any discernible way and given the time period that has elapsed since the Cowling Farm site was allocated and the first Council committed to delivering it, it would no longer seem a credible alternative.
90. This lack of progress has led to the submission of the current application, which seeks planning permission to make permanent the consent granted in 2021 and to alter the mix of caravans to three mobile homes and four touring caravans in order to allow for greater flexibility for the family's changing needs, as younger family members seek to start their own families and follow their own independent lives.
91. The 2015 GTAA identified the need for additional pitches in Chorley up to 2026. This identified need was further supported by the Gypsy and Traveller and Travelling Showperson Accommodation Assessment 2019, which identified a need for 5 Transit Traveller pitches across Central Lancashire, and a number of Permanent Pitches, 10 of which were required in Chorley. The requirement for 10 permanent pitches remains in the 2022 GTAA.
92. It is, therefore, accepted that the needs of the wider Linfoot family to have access to pitches in Chorley has become increasingly more pressing. Given that most GTAA households generally consist of a mobile home and touring caravan it is considered that the proposed level and mix of accommodation would provide a suitable level of accommodation in relation to the families that occupy the site currently. As has been set out above family members mature and become independent. Some stay on site, whilst others leave. The extent to which this occurs cannot be known with any certainty, however, it is clear that the number and mix of caravans proposed is required on the site, and if managed flexibly would provide adequate accommodation for the family at this time.
93. The Linfoot's, and other site occupants, desire to live on the site, their community ties and need to form a stable basis on which to support their family have been afforded weight in the past and have resulted in temporary consents having been granted, whilst the Council sought to provide alternative accommodation within the Borough. Although these factors were not considered to constitute the very special circumstances required to overcome the definitional harm to the Green Belt and additional harm caused through encroachment previously, in consideration of a permanent Gypsy and Traveller site, this was on the basis that a permanent site would be provided.
94. However, the circumstances under which the temporary permissions were granted in 2013, 2015, 2018 and 2021 remain, whilst the prospect of an alternative site is no nearer and no evidence has been presented that the allocated site at Cowling Farm will be delivered. Even if it were, masterplans and programmes have been provided previously but have not materialised. The Linfoot family, and other occupants, still have no alternative provision within the borough, yet continue to have a need to support their family and have stability as settled members of the Chorley community, with them having become more embedded within the community through residing at the site for 15 years. These circumstances have in the past resulted in the issuing of temporary planning permissions on the basis of very special circumstances, however, whilst their attachment to the Borough has grown, the prospect of an alternative site has become more distant.
95. Regarding any further temporary consent, current National Planning Policy Guidance (NPPG) states that: *"It will rarely be justifiable to grant a second temporary permission (except in cases where changing circumstances provide a clear rationale, such as temporary classrooms and other school facilities). Further permissions can normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning permission will then be granted permanently."* Paragraph: 014 Reference ID: 21a-014-20140306 - Revision date: 06 03 2014. Five temporary permissions have now been granted at this site, two of which had the

same expiry date (18/00024/FUL and 18/00905/FUL). The applicant is applying for permanent planning permission for the change of use of the land to a residential Gypsy and Traveller site involving the siting of up to seven caravans, of which no more than three can be mobile homes and retention of the utility block and access. However, a further temporary consent cannot be justified.

96. In the absence of an alternative site, the continued presence of the Linfoot family at the application site, their 15 year occupancy as a settled Gypsy and Traveller group within the Borough, the need for Gypsy and Traveller sites within the Borough as identified by the 2019 and 2022 GTAA, and lack of any supply or any credible prospect of the allocated site at Cowling Farm being delivered it must be concluded that the particulars of this case when taken together carries significant weight in support of the application. It is considered that the significant weight attached to this case amounts to very special circumstances which, on balance, outweighs the harm to the Green Belt and any other harm. The proposal, therefore, complies with paragraphs 152 and 153 of the Framework.

#### **Commercial restriction on site**

97. The previous temporary permission was subject to the following condition:

*“No commercial activities shall take place on the land including the storage of materials, plant or equipment.*

*Reason: In order to protect the amenities of the area and the residential occupiers of dwellings in the vicinity.”*

98. The condition seeks to strike a balance between the reasonable day to day activities of the applicant to park his work vehicle and travel to and from work and to protect the amenities of the Green Belt and occupiers of residential properties in the vicinity. To permit storage use through the allocation of a specified area would be inconsistent, as it would interfere with the openness of the Green Belt and amenity of nearby residents. Allowing commercial uses has the potential for increased commercial activity, which may give rise to further harm. It is also considered realistic that the applicant could rent a commercial storage facility on an appropriate site in the Borough within a commutable distance of the Hut Lane site. It is, therefore, considered that the previous condition is reasonable, clear and enforceable and it is, therefore, considered that such a condition should be re-imposed should planning permission be granted.

#### **Other matters relating to the status of the applicant as falling within the Gypsy and Traveller definition.**

99. The Lisa Smith case challenged the definition of Gypsies and Travellers for planning purposes in Annex 1 to the 2015 edition of Planning Policy for Traveller Sites. It tried to establish that the Planning Policy for Traveller Sites definition was unlawful because it discriminates against the elderly and disabled who cannot come within the definition because they have ceased travelling permanently on grounds of old age or ill health. The case was dismissed. The effect of the Court's decision for the current application is that the position remains unchanged.
100. To be a Gypsy and Traveller for planning purposes someone needs to follow a nomadic habit of life. Nomadic habit of life is not defined in Planning Policy for Traveller Sites, but has evolved over time through a series of case law decisions. Those decisions effectively amount to a need to travel for a proportion of the time for purposes, which must have an economic element. Other purposes like visiting fairs and family can contribute as long as there is an economic element.
101. In the early years of the use of the site for the siting of caravans, notably at the Public Inquiry against the refusal of application 11/00484/FUL (which was dismissed, but then quashed in the High Court) and at the examination into the Chorley Local Plan between 2013 and 2015 the applicant submitted evidence about the Gypsy and Traveller status of the Linfoot / Bird family. For instance, witness statements by Walter Bird and Patty Linfoot. This

evidence established that the Linfoot / Bird family follows a nomadic habit of life. The two Central Lancashire Accommodation Needs Assessments of January 2014, and updated in June 2015 also confirmed the Gypsy status of the families.

102. On the basis that they have not ceased travelling, the change in definition introduced in the 2015 edition of Planning Policy for Traveller Sites (which was the basis of Lisa Smith's legal challenge) has not changed the situation, and it remains there is an intention to continue to travel in the future. The Lisa Smith case does not give a reason for it to take a different position.

### OVERALL CONCLUSION

103. Planning policy for Travellers sites states that new Gypsy and Traveller sites in the Green Belt are inappropriate development. The proposed development is considered to be inappropriate development within the Green Belt and as such can only be considered acceptable if there are very special circumstances which clearly outweigh the substantial harm to the Green Belt (by reason of inappropriateness) and any other harm. This has to be weighed against the requirement for local authorities to identify need and provide a 5 year supply of sites.
104. The previous temporary permissions granted in 2013 and 2015 were issued on the basis that very special circumstances were demonstrated. Although the situation has altered since these very special circumstances were accepted further temporary consents were granted in 2018 and 2021 on the basis that an alternative site at Cowling Farm would be delivered and that the family would then have alternative accommodation with the Borough. There remains no alternative provision for Gypsy and Travellers in the Borough, whilst the family have become settled and more embedded within the community.
105. In conclusion, it is considered that on balance, the particulars of this case amounts to sufficient very special circumstances, such that they overcome the harm to the Green Belt and other harm, and tip the balance in favour of granting planning permission.

### RELEVANT HISTORY OF THE SITE

**Ref:** 13/00385/COU      **Decision:** PERTCA      **Decision Date:** 19 July 2013  
**Description:** Change of use to a residential Gypsy and Traveller site involving the siting of 2 mobile homes, 3 touring caravans (1 of which is for storage only when not away travelling), and retention of a utility block, and access at the north west corner of the site for a temporary period of 4 years

**Ref:** 13/01061/FUL      **Decision:** PERTCA      **Decision Date:** 16 January 2014  
**Description:** Variation of Condition 1 of planning permission 13/00385/COU to allow the replacement of wood chippings with limestone chippings to a depth of 6-8 cm.

**Ref:** 15/00562/FUL      **Decision:** PERFPF      **Decision Date:** 18 September 2015  
**Description:** Change of use to a residential Gypsy and Traveller site involving the siting of two mobile homes and three touring caravans (one of which is for storage only when not away travelling) and retention of the utility block and access for a temporary period of two and half years.

**Ref:** 18/00024/FUL      **Decision:** PERFPF      **Decision Date:** 20 July 2018  
**Description:** Change of use of the land to a residential Gypsy and Traveller site involving the siting of two mobile homes and three touring caravans (one of which is for storage only when not away travelling) and retention of the utility block and access

**Ref:** 18/00905/FUL      **Decision:** PERFPF      **Decision Date:** 6 February 2019  
**Description:** Change of use of the land for a temporary period to a residential Gypsy and Traveller site involving the siting of two mobile homes and four touring caravans and retention of the utility block and access

**Ref:** 21/00072/FUL      **Decision:** PERFPP      **Decision Date:** 22 December 2021

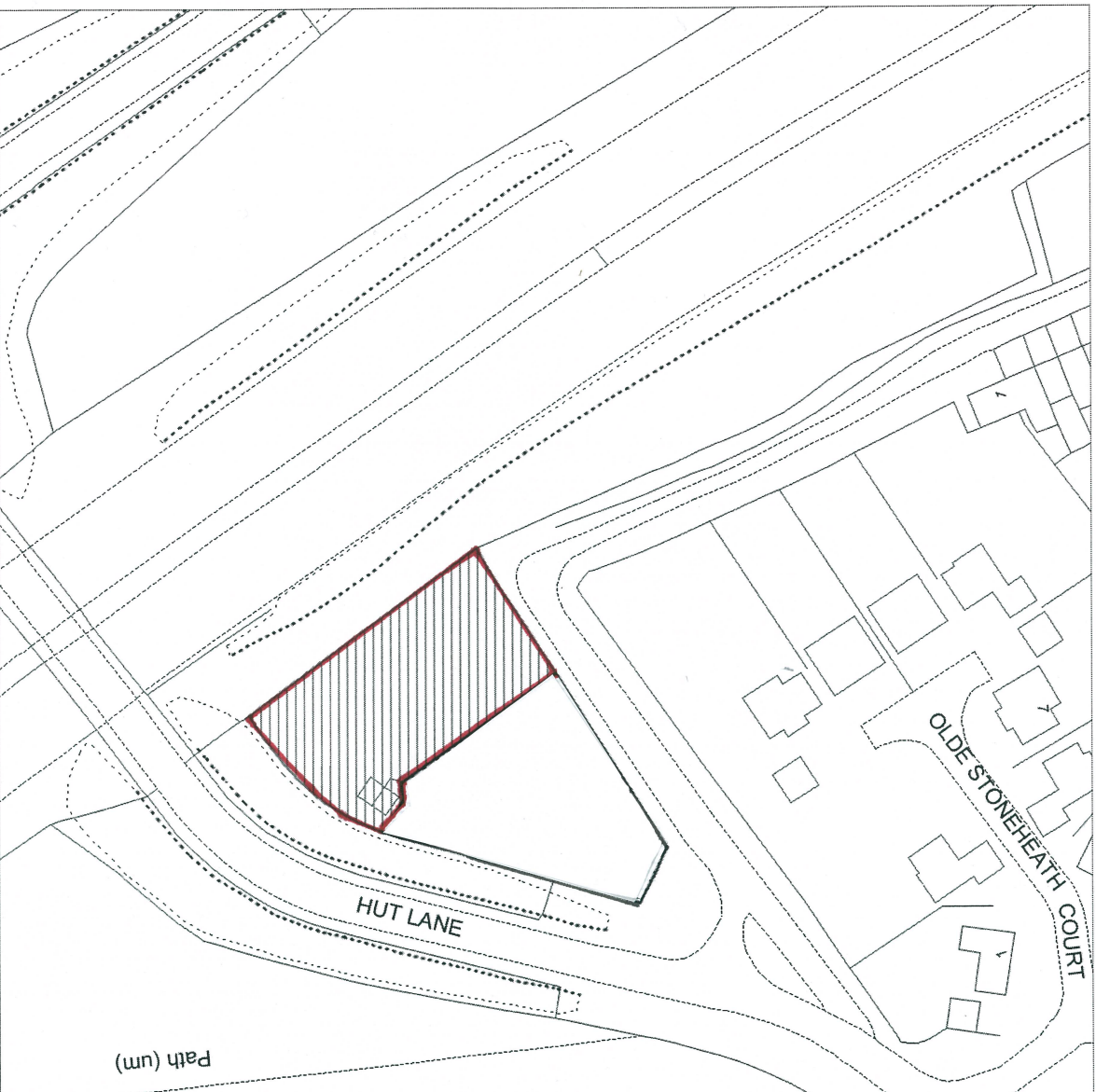
**Description:** Change of use of the land to a residential Gypsy and Traveller site involving the siting of two mobile homes and five touring caravans and retention of the utility block and access

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

Suggested conditions

To follow.

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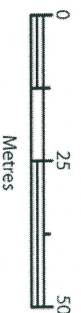
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Scale 1:1250



Hut Lane Temporary  
Location Plan

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**APPLICATION REPORT – 23/00981/FULMAJ****Validation Date: 15 November 2023****Ward: Buckshaw And Whittle****Type of Application: Major Full Planning****Proposal: Erection of 280no. dwellings with associated landscaping, drainage and other infrastructure.****Location: Land North of Town Lane Town Lane Whittle-Le-Woods****Case Officer: Mike Halsall****Applicant: Redrow Homes Limited****Consultation expiry: 16 May 2024****Decision due by: 31 October 2024 (Extension of time agreed)**

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**RECOMMENDATION**

1. It is recommended that planning permission is granted, subject to:
  - i. Conditions; and
  - ii. 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 £485,240 (or £681,240 if private maintenance not proposed).
    - Highways contributions of £18,000 towards LCC Highways Services involvement in a Travel Plan and an annual £175,000 contribution for 5 years for public transport improvements.
    - Contribution of £43,857 for the improvement of Public Right of Way ref. FP0922014.

**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 17.8 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. There have been two previous planning applications on part of this site (13.27 hectares), the first 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. The appeal was subsequently dismissed by the Planning Inspectorate ref. APP/D2320/W/21/3272314 on 18 February 2022, principally on highways related grounds.

5. The applicant subsequently overcame the reasons for refusal of the above referenced application with a revised outline application, ref. 22/01142/OUTMAJ, and Planning Committee resolved to grant planning permission in June 2023, with the decision being issued in February 2024, following the signing of a S106 agreement. Outline planning permission was granted for the erection of up to 250no. dwellings and associated infrastructure (including 30% affordable housing) with all matters reserved aside from the access from Town Lane. This approval is a key material planning consideration in the determination of this current application.
6. The current application seeks full planning permission, rather than outline like the previous proposals, and includes additional land to the east, taking the site boundary up to the M61 motorway, and seeks planning permission for the erection of 280 dwellings, rather than 250 dwellings as previously approved.

