

## APPLICATION REPORT – 21/00439/FULMAJ

**Validation Date: 21 April 2021**

**Ward: Chorley North And Astley**

**Type of Application: Major Full Planning**

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

**Location: Botany Bay Canal Mill Botany Bay Chorley PR6 9AF**

**Case Officer: Mr Iain Crossland**

**Applicant: Mr Barry Williams, FI Real Estate Management Ltd**

**Agent: Mr John Francis, John Francis Planning**

**Consultation expiry: 31 May 2021**

**Decision due by: 15 July 2022 (Extension of time agreed)**

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### RECOMMENDATION

1. It is recommended that planning permission is granted subject to conditions and a s106 agreement to secure a public transport contribution, travel plan support contribution and for the enhancement of the pedestrian and cycle network.

### SITE DESCRIPTION

2. The application site comprises approximately 8.4 Ha of open hard surfaced land either side of Canal Mill at Botany Bay and is located to the immediate east of the M61 motorway in the settlement area of Chorley, between the motorway and the Leeds and Liverpool canal. The land is open and mainly used for the storage of commercial vehicles on a temporary basis, with the remaining land currently unused and overgrown.
3. The site consists of a generally level plain to the central part of the site which slopes up towards the M61 to the west, the A647 to the north and on the northern part of the site slopes up towards the access road to the east. The embankments rise by as much as 8m above the main, level, part of the site.
4. Access to the site would be provided via the existing access to Botany Bay via an existing roundabout on the A674 Millennium Way. There are no dwellings close to the site, which has an industrial character, whilst it is noted that there are long range views of the site from higher land to the east.

## RECENT PLANNING HISTORY

5. A planning application that is considered relevant is outline planning application ref: 17/00715/OUTMAJ for a retail biased mixed-use development at the Botany Bay site. This application was a hybrid application. It sought outline planning permission for retail floorspace (Use Classes A1, A3, A4 & A5), hotel (Use class C1), crèche/ nursery (use Class D1) and provision of associated car parking, highways, landscaping and infrastructure and any ancillary development thereto, with all matters reserved except for access which was proposed off the existing A674 roundabout. Full planning permission was sought for demolition (as applied for) of on-site structures and the change of use of the retained building (Use Classes A1, A3, B1, C1, D1). Outline planning permission was granted on 21 October 2019.
6. It should be noted that this planning application was part of a trio of applications made at the same time. The other two applications were also made in outline form and were as follows outline application ref: 17/00714/OUTMAJ for residential on land to the east of the Botany Bay Site ("Great Knowley Site") and outline planning application ref: 17/00713/OUTMAJ for employment development on land north of the Botany Bay Site and A674.
7. These outline applications were also approved in October 2019. Neither have been progressed in the sense that reserved matters have not been submitted for either of the applications.
8. A temporary planning permission for the use of land for the storage of commercial vehicles was granted in June 2022 and was required in response to a supply chain matter affecting a local vehicle manufacturer.

## DESCRIPTION OF PROPOSED DEVELOPMENT

9. This current application is a hybrid application that seeks detailed and outline planning permission for the development of Botany Bay Business Park comprising 10no. independent blocks of development comprising 33no. individual units. Some of the blocks of development would provide single units in their own right, whilst others would be subdivided. All units are for employment and commercial uses, whilst the existing former mill building does not form part of the application site and is to be retained in its existing form.
10. The 10no. blocks of development are identified as blocks A – J and would accommodate 33 individual units.
11. Floorspace details are as follows:
  - 37,661 sqm (GIA) of total floorspace (Blocks A-J)
  - 36,996 sqm (GIA) of employment floorspace (Blocks C-J)
  - 665 sqm (GIA) of commercial floorspace (Blocks A-B)
12. Block A is for use as Class E (retail or food and drink) and/or sui-generis (fast food takeaway). Block B is for commercial uses covered under Class E (retail and food and drink uses). Blocks C-J are for employment uses in the form of Class E (light industry only), Use Class B2 (general industry) and Use Class B8 (warehousing).
13. Detailed planning permission is sought for Blocks C to J (36,996 sqm GIA) for Use Classes E (light industry only), B2 and B8; retention and improvements to existing vehicular access into site off A674; retention of closed access into site from the south (for emergency vehicle access only); new main and secondary circulation roads; servicing and circulation yards and HGV parking; car parking; pedestrian routes; landscaping and public realm; provision and upgrading of ancillary services and infrastructure and diversion of PROW FP26;
14. Outline planning permission (with all matters reserved except for means of access) is sought for Block A (181 sqm) for Use Class E (food and drink)/sui generis (hot food takeaway) and Block B (484 sqm) for Use Class E.

## REPRESENTATIONS

15. Representations in objection have been received from 17no. individuals raising the following issues:

- Adverse impacts on highway capacity
- Impacts on highway safety
- No need for more industrial units in Chorley
- Adverse visual impact of development
- Industrial development is unsightly
- The site should be used for housing
- Air pollution from traffic
- Concerns as to whether adequate parking will be provided
- Wildlife impacts
- Heritage impacts
- Concerns around loss of access through the site
- The developer should deliver the retail scheme that has approval
- More solar panels and green technology should be added
- More landscaping and open space should be included
- Development will not enhance the canal side
- Lack of information about the plans for the mill building
- Noise and disturbance from increased helicopter movements
- The development is a missed opportunity for something better

## CONSULTATIONS

16. National Highways: Have no objection subject to conditions.
17. Lancashire County Council Archaeology Service: Have no objection subject to a condition.
18. The Coal Authority: Have no objection - standing advice recommended
19. Canal & River Trust: Have no objection, with advice and conditions provided
20. Inland Waterways Association: Have commented that in granting this application the council will be losing many opportunities to enhance the area for leisure, health and wellbeing
21. Lancashire County Council Highway Services (LCC Highway Services): With consideration for all of the additional information provided, LCC Highway Services consider that the principle of the proposal can be made acceptable, if suitably controlled through planning conditions. The highway network impacted on, by this development, is complex with uncertainty on future traffic flow and resulting congestion, especially at and on the approaches to the Hartwood Hall roundabout, Hospital roundabout and the M61 J8. With this, it is important that with this development, a phased mitigation is linked to triggers which will ensure that the local network, including the junctions highlighted, do operate within limits and satisfy the needs of cyclists, pedestrians and public transport, at all stages.
22. LCC Public Rights of Way: Have provided general advice and recommend that cycle storage details be provided and upgrades to cycle paths and footpaths be secured via a s106 agreement
23. Environment Agency: Have no objection subject to conditions
24. Greater Manchester Ecology Unit: Conditions recommended
25. Regulatory Services - Environmental Health: Have commented that there is no evidence of any harmful impacts from noise
26. Waste & Contaminated Land: Have no objection subject to conditions

27. Lead Local Flood Authority: Have no objection subject to conditions
28. Natural England: Based on the plans submitted, Natural England considers that the proposed development would not have significant adverse impacts on statutorily protected nature conservation sites or landscapes
29. United Utilities: Have no objection subject to conditions

## **PLANNING CONSIDERATIONS**

### Principle of development

30. 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.
31. 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.
32. At the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).
33. 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.
34. Paragraph 81 of the Framework covers Building a Strong Competitive Economy and states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

