

APPLICATION REPORT – 21/01065/FULMAJ

Validation Date: 2 September 2021

Ward: Chorley North And Astley

Type of Application: Major Full Planning

Proposal: Erection of 10no. mixed-use employment development units (for occupation within Use Classes E(g)iii: light industrial and/or B2: general industrial and/or B8: storage and distribution and E(a) and (b) sandwich shop and/or café), access, car parking and servicing areas and associated works

Location: Botany Bay Boat Yard 7 Botany Bay Chorley PR6 9AE

Case Officer: Johndaniel Jaques

Applicant: Mr & Mrs Smith

Agent: Mr Chris Smith

Consultation expiry: 23 March 2022

Decision due by: 10 June 2022 (Extension of time requested)

RECOMMENDATION

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

SITE DESCRIPTION

2. The application site is located in Chorley and is part of a wider allocated mixed use (employment/housing) site (Reference EP1.1./HS1.8 Great Knowley/Botany) as defined by the Chorley Local Plan Policies Map. The site extends to 0.71 hectares and is located directly adjacent to the Leeds and Liverpool Canal, which lies to its south west. It is used mainly as a boat repair and storage yard although other businesses including a boat cruise company operate from the site. The site is generally level and finished as hardstanding that accommodates a number of temporary buildings and open workshop and storage areas, and is previously developed land. The site lies in the low risk coal consultation zone.
3. A high embankment forms the north west boundary, which is densely planted, with a further area of vegetation rising up to the rear of residential properties on Blackburn Brow to the north east boundary. The rear of the neighbouring Lock & Quay public house and its car park forms the south western boundary. Access to the site is taken from Blackburn Brow via Botany Bay on the south eastern site boundary, with access gained through the car park of the neighbouring public house. Although other uses exist, the area around the site is predominantly residential in character.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. The application seeks full planning permission for the erection of ten mixed-use employment development units of 1,190 square metres of floorspace (for occupation within Use Classes E(g)iii: light industrial and/or B2: general industrial and/or B8: storage and distribution and E(a) and (b) sandwich shop and/or café), access, car parking and servicing areas and associated works. The ten units would be arranged in a terrace of three buildings running along the north-eastern site boundary, facing the canal. Each of the units would have a roller shutter and personnel door to the front facing the car parking. An estate road and car parking facilities will be positioned between the buildings and canal, with refuse storage areas being located between the three buildings. Access to the site would continue to be taken from Botany Bay adjacent to the public house, which will share the new access arrangement. Alterations to the existing access would be undertaken with the existing parking for disabled users serving the pub being relocated to an area at the rear of the pub.
5. A total of 74 car parking spaces would be provided including 7 spaces for disabled users as well as motorcycle and cycle parking spaces to serve the proposed units, as well as 12 additional spaces to the existing provision to serve the adjacent public house, which includes the 4 relocated spaces for disabled users. External lighting would be provided by 6m high lighting columns.
6. The applicant has agreed to undertake the required improvements to bus stops outside 11 Botany Bay and on the M61 Motorway overbridge, as identified by Lancashire County Council Highway Services (LCC Highway Services), and has provided a scheme of off site highways improvements (shown on drawing reference: J1329 off site fig 1).

REPRESENTATIONS

7. Eleven representations from ten individuals have been received. One of these neither objects or supports the proposals, but says that there may be operational concerns if intensified use of the car park adversely affects the public house business or customer safety. The other representations cite the following grounds of objection:
 - Build industrial units elsewhere and use this site to attract tourists to the canal
 - Industrial units are not required as many in the area are empty
 - Do the pub owners support the proposal?
 - Loss of employment and business and people will be made homeless
 - Loss of the only canal pump out facility in Chorley
 - Biodiversity/ecology has not been considered including protected species and habitats on and adjacent the site
 - An ecological assessment should be undertaken
 - Lighting may impact on bats
 - No habitat creation is proposed
 - There is Japanese Knotweed on the site contrary to the findings of the ecological appraisal which was carried out at the wrong time of year
 - Site contamination has not been addressed
 - Surface water drainage needs to consider pollutants
 - Highway safety issues from additional traffic and there are unreported traffic accidents in the area
 - Disabled parking is being relocated
 - Additional noise
 - The pub will face competition from the proposal
 - Health and safety concerns
 - Occupiers of boats at the site are not aware of the application.
 - Has the culvert issue raised by the LLFA been addressed?