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

7. The application seeks full planning permission for the erection of 280 dwellings with associated landscaping, drainage and other infrastructure.
8. 30% of the dwellings are proposed to be affordable, with a split of 70% in social rent and 30% in shared ownership.

#### **REPRESENTATIONS**

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

##### Traffic and Transportation:

- Highway and pedestrian safety
- Lack of footpaths
- Traffic / congestion
- Narrow listed canal bridges
- Damage to roads during construction period from HGVs

##### Amenities:

- Schools, dentists, chemists and doctors are at full capacity
- No shops in walking distance

##### Flood risk / drainage:

- Flooding is apparently an issue with other new development in the area
- There are flood risk fears downstream adding to flooding issues in the village
- Increased surface water runoff
- Extra pressure on sewerage system

##### Pollution:

- rural area is subject to land restrictions with regard to previous waste disposal and should not be disrupted
- Hazardous and possibly nuclear waste has been deposited historically in an adjacent landfill site
- Emissions from the motorway and other roads

##### Ecology / green space:

- Harm to wildlife
- Loss of open agricultural land
- Deer and other wildlife use the area
- Tree loss
- Overdevelopment
- Ruination of countryside

Amenity:

- Disruption and noise during construction work

Other:

- Large houses not suitable for first time buyers
- Redrow are struggling to sell houses at other sites in the area
- The proposed sweeping brick site entrance is not in keeping with the existing simple 18<sup>th</sup> century honey coloured sandstone houses
- Landscape and visual impacts
- Other more suitable sites
- A Greenbelt site which therefore should be protected, preserved and safeguarded from future development by local government
- Plant some evergreen trees to screen the development
- No need for more houses
- Last remaining fields in the area, people will have to drive elsewhere for a walk
- Should be retirement homes and starter homes.

**CONSULTATIONS**

10. Environment Agency: Have responded with advice to the applicant in relation to permits required for undertaking works in proximity to a main river (the River Lostock) and have requested conditions be attached to securing a remediation strategy for the site to avoid contamination of a surface watercourse and 'secondary aquifer A' located on / below the site.
11. Canal & River Trust: Have not responded to the consultation. However, they did respond to the consultation on the previous application at this site and 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. They stated that the development, during its construction phase, may 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 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.
12. National Highways: Initially responded to request that the Local Planning Authority not determine the application due to outstanding information relating to; evidence that earthworks and associated drainage alongside the M61 comply with national guidance and therefore would not affect the integrity of the strategic road network, and a risk assessment in relation to errant vehicles leaving the highway. They have since confirmed, following a review of revised details from the applicant, that they have no objection to the proposal.
13. Greater Manchester Ecology Unit: Have responded with no objection and have requested that the following should be controlled by conditions:
  - Securing a net gain in biodiversity
  - Secure the submitted lighting scheme
  - A construction environmental management plan to include the following:
    - a) Risk assessment of potentially damaging construction activities.
    - b) Identification of "biodiversity protection zones".
    - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
    - d) The location and timing of sensitive works to avoid harm to biodiversity features.
    - e) The times during construction when specialist ecologists need to be present on site to oversee works.

- f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs.
14. Lancashire County Council (Education): Have confirmed that no contribution is required from this proposal.
  15. Regulatory Services - Environmental Health Officer: Have no objection, subject to the noise mitigation measures identified within the submitted noise assessment being conditioned.
  16. Lancashire Fire and Rescue Service: No comments have been received.
  17. Ramblers' Association (Chorley Branch): No comments have been received.
  18. Lancashire County Council Public Rights of Way Officer: No objection, subject to a developer contribution of £43,857 for the improvement of PRoW FP0922014.
  19. Waste & Contaminated Land Officer: Have no objection subject to conditions.
  20. Lancashire County Council Highway Services (LCC Highway Services): Have been in protracted negotiations with the applicant on various issues, with the latest substantive response being as follows:

*"I refer to the above planning application and would like to thank you for the opportunity to provide comments. Lancashire County Council (LCC) as the Local Highway Authority (LHA) is responsible for providing and maintaining a safe and reliable highway network. With this in mind, 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 considered.*

*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. This approach supports the delivery of high quality, sustainable development and an appropriate scale of development that can be accommodated both locally and strategically.*

#### Summary

*LCC Highways does not have any objections regarding the proposed erection of 280no. dwellings with associated landscaping, drainage, and other infrastructure and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.*

#### Introduction

*The proposed development is adjacent and to the north of Town Lane which is part of the adopted highway network. Town Lane has a speed limit of 40mph on the proposed developments frontage, which reduces to 20mph approximately 400 metres to the west of the proposed site access.*

*Two existing public rights of way are present within the proposed site boundary which connect to a third on the northern side of the boundary.*

*To the west of the proposed development are existing bus stops on Shaw Brow approximately 800 metres in distance. This stop provides an hourly service Monday to Friday from 7:23 am – 7:04 pm and an hourly service on Saturday from 7:39 am – 6:57*

pm. The existing bus stops are simple flag stop signs with no shelters or quality bus stop kerbing. A single school bus service is also provided at these two stops to St Michael's CoE High School south of the development.

Development Proposal

The proposed development is for 280no. dwellings with associated infrastructure and landscaping. A new vehicular access is proposed onto Town Lane with a pedestrian and cycle access proposed onto Town Lane. The proposed accesses to the development are the same as the accesses that have been approved as part of outline planning permission (20/01347/OUTMAJ) which was granted permission at appeal.

Proposed site access

The proposed site accesses have been accepted as part of the appeal for outline planning application. No changes are proposed to the main vehicle access nor the pedestrian and cycle access from the previously approved access. Therefore, LCC Highways can support the proposed site access.

Were the proposals to be granted planning permission then a section 278 agreement will be required to introduce the site accesses onto the existing adopted highway. The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as Highway Authority prior to the start of any development. The applicant should be advised to contact the county council for further information by telephoning the Development Support Section on 0300 123 6780 or email [developeras@lancashire.gov.uk](mailto:developeras@lancashire.gov.uk), in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the location, district and relevant planning application reference number.

Trip Generation

The proposed development uses the same trip ratios which have been previously accepted as part of the appeal for an outline planning application (20/01347/OUTMAJ). This approved planning application applied for up to 250 dwellings, whereas the currently proposed development contains the proposals for 280 dwellings. This results in an increase of 30 dwellings from the granted at appeal outline planning application, this in LCC Highways opinion is acceptable.

Using the previously accepted multi modal trip rates the proposed increase in trip rates would be as follows.

**AM Peak (08:00 – 09:00)**

Mode	Arrivals	Departures	Total	Outline Total (250 dwellings)	Proposed Total (280 dwellings)	Difference
Vehicles	0.123	0.352	0.475	119 (two – way movements)	133 (two – way movements)	+14 (two – way movements)
Cyclists	0.006	0.012	0.018	5	5	0
Pedestrians	0.028	0.065	0.093	23	26	+ 3 (two – way movements)
Public Transport	0.001	0.024	0.025	6	7	+1 (two – way movements)

## PM Peak (17:00 – 18:00)

Mode	Arrivals	Departures	Total	Outline Total (250 dwellings)	Proposed Total (280 dwellings)	Difference
Vehicles	0.293	0.200	0.493	123 (two – way movements)	138 (two – way movements)	+15 (two – way movements)
Cyclists	0.011	0.006	0.017	4	5	+1 (two – way movements)
Pedestrians	0.042	0.020	0.062	16	17	+ 1 (two – way movements)
Public Transport	0.015	0.004	0.019	5	5	0

*As is shown in the two tables above the proposed increase in dwellings by 30 results in a predicted increase in vehicle movements. These increases are 14 two way movements in the AM Peak and 15 two way movements in the PM Peak. It is LCC Highways opinion that the proposed increases in the AM and PM Peaks is acceptable provided that the proposed mitigation measures as proposed are implemented.*

#### Off Site Highway Works

*As part of the proposal's mitigation measures have been proposed to the adopted highway network that does not form part of the site boundary. These mitigation measures allow for the safe access to and from the proposed development via sustainable means and will provide new public transport infrastructure. These mitigation measures were agreed as part of planning application 20/01347/OUTMAJ which was granted at appeal.*

*These off-site highway works are as follows:*

- i. 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.*
- ii. The pedestrian/cycle access as shown on the approved plans.*
- iii. The western footpath as shown on the approved plans.*
- iv. Off-site works, as follows:*
  - a. A new footway on the northern side of Town Lane with build-out.*
  - b. Build-out on the southern side of Town Lane.*
  - c. The relocation of bus stops on Town Lane.*
  - d. Priority working and parking bays for dwellings on Chorley Old Road.*
  - e. Cycle route signage along Town Lane.*
  - f. Slow markings and new signage on Town Lane.*

*Were the proposals to be granted planning permission then a section 278 agreement will be required to introduce off site highway works onto the existing adopted highway. In addition to the above off-site highway works, additional off-site highway works may be required within the site as part of section 278 works. These works as further detailed within the internal layout and Private Car Parking sections below, regard the introduction of TRO at junctions and turning heads within the site unless alternative mitigation measures are provided.*

#### Travel Plan

*A development of this scale would require a travel plan, for LCC Highways to help support the implementation of this travel plan a Section 106 contribution will be required. For the number of dwellings proposed a contribution of £18,000.00 (eighteen thousand pounds) will be required.*

### S106 Contributions

*As agreed, as part of the granted outline planning permission a Public Transport contribution was agreed upon for £150,000 per annum for 5 years. It is LCC Highways opinion that this is still relevant and required for the current proposed development once adjusted for inflationary costs.*

*It is requested that the developer enter into a section 106 agreement for the following.*

- 1. Travel Plan - £18,000 (eighteen thousand pounds)*
- 2. Public Transport – £175,000 (one hundred and seventy-five thousand pounds) per annum.*

*The increase in per annum contributions from our previously issued response to the current planning application is a result of a re-evaluation of bus service provision, by LCC's bus services team. Following this re-evaluation, it was determined that the preceding years above average inflation has resulted in an increased cost in providing bus services.*

### Internal Layout

*Following review of the submitted amended plans for the internal layout, proposed section 38 layout and vehicle tracking. LCC Highways are of the opinion that the proposals are acceptable for adoption provided suitable mitigation measures are provided.*

*These mitigation measures are for either an additional private parking space for the Henley, Hampstead and Oxford house plots within the vicinity of junctions or turning heads. If this is undesirable and/or unfeasible then Traffic Regulation Orders in the form of No Waiting At Any Time (Double Yellow Lines) restrictions may be necessary. If these mitigation measures are not provided this may result in problems occurring because of on street parking. This may impact LCC Highways willingness to progress highway adoption if the matter is not resolved.*

*The amended layout plan (DWG No. 4350-DSL-001, Rev: C) demonstrates in LCC Highways opinion that a 20mph speed would be enforced by design. It is noted that some of the proposed traffic calming measures may need small alterations as part of the technical approval of the section 38 process.*

*Following provision of the swept path analysis [DWG No. VSP-1, Rev: E] LCC Highways are satisfied that the proposed turning heads can accommodate LCC specification refuse vehicles.*

*The majority of the proposed pedestrian footways and carriageways meet the minimum dimensional requirements for LCC Highways to consider them for adoption. These minimum requirements are 5.5m wide carriageways and 2m wide footways, where there is no residential frontage a 0.5m wide service verge will be required. The parts of the internal layout that do not conform to these minimum dimensional requirements would not be considered for adoption. As a result, the unadopted parts of the internal layout will require a suitable management and maintenance solution.*

### Landscaping

*The proposed landscaping contained within the submitted documents (Dwg Nos: 6406.15 - Rev: A, 6406.16 – Rev: A, 6406.17 – Rev: A, 6406.18 - Rev: A, 6406.19 – Rev: A, 6406.20 – Rev: A, 6406.21 – Rev: A, 6406.22 – Rev: A, 6406.23 – Rev: A, 6406.25 – Rev: A, 6406.26 – Rev: A, 6406.27 – Rev: A, 6406.28 – Rev: A & 6406.29 – Rev: A) have the potential to have a number of proposed tree plantings that are at or close to junctions which could raise a safety risk regarding inter visibility between vehicle users. It is LCC Highways opinion that the proposed tree planting that would pose a safety risk can be re-sited to reduce this risk. LCC Highways are happy for this to be addressed as part of a discharge of conditions.*

*As part of the proposals, it is proposed to create verges between the proposed footways and carriageways in certain locations. As part of these proposed verges tree plantings are also proposed. Due to the cost of maintaining these trees, LCC Highways would not consider these parts of the internal layout for adoption as it would cause an unnecessary strain on LCC's resources. For LCC Highways to consider these sections for adoption it will be necessary for these proposed tree plantings to be removed or for Chorley Council or a private management and maintenance company to take on the management and maintenance of these proposed trees.*

#### Private Car Parking

*Approximately 20% of the proposed plots do not meet the recommended parking outlined in the sections below.*

*The recommended minimum internal single garage size to be 6x3m and this includes integral garages. Where a double garage is proposed to be used by for only a single car parking space, LCC Highways would accept a minimum internal dimension of 5.4m in length and 5.0m in width.*

*In addition, some of the proposed parking spaces do not meet the below recommendations for driveway widths.*

*The double vehicle width private drives to have a minimum width of 5.6m where they are used for vehicular access and pedestrian access to the property. From Approved Document M (Access to and use of buildings), recommends an unobstructed width of at least 900mm to access the property.*

*It is recommended that the proposed car parking is reviewed to consider the above.*

*It is recommended that the impact on residential amenity is considered regarding the under provision of private car parking, especially near to junctions and turning heads. There is concern regarding the under provision of private car parking for the plots surrounding one turning head and the impact this could have on residential amenity.*

*This turning head is adjacent to plots; 268, 269, 270, 271, 272, 273, 278 & 279. This turning head also provides access via shared accesses to plots; 271, 276 & 277. If the applicant is unable or unwilling to provide adequate private parking at this turning head this could lead to on street parking in and around the turning head.*

*This would pose an amenity risk to users of the proposed development and could impact refuse collection. This would be caused by the reduction of manoeuvring space for vehicles turning especially large vehicles such as refuse vehicles.*

*If the under provision of car parking, results in problems occurring as a result of street parking. This may impact LCC Highways willingness to progress highway adoption if the matter is not resolved.*

#### Conclusion

*In conclusion it is recommended that the private car parking provision is revised to provide sufficient private car parking in the interest of residential amenity for the proposed house types of Henley, Hampstead and Oxford. If on street parking were to occur near junctions and/or turning heads, LCC Highways may be unwilling to proceed with adoption of the internal private road layout. The proposed landscaping may require amendments or for it to be proven that visibility splays would not be negatively impacted. In addition to this the proposed tree planting between the proposed footways and carriageways will need to be either removed or the management and maintenance responsibilities to be taken on by Chorley Council or a private management and maintenance company.*

*To support the proposed travel plan it is requested that a total sum of £18,000 (eighteen*



*thousand pounds) is contributed via a S106 agreement. Additionally, a sum of £175,000 (one hundred and seventy-five thousand pounds) per Anum for 5 years is requested for public transport services to be contributed via a S106 agreement.*

*Finally, a section 278 agreement will be required to introduce the necessary off-site highway works. These off-site highway works are; the proposed site access, pedestrian and cycle access, a new footpath, a new footway on the northern side of Town Lane with buildout, relocation of bus stops on Town Lane, priority working and parking bays for dwellings on Chorley Old Road, cycle route signage on Town Lane and finally "SLOW" markings and new signage on Town Lane.*

Following receipt of the above comments, the applicant entered further discussions with the applicant and the case officer and it was agreed that additional parking would be provided to the front of the Hampstead dwelling types, with the submitted drawings being amended accordingly. It was also agreed that additional parking was not required for the Oxford house types as the integral garage is only marginally narrower than the required 3m width and would be 3m in length. There remains a difference of opinion with the Henley house types, of which 23 are proposed, with LCC Highways being of the opinion that double garages should be 6m x 6m, although this is not set-out within any planning policy or guidance documents. The applicant is of the opinion that the garage size of 5.21m x 5.19m is sufficient, particularly as the garages are only required to accommodate one car to meet the Council's minimum parking standards, with the other spaces provide on the driveways.