35. It is noted that policy 1(b) of the Central Lancashire Core Strategy, seeks to encourage growth and investment in the key service centre of Chorley Town focussing on the regeneration of the Town Centre\*(as defined by Policy 11) but with some greenfield development.
36. The Chorley Local Plan 2012-2026 allocates specific sites for development or protection in accordance with the policies and general locations for development as set out in the Central Lancashire Core Strategy 2012. The Local Plan meets Chorley's development needs to 2026 and includes policies to either protect sites or guide the way they are developed.
37. The application site is located within the settlement boundary of Chorley, as defined by policy V2 of the Local Plan. Within the settlement areas excluded from the Green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development, subject to material planning considerations and the other policies and proposals within the Plan.
38. Policy EP1 of the Chorley Local Plan 2012 - 2026 sets out the approach to employment allocations. The application site is covered by allocation EP1.2 Botany Bay, which is identified as an employment site for sub-regionally significant development. This means that the site is allocated and protected for uses falling under Use Classes B1 (now within use class E), B2 and B8, with some allowance for C1 to allow for a hotel. The development proposes employment uses comprising light industrial (use class E), general industrial (use class B2) and storage and distribution (use class B8), which fits within the specifications of the allocation. It is noted that some limited space would be given over to other uses within Class E. This would comprise only 665 sqm out of a total of 37,661 sqm and is, therefore, a very small proportion of the overall development, which in this context is considered to be an ancillary element of the development that supports the overall employment focus. The wider supporting ancillary uses falling within Class E on this part of the site reflect the provisions of policy EP2 of the Chorley Local Plan 2012 – 2026, which sets a more detailed remit for the comprehensive development of the site.
39. Given that the proposed development meets with the uses identified by policy EP1 of the Chorley Local Plan 2012-2026, other than a small ancillary element, the proposal is considered to comply with the above policies and is considered acceptable in principle.
40. The Chorley Local Plan 2012-2026 policy EP3 provides guidance for the development of new business development. This policy sets out a number of criteria to be satisfied by such proposals. The most relevant criteria to this proposal are set out and assessed as follows:
- a) they are of a scale and character that is commensurate with the size of the settlement;*
41. The proposed development is of a scale that is commensurate with the area of the application site and reflects the scale of buildings at the nearby Chorley North Industrial Estate on the opposite side of the M61 motorway. The proposal comprises large industrial warehouse units set either side of the existing Canal Mill building, which does not form part of the proposed development. The scale of development varies, reducing in scale towards the south with the larger buildings to the north of the site closer to the motorway junction and existing mill, whilst the smaller units would be to the south of the mill building closer to the residential areas and buildings of lesser scale. The design and character of the development is of a modern functional style typical of modern industrial development. This is an appropriate design response to the site and its surroundings given the significant level of development envisaged by the Local Plan allocation and the location of the site close to a motorway junction.
- b) the site is planned and laid out on a comprehensive basis;*
42. The allocation would be developed on a comprehensive basis accounting for access, parking and servicing requirements, landscaping and site constraints, whilst balancing this with an effective and efficient use of the allocation. Although the Canal Mill building would not form part of the development at this time, its retention would not unduly restrict the

development potential or employment generating capacity of the site, given that it could be converted to an employment use.

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

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

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

44. It is noted that there are currently a range of noise generating sources around the site, most notably traffic passing along the M61 motorway to the west, whilst the nearest residential properties to the site are over 150m to the east at Botany Bay, over 120m to the south at Northgate Drive on the opposite side of the motorway, with those at Blackburn Road over 250m away. A noise report and air quality assessment have been submitted in support of the proposed development, which have been considered by the Council's Environmental Health Officer (EHO).
45. The EHO has identified that the noise report addresses the potential for noise disturbance to existing noise sensitive receptors and to those future occupants of proposed residential developments to the east of the site. The methodology followed during the assessment, worked on the worst case scenario of the activities likely to be carried out at the site, namely refrigerated HGV movements 24 hours a day. The findings suggest that the impact of these movements on existing residential properties would be "negligible to low" during the day and would also not have a "significant noise impact" at night when "taking into account the character and perceptibility of the noise and the prevailing acoustic climate".
46. The true extent of the impact from these activities will only be known once the future occupants of the proposed units reveal the extent of their operations and intensity of vehicle movements, particularly during the night-time hours. It is difficult to state what additional mitigation measures could be introduced at source to reduce this potential impact on existing residential properties other than a restriction on hours of operation that would guarantee there would be no adverse noise impact at night.
47. The report does specifically highlight that these activities have the likelihood of causing a significant adverse impact to the future occupants of the residential properties at the adjacent development site. The report acknowledges that robust mitigation measures would have to be considered at the design stage and the EHO agrees with this statement.
48. The EHO response acknowledges that Bureau Veritas' noise impact assessment was based upon a worst-case scenario (refrigerated HGV movements 24hrs per day). It must also be noted, however, that the assessment assumptions under that worst case scenario were also based on absolute worst-case activity levels (i.e. the number of HGV movements were considered to be overtly robust and the maximum likely, particularly during the night-time period). For clarity, the assessment of night time noise was based on 20 HGV movements on the access road per hour throughout the night, plus associated manoeuvring and loading/unloading noise at each of the proposed distribution units. It is, therefore, clear that the assessment was carried out on basis of worst case scenario in all respects.
49. The noise impact assessment identified that there would be no significant impacts at existing residential receptors around the application site and, therefore, the assessment made clear that appropriate mitigation would only be required to protect the future occupiers of the previously approved residential development and related amenity from commercial operation noise at night. This is particularly relevant in the context of the land to the east, on the far side of the canal from the proposed business park development, which is allocated for development and benefits from an outline planning permission. The housing development site is controlled by the applicant for this application as land owner.

50. Therefore, the developer is able to exert considerable control over and with respect the design and phasing of the new residential developments to the east, and there are a range of options that could be included within the eventual design of the residential development that would effectively mitigate noise impacts from the proposed development once it is operational. These measures can be incorporated to provide suitable residential amenity during both the day and night-time periods, even under the absolute worst case operating intensity at each of the proposed commercial units. Furthermore an outline consent does not guarantee that a housing development will be forthcoming and should not result in unnecessary conditions being attached to any grant of planning permission in this particular case, given the options available to deliver a residential scheme, with related noise attenuation features. On the basis a restriction on hours of operation, is not warranted, nor would it be desirable to include large acoustic barriers that would have an adverse impact on the canal side.
51. The development phase of the proposal does have the potential to cause an adverse impact on the existing nearby residents and it is recommended that a robust Construction Management Plan is prepared which focuses on ensuring all aspects of environmental issues are addressed, and required by condition.
52. As regards air quality the report has highlighted within its conclusions that the likely greatest impact to sensitive receptors is from particulate matter during the construction phase of the development rather than the operational phase. It has categorized the earthworks and constructions as 'Large' in terms of magnitude for dust emissions. It states there are few (1-10) residential properties within 100m of the site and, therefore, the sensitivity of the area is low.
53. It is, however, imperative that the mitigation measures identified in Section 6 for the construction phase are a requirement of any grant of planning permission to ensure maximum protection for residents from dust emissions during the construction phase. These details should be included within a robust Construction Management Plan secured by condition.
54. An assessment considering the emissions from road traffic was undertaken using Cambridge Environmental Research Consultants (CERC) ADMS-Roads™ dispersion model (version 5.0.0.1). The development is not located within an Air Quality Management Area (AQMA), with the nearest AQMA located in Leyland, approximately 5km north west of the proposed development.
55. The assessment of operational effects considered impacts on existing and new receptors from road traffic emissions associated with the employment development and masterplan development. The ADMS-Roads dispersion model (version 5.0.0.1) has been used to determine the likely NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations at existing and proposed receptor locations. Predicted pollutant concentration changes at existing receptors as a result of the development were assessed using the EPUK/IAQM significance criteria.
56. In accordance with EPUK/IAQM guidance, the impacts of the development on annual mean NO<sub>2</sub> concentrations were found to be negligible at all existing receptors and so are not considered significant. The empirical relationship given in LAQM.TG(16)5 states that exceedances of the 1-hour mean objective for NO<sub>2</sub> are only likely to occur where annual mean concentrations are 60µg/m<sup>3</sup> or above. Annual mean NO<sub>2</sub> concentrations at all receptor locations are below this limit and, therefore, short-term NO<sub>2</sub> exposure from road traffic emissions at the assessed receptor locations is not considered to be significant. All selected receptors newly introduced by the masterplan site are below the annual mean NO<sub>2</sub> objective and so the site is considered suitable for the proposed use.
57. In accordance with EPUK/IAQM guidance, the impacts of the development on annual mean PM<sub>10</sub> concentrations were found to be negligible at all existing receptors and so are not considered significant. The maximum number of predicted exceedances of the 24-hour PM<sub>10</sub> 50µg/m<sup>3</sup> AQS objective at any of the receptor locations with the employment development in place (2027 DS1) and with the masterplan cumulative development in place

(2027 DS2) are both less than 1 day. This is well below the 35 permitted exceedances, with the proposed development leading to no increase in the number of exceedances of the 24-hour PM10 AQS objective at any existing receptors or at any receptors newly introduced by the masterplan development.

58. In accordance with EPUK/IAQM guidance, the impacts of the development on annual mean PM2.5 concentrations were found to be negligible at all existing receptors. Impacts of the development on annual mean PM2.5 concentrations are therefore not considered significant. At receptors newly introduced by the masterplan site, the NO2, PM10 and PM2.5 concentration in the 2027 DS2 scenario were all predicted below AQS objectives, and so the site is considered suitable for the proposed use.

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

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

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

60. The closest existing bus stops are to the south of the site, on the B6228 Blackburn Brow. Although the distance to the stops from the centre of the site is 600m, these stops provide hourly services, linking Chorley to wider Lancashire. This distance is above maximum standards and service provision isn't considered sufficient to support future employee's needs. This existing infrastructure provision is not conducive to supporting the use of public transport.