CONSULTATIONS

8. Lancashire County Council Highway Services (LCC Highway Services) – Advise that the development is acceptable, subject to conditions.

9. Regulatory Services - Environmental Health – Recommend conditions.
10. Canal & Rivers Trust – Recommend conditions.
11. Greater Manchester Ecology Unit (GMEU) – Recommend conditions.
12. Lead Local Flood Authority (LLFA) – Recommend conditions.
13. Waste & Contaminated Land Officer – Recommends a condition.
14. Environment Agency (EA) – Recommends a condition.
15. Police – make security recommendations.
16. United Utilities – Recommends a condition.
17. Economic Development Unit – No comments received.

PLANNING CONSIDERATIONS

Principle of development

19. Paragraph 7 of the National Planning Policy Framework (the Framework) sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
20. Paragraph 8 of the Framework sets out that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
 - a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
 - c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
21. At the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).
22. For decision-taking this means:
 - approving development proposals that accord with an up-to-date development plan without delay; or
 - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
23. The Framework sets out (paragraph 81) that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. Paragraph 83 recognises that decisions should recognise and address the specific locational requirements of different sectors. The requirement to support a proposal that would provide jobs and other economic benefits for the area would be given weight in the planning balance.
24. The application site is located in Chorley Town, which Core Strategy Policy 1 defines as a Key Service Centre, where growth and investment should be concentrated. Policy V2 of the Chorley Local Plan 2012-2026 identifies that within the settlement of Chorley there is a presumption in favour of appropriate sustainable development, subject to material planning considerations and the other Policies and Proposals within the Plan.
25. The application site is part of a wider allocated mixed use (employment/housing) site (Reference EP1.1./HS1.8 Great Knowley/Botany) under policies EP1 and EP2 of the Chorley Local Plan and as defined by the Chorley Local Plan Policies Map. Therefore the principle of development is acceptable.
26. In terms of the proposed uses on the site the allocation of the site supports its development for employment uses including the former use class B1: business (now falls within use class E), and use class B2 (general industrial) as well as restaurants and cafes (formerly use class A3, now use class E(a)). The allocation of the site under Policy EP2 of the Chorley Local Plan 2012-2026 does not specifically encourage uses within the B8 Storage or Distribution use class nor to class E(a) a shop. However, the nature, size and scale of the units proposed are unlikely to appeal to intensive distribution use, and the units are more likely to appeal to a use such as a trade counter. Whilst a shop in this location is not specifically encouraged by the policy, given its size could be conditioned, it is considered that on balance it would be an acceptable use for one of these small units as a complementary element to the scheme. Therefore the principle of the proposal being developed on this site is considered to be acceptable.
27. Policy EP3 of the Chorley Local Plan sets out that proposals for new business, industrial and storage and distribution uses will be permitted if they satisfy the following criteria. The officer's assessment of the proposed scheme is provided below each of the criteria.
28. *a) they are of a scale and character that is commensurate with the size of the settlement;*
The proposal is for a scheme of 10 units on a site of 0.71 hectares within Chorley, which is identified in the Core Strategy as a Key Service Centre, where growth and investment should be concentrated. This scale of development will contribute towards achieving the employment development anticipated on the wider Botany Bay Great Knowley sub regional site. Therefore, the scale and character of the proposals are considered acceptable.
29. *b) the site is planned and laid out on a comprehensive basis;*
An illustrative Masterplan for the Botany Bay/Great Knowley area was prepared in 2016 and identifies the application site and adjoining land as being used for residential development. Whilst the proposal would not strictly align with illustrative Masterplan, (because it would provide employment development units rather than residential units) the northern end of the wider allocated site has outline permission for a number of residential units. Delivering employment units on this site is therefore considered appropriate and given it is physically separated from the rest of the allocated site by a large embankment, it would be appropriate for it to be delivered as a separate parcel to the main allocation. Delivery of the wider allocation would not be compromised by this proposal.

30. *c) the proposal will not prejudice future, or current economic activities within nearby areas*
The proposal would provide ten modern units that are likely to be suitable for both new and established businesses to use and would be likely to create jobs and economic activity. It provides a windfall opportunity, balancing with other situations whereby employment land has been lost to residential uses. Therefore, it would not cause economic issues in areas around the site.