LCC Highways have stated the following:

*"As stated in our issued response it is LCC Highways opinion that the under provision of private parking would be an amenity issue. It is at LCC Highways discretion whether to progress with a section 38 adoption and it would not be in LCC Highways interest to adopt private road layouts where on street parking is causing a problem. These problems are at their worst at junctions and turning heads as visibility and manoeuvring of large vehicles are impacted. Our response is merely highlighting to the applicant that without mitigation measures in the form of an additional car parking space for the afflicted dwellings or Traffic Regulation Orders, LCC Highways may be unwilling to proceed with adoption and alternative management and maintenance arrangements would be necessary."*

21. Lead Local Flood Authority: Have no objection subject to conditions.
22. Natural England: Have no objection.
23. Lancashire Police: Standard response with information for the applicant on designing out crime.
24. Council's Tree Officer: It is proposed to remove 27 individual trees and 7 tree groups plus partial removal of 6 tree groups and some sections of hedgerow. The majority of these are not of a high arboricultural value, though they do have value as landscape features. The tree protection measures submitted are adequate. Rigid adherence to these will minimise negative impacts on retained trees, should the development proceed. The landscape plan details the planting of over 500 trees. There should be a maintenance programme in place for these trees. Trees should be replaced if they die or become damaged within 5 years.
25. United Utilities: Have no objection subject to conditions.
26. Whittle-le-Woods Parish Council:

*"For the third time in 3 years Whittle-le-Woods Parish Council must register an unequivocal OBJECTION to a Redrow Planning Application, for the same area of undeveloped agricultural land.*

*In our view little has changed since the earlier applications (20/01347 & 22/01142). Despite changes to the Title and address being used by the developer the site location remains*

*unsuitable and a development on this scale is entirely inappropriate. Chorley BC will be aware of the weight of objections already recorded under the above references and we trust these will all be highlighted to Councillors in good time for the Planning Meeting.*

*On behalf of our residents we wish to convey the strength of feeling against yet another housing development in what was once a semi rural village. There is a perception that Whittle Le Woods is being sacrificed for the sake of housing numbers when other sites are available, albeit less attractive to corporate developers. However, it is perhaps more relevant to emphasise the inevitable damage to Road Safety, the likely increase in Flood Risk, the pressure on Amenities and the effects on the Environment / Ecology that another estate on this scale will bring about.*

#### Road Safety.

*This Parish Council have previously submitted two, independent, Highways Reports (DTPC) relating to the earlier Applications. We respectfully ask the Planning Officer to present these to Councillors for their considerations ahead of the meeting. Sadly the highly respected expert involved has passed away and we do not propose to involve a new firm for the sake of update. All the facts remain relevant and can be confirmed by site visit/s.*

*Councillors should be aware that Application 20/01347 was REFUSED on APPEAL by a HM Government Inspector on grounds of Highway Safety after a site visit and detailed scrutiny by Barristers at the hearing. We were then shocked and disappointed that Lancashire CC Highways subsequently failed to object at the time of Application 22/01142. None of the proposed mitigations remove the inherent risks or bring the Application within published Guidelines e.g. gradients, footpaths, distance to amenities etc.*

*These 'mitigations' were apparently 'agreed' between Highways and Redrow away from public view and have been brought forward to the current Application. We consider the proposals will be detrimental to existing residents and do little or nothing to benefit new residents on the estate. For Example, common sense tells us people will not be encouraged to leave a car on the drive and walk 1/3rd of a mile to the bus stop simply because it has been moved 50yds nearer. Coloured tarmac and parking bays will not compensate for the absence of footpath/s, especially with the increased volume of traffic envisaged.*

*We still believe that Lucas Lane will become a rat run and is most unsuitable for heavy traffic at any time of the day. It is used by many residents for walking and the Redrow Sycamore Manor estate has recently added a new footway directly onto Lucas Lane, where there are No Footpaths or safe spaces for pedestrians.*

*Whittle Le Woods Parish Council hereby request the proposed changes are revisited with the benefit of local knowledge, via meaningful consultation, before the Planning Meeting.*

*We believe the Developers most recent Traffic Assessment by SCP to be inadequate, it avoids comment on the most critical risk factors in favour of a plethora of journey counts which are selective and therefore inconclusive. To illustrate this point we see counts have not been published for the difficult junction from Town Lane onto Dark lane or near to St Chads Primary school. Both these are highly relevant and (again) we must dispute the assumption that most traffic from the new estate will travel West (towards the A6). Many existing resident on Town Lane will advise the easiest way to Chorley Town Centre, Blackburn or the M61 is East via Dark Lane or past the school, especially during peak time/s.*

*Without explanation, SCP have included a Traffic Count for the A6/Royton Drive junction. We can see no relevance to the current Application unless the Developer is suggesting Lucas Lane as a suitable access route. In our view, this would discredit the whole document.*

#### Waste & Contaminated Land

*We very much welcome the comments and conditions recorded against this case requiring Land Surveys & Testing on and in the proximity of the site. However, we recognise this can only be applied of a condition of sanction.*

#### Flood Risk

*There is a long history of flooding to properties at the lower end of Town Lane and in Water House Green. Perhaps the most significant recent event was Boxing Day 2015 when a number of homes had to be evacuated. Previous objections have included evidence that Flood Warnings (from United Utilities) are increasing and volunteer residents have formed a Flood Action Group with equipment e.g. pumps, wheelbarrows and sandbags supplied and stored in a unit courtesy of Chorley BC and Whittle Le Woods Parish Council.*

*Flooding occurs when the River Lostock cannot cope and we remain sceptical that the balancing ponds/storm drains proposed by Redrow will replace the natural land soak away afforded by hundreds of acres of undeveloped land.*

*At the time of the first Application, we obtained an Independent, Professional & Specialist flood risk review. This formed part of our objection and is attached to Application 20/01347 already with Chorley BC. The application has not provided details of up to date actual plans and we are therefore disappointed that will not be available for public scrutiny before a decision is reached.*

#### Conclusion.

*Typically, this Developer has submitted the Application in the run up to Christmas and we have found the timescale for response as a Statutory Consultee to be tight. We politely request Chorley BC and the Planning Councillors to consider all the previous evidence/ Objections on record and REFUSE this Application to the undoubted benefit Whittle Le Woods residents and future generations. Whittle Le Woods Parish Council.”*

#### Addendum

*Chorley BC will be aware that in the last ten years Whittle Le Woods has absorbed a large number of new houses i.e. three new estates, so far, and has thereby contributed significantly towards Council’s objectives in this regard. In return the village has received little benefit from the 106 monies. The only benefit the village will receive from this application is £100k to temporarily increase the bus service for a period of 5 years. This is unjust and has not gone unnoticed locally. In the unfortunate event the Planning Committee find they are obliged to approve Application 23/00981/OUTMAJ we request a number of CONDITIONS are formally attached at that stage. 1) That there is a provision of an On-site Multi play outdoor area / equipment for older children that includes a basketball/netball and football facility. 2) The additional of several benches around the development, especially on the footpaths / zigzag path. 3) That the proposed re-positioning of the bus stops on Waterhouse Green goes to public consultation. Their current position is in an open area with a bench, next to the village book swap and notice board. The proposed re-site is on a hill, is not overlooked, and under overgrown trees and vegetation.”*

27. Lancashire County Council Archaeology Service: Have no objection, subject to a programme of archaeological recording being undertaken.

### **PLANNING CONSIDERATIONS**

#### Principle of development

28. The acceptability in principle of housing on the majority of the application site has already been established by the approval of planning application ref. 20/01347/OUTMAJ. That said, a full assessment of the current scheme is provided below, which includes any updates to policy or other changes since the approval of the previous application.
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 planning permission for the erection of 280 dwellings on 17.8 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. Outline planning permission was granted in February 2024, ref. 22/01142/OUTMAJ, on approximately 13 hectares of the current application site, for the erection of up to 250 dwellings and associated infrastructure (including 30% affordable housing) with all matters reserved aside from the access from Town Lane.
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 DC3.18.
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 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.
38. 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.
39. 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.
40. Core Strategy Policy 4 sets out the minimum housing requirements for the plan area and is assessed later within this report.

Other material considerations

41. 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
42. 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).
43. 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.
44. 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.
45. Paragraph 60 of the Framework confirms the Government's objective of significantly boosting the supply of homes.
46. Paragraph 61 of the Framework reinforces that requirements represent the minimum number of homes needed.
47. The National Planning Policy Framework was updated in December 2023 with the previous requirement for a 5-year housing land supply, being updated as below. Paragraphs 76 and 77 of the Framework state the following:

*"Local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met:*

- a) their adopted plan is less than five years old; and*
- b) that adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded.*

*In all other circumstances, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing if the provisions in paragraph 226 apply. The supply should be demonstrated against either the housing requirement set out in adopted strategic policies, or against the local housing need where the strategic policies are more than five years old. Where there has been significant under delivery of housing over the previous three years, the supply of specific deliverable sites should in addition include a buffer of 20% (moved forward from later in the plan period)."*

Paragraph 226 of the Framework reads as follows: *"From the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific*

*deliverable sites sufficient to provide a minimum of four years' worth of housing (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old, instead of a minimum of five years as set out in paragraph 77 of this Framework. This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. This provision does not apply to authorities who are not required to demonstrate a housing land supply, as set out in paragraph 76. These arrangements will apply for a period of two years from the publication date of this revision of the Framework"*

48. As the Council did not produce a policy map in the Preferred Options (Regulation 18) version of the emerging Local Plan to comply with the above paragraphs of the Framework, it still must demonstrate a 5-year supply of housing, rather than the new 4-year requirement for some Councils.
49. The approval of the Outline planning application at this site for 250 dwellings is a key material planning consideration in the determination of this application.

#### Housing land supply

50. The following planning appeal decisions are of relevance.

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

51. 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.
52. 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.
53. In respect of the Housing Requirement in Chorley:
54. 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).
55. 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.

56. 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.
57. 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, Wyearhittle-Le-Woods PR6 8AG Appeal B Ref: APP/D2320/W/21/3272314**

58. 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.
59. 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.
60. In respect of housing land supply:
61. 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.
62. 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.
63. 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.
64. 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.
65. 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).

66. 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."*
67. 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**

68. 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.
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 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**

71. 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.
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 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.
73. 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**

74. 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.
75. 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.

76. 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**

77. 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.
78. 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.
79. 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.”*

**Land at Babylon Lane, Heath Charnock  
Decision APP/D2320/W/23/3329702**

80. Whilst this appeal site is located on Safeguarded Land, housing land supply was not one of the main issues considered by the Inspector. Both parties had agreed that the Council could not identify a 4-year supply of housing land. The appeal was dismissed due to a sequential test having not been undertaken in support of the proposal in relation to flood risk at the site, which is a requirement of National planning policy.

Summary - the tilted balance

81. 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.
82. 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.
83. On 1st April 2024, there is a 2.9 year deliverable housing supply over the period 2024 – 2029 based on the annual requirement of 506 dwellings which includes a 5% buffer. 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.
84. 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.
85. 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.
86. 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.
87. 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.
88. 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

89. Chorley Council is working with Preston City Council and South Ribble Borough Council 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 preparation of the publication of pre-submission version of Local Plan (Regulation 19).

90. 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 to the final allocation in the Pre-Submission Version. 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.

Impact on ecological interests

91. 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.

92. The Inspector concluded the following at paragraphs 62 and 63 of the appeal decision for this site, 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.”*

93. The information submitted with the application includes an Ecological Survey And Assessment, a Biodiversity Net Gain Design Stage Report and Biodiversity Metric 4.0 spreadsheet together with an Ecological Survey And Assessment of an additional area of land not covered by the original survey. 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:

- Securing a net gain in biodiversity
- Secure the submitted lighting scheme
- A construction environmental management plan to include the following:
  - Risk assessment of potentially damaging construction activities.
  - Identification of "biodiversity protection zones".
  - Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - The location and timing of sensitive works to avoid harm to biodiversity features.
  - The times during construction when specialist ecologists need to be present on site to oversee works.
  - Responsible persons and lines of communication.
  - The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - Use of protective fences, exclusion barriers and warning signs.