61. The supporting infrastructure needs to be upgraded having improved stops (DDA compliant), lay-by and if possible, including shelters and be delivered prior to any unit being occupied through the S278 process. The current service needs to be improved to satisfy employees needs in terms of frequency, times of day/week and destinations considered. The previously approved retail element would have included a shuttle bus service between Chorley town centre and the site and possibly a number of stops on route. However, this approach is not suitable for employment. With this, as a minimum, funding is required and has been identified and detailed under the heading '(E) Planning Obligations (s106 Planning Contributions)' of the LCC Highway Services consultation response. Without this funding it is considered that there is insufficient sustainable provision to the site and must, therefore, be secured.

62. The pedestrian and cycle networks in the vicinity of the site are relatively good and provide opportunities for encouraging sustainable access to the site. The proposal includes links to these networks and are expanded upon further in the highway section of the report.

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

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

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

64. It is not considered that the development would result in any particularly unsightly elements, in the context of a major industrial scheme. Outdoor storage would be restricted and the outdoor areas would be used for parking, manoeuvring and servicing. No fencing details have been provided at this stage, however, it is anticipated based on the proposed layout plan



and landscape strategy that the fencing to the east in the proximity would be positioned on the site side of the landscaping. It is important that this and fencing in the more visually prominent areas should comprise paladin type fencing in a green pantone. In other less visible areas other solutions may be considered. It is recommended that a condition be attached to any grant of planning permission requiring a detailed fencing scheme to be submitted and it is considered that a suitable scheme can be agreed.

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

65. The proposed landscape framework and indicative planting layout seeks to increase the enclosure and visual screening of the site, whilst retaining what trees and vegetation exist around the periphery, securing and bolstering these along the canal side. The southern section of the eastern boundary would encompass the restocking of existing defunct hedgerow to provide a continuous single native row of hedge planting, assisting with containment and habitat connectivity, and creating a stringer green edge to the Leeds and Liverpool Canal pathway than presently exists.
66. The central section of the eastern boundary of the site comprises a 3 - 5m wide buffer strip, which would be planted with a triple staggered native hedgerow and an arrangement of scattered light standard hedgerow trees. A selection of water tolerant perennial grasses and wildflowers would be utilised to provide visual interest along the Leeds and Liverpool Canal. This would help to soften the site edge.
67. The northern section of the eastern boundary of the site would be planted with a linear strip of native woodland trees, comprising a matrix of whips and scattered light standard trees to depths of between 5m - 15m where there is space. The existing boundary of the site is to be strengthened with new hedgerow planting to re-stock gaps and to strengthen enclosure along the adjoining canal path. An eco-tone of habitats would be created along the site-side development edge via the planting of new native understorey vegetation comprising a mix of wildflower grasses and shrubs.
68. To the west side of the site that is enclosed, less accessible and less visual, a wilder habitat would be encouraged. An attenuation area would be planted with a mix of grasses and wet-woodland style trees. This is to include Emorsgate EM8 - Meadow Mixture for Wetlands (for the basin bottom) and Emorsgate EP1 - Pond Edge Mixture (for the basin edges). Trees to the edge of the attenuation area would include Alder, Birch, Goat Willow and Elder.
69. Within the site itself there would be some limited opportunities for more formal landscaping. Smaller scale ornamental trees would be used within internal spaces to create internal greening and softening of built form. Shrubs, strips of hedgerow planting and pockets of grassland would provide under storey seasonal interest and further assist in softening the internal spaces particularly around the smaller units to the north, although it is recognised that the internal area of the site is uncompromisingly industrial.
70. The overall landscaping scheme is considered to be a suitable solution in the context of the site and available space. Landscaping is concentrated on the perimeter areas, which would provide some softening of the development, particularly when in close proximity to the site edge, however, longer range views are unlikely to be screened or filtered.

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

71. It is proposed that access around the site would be level with minimal gradients, whilst DDA access would be provided at all units. There would also be 20 disabled parking bays.

*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;*

72. An energy statement has been submitted in support of the proposed development, which identifies that the proposed design solutions are predicted to reduce the total carbon

emissions by 127,353 Kg/CO<sub>2</sub>/yr from the baseline emissions of 753,636 kg/CO<sub>2</sub>/yr. This equates to a 16.90% carbon reduction from the calculated baseline regulated CO<sub>2</sub> emissions.

73. The approach for the proposed development of 5no. retail units and 28no. industrial units is to embed sustainability into the heart of the development through a range of design measures that include:

- 1) Enhanced building fabric to meet Building Regulation ADL2A 2016
- 2) Enhanced air tightness and thermal bridging
- 3) Heating by highly-efficient gas boiler and radiant system
- 4) Hot water will be provided by a highly efficient point of use system
- 5) Highly efficient lighting and lighting control strategy with LED type fittings
- 6) Photovoltaic arrays totalling 4.8kWp split between all retail units

74. The measures outlined above and overall 16.90% improvement in CO<sub>2</sub> emissions on the Building Regulations baseline would support the aspirations of the Council in consideration of policy 28 of the Central Lancashire Core Strategy.

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

75. The applicant has submitted a Flood Risk Assessment and Outline Drainage Strategy in support of the proposed development. This has been assessed by the Lead Local Flood Authority (Lancashire County Council) and is covered in more detail below.

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

76. The site would be secured to all sides, proposing new security measures, whilst also maintaining existing means of security. Security fencing would be installed to the more vulnerable boundaries, whilst planting would be maintained at appropriate heights and spread to minimise opportunities for anti-social behaviour.

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

77. The proposed development comprises 10no. independent blocks of development accommodating 33no. individual units. Some of the blocks of development would provide single units in their own right, whilst others would be subdivided. These would be laid out in an arc reflecting the shape of the site that is influenced by the highway infrastructure and canal either side. The units would be of varying height, massing and design and the larger blocks closest to the existing mill building that would be retained.

78. The buildings are modern industrial units of typical functional warehouse design and the palette of materials that would be used would be of simple grey finish. The material palette would not compete with the character of the existing mill building, although the scale of some buildings would be greater. The units themselves would utilise main cladding panels which would be vertical composite cladding panel. The colour of feature cladding panels, involves use of small ribbed horizontal cladding panels, which are to be confirmed. Windows and doors within main cladding panels would be powder coated aluminium. Colour wise this would match main cladding panels. Steel roller shutter doors would be in contrasting grey colour details of which are to be confirmed.

79. There would be areas of landscaped open space as well as smaller pockets of landscaping at regular intervals throughout the site, with bolstered landscaping to the periphery. This would help to soften the development to some extent, however, the industrial nature and appearance of the site cannot be disguised. The site is allocated for employment development in the Chorley Local Plan 2012-2026 and, therefore, any development of the site would be anticipated to incorporate large modern units. The development is typical of a modern industrial development, though it does provide for a range of unit types and different

scales of building. This helps to generate a degree of interest across the site as does the curved layout in response to the site constraints.

80. A landscape and visual impact assessment has been submitted in support of application. The landscape and visual appraisal report has been prepared in accordance with the latest guidance on landscape and visual impact assessment (GLVIA 3 2013) and it is generally considered that the LVA study area viewpoints selected and methodology are appropriate and representative to the location and the scale of the proposal.
81. The report concludes that the overall residual effect on the existing local landscape character would be minor adverse at the local scale. The application site lies within the urban rural fringe and its character is strongly influenced by the presence of light industrial and employment uses at Chorley North Industrial Park (including large scale warehouse developments) and urban infrastructure associated with the M61 and A671 corridors. In this context, it is accepted that the development would result in a minor adverse effect on landscape character in consideration of the landscape character of the site itself and the wider landscape context.
82. The contribution of open views of the Canal Mill focal landmark building is a key element in the enjoyment of existing views from public footpath 9-2-FP 26 (on and off site) and the canal towpath (Viewpoints 8, 9 & 10). Whilst it is acknowledged that the M60 corridor and proximity of Chorley North Industrial Park have a strong influence over the existing view, these views are very sensitive to change due to the dominance of the Canal Mill building in the existing view. In particular, from the north Viewpoints 9 and 10 the Canal Mill Building (c.19m above ground level) would be almost entirely screened from view by Blocks F & G, which are 16m in height and are positioned with primary elevations a considerable distance in front of the Canal Mills frontage. As such the visual impact from the canal would be adverse.
83. It is inevitable that the development would have an urbanising impact on the site when viewed from surrounding vantage points and in particular from the canal. However, it must be considered that the site is allocated for development of this type within the Chorley Local Plan. It is also noted that the site is set within the context of a motorway with an existing industrial development set to the west side of the motorway, and has a somewhat open and barren appearance. The proposal would urbanise the appearance of the site from the canal, though the landscape buffer would ameliorate this to some extent, subject to final details being secured by condition.
84. In summary the development would be of a commensurate scale in the context of the site area. The layout of the development would undoubtedly impact on the surroundings and public vantage points, though would be of a scale to be expected of a significant employment development as planned for at this site. The buildings would be of a functional modern design with some elements of interest but remaining suitably modest. The retention and bolstering of peripheral landscaping would soften the appearance of the development, though would not screen it in its entirety given the scale. Overall, the development would result in an acceptable appearance that would be reflective of the expectations for the site as set out in the Local Plan and would be of a standard of design expected of a modern employment site in meeting the needs of market, and in supporting jobs creation.