31. *d) the proposal will not cause unacceptable harm e.g. noise, smells to surrounding uses;*
The application is supported by a noise assessment which Environmental Health consider is appropriate. The assessment determines that the main existing noise source in the area is the nearby M61 motorway. It concludes that for deliveries to the site and use of the carpark the anticipated noise impact upon the nearest noise sensitive receptors would be low, as the contribution they make to the noise climate would be less than the existing noise contribution of the nearby M61. However, Environmental Health consider that when occupied the noise from the operation of the units may be affected adversely by noise if the hours of use are not controlled. As such a condition is to be imposed to ensure that opening hours are controlled to between 07.00 -21.00 hours.

An issue which cannot be assessed at this stage is the potential noise from fixed plant installed within any unit and the potential noise break out from operational noise producing activities within the unit. The noise assessment suggests the use of a condition to protect local noise sensitive receptors, which would be appropriate if applied. A further condition could be applied to ensure that a noise assessment and mitigation measures are submitted and approved prior to the installation of any plant/equipment that would generate noise in excess of existing background levels, as defined by the submitted noise assessment.

The application is also accompanied by a lighting risk assessment, which assesses risks from lighting and any mitigation required, and a design considerations document. This considers that 6m high lighting columns using specific light fittings would be appropriate. Environmental Health raise no objections and the lighting scheme would limit light spill to sensitive areas around the site, subject to a condition to reduce the proposed lighting level produced by the proposed warm white LED Lighting from the 3000 degrees Kelvin to not more than 2700 degrees Kelvin. Therefore, it is considered that the lighting proposals are acceptable.

Smoke created from the disposal of waste/burning of items on the site is to be avoided and could be controlled by an appropriate condition.

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

Access would be taken from Botany Bay and continue to be shared with the neighbouring public house. The acceptability of the highway impact is assessed in detail below.

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

Public transport is accessible from the site with bus stops located within 300m walking distance of the site on the Blackburn Brow providing regular services to Chorley and Blackburn. The bus stops are to be upgraded to the required high standard at the applicant's expense through an appropriate highways agreement. Footways exist on both sides of Botany Bay and Blackburn Brow that meet minimum standard widths with good quality surfaces providing direct routes to the wider area and local facilities and amenities in the south. The cycle route on the opposite side of the canal which runs along the canal tow path can be used to connect other routes in both north and south directions of the site. Chorley Train Station, which is the nearest is within recommended commuting distance of the site with frequent services to various destinations and has facilities, such as bike storage. The location is easily accessible on foot or bicycle to residential areas. As such the site provides excellent accessibility to a large catchment.

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

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

35. *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;*

The site is not a particularly prominent one, being located predominantly to the rear of the adjacent public house and the existing boat yard is set back more than 40 metres from Botany Bay. It is also set at a lower level than Botany Bay. However, it is visible from the towpath on the opposite side of the canal. The units themselves are of modern functional appearance, though could not be considered unsightly. Some landscaped areas are proposed within the site, although these would not screen the development from the canal. Any security fencing would be adjacent existing off-site mature planting, so would not need to be screened from public views.

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

There is only a small section of the site that adjoins a residential property which is 7 Botany Bay, and the area of the site that adjoins is proposed to provide car parking, which on balance is considered acceptable rather than providing landscaping in this small area of the site, which is largely concealed from residential areas and open countryside.

37. *j) the development makes safe and convenient access provision for people with disabilities;*

Objections have been received regarding the relocation of parking for disabled users that serves the public house. However, the existing parking for disabled users of the public house is sub-standard and does not meet current regulations. The proposed relocated spaces would be positioned on a level and even surface, with each space having a marked access zone. The spaces will be arranged side-by-side, rather than the existing tandem arrangement which makes parking difficult. They would be in a dedicated parking area rather than in the middle of an access route as currently exists. A raised, even surfaced footway will provide a safe route directly from the disabled parking to the public house entrance, which will not require the main access route to the proposed employment units to be crossed. Although the route from the spaces to the public house would be slightly further (by approximately 20 metres) it would be significantly safer overall and on balance is therefore considered acceptable.

Other accessible parking spaces would be provided within the site in convenient locations and access around the site is generally level, although there is a slope down to the main area of the site from Botany Bay.

38. *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;*

In order to comply with Building Regulations Part L2'A' requirements, certain elements may also be required to be implemented to reduce Carbon Emissions.

39. *l) the proposal will not result in surface water, drainage or sewerage related pollution problems;*

The applicant has submitted a Drainage Hierarchy Report including an assessment of flood risk in support of the proposed development which has been assessed by the Lead Local Flood Authority (Lancashire County Council), this is covered in more detail below.