94. The mitigation measures and ecological enhancement measures outlined in the submitted ecological assessment will also be conditioned.
95. The applicant is proposing to provide a 0.1% net gain in biodiversity at the site. The application was submitted prior to the statutory minimum net gain of 10% coming into force. There is therefore no policy conflict with providing a 0.1% net gain, although it is a significant reduction compared to the existing outline consent when the applicant volunteered to provide a 25% habitat gain, 34% gain for hedgerows and 66% gain for river units.
96. 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

97. 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.
98. 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.
99. 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.”*

100. As was the case with the previously approved outline proposal, the current proposal has been amended compared to the dismissed appeal scheme to provide multiple pedestrian and cycling connections from the site to Town Lane.
101. Lancashire County Council (LCC) as the Local Highway Authority (LHA) is responsible for providing and maintaining a safe and reliable highway network. LCC Highway Services have responded to state they have no objection to the proposal, subject to conditions and highway improvements being undertaken, although do have some concern in relation to parking standards, as expressed earlier in this report. The applicant has provided a parking statement to justify the level of parking proposed which includes the following:

*“Whilst the current proposal is in full accordance with the Council’s normal parking standards and no exceptions or special circumstances need apply, the site is well located and accessible by all the major forms of non-car transport. For example, there are good pedestrian and cycle friendly linkages in the area and there are bus stops located nearby served by high quality, frequent services. In addition, there are railway stations within cycling distance which provide regular services to a variety of local and regional destinations. Significantly, the existing pedestrian/cycle linkages will be further enhanced with a dedicated pedestrian/cycleway access midway along the Town Lane frontage, which will also benefit existing residents of Town Lane. The route will be integrated into the existing highway network with appropriate improvements. Access to public transport will also be enhanced, with improvements to existing bus stops and the payment of a bus contribution of £175,000 per annum for five years to improve pedestrian crossing facilities on Town Lane.*

*Collectively, these measures will ensure a good level of accessibility and help contribute towards the use of modes of transport other than the private car."*

102. In light of the above and that LCC's concerns only now relate to parking at 23 of the 280 dwellings proposed, it is considered that the proposal is acceptable with regards to parking provision, given the sustainability credentials of the proposal. Further, it would not be desirable to have masses of parking to the front of dwellings as this would not be attractive and would reduce the level of planting / landscaping delivered by the scheme. The proposal is considered to be acceptable with regards to highway safety and complies with the aforementioned policies.

Impact on the character and appearance of the area

103. 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.
104. 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.
105. 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.
106. 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.
107. 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.
108. The site is a large parcel of land of some 17.8 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 is located immediately to the north of Town Lane and several public rights of way run through the site.
109. The site encompasses the River Lostock valley, characterised by linear groups of woodland and open land. The site is undeveloped and site levels fall away down to the adjoining River

Douglas and an area of woodland. Former print works that once occupied the valley can still be observed, including old structures and a reservoir. To the east, the site shares a boundary with the M61 corridor, and Town Lane borders the site to the south.

110. The proposal relates to the erection of 280 dwellings with associated parking and landscaping. The proposed dwellings range from 2 to 5 bedroom properties, which would deliver a well-balanced community, designed as detached houses, with affordable units consisting of mews and apartments. The layout has been designed with an interconnected hierarchy of transport routes that are effectively integrated into the network. It maintains a green and semi-rural character within the site that features a variety of green infrastructure and respects its setting. A range of house sizes and tenures are proposed that reflects the housing demands of the local population and attracts a diversity of residents.
111. The building to plot ratios would generally be in-keeping with the surrounding area and the overall density of the development is 15 dwellings per hectare. Whilst this is relatively low, when considering the site constraints, it is considered that the proposed development makes 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.
112. 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 within the use of dual fronted properties to add visual interest to the streetscene. The proposed materials are appropriate to the locality with a mixture of brickwork and roof tile colours, which would assimilate well with the surrounding dwellings.
113. A variety of boundary treatments are included as part of the design proposals. These will help to create a clear demarcation between public and private space, contributing towards a well-defined public realm and street scene.
114. It is proposed to remove 27 individual trees and 7 tree groups plus partial removal of 6 tree groups and some sections of hedgerow. The majority of these are not of a high arboricultural value, though they do have value as landscape features. The landscape plan details the planting of over 500 trees to compensate for those lost.
115. Overall, it is considered that the proposal would be acceptable in terms of its impacts upon the character and appearance of the site and the wider area and complies with policies BNE1 and BNE10 of the Chorley Local Plan and Core Strategy policy 17 in this regard.

#### Impact on neighbouring amenity

116. 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.
117. The application proposes a residential development of 280 dwellings, although there would only be existing dwellings, adjacent to proposed dwellings, to the south east of the site on Town Lane.
118. All 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.



119. 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.
120. The applicant has submitted a noise assessment in relation to the potential impacts of noise from the M61 motorway upon the future occupants of the proposed dwellings. The assessment concludes that, with the implementation of acoustic bunds, fencing, windows and vents, noise levels will be within recommended limits. The Council's Environmental Health Officer has reviewed the applicant's assessment and has no objection to the proposal, subject to the noise mitigation measures identified within the assessment being conditioned. As such, the proposal is considered to be acceptable in relation to impacts from noise sources.
121. Having regard to the above, the proposed development is considered to accord with Chorley Local Plan policy BNE1 in respect of amenity.

#### Contaminated land

122. It was apparent during the original application process and appeal and also given the comments made in relation to this and the previous 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.
123. 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.
124. 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.
125. 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."*
126. 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. They have stated:

*"The previous use of the proposed development site presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is:*

- *located on a surface watercourse, and*
- *located upon a secondary aquifer A*

*In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 183 of the National Planning Policy Framework.*

*Without this condition we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution."*

127. 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.*

128. 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.*

129. With the issues pertaining to the deposit of wastes at Cawood Farm and any groundwater contamination issues, the EA suggested in relation to the previous application 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.

130. 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

131. 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.
132. 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.
133. 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.
134. 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."*
135. The applicant has submitted a Flood Risk Assessment and Drainage Strategy, produced by Waterco, dated March 2024 in support of the proposed development. These have been reviewed by the EA, Lead Local Flood Authority (LLFA) and United Utilities who have raised no objections to the proposed development.
136. The EA have previously 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 stated that they support the use of this land for this reason.
137. 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.

138. 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.*

*Surface water runoff will be discharged at a variable greenfield runoff rate. During a 1 in 2 year storm event, runoff will be restricted to the equivalent 1 in 2 year greenfield runoff rate of 46.5 l/s. During a 1 in 30 year storm event, runoff will be restricted to the equivalent 1 in 30 year greenfield runoff rate of 121 l/s. During a 1 in 100 year plus climate change storm event, runoff will be restricted to the equivalent 1 in 100 year greenfield runoff rate of 168.1 l/s.*

*A total attenuation volume of 4,530m<sup>3</sup> will be required during the 1 in 100 year plus 45% CC event and will be provided in the form of a pond in the lower north-western extent of the site. The pond will be located outside of the Flood Zone 2 extent. A swale is also proposed as a conveyance feature upstream of the pond.*

*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 for the majority of the site. A pumped solution will be required for properties in the north westernmost extent of the site..”*

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

#### Affordable housing

140. 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.”*

141. In accordance with Core Strategy Policy 7, 30% of the dwellings are required to be affordable. This equates to 84 dwellings. 70% (59) of these should be social rented and 30% (25) should be shared ownership.

142. The applicant has committed to provide a policy compliant level of affordable housing and this would need to be secured through a Section 106 legal agreement if the application was approved.

#### Public open space

143. 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:*

144. Chorley Local Plan Policy HS4A sets a standard of 0.73 hectares per 1,000 population and the applicant has requested to provide this on-site. As such, 0.49 hectares is required to be provided on-site with an associated maintenance cost of £196,000 to cover a ten-year period, if private maintenance is not proposed.

*Provision for children/young people:*

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

146. 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 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 in the Open Space Assessment Report (February 2019) (Sites: Harvest Drive play area, Whittle-le-Woods [1430], The Ridings play area, Whittle-le-Woods [1431], Berry Avenue Play Area, Whittle-le-Woods [2046]). A contribution towards improvements to these sites is therefore required from this development. The amount required is £134 per dwelling.

*Parks and Gardens:*

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

148. 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:*

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

150. 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:*

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

152. 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:*

153. 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.

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

Amenity greenspace	= £0 (assuming private maintenance proposed)
Provision for children/young people	= £37,520
Parks/Gardens	= £0
Natural/semi-natural	= £0
Allotments	= £0
Playing Pitches	= £447,720
Total	= £485,240

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

### Sustainability

156. 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.”*

157. 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

158. 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.

159. 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.

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

#### Employment skills provision

161. 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

162. 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

163. 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)

164. 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

165. 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.

166. The adverse impacts of the development relate primarily to its conflict with policy BNE3, safeguarding land for future development. However, as the Local Planning Authority cannot demonstrate a 5-year housing land supply policy BNE3 is out-of-date and can only be attributed limited weight. The Framework indicates that the planning system should be genuinely plan-led. There are no other identified negative impacts of the proposal, which cannot be sufficiently mitigated by the imposition of planning conditions.
167. 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.
168. 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.
169. 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.
170. The provision of open space and its ongoing management, delivering a net gain in biodiversity and maintenance and mitigation measures, such as highway improvement measures, are neutral considerations because they are needed to make the development acceptable.
171. 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 and social benefits that the scheme would deliver.

## **CONCLUSION**

172. 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.
173. Whilst the conflicts with policy BNE3 (safeguarded land) of the Chorley Local Plan 2012-2026, it is not considered that this would 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 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. Prior to the commencement of development, a scheme for the phasing of the development shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be implemented wholly in accordance with the submitted and approved phasing plans referred to above.

*Reason: To secure the proper development of the site in an orderly manner.*

3. 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>
Detailed Site Layout	4350-DSL-001 Rev F	3 October 2024
Waste Management Layout	4350-WML-001 Rev E	3 October 2024
Parking Layout	4350-PL-001 Rev D	3 October 2024
Materials Layout	4350-MAT-001 Rev G	3 October 2024
Land Disposal Layout	4350-LDL-001 Rev E	3 October 2024
EV Charging Layout	4350-EVCL-001 Rev D	3 October 2024
Boundary Treatment Layout	4350-BTL-001 Rev E	3 October 2024
Affordable Homes Layout	4350-AHL-001 Rev E	3 October 2024
LCC Refuse Vehicle Tracking	VSP-1 Rev E	12 August 2024
S38 Plan	105-1 Rev C	19 July 2024
Highway Materials Plan	103-1 Rev A	10 April 2024
Highway Sections	103-2	15 November 2023
S104 Drainage Layout	101-1 Rev B	4 June 2024
Longsection Sht 1	102-1	15 November 2023
Longsection Sht 2	102-2	15 November 2023
Longsection Sht 3	102-3	15 November 2023
Longsection Sht 4	102-4	15 November 2023
Longsection Sht 5	102-5	15 November 2023
Longsection Sht 6	102-6	15 November 2023
Longsection Sht 7	102-7	15 November 2023
General Arrangement Pedestrian Access 1 of 2	SCP/230199/D01	15 November 2023
General Arrangement Pedestrian Access 2 of 2	SCP/230199/D02	15 November 2023
Pedestrian Visibility	SCP/230199/D03	15 November 2023
Potential site access solutions visibility splay review proposed access	SCP/220486/SK03 Rev B	15 November 2023
Tree Protection Plan Sheet 1 of 6	6406.07 Rev B	25 April 2024
Tree Protection Plan Sheet 2 of 6	6406.08 Rev B	25 April 2024
Tree Protection Plan Sheet 3 of 6	6406.09 Rev B	25 April 2024
Tree Protection Plan Sheet 4 of 6	6406.10 Rev B	25 April 2024
Tree Protection Plan Sheet 5 of 6	6406.11 Rev B	25 April 2024
Tree Protection Plan Sheet 6 of 6	6406.12 Rev B	25 April 2024
Feature Entrance Wall	RL-SD-001	15 November 2023
Amberley floor plans and elevations	EG_AMBY_DM.2	15 November 2023
Bakewell Buxton floor plans and elevations	EG_BB4_DM.2 Rev A	15 November 2023
Balmoral floor plans and elevations	EG_BALM_DM.2	15 November 2023
Blenheim floor plans and elevations	EG_BLENP_DM.2	15 November 2023
Cambridge floor plans and elevations	EG_CAMB_DM.2	15 November 2023
Chester floor plans and elevations	EG_CHTR_DM.2	15 November 2023
Dart floor plans and elevations	EG_DD4_M.2	15 November 2023

Hampstead floor plans and elevations	EG_HAMP_DM.2 Rev A	15 November 2023
Harrogate floor plans and elevations	EG_HARR_DM.2	15 November 2023
Oxford floor plans and elevations	EG_OXFO_DM.2	15 November 2023
Henley floor plans and elevations	EG_HENL_DM.2	15 November 2023
Highgrove floor plans and elevations	EG_HIGHP_DM.2	15 November 2023
Marlow floor plans and elevations	EG_MARO_DM.2	15 November 2023
Richmond floor plans and elevations	EG_RICH_DM.2	15 November 2023
Sandringham floor plans and elevations	EG_SANDP_DM.2	15 November 2023
Shaftesbury floor plans and elevations	EG_SHAF_DM.2	15 November 2023
Stratford floor plans and elevations	EG_STRA_DM.2	15 November 2023
Sunningdale floor plans and elevations	EG_SUND_DM.2	15 November 2023
Tavy 4 block floor plan	EG_TT4_M.2	15 November 2023
Tavy 4 block floor elevations	EG_TT4_M.2	15 November 2023
Tavy and Weaver 4 block floor plan	NS_TW3_M.4	15 November 2023
Tavy and Weaver 4 block elevations	NS_TW3_M.4	15 November 2023
Tavy and Weaver 4 block elevations - render	NS_TW3_M.4	15 November 2023
Tavy and Weaver 6 block floor plan	NS_TW3_M.4	15 November 2023
Tavy and Weaver 6 block elevations	NS_TW3_M.4	15 November 2023
Tavy and Weaver 6 block side elevation	NS_TW3_M.4	15 November 2023
Tavy and Weaver floor plan	NS_TW3_M.4	15 November 2023
Tavy and Weaver elevation	NS_TW3_M.4	15 November 2023
Warwick floor plans and elevations	EG_WARW_DM.2 Rev A	15 November 2023
Single garage	GAR_SGS2_M.1	15 November 2023
Double garage	GAR_DGD5_M.1	15 November 2023
Triple garage	2019 release	15 November 2023
Location Plan	4350 / Eng / 008	15 November 2023

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

4. Prior to the erection of any superstructures within any phase, the following details relating to that phase, shall be submitted to and approved in writing by the Local Planning Authority:

- a) Images of all external facing materials to the proposed dwellings
- b) Images of all hard ground- surfacing materials.
- c) Elevational details of all fences, walls and other boundary treatments.

The development thereafter shall be completed in accordance with the approved details. Prior to the first occupation of any dwelling hereby permitted all fences and walls shown in the approved details to bound its plot shall have been erected in conformity with the approved details.

*Reason: In the interests of the visual amenities and character of the area.*

5. Prior to the commencement of development within a phase, full details of existing and proposed ground levels and proposed dwelling finished floor levels for that phase to be submitted to and approved in writing by the Local Planning Authority, notwithstanding any such details shown on previously submitted plan(s).

The development shall be carried out in strict conformity with the approved details.

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

6. A scheme for the landscaping of the development and its surroundings shall be submitted prior to the commencement of the development. These details shall include the types and numbers of trees and shrubs to be planted, their distribution on site and those areas to be seeded. The scheme should include a landscaping/habitat creation and management plan which should aim to contribute to targets specified in the UK and Lancashire Biodiversity Action Plans. Landscaping proposals should comprise only native plant communities appropriate to the natural area.