#### Impact on neighbour amenity

85. The application site occupies a position immediately adjacent to the M61 motorway and is relatively isolated from residential development. These factors support the allocation of the site for employment purposes and provide the conditions for major industrial development to be designed and laid out in a variety of ways. The proposed development comprises large industrial units of significant height. The nearest dwellings are, however, over 150m to the east at Botany Bay, over 120m to the south at Northgate Drive on the opposite side of the motorway, with those at Blackburn Road over 250m away. This is a significant degree of separation, such that the proposed buildings themselves would have no adverse impact on the amenity of the occupiers of any residential properties enjoyed within those dwellings. This does not mean to say that the buildings would not be visible, but that the separation is

so great that there would be no adverse impact on light or outlook. Matters of noise and air pollution have been considered earlier in the report.

#### Impact on highway safety

86. The development site is bounded by the A674 to the north, the Leeds and Liverpool Canal to the east and the M61 to the west. Currently, there is a 5-storey mill (Canal Mill) plus associated commercial/retail infrastructure with a large car park on the site.
87. This application site is allocated under policy EP1.2 and EP2 as land for employment, food and drink, leisure or retail uses, in the Chorley Local Plan 2012 - 2026. The site forms part of the wider Great Knowley masterplan which currently consists of:
- Land at Great Knowley
  - Land at Botany Bay (This application site)
  - Land at Gale Moss
88. In 2017, four planning applications were submitted for the land that makes up the Great Knowley masterplan. The applications were for:
- 100 residential dwellings (17/00713/OUTMAJ) and a further 188 residential dwellings (17/00714/OUTMAJ) at the Land at Great Knowley.
  - Retail, employment, hotel and creche use at the Land at Botany Bay (17/00715/OUTMAJ)
  - Employment use at the Land at Gale Moss (17/00716/OUTMAJ)
89. Applications ref: 17/00713, 17/00714 and 17/00715 were outline applications with all matters reserved except for access, and application ref:17/00716 was an outline application with all matters reserved. Planning permission was granted on 21 October 2019 for all four applications, with highway mitigation schemes conditioned within the permission.
90. In 2019, an application (19/01113/OUTMAJ) was submitted to increase the number of dwellings in application 17/00714/OUTMAJ from 188 to 233, increasing the total number of dwellings in the wider Great Knowley masterplan to 333. LCC Highway Services had no objection to the application as the transport assessments for the wider Great Knowley masterplan in 2017 considered 350 dwellings. This application was subsequently approved.
91. This application (21/00439/FULMAJ) seeks to revise the existing proposals for the Land at Botany Bay (17/00715/OUTMAJ). It is a "hybrid planning application seeking detailed and outline planning permission for the development of Botany Bay Business Park comprising development of Blocks A to J (37,661 sqm GIA) as follows: detailed planning permission is sought for Blocks C to J (36,996 sqm GIA) for Use Classes E (light industry only), B2 and B8; retention and improvements to existing vehicular access into site off A674; retention of closed access into site from the south (for emergency vehicle access only); new main and secondary circulation roads; servicing and circulation yards and HGV parking; car parking; pedestrian routes; landscaping and public realm; provision and upgrading of ancillary services and infrastructure and diversion of PROW FP26; and outline planning permission (all matters reserved except for means of access) for Block A (181 sqm) for Use Class E (food and drink)/sui generis (hot food takeaway) and Block B (484 sqm) for Use Class E and related access, car parking, circulation and landscaping".
92. LCC Highway Services is committed to reducing congestion and delay and improving highway links and junctions in the most congested transport corridors, having regard to this application, includes the corridors of A674, A6, B5252 on the local network and the strategic M61 (which is managed and maintained by National Highways (NH)). In addition, other important corridors have also been considered being B6228 and the B6229.
93. A number of these corridors intersect and result in a number of local pinch points on the network around J8 of the M61 and at Hartwood Hall roundabout and the Hospital roundabout, which do suffer from the effects of high traffic flows and congestion. With this in mind, the present and proposed traffic systems have been considered in and around the location of proposed development, whilst also having consideration to the location of the Chorley Hospital and Fire Station.

94. This application with that already committed through previous applications together are all located beyond the current built environment and would, therefore, require a suitable approach that would see the successful delivery and maintenance of infrastructure and other measures to integrate the site with the existing built environment and wider community, to maximise connectivity and ensure that safety is not compromised (as a consequence of site activities or impacts on the public highway). If such measures are not delivered and where necessary maintained by the developer, then those elements of the proposed development would become more dependent on the use of the private car. As there is no certainty that development or connecting development will be built out in part or in full, it is, therefore, critical that any phased mitigation and triggers are not exceeded, suitably enforced (not allowing further development to be constructed/occupied until previous mitigation is delivered and improvements measured) and linked to supporting agreed evidence, provided by the developer.
95. Following the submission of the application, regular meetings and correspondence has continued between LCC Highway Services as the local highway authority and the applicant, to allow for the consideration of the impacts of the scheme and the necessary mitigation measures to be considered and agreed.
96. The local network is complex with uncertainty on future traffic flow and resulting congestion and it has not been possible to reach agreement with the applicant and their transport consultants (Curtins) on all elements of the application. However, in order to move matters forward, LCC has proposed the principle of a live monitoring strategy linked to mitigation and development triggers to enable the development progress. This is possible as the impacts of this application are generally lower than the previous retail application.
97. LCC Highway Services consider that in the event that this application is supported by the Local Planning Authority, it will require the extant permission of the existing Mill to be revoked as well as the previous retail application. This could only be offered up by the applicant in the form of a legal undertaking.
98. The comments below represent LCC Highways Development Control Teams' statutory response on the highway and transport aspects, based upon the current position. These are set out in the following sections:  
Section A - Access Strategy  
Section B - Comments on other elements within the TA  
Section C - Internal Site Layout, Parking Standards/Parking Provision and SUDS  
Section D - S278 / S38 Works  
Section E - Planning Obligations (s106 Planning Contributions)

*(A) Access Strategy*

99. The existing site layout is shown on Drawing 02-000 Rev P02 and the proposed development is shown on Drawing 02-001 Rev P11 (provided to LCC Highways via email on 18th March 2022). The proposed site layout indicates that the proposed vehicular access strategy to serve the proposed development would be the southern access of the existing roundabout junction access on the A674 (albeit modified as part of this application) i.e., the existing southern arm of the roundabout which is currently the access for the existing Botany Bay Mill.
100. To satisfy lane discipline for all vehicles including HGV's to and from the proposed development, the roundabout will require some modification within the highway boundary. This improvement scheme has now been provided and is shown in Drawing TPMA1498-109 Rev C (provided to LCC Highways via email on 28th Feb 2022). The proposed improvement to the roundabout includes an overrun area, with which two simultaneous movements of HGVs can be accommodated. This is acceptable to LCC Highway Services, subject to detailed design including satisfying a safety audit. This to be delivered prior to any unit being occupied and to be conditioned.
101. The existing access to Blackburn Brow to the south of the site to be maintained for non motorised users. Currently this access is gated, however would be available for emergency

access, this to be conditioned. The current pedestrian/cycle provisions at this location are poor. The applicant to provide non-vehicular connectivity between the site and Blackburn Brow and to be conditioned. Comments on the pedestrian provision through the site is provided below, under Section B3) Provision for Equestrian, Pedestrian & Cycling, Public Rights of Way. Emergency access and sustainable provision to be delivered prior to any unit being occupied and controlled by a suitably worded planning condition.

102. Swept path analysis of the southern emergency access has been provided in Drawing 076524-CUR-00-XX-DR-TP-05003 (provided to LCC Highways via email on 19 January 2022). It is critical that the route for emergency vehicles from the south from the adopted highway through the site is kept clear at all times and is controlled by a suitably worded planning condition.

*(B) Comments on other elements within the TA*

103. The following section provides LCC Highway Services comments on other key elements that have been or should be submitted within the TA or other technical supporting evidence.

