

APPLICATION REPORT – 20/01373/CB3

Validation Date: 11 January 2021

Ward: Clayton-le-Woods And Whittle-le-Woods

Type of Application: Chorley Regulation 3

Proposal: Creation of a natural flood management feature on open space off Clover Field in Carr Brook Linear Park

Location: Land To The East And West Of Clover Field Clayton-Le-Woods

Case Officer: Amy Aspinall

Applicant: Chorley Council

Agent: N/A

Consultation expiry: 27 April 2021

Decision due by: 28 April 2021 (Extension of time agreed)

RECOMMENDATION

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

SITE DESCRIPTION

2. The application site forms part of the wider Carr Brook Linear Park and is situated between Clover Field and Cedar Field. The site is designated as open space under policy HW2 of the Chorley Local Plan 2021 – 2026 and falls within flood zones 2 and 3.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. The application seeks planning permission for flood management works within the Carr Brook Linear Park to create an attenuation feature. This would be comprised of a lower channel being created from the existing landform beside the main river which would seasonally fill with river water when in high flow/storm events, in order to hold back some water capacity to prevent flooding further downstream. This would not, however, be a permanent wetland as the water would quickly drain away as the river flow goes back to normal level and for most of the time, it would look like a wildflower grassland.

RELEVANT HISTORY OF THE SITE

4. There is no recent relevant planning history.

REPRESENTATIONS

5. 3no. representations have been received citing the following grounds of objection:
 - A flood plain would be created and homes put at risk
 - The brook has never breached its banks
 - The area has been chosen to alleviate a problem elsewhere / there are other more suitable locations
 - Information in relation to spoil deposits is vague

- Spoil would impact on the natural drainage of gardens
- Residents have previously been told that the spoil would not be located behind houses
- Impact of bunds on trees
- There are better location for bunds
- There are better locations for the scheme
- Loss of privacy / overlooking to gardens due to proposed bunds creating a higher level for people to walk on
- Residents were promised that someone would go out to explain the project to them but no one has

CONSULTATIONS

6. Lancashire County Council Highway Services: Have requested further information in relation to the site access. Updated comments are awaited.
7. Greater Manchester Ecology Unit (GMEU): Have no objection. Conditions are advised.
8. Environment Agency: Have no objection. Conditions are advised.
9. CIL Officers: Comment that the proposal is not a chargeable development for the purposes of the Community Infrastructure Levy.

PLANNING CONSIDERATIONS

Principle of development

10. *Policy V2 (Settlement Areas) of the Chorley Local Plan 2012 - 2026 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 the Plan.*

11. *Policy HW2 (Protection of Existing Open Space, Sport and Recreational Facilities) of the Chorley Local Plan 2012-2026 seeks to protect land and buildings currently or last used as, or ancillary to, open space or sports and recreational facilities. The proposed development would not result in the loss of the open space, but involves works to facilitate flood management, which would, in turn, create ecological enhancement.*

12. *Policy 18 (Green infrastructure) of the Central Lancashire Core Strategy (2012) seeks to manage and improve environmental resources through a Green Infrastructure approach to protect and enhance the natural environment where it already provides economic, social and environmental benefits.*

13. *Policy 29 (Water Management) of the Central Lancashire Core Strategy (2012) seeks to improve water quality, water management and reduce the risk of flooding in a number of ways including seeking to maximise the potential of Green Infrastructure to contribute to flood relief.*

14. The proposed development is acceptable in principle, in planning policy terms.

Impact on the character and appearance of the area

15. *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; and that the layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area; and that the proposal would not have a detrimental impact on important natural habitats and landscape features such as historic landscapes, mature trees, hedgerows, ponds and watercourses. In some circumstances where on balance it is considered*

acceptable to remove one or more of these features, then mitigation measures to replace the feature/s will be required either on or off-site.

16. The proposed development is a natural flood management scheme in the form of the creation of a wetland basin through cut and fill and land regrading in order to store flood water. At times this would be filled with water and at other times it would function as a meadow. There would be no harm to the visual amenities of the area as a result of these works.

17. The application identifies locations of spoil deposits around existing trees, however, this could negatively affect the health of trees, including impacts from machinery. The location of the spoil deposits could, however, be controlled by condition.

Impact on amenity

18. 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.

19. The creation of the flood management features on the site involves various works to create the attenuation basin, including raising levels in some areas. The application states that discussions will be had with neighbouring residents who back onto the site to agree final levels. Whilst discussions with neighbours cannot be secured by way of condition, it is considered necessary to require further information in relation to levels and locations of raised areas in order to safeguard the amenity of adjacent properties. The details could be secured by condition.

20. Subject to conditions, it is considered that the proposed development would not be harmful to the residential amenity afforded to neighbouring properties and construction works would only be temporary.

Ecology

21. 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.

22. The application is accompanied by an ecological assessment. GMEU have assessed the application and advise that whilst no evidence of protected species was found, further surveys are required for otter and water vole prior to any earthworks or vegetation clearance, including the reasonable avoidance measures. This could be conditioned accordingly.

23. A restriction on the timing of vegetation clearance is required during nesting season given the potential to impact nesting birds, which are protected by Section 1 of the Wildlife & Countryside Act 1981. Again, this could be conditioned.

24. Himalyan Balsam is identified along the brook and GMEU advise that whilst eradication is unlikely to be feasible, there is a risk of spreading during construction. As such a method statement to prevent the spread of the invasive species is required and could be controlled by condition.

25. GMEU advise that although the proposed scheme would ultimately enhance the ecological potential of the brook, there is a risk during construction of significant sediment release, that could impact on the River Lostock downstream and pollution incidents from the release of any pollutants in the ground, leakage from machinery or spillage during refuelling. A method statement for the protection of Carr Brook during construction would be required and could be secured by condition.

26. Full details of planting would be secured by condition.

27. Subject to condition, the proposed development would not be detrimental to protected species or nature conservation interests.

Highway safety

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

29. LCC Highway Services have requested further information in relation to the site access and comments will be reported in the Addendum.

Drainage

30. A number of objections have raised concerns in relation to the proposed area of filling / land regarding which extends to the rear of properties nos. 117, 118 and 119 Clover Field. The neighbour comments consider that the proposed raising of levels with spoil deposits in this area would be creating flooding into their gardens as the natural flow of water would be obstructed. The application does not contain sufficient technical information to demonstrate that this would not be the case and, therefore, further information is required. It might be the case that the spoil would need to be deposited elsewhere on site or possibly taken off site. Nonetheless, full details of the location of the spoil deposits and any technical information could be adequately controlled by condition.

Other matters

31. An objection states that residents were promised a meeting to explain the project to them and that this has not happened. It is regrettable that the project team has not engaged with residents, however, this does not influence the determination of the planning application.

CONCLUSION

32. The proposed development is to alleviate flooding and maximise that potential of the existing Linear Park to contribute to flood relief. Subject to a number of conditions, the proposed development is considered to be acceptable and would not be harmful to the visual amenities of the area, nor would it adversely impact neighbouring residential amenity. In the long-term the proposed development would provide ecological enhancement of the Green Infrastructure. Comments from LCC Highway Services are awaited, and these will be reported by way of an update on the Addendum.

33. **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

34. To follow.