40. *m) the proposal incorporates measures which help to prevent crime and promote community safety.*

The location of the site adjacent the canal and to the rear of surrounding uses is with access via a single point adjacent the neighbouring public house, limits the opportunities for unauthorised access. Vehicles entering the site would circulate around a one-way system, which would be subject to natural surveillance from the employment units. New gates or other access controls may be required and usually these would be provided at the site entrance, however, in this case access for staff and patrons of the public house would need to be maintained and agreed with the operators of the public house. In order to

ensure an adequate visual appearance it is recommended that details of boundary treatments including access controls are secured by condition.

41. The Chorley Local Plan acknowledges that not all allocated employment sites will cater for all employment uses, especially small businesses or the self-employed. The proposed units are small in scale and, therefore, ideally suited to small businesses. The valuable contribution these types of uses make to the local economy is recognised for the jobs created and investment in the area. However, this recognition has to be balanced against protecting existing public and residential amenity, especially in residential areas and policy EP4 of the Chorley Local Plan 2012 – 2026 reflects this supporting small scale employment development in areas where housing is the principal land use, provided there would be no detriment to the amenity of the area in terms of scale, character, noise, nuisance, disturbance, environment and car parking. These matters have been covered to some extent in the assessment of policy EP3 above, and further assessment in relation to these factors is set out below.

Design and impact on the character and appearance of the area

42. 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 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.
43. The application is located predominantly to the rear of the adjacent public house, with the existing boat yard being set back more than 40 metres from Botany Bay. It is also set at a lower level than Botany Bay. However, it is visible from the towpath on the opposite side of the canal. Overall, it is not considered that the site is particularly prominent, and therefore redevelopment of the site would have a limited visual impact on the broader character of the area, but it is recognised that its redevelopment would have a greater impact on the character of the canal corridor.
44. The proposed development comprises ten mixed use employment units, which would be arranged in a linear terrace of three buildings running along the north-eastern site boundary, facing the canal. Access and parking would be provided generally in front of the units. The buildings themselves would be of a typically functional employment design style and of a scale that would not be out of place the surrounding area, which is predominantly residential. Given that the site's current use is predominantly a boat yard it has a relatively unkempt appearance with boats and some containers, caravans and open storage etc being spread around the site. Its redevelopment would enhance the site as a whole and improve the character and appearance of the wider area as a result. The buildings proposed would comprise features such as mono-pitched roofs, cladding and string brick courses that would provide a good quality design. They would also be provided with access doors and windows to the front elevation to provide some further interest to the main elevations.
45. The layout would follow a linear pattern reflective of the site and would make an efficient use of the land whilst allowing for parking and manoeuvring. The predominant use of the site has been as a boat yard and the use for mixed use employment units would be compatible in the context of the area.
46. Overall, the layout and design of the proposed development is considered acceptable and appropriate to the existing surrounding development and is in accordance with policy 17 of the Core Strategy and policy BNE1 of the Chorley Local Plan 2012 – 2026.

Impact on neighbouring amenity

47. 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 overbearing impacts.