*Traffic Figures and Future Traffic Forecasts*

104. In this section of the note, the comments will cover the following:

B1) Traffic Figures and Traffic Forecasts

- I. Traffic Counts, Traffic Growth and Assessment Years
- II. Trip Generation
- III. Distribution / Assignment
- IV. Committed Development and Emerging Development
- V. Junction Operational Assessments

B2) Accident Analysis

B3) Provision for Equestrian, Pedestrian & Cycling, Public Rights of Way

B4) Public Transport Accessibility and Provision

B5) Travel Plan

*B1) Traffic Figures and Traffic Forecasts*

*i. Traffic Counts, Traffic Growth and Assessment Years*

105. Normally, up to date traffic survey information is required to be collected for key junctions on the local transport network during an agreed neutral month. The TA provides traffic survey data from 2016 at 9 junctions, which is consistent with the extant application at this site. The junctions surveyed are acceptable to LCC Highway Services and due to the ongoing impacts of Covid 19, the use of 2016 surveys are acceptable. The surveys identify peak hours as AM (0745 – 0845) and PM (1630 – 1730).

106. The TA assesses the opening year 2022 and future 2027 and the TEMPRO growth factors have been applied to derive the opening year and future year conditions. The growth factors are the same as used in the 2017 application. The growth factors were subject to an 'alternative assumptions' adjustment with consideration for committed developments to be taken into account. The future scenario years and growth factors for the LinSig models are acceptable to LCC Highway Services. As the network around Hartwood Hall is complex, the previously built VISSIM microsimulation model was updated and used, with regard to the future scenario years and growth factors for the VISSIM, comments are provided in the section titled 'Modelling Approach', below.

*ii) Trip Generation*

107. For the proposed Drive-Thru unit, the proposed trips rates have been derived from the TRICS database, and for the proposed employment units, the proposed trip rates have been derived from Lancashire Council Developments Ltd scheme at Lancashire Business Park in Leyland. Paragraph 5.2.3 of the TA suggests that the retail elements of the proposals would not generate any single purpose trips. LCC Highway Services consider that there are elements that could generate some single purpose trips but accept that there would also be a level of linked trips. While this assumption in isolation could be considered to

underestimate potential trip generation, given the scale of the units (490 sqm.), the approach presented in the TA is not unreasonable.

108. The proposed combined trip generation for the proposed development are 182 arrivals and 83 departures in the AM Peak and 92 arrivals and 167 departures in the PM Peak.

109. It is noted that the TA suggests that the existing Botany Bay Mill would be retained on the application site, and assessment considers that the building will be brought back into use. The applicant has confirmed in meetings and via email (dated 10th March 2022) that the Mill will not be brought back into retail use. On support of this proposal, as highlighted in the 'Background' section of these statutory comments the extant permission of the existing Mill to be revoked as well as that permitted through the previous retail application.

110. The proposed trip rates are acceptable to LCC Highway Services.

(iii) Distribution / Assignment

111. The TA distributes the proposed trips based on 2011 census information and this is acceptable to LCC Highway Services.

(iv) Committed Development and Emerging Development

112. Table 6.1 of the TA lists the committed developments included in the assessments, which is acceptable to LCC Highway Services. The table includes the approved developments of the wider Great Knowley masterplan. The 'Technical Note – Mitigation Strategy' assesses the wider masterplan, and as it is likely that these schemes will be delivered in stages, a phased approach has been adopted in assessing the cumulative impacts. Further comment on this document and the wider development impacts is provided below under Section B1 (v).

(v) Junction Operational Assessments  
Modelling Approach

113. The TA provides capacity assessments for the 9 junctions that were assessed as part of the extant permissions' TA and, therefore, the scope of the junctions assessed are acceptable. The previous application assessed the junctions with all of the sites within the masterplan, and proposed measures to mitigate the cumulative impacts.

114. This new application initially moved away from the modelling approach that was agreed with the 2017 application. After multiple correspondence, the applicant has now generally followed the same modelling approach as the 2017 application, i.e., using a microsimulation programme (Vissim) with individual junctions considered separately using the appropriate propriety software (LinSig).

115. The use of the two modelling techniques set out above is appropriate in allowing a better understanding of the complex and, at times, congested highway network in the vicinity of the proposed development. The conventional LinSig modelling generally will give a good indication of how individual junctions could be expected to operate, while the microsimulation model provides further detail on how the overall network in the study area will operate with some regard to the interaction of individual vehicle movements through the network. It is typical that the two modelling approaches do give variation in the results (journey times / vehicle delay / queue lengths etc.) for a number of reasons including output parameters not being identical. However, the results should be comparable i.e., within boundaries of its range and can be cautiously considered together but also in isolation to allow an informed conclusion to be drawn in regard to the impact of the development and the effect of proposed mitigation.

Vissim Modelling

116. LCC Highway Services have reviewed the outputs from the latest Vissim modelling exercise for the scenarios of '2022 Do Minimum', 'Do Something-v0' (previously consented scheme results), 'Do Something-v1' (updated development) and 'Do Something-v2' (updated development with mitigation) for 2022, and not 2027.

117. The Vissim modelling indicates the network will, at peak times, operate at or close to capacity in both the 'Do Minimum' and 'with Development' scenarios (and supporting mitigation).
118. In general, the Vissim model indicates greater levels of queueing and delay than that forecast from the LinSig model. Whilst signal timing from both models include the same initial parameters, the modelling approach and the use of the data is significantly different, with Vissim having lesser ability than LinSig to be flexible within the modelled period. This is not unexpected, however, the differences in the outputs from the two modelling approaches was a concern to LCC Highway Services and has influenced their requirements and the delivery of mitigation to ensure overall network reliability and safety in the future. These are set out below and include measures such as queue detectors (loops), signals modernisation and performance upgrades, MOVA validation, Hospital hurry call facility, review of bus priority and signing, as well as a signing and road marking review and update (providing network reliability, safety and efficiency benefits). Whilst models are theoretical any phased scheme delivered will be subject to a safety audit as improvements may require change reducing network benefits thus modelling also to be updated prior to approval for that phase of development.
119. While the 2017 application assessed a future year of 2022, the model for this application also assesses the year 2022 (non-Covid conditions). LCC Highway Services have highlighted to the applicant that the VISSIM assessment should consider a future year scenario of 2027 (in line with the approach presented for the LinSig modelling).
120. The applicant has attempted to justify that the models 2022 scenario represents a 2027 condition by comparing the DfT's Annual Average Daily Flow (AADF). LCC Highway Services are not satisfied that the values produced represent the future traffic situation, the majority of the data is interpolated from a small number of actual counts, rather than actual counts every year. A comparison of the observed data over time does not suggest any clear consistent fall in traffic levels. The 2016 traffic count provided in the previous application is lower than the DfT's actual counts in 2013 and 2017, and LCC Highway Services consider one contributing factor are the changes that have occurred at the Chorley Hospital over the last few years (it is likely that there are other factors influencing traffic flows but are unknown). It is understood that the A&E department was a 24-hour service that was shut down in 2016 during the period of the Curtins traffic count. While this has reopened, it is still not operating at its full potential and permitted capacity. Clearly, any assessment should include the full permitted operation of Chorley Hospital. Ultimately, LCC Highway Services do not accept that the Vissim model represents the required future year scenario of 2027. Whilst this is a difference which is a concern, as previously highlighted what is clear is that with the previous retail proposal which had greater impacts could be accommodated with the mitigation proposed. This application reduces the level of mitigation and concentrates changes at and on approaches to Hartwood Hall roundabout, M61 J8. Whereas the previous application also included the Hospital roundabout and approaches. This issue can be overcome by linking phases of mitigation with development triggers. It is known that the wider retail scheme satisfies greater traffic flow, and this scheme has a lesser impact thus lesser mitigation, however likely to require some changes at Hartwood Hall roundabout and controlled by planning conditions. The benefit of this approach is that it has regard to increases in traffic. Whether as a consequence of this development or as traffic levels slowly get back to normal levels.
121. As the applicant's consultant and LCC Highway Services have observed, the microsimulation model is sensitive to changes in signal timings significantly impacting on network operation. Earlier iterations of the model highlighted greater levels of congestion and with updates in timings this was reduced to more acceptable levels. However, this highlights a real concern that will be satisfied by the approach set out in the mitigation strategy to be taken forward.

#### LinSig Modelling

122. This application also includes a Mitigation Strategy Technical Note which aims to assess the impact of the wider Great Knowley masterplan on the highway network. Within this



document, the analysis of junctions are provided for the future year 2027. However, the analysis provides assessment of the junctions with each phase of the masterplan added on separately. LCC Highway Services do not agree with this approach, as the order in which the phases of the masterplan are delivered are not guaranteed, and this approach burdens the majority of the mitigation measures on the final phase to come forward. All 4 phases of development fall within the masterplan, and as such should be considered collectively. The phasing of mitigation with monitoring overcomes this issue as both are intriguingly linked.