All hard and soft landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, 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: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design.*

7. A construction environmental and habitat management plan 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) Risk assessment of potentially damaging construction activities.
- b) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- c) The location and timing of sensitive works to avoid harm to biodiversity features.
- d) The times during construction when specialist ecologists need to be present on site to oversee works.
- e) Responsible persons and lines of communication.
- f) Use of protective fences, exclusion barriers and warning signs.

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).

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.*

8. All street lighting shall be installed and retained in accordance with the details received by the Local Planning Authority on 9 February 2024 and entitled Outdoor Lighting Report, produced by SHD Lighting Consultancy Ltd. and dated 7 February 2024 v3.3.

*Reason: In the interests of protecting ecological assets.*

9. 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).*

10. The development shall be carried out in strict accordance with the submitted Tree Protection Plans refs. 6406.7 Rev B, 6406.8 Rev B, 6406.9 Rev B, 6406.10 Rev B, 6406.11 Rev B and 6406.12 Rev B received by the Local Planning Authority on 25 April 2024. 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.*

11. Prior to the commencement of development within each phase, full details of the position, layout, management, maintenance and phasing of the public open space within that phase 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.*

12. Prior to the commencement of development, a drainage phasing plan shall be submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure the drainage for the development is delivered in an orderly manner.*

13. No development shall commence in any phase until a detailed, final surface water sustainable drainage scheme 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 in accordance with the approved site specific flood risk assessment and surface water sustainable drainage strategy (14980-FRA & Drainage Strategy-08, WaterCo, 06/03/24) 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. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
  - iii. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
  - iv. Details of proposals to collect and mitigate surface water runoff from the development boundary;
  - v. 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 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.

The sustainable drainage scheme 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.*

14. 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 entering 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.*

15. 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.*

16. Prior to the occupation of any dwelling hereby permitted the approved surface water outfall relating to that dwelling shall be constructed and made available for use. Each dwelling shall be connected to the surface water sustainable drainage system prior to occupation. A site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of 80% of the dwellings within a phase. 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.*

17. 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.*

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

19. 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.*

20. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
  - o all previous uses
  - o potential contaminants associated with those uses

o a conceptual model of the site indicating sources, pathways and receptors  
 o potentially unacceptable risks arising from contamination at the site 2.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

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.

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

21. 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.*

22. The archaeological works are to be carried out in accordance with the agreed programme of archaeological recording. This will consist of the production of a detailed topographic survey by drone reproduced at 1:1000, a single evaluation trench across the mill race identified on the Tithe Map and a combined report of the above elements. An interpretation board will also be constructed and placed on the site at a suitable location. Copies of the report shall be submitted to the ADS as part of the OASIS project and the site archive shall be deposited with the Lancashire archives.

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

23. Prior to the commencement of development within any phase, a scheme of acoustic mitigation relating to that phase shall be submitted to and approved in writing by the Local Planning Authority.

*Reason: To safeguard residential amenity.*

24. No part of the development hereby approved shall commence until a scheme for the construction of the site access and off-site highway works have been submitted to and approved in writing by the Local Planning Authority. The works shall include but not be limited to:

- i. 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.
- ii. The pedestrian/cycle access as shown on the approved plans.
- iii. The western footpath as shown on the approved plans.
- iv. Off-site works, as follows:
  - a. A new footway on the northern side of Town Lane with build-out.
  - b. Build-out on the southern side of Town Lane.
  - c. The relocation of bus stops on Town Lane.
  - d. Priority working and parking bays for dwellings on Chorley Old Road.
  - e. Cycle route signage along Town Lane.
  - f. Slow markings and new signage on Town Lane.

*Reason: In order to ensure that the Local Planning Authority is satisfied with the final details of the highway works prior to any work commencing on site and that vehicles entering and leaving the site may pass each other clear of the highway in the interests of highway safety.*

25. No building or use hereby permitted shall be occupied or the use commenced until the car parking area has been surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan. The car parking area shall thereafter be kept free of obstruction and available for the parking cars at all times.

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

26. No development shall commence until a Construction Traffic Management Method Statement (CTMMS) has been submitted to and approved by the Local Planning Authority in conjunction with the Highway Authority. The CTMMS shall include details relating to:-

- Pre-construction highway condition survey and a subsequent scheme for the reinstatement of any highway verges and footways disturbed by abnormal loads associated with the development;
- Any temporary or permanent highway alterations and improvements necessitated by the development, including details of temporary warning signing;
- Measures for reinstating the highway after the removal of any temporary works together with details of the timing of any remediation measures;
- Construction vehicle routing;
- The management of junctions and crossings of the public highway;
- The timing of delivery vehicle movements including turbine component delivery vehicles;
- Details of banksmen/escorts of abnormal loads;
- Traffic management of the existing highway network.

The development shall be carried out in accordance with the approved CTMMS at all times unless otherwise agreed in writing with the local planning authority.

*Reason: To maintain the operation of through routes in the area during the sites period of construction and to ensure the safety of other highway users.*

27. Prior to the first occupation of any dwelling in a phase, details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall 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: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the users of the highway and the visual amenities of the locality.*

28. For the full period of construction, facilities 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, stones and debris being carried onto the highway. Provision to sweep the surrounding highway network by mechanical means will be available and the roads adjacent to the site shall be mechanically swept as required during the full construction period.

*Reason: To prevent stones, mud and debris being carried onto the public highway to the detriment of road safety.*

29. Prior to the first occupation of any dwelling in a phase, an estate street phasing and completion plan shall have been 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 completion sequence that estate streets serving each phase of the development will be completed. The development shall then be carried out in accordance with the approved estate street phasing and completion plan.

*Reason: To ensure the phasing and completion of estate streets serving the development are completed.*

30. 45° visibility splays shall be provided between the highway boundary and points on either side of the drive measured 3m back from the nearside edge of the footway. Nothing shall be erected, retained, planted and/or allowed to grow at or above a height of 0.9 metres above the nearside carriageway level which would obstruct the visibility splay. The visibility splays shall be maintained free of obstruction at all times thereafter for the lifetime of the development.

*Reason: To protect pedestrians passing the drive and ensure adequate visibility.*

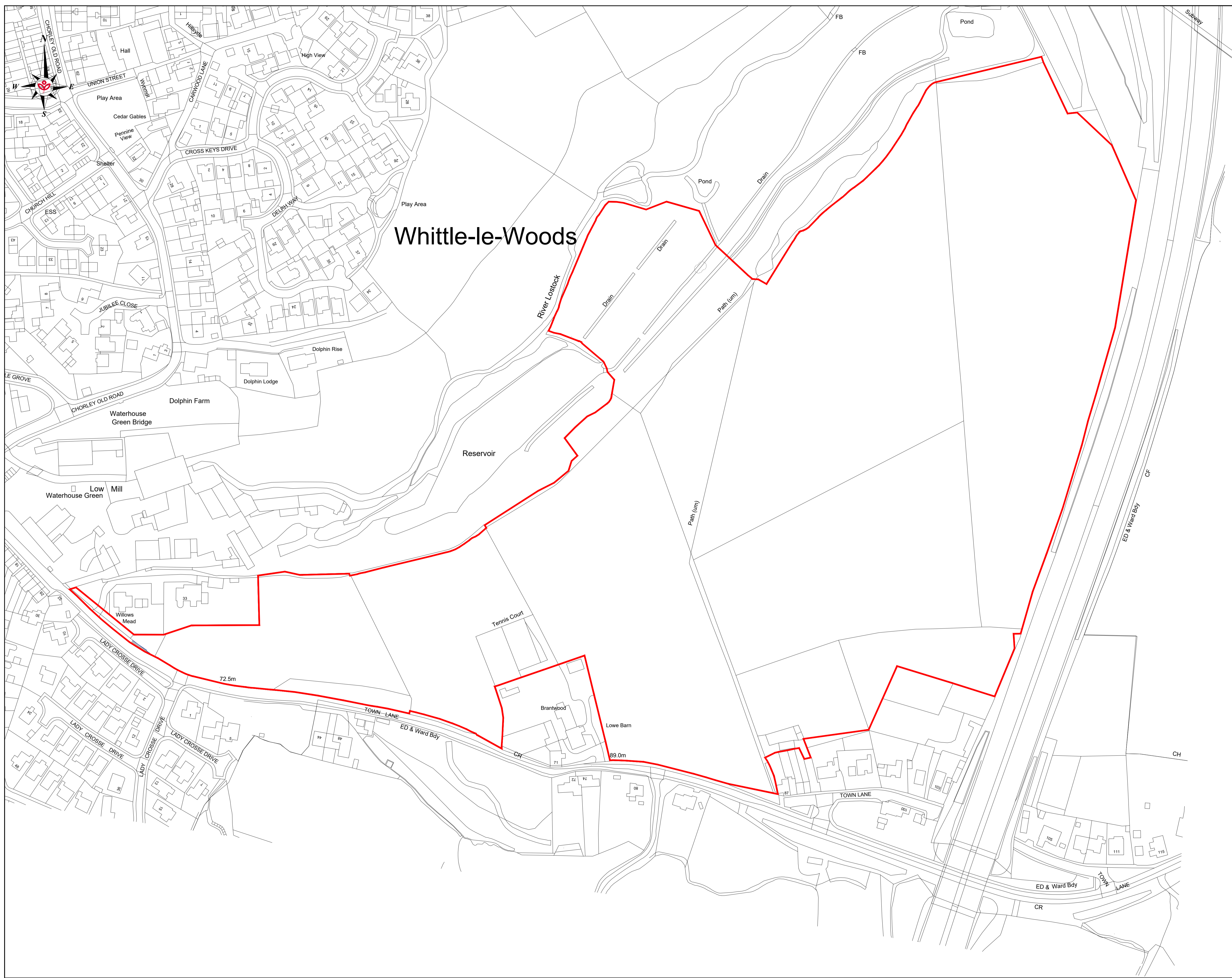
31. No building or use hereby permitted shall be occupied or use commenced until a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the agreed Travel Plan Targets to the satisfaction of the Local Planning Authority.

*Reason: In order to deliver sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking & cycling.*

32. The garage(s)/parking areas hereby approved shall be kept available for the parking of vehicles ancillary to the enjoyment of the household(s) and shall not be used for any use that would preclude the ability of their use for the parking of private motor vehicles, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order amending or revoking and re-enacting that order.

*Reason: To ensure that adequate parking provision is retained on site.*

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# Whittle-le-Woods

Revision	Date	Amendment	By	Check

Development	<b>Town Lane</b>		
Location	<b>Whittle-le-Woods</b>		
Marketing Name	----		
Drawing Title	<b>Location Plan</b>		
Drawing Number	<b>4350 / Eng / 008</b>	Revision	-
Drawn By	<b>JGM</b>	Scale @ A1	<b>1:1250</b>
Checked by	<b>SR</b>	First Issue	<b>08.11.2023</b>

**REDROW**

**Redrow Homes Lancashire**  
 Redrow House, 14 Eaton Avenue, Backshaw Village, Chorley, PR7 7NA  
 Tel: 01772 643700 Fax: 01772 643701 Web: www.redrow.co.uk

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**APPLICATION REPORT – 24/00459/CB3**

**Validation Date: 23 July 2024**

**Ward: Chorley South East And Heath Charnock**

**Type of Application: Chorley Regulation 3**

**Proposal: Removal of existing changing rooms, garage and storage container, erection of new pavilion, resurfacing of car park and refurbishment of existing toilet block to provide a ground maintenance store**

**Location: Gillet Playing Fields Weavers Brow Heath Charnock**

**Case Officer: Mike Halsall**

**Applicant: Chorley Council**

**Agent: Steve Wells Associates Ltd.**

**Consultation expiry: 14 August 2024**

**Decision due by: 18 October 2024**

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**RECOMMENDATION**

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

**SITE DESCRIPTION**

2. The application site is located in the Green Belt, to the north of Long Lane, in the rural locality of Heath Charnock. The site forms a south western section of Gillet Playing Fields and currently consists of grassland, hardstanding and five buildings in the form of two shipping containers, a toilet and shower block, a disused garage and changing rooms. The main playing fields are located to the north / northeast of the application site, with trees to the perimeter.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

3. The application seeks full planning permission for the removal of the existing changing rooms, garage and one of the shipping containers and the erection of a new pavilion, refurbishment of the toilet / shower block to provide a ground maintenance store, and the resurfacing of the car park. The existing facilities are in a poor state of repair and the applicant has stated that they do not comply with modern standards for pavilion buildings.
4. The new pavilion would provide WCs, changing rooms, showers, a scorer's room, a plant / cleaning room, kitchen, social space and separate facilities for match officials.
5. The site and surrounding fields are owned by Chorley Council. The cricket ground is leased to Chorley Cricket Club who use the site for third team and junior cricket. The football field has traditionally been used for junior football and whilst this has not been actively used for the last few years, it will be brought back into active use following the improvements to the onsite facilities.

**REPRESENTATIONS**

6. No representations have been received.

**CONSULTATIONS**

7. Sport England: have responded to state they have no objection to the application as it is considered to meet exception 2 of their Playing Fields Policy and to accord with Paragraph 103 of the National Planning Policy Framework (NPPF). They did note however that the English Cricket Board (ECB) have concerns regarding the size of the shower facilities. The ECB have been contacted by both the applicant's agent and the case officer to discuss their concerns. The ECB are soon to be releasing new design guidance for cricket pavilions that will identify that shower cubicles in all changing rooms should measure 2m x 1m for privacy and safeguarding.

*The applicant's agent has responded to note that: "on Multi sport sites other organisations have design standards which are different and in our case the Junior Football responds to the needs of the Football Foundation. Given the conflict that exists between both sets of design guidance, we have tried to find a compromise that delivers high quality facilities that suit both sports, within the funding envelope that's available. To that end the changing room areas are larger to meet the ECB guidance rather than the FF sizes but the shower areas respond to the FF guidance which is a smaller area. We are spending our budget where it will deliver best value for all sports on site accepting that it will require some compromise along the way."*

8. Greater Manchester Ecology Unit: have responded with no objection to the proposal, subject to an informative notes being attached to any grant of planning permission relating to protecting bats, nesting birds and suggested the red-edged site boundary be amended slightly to match that of the biodiversity net gain plan. The site boundary was subsequently amended by the applicant as requested.
9. Biodiversity Net Gain Officer: has responded as follows:

*"The development proposals suitably achieve at least 10% biodiversity net gain in accordance with the mitigation and biodiversity gain hierarchies. The approach to deliver 10% net gain comprises the planting of fifteen small trees on-site, with target conditions of 'moderate'; this is considered achievable and appropriate. A suitably worded planning condition is recommended to secure the planting of fifteen trees of native species on-site.*

*The planted trees are to be at 'moderate' condition for 10% net gain to be achieved. It is therefore recommended that a Habitat Management and Maintenance Plan (HMMP) is prepared and submitted for approval that demonstrates how the trees will be managed to achieve 'moderate' condition. The HMMP and its implementation to ensure the trees meet the target condition for a minimum of 30 years is to be secured by a suitably worded condition.*

*It is recommended that the decision notice includes an informative to make the applicant aware that the development will be subject to the general biodiversity gain condition and will be required to submit a Biodiversity Gain Plan to discharge the pre-commencement condition."*

10. Tree Officer: has responded to state that there are some high value trees close to the access that could be negatively impacted by the proposal and recommends appropriate tree protection fencing is installed before any construction activity takes place and remains in place throughout the development. This can be secured through a suitable worded planning condition.
11. Lancashire Highway Services (LCC Highway Services): has responded with no objection to the proposal, stating that the formalising of the car park allows for more efficient parking whilst a match and training sessions are being held at the site. They request that all the

construction/ contractor vehicles and materials are accommodated within the site. It is also requested that deliveries are undertaken off the highway. This is to protect existing road users and to maintain the operation and safety of the local highway network and to minimise the impact of the construction works on the local highway network. This will be added as an informative note to any grant of planning permission.