48. The proposed buildings would be laid out in a linear pattern running along a north west, south east axis. There would be windows and entrance doors along with roller shutter doors in the south western elevations. The access servicing the site would run past the side of the public house and along the front of the units to their west, between them and the canal.
49. The dwellings at numbers 7, 9 and 11 Botany Brow lie closest to the site to its south east. The rear garden of 7 Botany Brow adjoins the site. The southern most employment unit would be closest to these properties and would be positioned to the north west of these dwellings, approximately 16 metres from the garden boundary with 7 Botany Brow and 22 metres from the garden boundaries of 9 and 11 Botany Brow (whose gardens do not adjoin the site). Given the positioning of these dwellings at an angle to the proposed buildings and the maximum ridge heights of 7 metres and 5 metres to the rear eaves, the degree of separation is such that there would be no adverse impact on light or outlook given the design and scale of the proposed buildings.
50. It is noted that the tops of the buildings would be visible from the garden areas and that vehicles would be able to park at the rear of the garden of 7 Botany Brow. This area is used as a compound area within the boat yard site so vehicles would be able to access this area currently, and works are able to be undertaken here. Compared to the existing uncontrolled situation of the boatyard/compound use, vehicles using the formalised parking area would be unlikely to create noise and disruption that be so disruptive as to have a significantly detrimental impact on residential amenity.
51. The use of the units and their impact on the noise environment of the area has been covered earlier in the report, including the acceptability of conditions to control potential noise. In terms of odours Environmental Health have not raised any specific concerns and the principle of a café on the site is acceptable given its allocation. It is also noted that as a result of the orientation of the units with openings facing the canal to the west and deliveries and a large proportion of the car parking at the front of the units would have the advantage of the units themselves providing a noise barrier and protection for nearby dwellings.
52. The southernmost building would be located approximately 30m from residential dwellings and gardens to the south east of the site. Given the degree of separation, lower level of the site and scale of development there would be no impact on the amenity of the occupiers of these dwellings from the presence of the buildings themselves. In relation to noise impacts from the use of the buildings, this are considered acceptable subject to appropriate conditions to control hours of operation, noise breakout and the submission of further details prior to the installation of plant/equipment that would generate noise in excess of existing background levels.
53. The impact of lighting proposed on the site has been covered earlier in the report and concluded that the proposals would be acceptable as it would limit light spill to sensitive areas around the site including residential properties.
54. Overall, it is not considered that there would be any unacceptable degree of harm to the amenity of any nearby neighbouring occupiers and the development is considered to comply with policies EP3, EP4 and BNE1 of the Chorley Local Plan 2012 -2026.

Impact on Highway safety

55. 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.

56. The proposal includes provision for 74 car parking spaces including 7 spaces for disabled users, as well as cycle storage and motorbike spaces to serve the new units. The parking for the adjacent public house would largely be retained as existing, with four accessible spaces relocated and 12 additional car parking spaces provided. LCC Highways have assessed the development and it is considered that this is an acceptable level of parking.
57. The access to the site would be widened involving felling a tree and reducing the length of the existing footway south of the access. The first 20m or so of the access will be of average width of 9.0m with 2.0m wide footways extended from the existing on Botany Bay on both sides of the access into the site. LCC Highways consider that the proposed access improvement is acceptable with sufficient pedestrian provision and visibility to allow for safe access and egress from the site, as are the internal circulation and servicing arrangements.
58. The applicant undertook an accident analysis for the most recent 5 year period between Blackburn Brow/Botany Bay and Blackburn Brow/Knowley Brow. This found that there were a total of 15 personal injury accidents in the area, and 5 recorded personal injury accidents (including 1 serious accident) in the past 5 years on the Blackburn Brow between Botany Bay and Knowley Brow within the proximity of the site. LCC Highways therefore requested that measures to mitigate the adverse impacts on the highway were provided given that the proposed development would most likely exacerbate the existing conditions. The applicant has provided a scheme of highway improvements which include anti-skid surfacing to the junction of Botany Bay and Blackburn Brow which are considered acceptable by LCC Highways, although the final details need to be undertaken through an appropriate agreement with LCC as the local highway authority with all costs borne by the applicant.
59. As covered earlier in the report, bus stops near the site are to be upgraded to the required high standard at the applicant's expense through an appropriate highways agreement.
60. Overall, LCC Highways as the local highway authority for the area consider that the proposed development is acceptable in principle subject to the submission and implementation of a scheme for the construction of the site access and the off-site works of highway improvement.
61. Whilst it is noted that objections have been received in relation to highway safety matters, including (among other things) additional traffic and unreported accidents, in the absence of any objection from LCC Highway Services, a reason for refusal on highway grounds would not be warranted as part of this application.

Drainage and flood risk

62. Policy 29 of the Central Lancashire Core Strategy requires appraising, managing and reducing flood risk in all new developments, avoiding inappropriate development in flood risk areas.
63. A Drainage Hierarchy Report including an assessment of flood risk has been submitted in support of the proposed development prepared by Beam Consulting.
64. This assesses the potential options for embodying Sustainable Urban Drainage Systems (SuDS) to deal with surface water are appropriate on the site and concludes that on site attenuation within the car parking/road area of the site could be provided. The surface water would then discharge into the adjacent canal. However, the final solution would require further investigation and depend on development of the detailed design.
65. The site lies within Flood Zone 1, which is the lowest risk and the submission assesses flood risk affecting the site overall to be low.
66. The Lead Local Flood Authority (LLFA) raise no objections to the proposals and the scheme is considered acceptable in principle to United Utilities and the Canal and Rivers Trust

subject to the imposition of appropriate conditions to deal with drainage and a construction phase water surface management plan.