123. Notwithstanding the above, LCC Highway Services have reviewed the outputs from the latest LinSig modelling exercise for the scenarios of 2022 and 2027, with particular regard for assessment of all parts of the wider masterplan.

124. While there were some elements of the modelling that could have been considered may give optimistic results, it is also reasonable to note that real time signal optimisation of the proposed junction improvements could deliver some additional benefit not borne out within the computer model (in association with the mitigation measures detailed below by LCC highways – and in addition to the NH agreed mitigation).

#### Current Observations

125. Highway officers are aware, as per the microsimulation model, that the network is subject to varying levels of congestion that can extend well beyond that highlighted in the latest iteration of the model. These observations were noted in recent days. Again, this highlights a concern that will be satisfied by the approach set out in the mitigation strategy to be taken forward.

#### Suggested Way Forward

126. The County Council is committed to improving safety and reducing congestion and delay while supporting economic growth throughout Lancashire, including supporting the creation of jobs and access to employment, education and recreation.

127. The need for mitigation is clear in the analysis undertaken. As highlighted above the approach to mitigate this development having regard to the complex network and uncertainties in future traffic conditions requires the use of appropriate conditions to ensure that the impacts on the local highway network can be accommodated for all transport modes whether motorised or non-motorised at all stages of development, not resulting in safety concerns or severe conditions. LCC Highway Services suggest the use of a live monitoring (Number Plate based, together with more frequent continuous link counts) strategy (of the development and at key locations such as Hartwood Hall roundabout and Hospital roundabout), mitigation schemes linked to triggers of development (that have also satisfied a safety audit) with the supporting modelling of schemes (safety audited), that ensure that this development (and other elements of the wider masterplan site) provides suitable mitigation measures at required intervals to ensure that the development does not underprovide at any stage. No reference is made to changes at M61 J8 as the applicant will deliver the full National Highways scheme, this to be conditioned, as will not be monitored. LCC consider that it is important that modelling to be based on scheme that includes all safety audit changes (and all evidence is agreed with LCC).

#### Comments on Junctions Operation, Modelling and Necessary Mitigation

128. With regard to mitigation as presented below, and the agreement of detail and their implementation triggers to be suitably controlled through planning condition relating to each application, any highway or transport related triggers and planning conditions to be agreed with the County Council, based on accurate modelling post safety audit (where appropriate). Delivery of all works to be via s278 agreements. The scheme list is appropriately similar to that previously agreed.

#### A674 Blackburn Rd / B6228 Blackburn Rd Signal Controlled Junction and B6229 Corridor

129. Queueing is observed at times during the evening peak at the A674 Blackburn Rd / B6229 Blackburn Rd signalised junction. On occasion, right turners into the B6229 do block back and impact on the A674 eastbound through movement. This development proposal will increase traffic movements at this junction, particularly given the B6229 will present an

alternative route for some movements. To address the impact of development at this junction and the B6229 corridor, the following mitigation is considered necessary:

- LCC Highway Services require for signal (MOVA optimisation) review to address impacts to best manage the future network with review at agreed trigger points (in line with development phasing – to be agreed) and white lining scheme (including Moss Lane junction)
- Scheme of measures to be delivered on this alternative route on the B5228 Blackburn Road / Blackburn Brow corridor to address impacts to best manage the future network. The scheme expected to include the following:
  - Speed review along length (currently 40mph)
  - Review and update existing TRO's
  - Road marking review and refresh in vicinity of Great Knowley
  - Speed Indicator Device (SPID) on the approach from the north
  - Gateway on approach to Great Knowley from north including white lining, roundells and possible carriageway narrowing (links to road marking review)
  - Nearest bus stops to the PROW to be upgraded to quality bus (and shelter to be provided in the northbound direction towards Blackburn)

130. LCC Highway Services note that in the event that this employment scheme progresses in advance of the residential, those elements that relate to capacity and general highway safety to be delivered as part of this application.

A674 Blackburn Road / B6229 Moss Lane priority junction

131. To address the impact of development at this junction and on the B6228 Moss Lane corridor, the following mitigation is considered necessary:

- LCC Highway Services require a simple scheme of measures to be delivered on this alternative route on the B5229 Moss Lane corridor to address impacts to best manage the future network. The scheme expected to include the following:
  - Review of signing onto the corridor with its 7.5t weight restriction.
  - Consider influencing driver behaviours by changing the carriageway treatment on the B6229 at either end such as:
    - road marking including bar markings, or narrowing's
    - different surface colour at junctions,
    - raised tables.

A674 Blackburn Road / Proposed Commercial / Site Access roundabout

132. The employment application (17/00713/OUTMAJ) and this proposal (Note: Retail approval to be rescinded) are served off the existing A674 roundabout. With the previous approved employment served off the northern access and this application off the southern arm, which is also the access into the existing Mill (note: Botany Bay extant permission of the existing Mill be revoked). The proposed Employment access location is shown in Curtins Drawing TPMA1498-109 Rev C.

133. LCC Highway Services are satisfied that an access can be provided which is in line with design standards (for the whole roundabout) which ensures that lane discipline is maintained for HGV's (in land controlled by the highway authority or by the applicant). Therefore, while the indicative Curtins access drawing is suitable for planning purposes (i.e. indicating point of access and junction type) the detail of the necessary solution may require kerblines changes, that are not included in this plan. LCC Highway Services are satisfied these revisions can be undertaken at detail design stage (however must be completed prior to site layout details being agreed).

134. A two phase approach will be undertaken at the junction being:

135. Phase 1: Modify kerblines to maintain lane discipline for circulating HGV's having regard to wingmirrors, (whole roundabout to satisfy standards) as per Drawing TPMA1498-109 Rev C.

136. Phase 2: Extend 2 lane flare from the southwest (M61) to form a 2 lane approach for a distance that can accommodate a minimum 2 HGV's (in each lane) i.e. circa 40m. (This phase is a lesser requirement for the 2 lane flare than the previous retail application, its need/delivery will be based on future modelling and observations).

A674 Blackburn Road between M61 J8 and the site

137. TRO funding to ensure parking does not take place on this section of road. This above excludes foot/cycle provision on the A674 which is highlighted elsewhere and the existing safety barrier on the A674.

A674 / M61 Junction 8 roundabout

138. The M61 J8 signalised junction is managed and maintained by the County Council as Highway Authority. The modelling work indicates that the proposed mitigation scheme (as agreed with NH) will provide appropriate mitigation with regard to the impact forecast from the development proposals.

139. LCC Highway Services would add further requirements in regard to the scheme to be delivered as proposed and updated by NH and shown in Drawings 76524-CUR-00-XX-DR-TP-75001 Rev. P01 and 76524-CUR-00-XX-DR-TP-75002 Rev P01. It is LCC highways view that the following is also required:

- As a part of the delivered scheme signal optimisation (MOVA) is required with review as part of the s278 works and also at agreed trigger points (in line with development phasing – to be agreed)
- The final detailed design to identify appropriate locations for queue detectors on links as necessary, to allow better management of the future network
- Modernisation and performance upgrade of signal equipment and controller
- Technology to link associated signals both upstream and down stream
- CCTV to monitor operation
- 

140. The above works to be delivered by the developer and controlled by a suitably worded condition.

A6 / A674 signalised roundabout (Hartwood Hall roundabout)

141. The modelling work as previously described is complex with uncertainty with regard to future traffic flow and resulting congestion. However, at this location the proposed scheme is as previously proposed, with this LCC Highway Services can confirm when fully delivered, can satisfy demand maintaining a safe and reliable network. Some changes to the improvement scheme will be expected during the detailed design in particular, with the lane detail should be reviewed as well as the lane merge on Preston Road NB.

142. The applicant has agreed that they are committed to deliver the full scheme as previously agreed at Hartwood Hall signalised junction (this considered all 4 Greater Knowley Masterplan applications as approved in 2019). The scheme was set out in Drawing TPMA1498-108 (Revision B). This drawing has not been submitted as part of this latest current application. In addition to the agreed improvement scheme shown in Drawing TPMA1498-108 (Revision B) the following works are required to support efficient management of the network to best deliver reliability and safety benefits:

143. Additional Mitigation (a)

- Technology to link associated signals both upstream and down stream
- Signal equipment to be updated and controller
- Queue detectors on Maple Gove, Drumhead Road and 'Keep Clear' road marking on Millennium Way A674
- Queue detector on Hazel Grove
- Signal optimisation / MOVA update (and further reviews in line with changes whether to flow or infrastructure)

- Traffic signs and road markings review
- Bus priority review
- Emergency service hurry call (Fire service and Hospital)
- CCTV to monitor operation

144. The above works to be delivered by the developer and controlled by a suitably worded condition.

#### Mitigation Drawings

145. Curtins have suggested an interim predominately road lining scheme (Drawing 76524-CUR00-XX-DR-TP-75003 Rev P01) to be the first phase of highway mitigation linked to development. This drawing is NOT supported. A clear delivery strategy of measures is required to limit disruption whilst providing meaningful mitigation rather than a theoretical modelling benefit.