12. Heath Charnock Parish Council: has responded with no objection to the proposal, stating it will enhance the sports facilities and improve access for sporting and informal recreation purposes.

## PLANNING CONSIDERATIONS

### Principle of development

13. The application site is located wholly within the Green Belt. National guidance on Green Belt is contained in Chapter 13 of the Framework which states:

*“142. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.*

*143. Green Belt serves five purposes:*

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

*152. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*

*153. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.*

*154. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. There are a number of exceptions to this including the following:*

- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*

14. The proposal would provide a new pavilion and ground maintenance store, and the car park would be resurfaced to support the existing use of the site for cricket and football matches, the same as the existing buildings that are proposed to be replaced. These are therefore considered to be appropriate facilities for outdoor sport and recreation. In order to meet the above exception there are two considerations in respect of the appropriateness of the development in the Green Belt as follows:

1) Will the proposal preserve the openness of the Green Belt?

15. Whilst the test for sites such as this relates to preserving openness it is important to note that the Framework contains no specific definition of ‘openness’. Whether the proposed building, car park and new site access would preserve the openness of the Green Belt is a subjective judgment that is considered further below. Objective criteria could include the

volume of an existing building although it is important to note that the Framework does not include such an allowance or capacity test. The openness of an area is clearly affected by the erection or positioning of any object within it no matter whether the object is clearly visible or not. The openness test relates to the whole of the application site and it is important to note that merely the presence of an existing building on the application site currently does not justify any new buildings.

- 16. As noted above, openness is not defined in the Framework but is generally seen to mean freedom from development. It is largely therefore seen as a spatial designation and whilst it is not a landscape designation in terms of landscape impact, there is a visual component to it.
- 17. The existing buildings consist of two shipping containers, a toilet and shower block, a disused garage and changing rooms. Only one of the shipping containers and the toilet / shower block would be retained and a new pavilion would be erected.
- 18. It is considered that in respect of the Framework that the existing building has an impact on the openness of the Green Belt. The buildings are partially visible from the highway to the south, although are mostly screened by vegetation although they are highly visible upon entering the site and there is a spatial impact to openness simply because the buildings exist. The table below provides a comparison of the existing and proposed built floor space and volumes at the site as measured by the case officer, although it should be noted that some of the measurements differ to that of the applicant’s measurements.

Building	Existing		Proposed	
	Floor space (m2)	Volume (m3)	Floor space (m2)	Volume (m3)
Toilet block / shower room <sup>1</sup>	21	78	21	78
Container 1	30	69.12	30	69.12
Changing room	30	70.10	-	-
Disused garage	15	36.30	-	-
Container 2	15	34.56	-	-
New pavilion	-	-	189	641.61
TOTAL	111	288	240	790

- 19. The table above shows that the proposal would result in a net increase in built floor space of approximately 129m2 (116%) and in volume of approximately 550m3 (174%). Given the increase in built floor space and volume, it would be unreasonable to conclude that the proposal would preserve the openness of the Green Belt, although the limited views into the site and the consolidation of the five buildings into three in a tighter cluster of built form would help to reduce the resultant harm.
- 20. The proposed resurfacing of the car park would be at ground level and would be replacing the existing hardstanding, thus would preserve the openness of the Green Belt.

2) Will the proposal conflict with the purposes of including land in the Green Belt?  
Paragraph 143 of the Framework sets out the five Green Belt purposes, which the scheme is assessed against as below:

*Purpose 1 (to check the unrestricted sprawl of large built-up areas).*

The proposal is not located within or on the edge of a large built up area and so there would be no conflict with this purpose.

*Purpose 2 (to prevent neighbouring towns merging into one another)*

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<sup>1</sup> Converted to ground maintenance store



Development of the site would not lead to the coalescence of neighbouring towns as the proposal is well separated from Chorley and Adlington.

*Purpose 3 (to assist in safeguarding the countryside from encroachment;).*

It is not considered that the proposal would result in encroachment into the countryside as it would not introduce new development to an undeveloped part of the Green Belt or extend the built form of development in this location.

*Purpose 4 (to preserve the setting and special character of historic towns;).*

This does not apply as the site is not located near a historical town.

*Purpose 5 (to assist in urban regeneration, by encouraging the recycling of derelict and other urban land).*

It is not considered that the proposal conflicts with this purpose.

21. In light of the greater impact on openness identified above, the proposal is considered to be inappropriate development in the Green Belt for which very special circumstances are required to overcome the definitional harm to the Green Belt and harm to the openness of the Green Belt.
22. The following sections of this report assess whether there is any 'other harm' from the proposal that could not be adequately mitigated through the imposition of planning conditions.
23. Policy HW1 of the Chorley Local Plan 2012 – 2026 states that ancillary development for an existing open space, sport or recreational facility will be permitted if all of the following criteria are met:
  - i. It is in connection with and will enhance the recreational and/or amenity value of the open space.
  - ii. It is of a size and scale which does not detract from the character of the open space.
  - iii. It will not have a detrimental effect on any site of nature conservation value.
  - iv. It does not result in the loss of any other sporting facility on the site.
24. The proposal demonstrably meets the above criteria, as outlined later in this report.

#### Design, amenity and access

25. Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development, including extensions, conversions and free-standing structures, provided that (amongst other things):

*"a) 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;*

*b) The development would not cause harm to any neighbouring property by virtue of overlooking, overshadowing or overbearing;*

*c) 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;*

*d) 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;*

*g) The proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses;"*

26. The proposed single-storey pavilion has been sympathetically designed to have a traditional appearance with an artificial stone finish to the walls, powder coated aluminium door and window frames with a powder coated steel roof. There would be a veranda area to

the front of the pavilion, facing the pitches. The remodelled toilet / shower block into a grounds maintenance store would involve minor changes to the external openings of the building and internal alterations. The car park would be resurfaced in gravel as it has become overgrown with vegetation in places. The proposal is of suitable design for the proposed use and is considered to be acceptable in terms of design and appearance.

27. The proposed pavilion would be substantially larger than the existing buildings but would still only be single storey and is well screened from the majority of external views by existing vegetation.
28. The ECB have noted the size of the proposed shower cubicles does not meet their forthcoming guidance. However, this is a multi-sport site and so a balance has to be struck between the differing specifications of the various advisory bodies. With this in mind, it is considered that the proposed facilities are acceptable.
29. The nearest dwellings to the application site are located in excess of 100m to the east, south east and west. In addition, it would be unlikely that the proposal would notably increase the noise and activity at the site compared to the current situation. As such, it is not considered the proposal would give rise to any unacceptable impacts upon residential amenity through noise disturbance.
30. The site access would remain as existing and the parking area would be resurfaced, which is supported by LCC Highway Services who have raised no objection to the proposal. It is not considered that the proposal would give rise to a notable increase in highways movements and the proposed 24 parking spaces are considered to be sufficient. The proposal is considered to be acceptable in terms of parking and highway safety.
31. The proposal is considered to be acceptable in terms of its design, appearance, landscaping, impacts upon residential amenity and safe access. The proposal therefore complies with policy BNE1 of the Local Plan.

#### Flood risk and drainage

32. The application site is not located in an area that is at risk of flooding from pluvial or fluvial sources, according to Environment Agency mapping data. In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.
33. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. As such the developer should consider the following drainage options in the following order of priority:
  1. into the ground (infiltration);
  2. to a surface water body;
  3. to a surface water sewer, highway drain, or another drainage system;
  4. to a combined sewer.
34. The applicant states that foul drainage currently exists on site adjacent the toilet block and it is proposed to connect the new pavilion drainage to the existing foul manhole on site. Surface water drainage from the new pavilion would be connected into the existing surface water drain that runs across the site and it discharges into the adjacent River Yarrow, on the opposite side of the road. The applicant has provided evidence of percolation testing at the site that supports the case for ground infiltration not being feasible. The proposed drainage solution therefore complies with drainage policy and is considered to be acceptable.

#### Ecology

35. 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.

36. The Council's ecological advisors have responded with no objection to the proposal and have recommended informative notes for safeguarding protected species.
37. Biodiversity Net Gain (BNG) is required under the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). Under the statutory framework for BNG, subject to some exemptions, every grant of planning permission in England is deemed to have been granted subject to the condition that biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the predevelopment biodiversity value of the onsite habitat. Chorley Borough Council have published a Biodiversity Net Gain (BNG) Policy Statement providing guidance on BNG.

#### *Relevant BNG Regulations*

- The Environment Act 2021 (Commencement No.8 and Transitional Provisions) Regulations 2024
  - The Biodiversity Gain Requirements (Exemptions) Regulations 2024
  - The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024
  - The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024
38. As noted earlier in this report, the Council's Biodiversity Net Gain Officer has reviewed the proposals and is satisfied that at least a 10% net gain will be provided in accordance with the mitigation and biodiversity gain hierarchies, comprising the planting of fifteen small trees on-site. As such, the proposal is considered to be acceptable in this regard.
  39. It is, therefore, not considered that any further assessment is required of the proposed ecological impacts of the proposal and it is considered acceptable in this regard. The proposal is considered to comply with policy BNE9 of the Chorley Local Plan (2012-2016).

#### Green Belt balancing exercise

40. As the proposal represents inappropriate development in the Green Belt, there would have to be very special circumstances to justify the grant of planning permission that would outweigh the harm. It has been demonstrated that there is no 'other harm' and so the benefits of the proposal would have to outweigh the definitional harm to the Green Belt and harm to the openness of the Green Belt, to which substantial weight must be attached.
41. The applicant has put forward a case for the proposal to demonstrate that very special circumstances exist, which includes the following:
  - *"The site of the proposed pavilion is in the corner of the playing field with a backdrop of mature trees. The area of the proposed pavilion is 125m<sup>2</sup>. The area of the existing buildings to be demolished is 63m<sup>2</sup>. The total nett increase in the built form on site is therefore 62m<sup>2</sup> which represents a very small increase in built form in the context of the overall site.*
  - *While compatible with, and supportive of, the existing playing field use of the Sports Ground, the positioning of the proposed pavilion does not obscure or impact on the openness of the site.*
  - *The proposed single storey pitched roof pavilion has been sympathetically designed using materials that reflect those used in the local area: notably reconstituted stone external masonry.*
  - *The proposals do not affect any other area of maintained grass playing field or alter or diminish their use, but rather provide the ancillary facilities that are currently sub-standard supporting these playing pitches.*
  - *The provision of a new changing pavilion constructed to modern standards and to ECB and Football Foundation design criteria is betterment and clearly outweighs the loss of the small section of amenity grassland off playing pitches.*

- *In the context of a wider sporting landscape, this project will support the key objectives of other major national policies, not least ...*
    - *Sport England: Towards an Active Nation (2016-2021).*
    - *Sport England: Playing Fields Policy & Guidance (March 2018).*
    - *The Football Association: The FA National Game Strategy for Participation & Development (2015-2019)."*
42. It is clear that the proposal would result in substantial benefits to the local and wider community in the Borough by introducing a vastly improved public sports facility at this site.
43. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. On the other hand, the Framework aims to increase opportunities for access to outdoor recreation.
44. Policy 24 of the Central Lancashire Core Strategy seeks to ensure that everyone has the opportunity to access good sport, physical activity and recreation facilities.
45. Paragraph 150 of the Framework states that once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.
46. The material considerations put forward are considered to provide significant weight in favour of the proposal and in terms of the Framework in this case it is considered the social benefits of enhancing publicly accessible sports provision outweighs the environmental dimension of Green Belt harm. In this instance it is considered that very special circumstances exist sufficient to clearly outweigh the harm that would be caused by reason of inappropriateness and harm to the openness of the Green Belt. The proposal is therefore considered to be acceptable.

#### Community Infrastructure Levy

47. 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**

48. The proposal represents inappropriate development in the Green Belt and is, therefore, harmful by definition. The factors advanced in support of the development amount to very special circumstances that are considered to outweigh the harm to the Green Belt by reason of its inappropriateness and harm to the openness of the Green Belt. The proposal therefore complies with the National Planning Policy Framework with regards to Green Belt policy. There are no other material considerations weighing against the proposal and the application is recommended for approval.

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

**Ref:** 98/00247/FUL **Decision:** PERFPP **Decision Date:** 2 June 1998  
**Description:** Erection of replacement tea room,

**Ref:** 03/00786/CTY **Decision:** PERMIT **Decision Date:** 1 October 2003  
**Description:** To construct a new control kiosk and associated area of hardstanding, a gravel path, retaining wall and temporary construction access,

**Ref:** 5/5/08598 LPA **Decision:** CLO **Decision Date:** 29 March 1972  
**Description:** Temporary Sports Equipment Store

**Ref:** 5/5/06981      **Decision:** CLO      **Decision Date:** 4 November 1969  
**Description:** Hutted Accommodation

**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
Site Location Plan	205-096-1001 Rev A	3 September 2024
Proposed Site Plan	205-096-1006 Rev A	3 September 2024
Proposed Cricket Pavilion Plans	205-096-1007	6 June 2024
Proposed Cricket Pavilion - Elevations and Section	205-096-1008	6 June 2024
Proposed Toilet Block Remodel	205-096-1011	6 June 2024
Proposed Drainage Layout Plan	205-096-1010	6 June 2024

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

3. The external facing materials, detailed on the approved plans, shall be used and no others substituted unless alternatives are first submitted to and agreed in writing by the Local Planning Authority, when the development shall then be carried out in accordance with the alternatives approved.

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

4. During the construction period, all trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standards.

*Reason: To safeguard the trees to be retained.*

5. Foul and surface water shall be drained in accordance with the approved drainage plan, ref. 205-096-1010. The rate of discharge shall be restricted to the lowest possible rate which shall be agreed with the statutory undertakers prior to connection.

*Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.*

6. Prior to the first use of the approved pavilion building, the existing buildings, other than those identified as 'Toilet and Showers' and 'Container 1' on the approved Site Location Plan ref. 205-096-1001 Rev A, shall be removed from the site.