67. Therefore it is considered that the proposals are acceptable in relation to drainage and flood risk and would accord with Policy 29 of the Central Lancashire Core Strategy.

Impact on ecological interests

68. 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. In addition, the policy states that development must adhere to the provisions which includes: 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.
69. The application is accompanied by a preliminary ecological appraisal carried out by Landscape Ecology Limited. This found no evidence of roosting bats, or evidence of bat occupation, either current or historic, at the site, nor evidence of Great Crested Newt, water vole or badger. This has been reviewed by the Council's ecology advisors at Greater Manchester Ecology Unit (GMEU) who raise no objections. However, they advise that several conditions are secured to deal with biodiversity enhancements, control of lighting, the submission of a Construction and Environmental Management Plan and a survey for invasive species.
70. Having regard to the above and the advice obtained from GMEU it is not considered that the proposed development would be detrimental to nature conservation interests and accords with policy BNE9 of the Chorley Local Plan.

Contamination

71. Paragraph 183 of the Framework sets out that sites should be suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. Given the use of the site as a boat yard the Environment Agency considers that this 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 adjacent to a surface watercourse, and located upon a secondary aquifer. Given this is the case the Environment Agency (as well as the Waste and Contaminated Land Officer and Canal and Rivers Trust) consider that the proposal would be acceptable if a planning condition is included requiring the submission of a remediation strategy to be carried out by a competent person in line with the advice in paragraph 183 of the Framework.

Community Infrastructure Levy (CIL)

72. 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 CIL liable and any charge is subject to indexation in accordance with the Council's Charging Schedule.

Other matters

73. Loss of employment has been raised in objections, however, the site does not fall to be considered under policy Core Strategy policy 10, and would generate increased employment opportunities in any event.

74. Objections have raised the lack of need for new industrial units. There is no maximum limit on the number of business and commercial units that can be provided in an area, or on a boroughwide basis. In addition the site is part of a wider allocated mixed use site as discussed earlier in this report.
75. Loss of the only canal pump out facility in Chorley has been raised in objections, however, the Canal and Rivers trust do not raise objections to the loss of this facility, and therefore it would not be reasonable to sustain a refusal on that basis.
76. An objection raises whether the owners of the public house support the proposal, and it is the case that they have not raised objections.
77. The LLFA have raised no objections to the proposals and therefore the location of the culvert is considered to be resolved.
78. Competition as raised in objections is not a material planning consideration.
79. The application has been publicised in accordance with the statutory requirements and the Council's Statement of Community Involvement.

CONCLUSION

80. The proposed development would contribute to economic growth within Chorley, providing valuable small-scale mixed-use employment units, and is considered to be acceptable in principle. There would be no unacceptable detrimental impact on the amenity of neighbouring occupiers or on the appearance of the site and character of the area. In addition, there would be no unacceptable impact on the highway network, ecology, drainage/flooding or contamination. On the basis of the above, it is recommended that planning permission be granted subject to conditions.

RELEVANT PLANNING HISTORY

Ref: 81/00035/FUL **Decision:** WDN **Decision Date:** 31 December 1981
Description: 1700 m2. Change of use of land adjoining canal from vacant agriculture to access road, car parking, storage and boat mooring in connection with business of passenger cruising.

Ref: 12/00356/COU **Decision:** REFFPP **Decision Date:** 24 May 2012
Description: Change of use from ground floor office accommodation to one bedroom flat

Ref: 89/00237/COU **Decision:** PERFP **Decision Date:** 2 August 1989
Description: Change of use to office and depot for Canal Cruises

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	J01-20-BB-001 Rev.A5	28 April 2022
Proposed Mitigation	J1329 off site fig 1 Rev.A4	4 March 2022
Proposed New Entrance	J01-20-BB-003 Rev.A4	1 March 2022
Site Plan & Elevations	J01-20-BB-002 Rev.A4	1 March 2022
Proposed Exterior Lighting and Illuminance Layout	2807-D-01 Rev.A	17 January 2022

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

3. The buildings and associated units hereby approved shall be used for E(g)iii: light industrial and/or B2: general industrial and/or B8: storage and distribution and E(a) and (b) sandwich shop and/or café purposes and for no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

Reason: To define the development and to protect the amenity of neighbouring occupiers.

4. The gross floorspace of the Class E(a) sandwich shop and Class E(b) café shall be limited to 119 square metres each.

Reason: To define the development.