146. The Phase 3 and Phase 4 drawing (Drawing 76524-CUR-00-XX-DR-TP-75004 Rev P01) is also not accepted by LCC Highway Services. This drawing does not include all mitigation in line with the latest discussions and VISSIM modelling.

147. The full scheme to be delivered at the Hartwood Roundabout and adjacent network is the improvement scheme indicated in the previously agreed Drawing TPMA1498-108 (Revision B) plus all the further measures, and delivered in line with monitoring outcomes. Therefore, an updated drawing based on TPMA1498-108 (Revision B) should be prepared by the applicant; this to include reference to all the potential works required to support efficient management of the network to best deliver reliability and safety benefits, as set out under the headings 'Additional Mitigation (a)', 'Additional Mitigation (b)' and 'Additional Mitigation (c)'. This drawing to be attached to any permission granted.

#### A6 / Euxton Lane signalised roundabout (Hospital roundabout)

148. The modelling work as previously described is complex with uncertainty with regard to future traffic flow and resulting congestion. However, at this location no mitigation is being promoted by the applicant, as from the developer's perspective this is not needed, which is NOT supported by LCC Highway Services. The 2022 Vissim microsimulation (non-Covid traffic flows) with full development indicates that the junction will operate in a similar manner to the existing situation at this location as a consequence of changes to signal timings and the Hartwood Hall roundabout scheme, this is agreed. A future year 2027, with growth possibly in line with a non Covid situation, will have impact at this junction.

149. To overcome this issue, a highway scheme is possible (for example that which was supported for the retail application) particularly, as highway mitigation phasing will be linked with development triggers and live monitoring. It may become evident from this monitoring that the schemes in full may not be required. However, elements may be required, all delivered in the highway boundary and all linked to an evidential basis. As a minimum, as part of any initial improvement to the signalised junctions at Hartwood Hall Roundabout and the Hospital Roundabout must include:

#### Additional Mitigation (b)

- Technology to link associated signals both upstream and down stream
- Signal optimisation / MOVA review and update (and further reviews in line with changes whether to flow or infrastructure)
- Signal equipment review and updated including controller
- Review Queue detector locations and make necessary changes
- Traffic signs and road markings review including TRO's, make necessary changes
- Bus priority review
- Emergency service hurry call (Fire service and Hospital)
- CCTV to monitor operation

150. Further works to the Hospital roundabout, if necessary, to include some of the following:

151. Additional Mitigation (c)

- Widening – on the southbound approach from the north
- Traffic island to separate straight on from right turning traffic (north to south & west)
- Re-profile the central island to facilitate movement
- Signal optimisation / MOVA further review(s) in line with other changes
- Final MOVA review and optimisation on substantial completion of development build

Euxton Lane / Hospital Access signal controlled junction

152. The modelling work (Linsig and Vissim) has been reviewed and it is LCC Highway Services considered view that simple linking mitigation is required at the Euxton Lane (Hospital access signalised junction). LCC Highway Services consider that the following mitigation is required:

- Technology to link associated signals both upstream and down stream
- Signal optimisation / MOVA review

153. New Strawberry Fields Signalised junction on Euxton Lane

- Technology to link associated signals both upstream and down stream

Other Measures and sustainability provision

154. With regard to the overall influenced network and maintaining reliability, safety and efficiency, the coverage of which is as set out above, the following is also necessary:

- Signing and road marking review and update
- Bus priority review
- TRO review
- Upgrading of bus provision on Blackburn Road
- Foot/cycle way provision on A674 between the employment access and M61 J8 including removing of verge, crash barrier changes (Excludes that agreed with the Canal and River trust)

*B2) Accident Analysis*

155. The TA presents accident analysis of the A674, M61 Junction 8 and Blackburn Road from data obtained from LCC for the latest five-year accident record. Having reviewed the most up to date collision data records held on LCC's Highways system, LCC Highway Services are satisfied that the influenced network with development and all mitigation delivered will not result in residual safety issues.

*B3) Provision for Equestrian, Pedestrian & Cycling, Public Rights of Way*

156. With the close proximity of a number of cycle routes and infrastructure to the site, the TA concludes that cycling is a highly realistic mode of travel for employees at the proposed development. This warrants the need for a cycle route through the site, along the proposed spine road adjacent to the canal, as highlighted below.

157. Footway provision is provided on the western side of the spine road (building side) and a mixed quality footway/cycleway is proposed on the eastern side (canal side). The initial section of foot/cycle way is 3m to a point at Block F with a zebra crossing. The provision from this point southbound appears to end and is replaced with a 1.2m width cycle lane (south bound cyclists only), with north bound cyclists required to share with motorised vehicles and the adjoining junctions. This detail is not conducive to an employment site that fully supports sustainable movements. Pedestrians on the western side are expected to cross multiple vehicular entrances for the individual units, some of which are circa 10m wide (there is also a break of circa 35m, that is within a HGV turning circle, outside Block H), beyond this point the footway disappears Block I for circa 300m.

158. Greater thought is needed for pedestrians at junctions or where no provision is provided through traffic calming or the creative use of materials and kerbing. There remain concerns with internal operational matters of that proposed, as this is not at a standard that would facilitate safe provision for sustainable and motorised movements in the view of LCC

Highway Services, however, the internal provision is privately owned and maintained with responsibility/liability remaining with the developer (and not with the highway authority).

159. Footpath 9-2-FP 26 is an existing Public Right of Way (PRoW) that runs through the application site and across the Leeds and Liverpool Canal, connecting the A674 to Blackburn Road. The applicant proposes to maintain and divert footpath 26 along the line shown on the latest planning layout (Drawing 02-001 Rev P11) and is in accordance with the LCC PRoW officer request. It is important that the PROW is protected and controlled by a suitable worded planning condition to ensure that it is fit for purpose, attractive to users and remains so when development is in operation and that it can be used by all, in all-weather condition and all times of year.
160. With regard to site access and sustainable provision (pedestrians and cyclists) / emergency access onto Blackburn Brow via 'The Lock and Quay' Public House, the detail is limited. This detail is required on any elements required to be delivered, which also may include TRO's to manage on street parking. With regard to access on the A674, comments have been provided above including the removal of the safety barrier to better support pedestrians and cyclists.

#### *B4) Public Transport Accessibility and Provision*

161. The closest existing bus stops are to the south of the site, on the B6228 Blackburn Brow. Although the distance to the stops from the centre of the site is 600m, these stops provided hourly services, linking Chorley to wider Lancashire. This distance is above maximum standards and service provision isn't considered sufficient to support employee's needs.
162. This existing provision is not conducive to support the use of public transport. The supporting infrastructure needs to be upgraded having improved stops (DDA compliant), lay-by and if possible, including shelters and be delivered prior to any unit being occupied through the S278.
163. The current service needs to be improved to satisfy employees needs in terms of frequency, times of day/week and destinations considered. The previously approved retail element was going to include a shuttle bus service between Chorley town centre and the site and possibly a number of stops on route. However, this approach is not suitable for employment. With this, as a minimum, funding is required and has been identified and detail under the heading '(E) Planning Obligations (s106 Planning Contributions)' below. Without this funding it is considered that there is insufficient sustainable provision to the site.

#### *B5) Travel Plan*

164. An Interim Travel Plan has been prepared and submitted at this stage. The Interim Travel Plan sets out various measures which aim to encourage sustainable travel, an approach to monitoring and review, and an Action Plan.
165. A Full Travel Plan and its implementation will be appropriate for this development proposal in due course. The Full Travel Plan when submitted will need to meet LCC's submission criteria and include:

- Contact details of a named Travel Plan Co-ordinator
- Results from travel survey
- Details of existing cycling, pedestrian and public transport infrastructure
- Details of the provision of cycle parking
- Objectives
- SMART Targets for non-car modes of travel, taking into account the baseline data from the survey
- Action plan of measures to be introduced, and appropriate funding
- Details of arrangements for monitoring and review of the Travel Plan for a period of at least 5 years

166. For development of this scale LCC Highway Services would request a total contribution of £24,000 (this current application to provide £8,000) to enable LCC to provide a range of Travel Plan services for the wider site as outlined below.