*Reason: to protect the openness of the Green Belt.*

7. Fifteen native trees shall be planted at the site within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner.

*Reason: in the interests of achieving a 10% net gain in biodiversity at the site.*

8. Prior to the first use of the approved pavilion, a Habitat Management and Maintenance Plan (HMMP) shall be submitted to and approved in writing by the Local Planning Authority that demonstrates how the trees will be managed to achieve 'moderate' condition. The HMMP shall demonstrate how the target condition will be met for a minimum of 30 years from the date of tree planting.

*Reason: in the interests of achieving a 10% net gain in biodiversity at the site.*



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Dwg. Purpose **Planning**

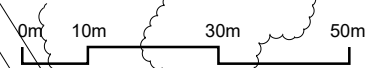
No.	Revision / Issue	Date
A	Red line boundary amended	08/24

Project  
**Proposed Changing Facilities at  
 Gillett Playing Fields  
 Long Lane, Heath Charnock  
 Chorley, PR6 9EF**

Client  
**Chorley Council**  
 Dwg. Title  
**Site Location Plan**



Churchill House, Mill Hill, Pontefract, West Yorkshire,  
 WF8 4HY t: 01977 797258 e: mail@stevewells-associates.com



Dwg. No. <b>205-096-1001</b>	Rev. <b>A</b>
Scale <b>1:1250 @ A3</b>	Date <b>February 2024</b>
Drawn by <b>JLR</b>	Checked <b>DKW</b>

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**APPLICATION REPORT – 24/00515/FULMAJ**

**Validation Date: 24 June 2024**

**Ward: Chorley North And Astley**

**Type of Application: Major Full Planning**

**Proposal: Erection of a service canopy and alterations to car park**

**Location: Dalziel Unit C3 Chorley North Industrial Park Drumhead Road Chorley PR6 7DE**

**Case Officer: Daniel Power**

**Applicant: Dalziel Ltd**

**Agent: McGinlay Associates**

**Consultation expiry: 25 July 2024**

**Decision due by: 24 October 2024 (Extension of time agreed)**

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**RECOMMENDATION**

1. Permit full planning permission.

**SITE DESCRIPTION**

2. The application site is located within the settlement of Chorley as identified on the Chorley Local Plan Policies Map. The site forms part of the Chorley North Industrial Park, on the southern side of Drumhead Road. The existing building is a large warehouse style building, with a large parking area to the front between the building and the highway. The boundary of the site is surrounded by a palisade fence finished in grey.
3. The wider area contains similar scale and size of buildings as the application property, with parking areas, buildings set back from the road and some landscaping.
4. The application site is occupied by The Dalziel group, which serves the meat processing and retail butchery industry from 12 strategically located distribution sites throughout the United Kingdom, Chorley being one of them.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

5. This application seeks planning permission for the erection of a service canopy and alteration to the existing car park. The service canopy is in the form of an extension to the existing building with a pitched roof and open on the northern side, with the creation of 1160m<sup>2</sup> of new floor space. The alterations to the parking area consists of the creation of formal parking spaces, which is currently an open parking / hardstanding area.

**REPRESENTATIONS**

6. No comments have been received.

**CONSULTATIONS**

- Lead Local Flood Authority
7. The Lead Local Flood Authority have responded stating they have no comments.
- Parish Council
8. No comments have been received.
- CIL Officers
9. This is not a chargeable development for the purposes of the Community Infrastructure Levy. Not CIL Liable.
- Lancashire Highway Services
10. LCC Highways does not have any objections regarding the proposed erection of a Service Canopy and alterations to car park and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. The proposal is an improvement to the internal layout with pedestrian routes marked out through the site.
- United Utilities
11. Have responded with no objections and have provided general comments relating to surface and foul drainage.

**PLANNING CONSIDERATIONS**Principle of development

12. The application site is located within the settlement area of Chorley, within which Chorley Local Plan Policy V2 is applicable. This policy states that “*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 this Plan.*” The proposal is therefore acceptable in principle, subject to other considerations of the plan, which are addressed below.
13. The application proposes an extension to an existing storage building, for which policy EP3 of the Chorley Local Plan 2012-2026 applies. The policy wording is identified below along with an assessment of the proposals against the criteria of the policy.
14. *Proposals for new business, industrial and storage and distribution uses, including extensions to existing premises, will be permitted if they satisfy the following criteria:*
- a) they are of a scale and character that is commensurate with the size of the settlement;*
15. The application proposes an extension to the existing building that is approximately 50% of the floorspace of the existing building. There would remain a set back from the road to the north and west, with this area being proposed for car parking. The extension would be in keeping with the wider area.
- b) the site is planned and laid out on a comprehensive basis;*
16. The application proposes an extension to the existing building with a change to the arrangement of car parking spaces. The proposal has therefore been planned and laid out on a comprehensive basis.
- c) the proposal will not prejudice future, or current economic activities within nearby areas;*
17. The site is contained within an existing business park and would not prejudice future, or current economic activities within nearby areas.

- d) the proposal will not cause unacceptable harm e.g. noise, smells to surrounding uses;*
18. The site is contained within an existing business park, expanding an existing use which is not considered to result in unacceptable harm from noise, smells etc. to surrounding uses.
- e) the site has an adequate access that would not create a traffic hazard or have an undue environmental impact;*
19. LCC Highways have no objections to the proposal. The proposal would improve the existing parking by formalising the parking spaces. The site is served by an existing access which would remain unchanged.
- f) the proposal will be served by public transport and provide pedestrian and cycle links to adjacent areas;*
20. The site is contained within an existing business park with existing transport links.
- g) open storage areas should be designed to minimise visual intrusion;*
21. Not applicable.
- 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;*
22. Given the scale of the proposed extension, and its location within the confines of the existing industrial site, it is not considered additional landscaping would be required.
- i) on the edges of industrial areas, where sites adjoin residential areas or open countryside, developers will be required to provide substantial peripheral landscaping;*
23. Not applicable.
- j) the development makes safe and convenient access provision for people with disabilities;*
24. The existing site has a level entrance into the building.
- 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;*
25. The application seeks to extend the existing building, within an established industrial park.
- l) the proposal will not result in surface water, drainage or sewerage related pollution problems; and*
26. The application will use existing waste and surface water connections and the proposed extension is to be located on an existing hardstanding area and so would not increase flood risks at the site.
- m) the proposal incorporates measures which help to prevent crime and promote community safety.*
27. The application seeks to extend the existing building, within an established industrial park.

Design and impact on the dwelling and street scene

28. Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development, provided that, where relevant to the development 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.

29. The application proposes an extension to the existing building, of a similar scale and design to the existing building. It is therefore considered there will be no unacceptable impact on the host building or the surrounding locality as a result of the proposals and as such the development complies with policy BNE1 of the Chorley Local Plan 2012 – 2026 with regards to the design

Impact on neighbouring amenity

30. 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.
31. The application site is located within an established business park and, given the distance to the nearest residential properties, it is not considered the proposal would have a harmful impact to neighbouring amenity. The proposal would therefore accord with policy BNE1 of the Chorley Local Plan 2012 - 2026.

Highway Safety

32. Policy BNE1 of the Chorley Local Plan 2012-2026 states that developments must not cause severe residual cumulative highways impact or prejudice highway safety, pedestrian safety, the free flow of traffic, or reduce the number of on-site parking spaces.
33. LCC Highways does not have any objections regarding the proposed extension to the existing warehouse and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Community Infrastructure Levy

34. 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**

35. The proposed development would not have an unacceptable adverse impact on the character and appearance of the application site or the surrounding area, nor would it cause any significant harm to the amenity of neighbouring residents or highway safety. It is, therefore, considered that the development accords with relevant National Planning Policy Framework and the Chorley Local Plan 2012 – 2026.

**RELEVANT HISTORY OF THE SITE**

**Ref:** 07/01309/FUL **Decision:** PERFPP **Decision Date:** 8 February 2008

**Description:** Construction compressor housing and external stairs, insert 6 new windows and 1 new door

**Ref:** 16/00014/FUL **Decision:** PERFPP **Decision Date:** 4 March 2016

**Description:** Proposed extension to chill store and formation of new access

**Ref:** 16/00966/FUL **Decision:** PERFPP **Decision Date:** 21 February 2017

**Description:** Formation of new vehicular access (cars) to Drumhead Road.

**Ref:** 24/00515/FULMAJ **Decision:** PDE **Decision Date:**

**Description:** Proposed erection of a Service Canopy and alterations to Car Park.

**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:

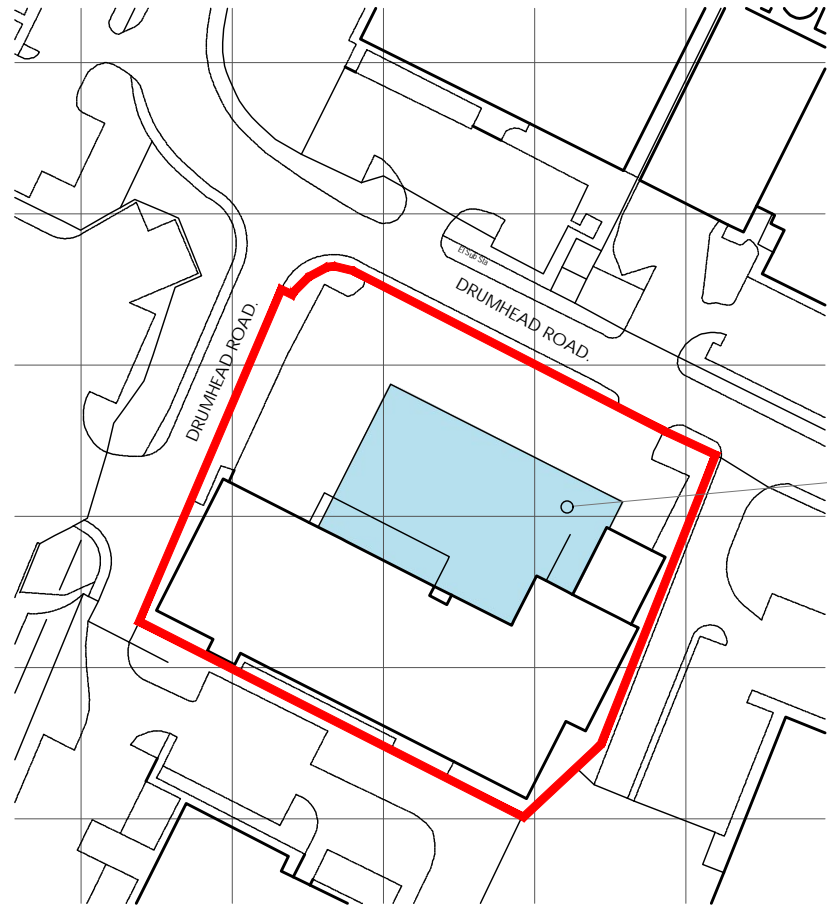
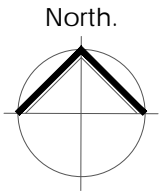
Title	Plan Ref	Received On
Site Location Plan	1568 : AL(2-)001	24 June 2024
Proposed Ground Floor Plan	1568 : AL(2-)005a	24 June 2024
Proposed Elevations 2	1568 : AL(2-)008	24 June 2024
Proposed Elevations 1	1568 : AL(2-)007	24 June 2024
Proposed Sections	1568 : AL(2-)006	24 June 2024

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

3. The external facing materials, detailed on the approved plans, shall be used and no others substituted unless alternatives are first submitted to and agreed in writing by the Local Planning Authority, when the development shall then be carried out in accordance with the alternatives approved.

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

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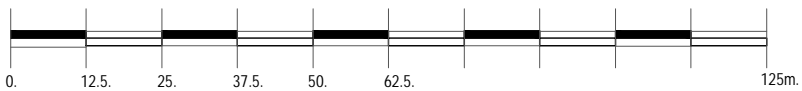


PROPOSED SERVICE CANOPY.

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### Location Plan.

1:1250@A3.



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**DALZIEL LIMITED / MK INGREDIENTS**

DALZIEL LTD - PROPOSED SERVICE CANOPY - UNIT C3, DRUMHEAD ROAD, CHORLEY NORTH BUSINESS PARK - CHORLEY - PR6 7DE  
LOCATION PLAN  
1:1250@A3  
1568 : AL(2-)001

Planning.



244 BITTOSHOKE ROAD, BITTOSHOKE  
CARRUMBUCK, GLASGOW, G1A 9ES  
T: 0141 844 9999  
E: info@thomasarchitects.com

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**APPLICATION REPORT – 24/00659/OUT**

**Validation Date: 10 August 2023**

**Ward: Clayton East, Brindle And Hoghton**

**Type of Application: Outline Planning**

**Proposal: Outline application for the demolition of existing buildings and erection of four dwellings, with all matters reserved**

**Location: Jack Green Farm Oram Road Brindle Chorley PR6 8NT**

**Case Officer: Daniel Power**

**Applicant: Mr J Smalley**

**Agent: P Wilson and Company LLP**

**Consultation expiry: 26 July 2024**

**Decision due by: 30 September 2024**

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**RECOMMENDATION**

1. It is recommended that the application is approved, subject to conditions.

**SITE DESCRIPTION**

2. The application site is located in the Green Belt and forms part of the landholding of Jack Green Farm. It is comprised of existing stone agricultural barns, modern agricultural barns and large grain storage.
3. Planning permission ref. 19/00819/FUL was granted in June 2020 for *“Demolition of agricultural buildings and the conversion of agricultural barn into 3no. dwellings including raising of the roof by 1 metre and single storey rear extension”* on a large section of the current application site.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

4. This application seeks outline planning permission for the demolition of existing buildings and erection of four dwellings, with all matters reserved.

**REPRESENTATIONS**

5. No representations have been received.

**CONSULTATIONS**Lancashire Highway Services

6. LCC Highways does not have any objections regarding the proposed outline application for the demolition of existing buildings and erection of four dwellings, with all matters reserved and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

7. Oram Road is a single track rural lane with no footways or street lighting. The existing barn is to the boundary of the adopted highway. The application is for outline planning permission with all matters reserved. A safe means of access can be made and the indicative plan shows this.
8. For the formation of the access, the applicant is requested to enter into the appropriate legal agreement of the Highways Act 1980. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Community Services before works begin on site.