5. 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.

6. Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out strictly in conformity with the approved details.

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

7. No goods, plant or material shall be deposited or stored in the open or displayed for sale in the open on the site.

Reason: In order to protect the amenities of the area, and to maintain adequate parking areas.

8. The employment units hereby permitted shall only operate between 07:00 and 21:00 hours on any day.

Reason: In the interests of the amenity of the area and adjoining and nearby residential properties.

9. Deliveries, servicing and collections to and from the units hereby permitted, including waste collections, shall not take place outside 07.00 -21.00 hours on any day.

Reason: In the interests of the amenity of the area and adjoining and nearby residential properties.

10. The cumulative noise level emitted from any internal noise breakout and all external plant shall be limited to being less than or equal to the prevailing background noise levels, namely:
o A rating level limit of 61 dB LAr, 1hr at the nearest receptors during the daytime (07.00-23.00 hours);
and
o A rating level limit of 52 dB LAr, 15mins at the nearest receptors during the night time (23.00-07.00 hours).

The above rating level limits apply at least 3.5 metres from the façade of any residential property i.e. in free-field conditions.

Reason: To ensure noise would not adversely impact on sensitive receptors.

11. Prior to the installation of any plant/equipment that would generate noise in excess of existing background levels, as defined by the submitted noise assessment, a further noise assessment and mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The plant/equipment and any mitigation measures shall be installed in complete accordance with the approved details and any mitigation measures retained thereafter.

Reason: To ensure noise would not adversely impact on sensitive receptors.

12. No burning of items shall take place on the site.

Reason: To ensure that smoke would not adversely impact on sensitive receptors.

13. Notwithstanding the details shown on the approved plans, prior to the first occupation of the buildings hereby approved, the details of all boundary treatments including access controls/gates shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented in full.

Reason: To ensure that boundary treatments and access controls are appropriate.

14. Before any of the employment units hereby approved are brought into use, the associated car and motorcycle parking and vehicle manoeuvring areas identified on the approved plans shall have been surfaced, drained and marked out all in accordance with the approved plan. The car parking and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.

Reason: To ensure adequate on site provision of car parking and manoeuvring areas.

15. Before any of the light industrial units hereby approved are brought into use, provision for cycle parking, in accordance with the approved plans shall have been provided in all respects and made available for use, and shall thereafter be retained.

Reason: To ensure adequate on site provision for cycle parking.

16. No part of the development hereby approved shall commence until a scheme (including a timetable for their implementation) for the construction of the site access and the off-site works of highway improvement and bus stop upgrades have 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 and bus stop upgrades are acceptable before work commences on site.

17. No part of the development hereby approved shall be occupied or opened for trading until the approved scheme referred to in Condition 16 has been constructed and completed in accordance with the scheme details.

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

18. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. hours of operation (including deliveries) during construction
- iii. loading and unloading of plant and materials
- iv. storage of plant and materials used in constructing the development
- v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- vi. wheel washing facilities
- vii. measures to control the emission of dust and dirt during construction
- viii. a scheme for recycling/disposing of waste resulting from demolition and construction works
- ix. arrangements for staff and visitor parking throughout the duration of the development works.

Reason: In the interests of highway safety and to protect the amenities of the nearby residents.

19. Prior to the commencement of the development on the site full details of the following proposed works near the canal corridor should be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- o Details of an appropriate vehicle restraint, such as knee-high timber railing, to be provided along the canal edge to prevent vehicles from entering the canal;
- o Existing and proposed cross sections showing the composition and construction of the 1.2m wide canalside footpath and its material finish and details setting out how the canal would be protected during the works;
- o Full details setting out the methodology for the safe removal of the mature tree shown to be felled next to Botany Bridge, whilst safeguarding the canal infrastructure. The details shall also include how the tree roots would be treated to prevent shrinkage or damage to the waterway infrastructure.

The development shall be carried out in strict accordance with the agreed details.

Reason: To ensure that the structural integrity of the canal would not be impacted and to ensure that the development can be carried out in a safe and orderly manner.

20. No development shall take place, including any works of demolition, until a Construction and Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period.

The Statement shall provide/include:

- o a plan showing the areas of storage of plant and materials used in constructing the development;
- o the steps to be taken to prevent the discharge of silt-laden run-off, materials or dust or any accidental spillages entering the waterway;
- o details of the environmental pollution incident emergency response;
- o include measures to locate, clear, remediate and permanently seal any existing drains or culverts within the application site that may discharge to the canal.
- o details specifying how the waterway corridor and its users would be protected during the works and include any details of proposed protective solid fencing/netting to be erected to safeguard the waterway infrastructure during site clearance/construction.

Reason: To ensure contamination of the waterway and other adjacent habitats in terms of dust, solid materials and surface runoff during the construction phase does not occur.

21. Notwithstanding the submitted details a scheme for the landscaping of the development shall be submitted prior to the erection of any of the superstructures of the buildings hereby approved. These details shall include the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform, proposed finished levels, means of enclosure, minor artefacts and structures. 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.

22. Prior any earthworks being carried out an updated survey for invasive non-native species shall be undertaken to encompass the site and submitted to and approved in writing by the Local Planning Authority. Should invasive non-native species be found within this zone a suitable eradication and control programme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development which shall set out the following:

- Detailed mapping of the distribution of the plant across the site.
- Suitable signage and protection from vehicle tracking and/or earth moving. This is usually 7m from above growing parts of the plant.
- A suitable treatment programme GMEU which may be one or more of the following -
 - Spraying over multiple seasons (3 - 5 years). An Environment Agency permit might be required to treat the plant adjacent to a watercourse
 - Root/rhizome injection (3 years)
 - Burying on site with suitable depth and geotextile root barrier membrane
 - Removal and disposal at a licenced tip
- Biosecurity protocols for machinery and soil handling & storage
- Monitoring and retreatment programme for minimum of 5 years post site clearance.

Reason: Due to the potential presence of invasive plant species.

23. Prior to the first occupation of any employment unit hereby approved a pair of triple terraced house sparrow boxes shall be mounted onto the northern unit.

Reason: To improve the biodiversity value of the site.

24. Prior to the first occupation of any employment unit hereby approved, the external car park lighting scheme shown on drawing reference 2807-Lighting and Illuminance Layout D-01-rev A shall be implemented in full, subject to the warm white LED lighting not exceeding 2700° Kelvin, and retained thereafter.

Reason: To ensure lighting is appropriate and provides a safe environment and does not adversely impact on ecological interests or sensitive receptors.

25. The external car park lighting shall only be used during operational hours of the units hereby approved, namely 07.00hours to 21.00 hours on any day.

Reason: To ensure the lighting does not adversely impact on ecological interests or sensitive receptors.

26. 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. 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.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework and to prevent deterioration of a water quality element to a lower status class in the underlying aquifer and the adjacent water course.

27. Any variation to the discharge of foul water shall be agreed in writing by the Local Planning Authority prior to the commencement of the development.

Reason: To protect sewer infrastructure and reduce the risk of flooding.

28. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Outline Drainage General Arrangement Option 1 (Ref No. 09-172-500, Dated 05/07/21) which was prepared by Beam Consulting and shall be fully implemented prior to the first occupation of any employment unit hereby approved and in accordance with the timing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

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

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

29. No development shall commence until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the local planning authority.

The detailed sustainable drainage strategy shall be based upon the site-specific flood risk assessment and indicative sustainable drainage strategy submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems and no

surface water shall be allowed to discharge to the public sewer(s), directly or indirectly, unless specifically agreed by the Local Planning Authority.

Those details shall include, as a minimum:

a) Sustainable drainage calculations for peak flow control and volume control (1 in 1, 1 in 30 and 1 in 100 + 40% climate change).

b) Final sustainable drainage plans appropriately labelled to include, as a minimum:

i. Plan identifying areas contributing to the drainage network, including surface water flows from outside the curtilage as necessary;

ii. Sustainable drainage system layout showing all pipe and structure references, dimensions, design levels;

iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;

iv. Flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;

v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each plot to confirm minimum 150mm+ difference for FFL;

vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;

vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protects groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;

c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with industry guidance (BRE Digest 365 investigation).

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

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

30. No development shall commence until details of how surface water and pollution prevention will be managed during construction have been submitted to and approved in writing by the local planning authority.

Those details shall include, as a minimum:

a) Measures taken to ensure surface water flows are retained on-site during construction and, if surface water flows are to be discharged they are done so at a restricted rate to be agreed with the Lancashire County Council LLFA.

b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

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

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

31. No building on the development hereby permitted shall be occupied until a Verification Report and Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority.

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

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

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of Paragraph 168 of the National Planning Policy Framework.