Parish Council

9. No comments have been received.

Planning Policy- Open Space

10. Comments to follow.

**PLANNING CONSIDERATIONS**

Principle of development

11. The application site is located wholly within the Green Belt. National guidance on Green Belt is contained in Chapter 13 of the Framework which states:

*"142. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.*

*143. Green Belt serves five purposes:*

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

*152. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*

*148. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.*

*153. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are ...: g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development;"*

12. It is, therefore, necessary to establish whether the existing site falls within the definition of previously developed land (PDL), as defined by Annex 2 to the Framework, as follows:

*"Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or*

*was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”*

13. The site clearly contains buildings; however, these are all either in agricultural use or were last use for agricultural purposes. Therefore, the buildings would not fall under the above definition of PDL. As noted earlier in this report, planning permission was granted in 2020 for the demolition of agricultural buildings and the conversion of an agricultural barn into 3 no. dwellings, this is located to the front of the site along the road. It is the case officer's opinion that this planning permission has lawfully commenced on site, by the demolition of part of the agricultural buildings. Therefore, the applicant has a legitimate fall-back position for the conversion of the barn to 3 dwellings on part of the site and this is a key material planning consideration in the determination of the application.
14. The current application seeks outline consent for up to 4 dwellings on a larger parcel of land than permitted under the 2020 planning permission. It proposes to remove agricultural buildings from the land and provide an additional dwelling compared to that previously approved. As the removal of agricultural buildings are not considered as PDL, the application would result in a greater impact on the openness of the Green Belt and would not meet the requirement of the above policy. The proposal would therefore result in inappropriate development in the Green Belt.
15. Chapter 13 of the Framework which states at paragraph 152 that *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”*

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

16. 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.
17. The majority of the application site contains large agricultural buildings, which are generally tired and of unkempt appearance which undermine the overall appearance of the site and none of the buildings are of any architectural merit. The redevelopment of the site provides the opportunity to enhance the site as a whole, subject to design considerations as set out in policy BNE1 of the Chorley Local Plan which would be dealt with at reserved matters stage.
18. As noted in the preceding section of this report, it is considered that two storeys as a maximum would be an appropriate scale for the proposed dwellings, given the height of the existing dwellings to the east. This would ensure the proposal is not harmful to the character and appearance of the area. This could be secured by planning condition. It is considered that a sensitively designed scheme at reserved matters stage would comply with policy BNE1 with regards to character and appearance.

#### Impact on neighbouring amenity

19. 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.

20. Given this is an outline application, the impact of the proposal on neighbour amenity would be a detailed matter which would be assessed at reserved matters stage. Any proposed scheme would need to ensure that an acceptable layout is achieved with adequate separation distances, to avoid adverse impacts on neighbouring residential amenity, and that of future occupiers. That said, given the proximity of the nearest existing dwellings to the application site, it is considered unlikely that the proposal would give rise to any unacceptable impacts with regards to residential amenity.
21. In terms of land use compatibility, the proposed residential use would be compatible with neighbouring uses and is capable of complying with the aforementioned policy in relation to amenity.

#### Highway safety

22. 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.
23. LCC Highway Services do not have any objections in principle to the proposal. The illustrative site layout plan adequately demonstrates that the site could provide off street parking and vehicle manoeuvring areas in line with the parking standards set out in policy ST4 of the Chorley Local Plan 2012 – 2026 and Appendix A.
24. The proposal is considered to be acceptable in terms of highway safety having regard to policy BNE1 (d) of the Chorley Local Plan.

#### Flood risk and drainage

25. The application site is not located in an area that is at risk of flooding from pluvial or fluvial sources, according to Environment Agency mapping data. In accordance with the Framework and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water and surface water draining in the most sustainable way.
26. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. As such the developer should consider the following drainage options in the following order of priority:
  1. into the ground (infiltration);
  2. to a surface water body;
  3. to a surface water sewer, highway drain, or another drainage system;
  4. to a combined sewer.
27. It is recommended that the applicant implements a scheme in accordance with the surface water drainage hierarchy outlined above. This can be secured by planning condition.

#### Ecology and trees

28. 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.

29. A reserved matters application would require the submission of an ecology survey which would be considered by the Council's Ecologist. Notwithstanding that, a condition for the protection of nesting birds, during construction of the site is considered appropriate.
30. In light of the above, the proposal is considered to be acceptable, subject to conditions. The proposal is considered to comply with policy BNE9 of the Chorley Local Plan (2012-2016).

#### Very Special Circumstances (VSC)

31. Paragraphs 152 and 153 of the Framework state:

*"152. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*

*153. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."*

32. There is a legitimate fall-back position for 3 dwellings on part of the site, with this application proposing an additional dwelling above this. The majority of the application site contains large agricultural buildings, which are generally tired and unkempt in appearance which undermine the overall appearance and character of the site and none of the buildings are of any architectural merit. The redevelopment of the site provides the opportunity to enhance the site and the character of the area. Given the fall-back position and while the remainder of the site would not fall under PDL there would be a large improvement of the visual amenity of the area. It is considered the applicant has demonstrated very special circumstances which outweigh the harm of the inappropriateness of the development.
33. The above said, as noted earlier in this report, it is proposed to restrict the maximum height of the final design of dwellings at reserved matters stage to two-storeys. Further, it is considered appropriate to restrict the area of built development at reserved matters stage to the area of land shaded blue on submitted plan ref. C99-12 SITE PLAN, which is the same part of the site as the approved barn conversion, i.e. The red-edge application boundary of planning permission ref. 19/00819/FUL.

#### Sustainability

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

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

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

35. 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.

#### 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 proposed development represents inappropriate development in the Green Belt and should not be approved except in very special circumstances. VSCs have been demonstrated to outweigh the harm of the inappropriateness of the development. The application is in outline form only, and full details would be reserved for later consideration in respect of detailed design, amenity, access, parking and landscaping. Nature conservation interests would not be harmed. The principle of residential development for up to four dwellings on this site, including the demolition of the existing buildings is considered to be acceptable in planning policy terms. The application is, therefore, recommended for approval accordingly, subject to conditions.

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

**Ref:** 03/00333/CLEUD      **Decision:** REFEUD      **Decision Date:** 18 June 2003

**Description:** Application for a certificate of lawfulness for parking and maintaining vehicles in connection with plant hire business,

**Ref:** 04/00608/OUT      **Decision:** WDN      **Decision Date:** 1 October 2004

**Description:** Outline Application for erection of agricultural workers dwelling,

**Ref:** 04/01179/CLEUD      **Decision:** PEREUD      **Decision Date:** 22 December 2004

**Description:** Application for Certificate of Lawfulness in respect of residential occupation of the existing park home for a period in excess of 4 years,

**Ref:** 05/00163/FUL      **Decision:** WDN      **Decision Date:** 11 April 2005

**Description:** Erection of replacement dwelling,

**Ref:** 05/00513/FUL      **Decision:** PERFPP      **Decision Date:** 27 July 2005

**Description:** Erection of replacement dwelling,

**Ref:** 19/00819/FUL      **Decision:** PERFPP      **Decision Date:** 26 June 2020

**Description:** Demolition of agricultural buildings and the conversion of agricultural barn into 3no. dwellings including raising of the roof by 1 metre and single storey rear extension

**Ref:** 21/00352/P3PAO      **Decision:** ARPR      **Decision Date:** 23 July 2021

**Description:** Prior approval application under Schedule 2, Part 3, Class Q (a and b) of The Town and Country Planning (General Permitted Development) (England) Order 2015 for proposed change of use of agricultural building to 1no. dwellinghouse

**Ref:** 22/00613/P3PAO **Decision:** APPRET **Decision Date:**  
**Description:** Prior approval application under Schedule 2, Part 3, Class Q (a and b) of The Town and Country Planning (General Permitted Development) (England) Order 2015 for proposed change of use of agricultural building to 1no. dwellinghouse and associated building operations

**Ref:** 22/01286/P3PAO **Decision:** ARPR **Decision Date:** 7 February 2023  
**Description:** Prior approval application under Schedule 2, Part 3, Class Q (a and b) of The Town and Country Planning (General Permitted Development) (England) Order 2015 for proposed change of use of agricultural building to 1no. dwellinghouse and associated building operations

**Ref:** 24/00413/PIP **Decision:** APPRET **Decision Date:**  
**Description:** Outline consent for the erection of 4 detached dwellings and retuning built area to grass/landscaping (all matters reserved).

**Ref:** 94/00572/FUL **Decision:** PERFPP **Decision Date:** 30 August 1994  
**Description:** Erection of agricultural building to cover existing yard area

**Ref:** 91/00070/FUL **Decision:** PERFPP **Decision Date:** 12 March 1991  
**Description:** Formation of farmyard, manure and slurry storage with reception pit and channels

**Ref:** 83/00314/FUL **Decision:** PERFPP **Decision Date:** 31 May 1983  
**Description:** Conservatory

**Ref:** 78/01127/OUT **Decision:** PEROPP **Decision Date:** 6 August 1979  
**Description:** Outline application for farmworkers bungalow

**Ref:** 77/00373/FUL **Decision:** PERFPP **Decision Date:** 21 July 1977  
**Description:** Kitchen/bedroom extension

**Ref:** 76/00499/FUL **Decision:** PERFPP **Decision Date:** 3 August 1976  
**Description:** Bedroom and bathroom extension

**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. An application for approval of the reserved matters, namely access, appearance, landscaping, layout and scale, must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be 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. The development hereby permitted shall be carried out in accordance with the approved plans below:

Title	Plan Ref	Received On
Site Location Plan	C99-12 LOCATION PLAN	16 July 2024
Site Plan	C99-12 SITE PLAN	16 July 2024

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

3. As part of the first application for reserved matters or prior to the commencement of the development full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site), shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.

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

4. As part of the first application for reserved matters or prior to the commencement of the development of any dwellinghouse, full details of all external facing and roofing materials (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 details as approved.

*Reason: In the interests of the appearance of the development and the visual amenities of the area.*

5. No dwelling hereby permitted shall be commenced until all existing buildings on the site, shown on approved drawing ref. C99-12 SITE PLAN within the red-edge, are demolished in full and all resultant materials removed from the site.

*Reason: The demolition of the existing buildings is necessary to make the development acceptable in the Green Belt as an exception to inappropriate development in the Green Belt as listed in the National Planning Policy Framework and also in accordance with Chorley Local Plan 2012 - 2026 policy BNE5.*

6. No works to trees, shrubs or hedgerows or demolition of any building 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 in place to protect nesting bird interests on site. Written confirmation of such shall be submitted to the Local Planning Authority.

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

7. As part of the first application for reserved matters or prior to the commencement of the development a biodiversity enhancement plan and implementation timetable shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement plan shall be implemented in full in accordance with the approved details and timetable.

*Reason: To ensure biodiversity on the site is enhanced.*

8. As part of the first application for reserved matters or prior to the commencement of the development, a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;



- (ii) A restricted rate of discharge of surface water agreed with the Local Planning Authority (if it is agreed that infiltration is discounted by the investigations); and
- (iii) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

*Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.*

9. Foul and surface water shall be drained on separate systems.

*Reason: To secure proper drainage and to manage the risk of flooding and pollution.*

10. 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.*

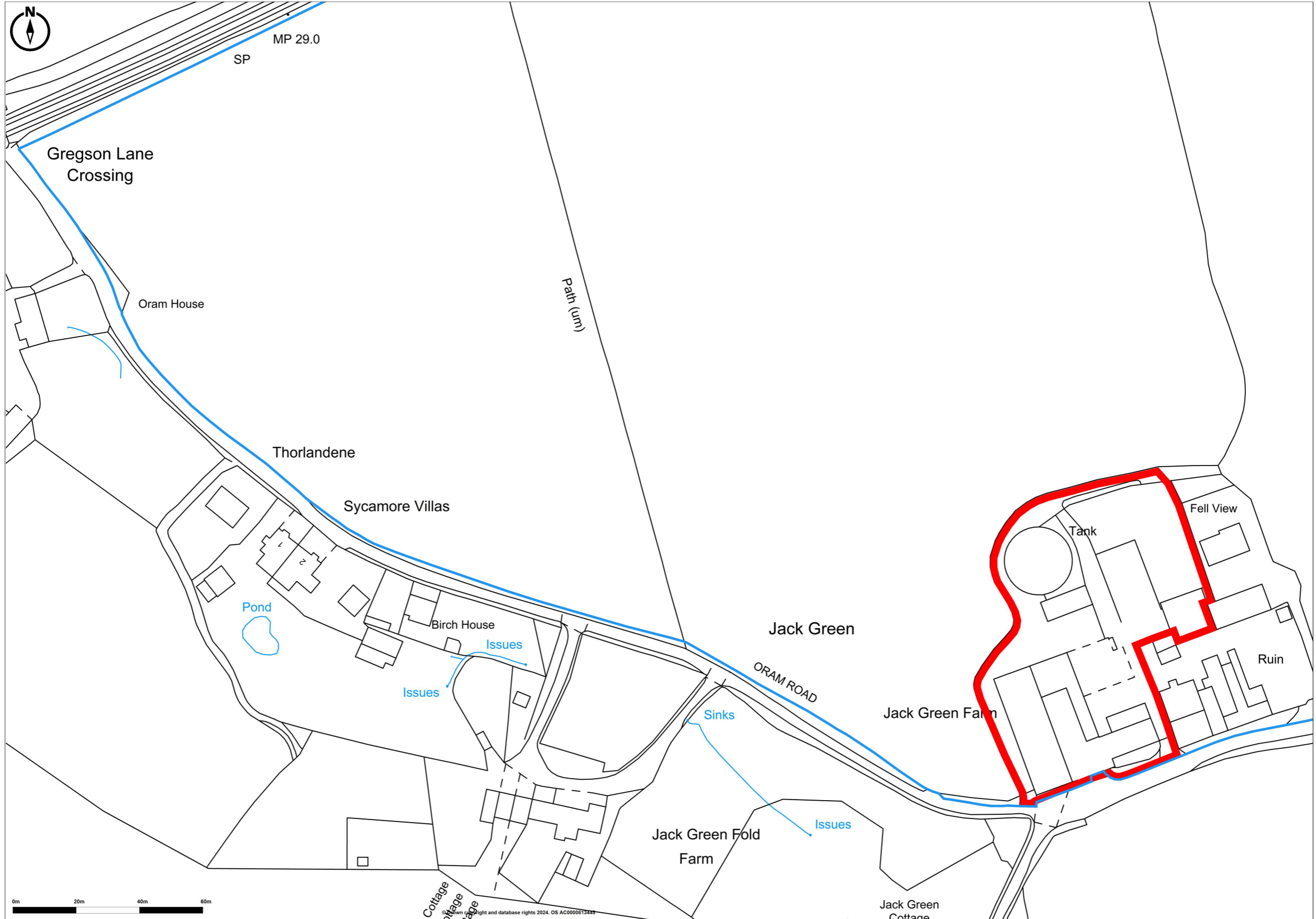
11. For each phase, with any reserved matters application or prior to the laying of any hard landscaping (ground surfacing materials) full details of their colour, form and texture for that phase shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken 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.*

12. The buildings proposed at reserved matters stage shall be restricted to two storeys in height and the built development shall be restricted to the area of land shaded blue on approved plan ref. C99-12 SITE PLAN.

*Reason: To protect the openness of the Green Belt and the character of the area.*

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