- Appraise initial Travel Plan(s) submitted to the Planning Authority and provide constructive feedback.
- Oversee the progression from the Interim Travel Plan to the Full Travel Plan/s in line with agreed timescales.
- Monitor and support the development, implementation and review of the Full Travel Plan. This will include reviewing:
  - Annual surveys
  - Progression of initiatives / actions plan
  - Targets

167. If this application were to be approved LCC would request that a commitment is made by the developer to ensure suitable funding is made available to be used toward measures/initiatives that may be required if Travel Plan targets are not achieved (to be made available to the developers appointed travel plan coordinator). It is noted that this funding is only to be used if the targets are not met and that these funds are not passed to the LPA or the LHA. The Travel plan to also include surveys to capture any employees that park on street. The Travel plan to include a mechanism and penalties/consequences to both employee and business for those that choose to park on the public highway. This element to be conditioned in the Travel Plan.

*(C) Internal Site Layout, Parking Standards/Parking Provision and SUDS*

168. The proposed site layout is shown in Drawing 02-001 Rev P11. An internal spine road is proposed that runs adjacent to the canal and serves the units on site. As highlighted above, LCC Highway Services consider that the proposed pedestrian and cycle provision through the site is poor.

169. The internal spine road will NOT be considered for adoption as there is no public utility. The end of the public highway at all locations to be signed with appropriate demarcations.

170. Circa 75m into the site, there is an existing pedestrian refuge on the internal spine road. LCC Highway Services have requested the applicant to remove this island from the site layout multiple times, but this is still shown on the latest planning drawing. The existing splitter island should be removed (and relocated to provide simple pedestrian provision) and replaced with a right turn storage pocket. In comments provided to the applicant indicated that the road may require slight widening, providing suitable access to the drive-thru unit. This needs to be controlled by a suitably worded planning condition as this section of road is adopted, to date most of this helpful advice unfortunately has been ignored, which is disappointing. In addition, an agreed turning head (with associated detail) to be provided at the south end of the current adopted highway (demarcation to be provided where provision becomes private).

171. Drawings 076524-CUR-00-XX-DR-TP-05001-P03 and 076524-CUR-00-XX-DR-TP-05002-P04 (provided to LCC Highway Services via email on 19th January 2022) provide swept path analysis for vehicles into the individual units of the proposed development. The 16.5m vehicle has been used for the analysis of the larger units while a 10m rigid vehicle has been used for the smaller units. There are, however, issues highlighted by the tracking. The larger vehicle spaces proposed outside Unit 4 of Block C would not be able to manoeuvre easily into and out of the proposed bay. The proposed turning circle outside Block H encroaches the spine road and also the desire line for pedestrians. These issues are not part of the public highway and, therefore, are at the discretion of the LPA, but does not have support of the highway authority.

172. The TA states that the masterplan identifies 466 parking spaces across the site and that this is based on the policy set out in the Chorley Local Plan 2012 – 2026 (Adopted July 2015). The latest site layout indicates 425 spaces. The TA also provides car parking

accumulation assessment of the site using the trip generation profile from the consented Lancashire Business Park scheme which shows a maximum parking occupancy of 273.

173. While the TA suggests that secure cycle and motorcycle parking spaces would be provided at the site, the proposed layout does not show any provision for cycle and motorcycle parking. This does not support a sustainable site. These should be provided and, therefore, it is recommended that details of secure cycle and motorcycle parking spaces are provided by condition.
174. The latest planning layout shows that there is no parking provision for the existing mill. This has been highlighted by LCC Highway Services to the LPA and the applicant. The applicant confirmed that the mill will not be bought back into use under its existing permission and has proposed the removal of the extant uses (through a legal agreement).
175. There is also a risk of offsite parking, as a result of this development, on the public highway at the south of the site (around Blackburn Brow). While the applicant has suggested that this would not be the case due to a sufficient provision onsite, this risk is posed by commute length and duration. It may be more appealing for users of the southern units, that route to the site via the south, to park on the public highway, rather than travel through Chorley and the northern access. There are no proposals to overcome these risks. The Car Park Management Strategy (CPMS) must include a mechanism to ensure that on street parking does not take place with penalties/consequences for offenders and businesses. This to be included in a condition and be approved prior to commencement on site. As a minimum TRO's may need to be implemented in this area, delivered by the S278.

*(D) S278 and S38 Works*

176. It will be expected that appropriate s278 works as detailed above will be required and controlled by condition if the LPA were minded to approve this proposal. All works detailed / listed above to be delivered by s278 Agreement unless otherwise indicated (as s106 funding). All works as listed are to be detailed up and agreed prior to commencement on site, of which some are required to be agreed prior to site layout agreement (site roundabout).
177. Section 278 agreements (s278) are appropriate where improvements are required in the public highway, paid for by the developer (costs to include design fees, safety audits, amendments to street lighting and traffic signalling equipment and all other risks associated with highway improvements required by the development so that public funds are not used in the provision of these features. Any highway works or part delivery of highway works (phases), need to satisfy a safety audit. It is important that modelling to be based on scheme that includes all safety audit changes (and all evidence is agreed with LCC).
178. Mitigation measures required comprise the following:
- A674 Blackburn Rd / B6228 Blackburn Rd Signal Controlled Junction and B6229 Corridor
  - A674 Blackburn Road / B6229 Moss Lane priority junction
  - A674 Blackburn Road / Proposed Commercial site access roundabout
  - A674 Blackburn Road between M61 J8 and the residential access
  - A674 / /M61 Junction 8 roundabout
  - A6 / A674 signalised roundabout (Hartwood Hall roundabout)
  - A6 / Euxton Lane signalised roundabout (Hospital roundabout)
  - Euxton Lane / Hospital Access signal controlled junction
  - New Strawberry Fields Signalised junction on Euxton Lane
  - Other Measures and sustainability provision
  - PT bus stop provision on Blackburn Brow (both directions). Existing provision to be upgraded (relocated where necessary) including consideration for shelters, lay-by and DDA compliant stops (delivered prior to any unit being occupied).
  - Review of TRO's on Blackburn Road, in and around the Lock and Quay



179. Any highway improvement schemes agreed 'in principle' will be subject to detailed design. The Trigger points for all s278 works will be before commencement of development unless otherwise agreed with LCC and the LPA.

*(E) Planning Obligations (s106 Planning Contributions)*

180. Should the LPA be minded to approve this application, it is considered appropriate to seek planning contributions to support improvements to sustainable transport improvements on the local highway network. This funding would be used to implement changes to limit the negative impact of this large development on the existing, at times, congested network.

181. The trigger point for s106 sustainable transport planning contributions should be prior to commencement of development unless otherwise agreed with LCC and the LPA.

182. It is considered that the appropriate and necessary funding to achieve sustainable development would include the following:

- Public Transport Contribution:
  - Employment - peak period service improvements; £60,000 per year (typically for 5 years)
- Residential – daytime service improvements (Monday to Saturday): £60,000 per year (typically for 5 years) (Note: residential funding request now necessary as retail shuttle bus commitment now not being provided as part of this application.)
- Contribution for improvements to enhance the pedestrian and cycle network and for PROW (where on private land not controlled by the applicant): £186,830 (as requested by PROW team, as email dated 17th January 2022), and
- Funding for Travel Plan support; a total contribution of £24,000 (this current application to provide £8,000) to enable LCC to provide a range of Travel Plan services for the wider site as outlined below.

*Highway conclusions and recommendations*

183. The highway officers of the Lancashire County Council have worked closely with National Highways, the developer and their consultants on modelling and some principles of mitigation. Separately both the County Council and National Highways have considered what is necessary to make the application acceptable. National Highways requires a number of measures on the local highway authority's network to assist the operation on the strategic network, in addition to further details to ensure the security of motorway and strategic highway infrastructure. In addition to this, from a local network perspective, which is managed by the County Council further measures are necessary. This has resulted in the mitigation as presented.

184. With consideration to all the additional information provided, it is considered that the principle of the proposal can be made acceptable, if suitably controlled through planning conditions. The highway network impacted on by this development is complex with uncertainty on future traffic flow and resulting congestion especially at and on approaches to Hartwood Hall roundabout, Hospital roundabout and M61. It is, therefore, important that with this development and phased mitigation is linked to triggers that will ensure that the local network and junctions highlighted do operate within junction limits and satisfy the needs of cyclists, pedestrians and public transport at all stages.

185. The principle of approach as agreed with the applicant to be conditioned would ensure that necessary measures are provided and delivered in line of them being necessary as a consequence of this development, having regard to historic traffic conditions prior to COVID.

186. A fundamental element to satisfactorily deliver this development is the provision and implementation of all infrastructure. Should the developer fail to provide any element of that required the LHA cannot support this application. The conclusion reached requires all

highway or transport related triggers and planning conditions to be agreed with the County Council.

#### Impact on designated heritage assets

187. A Heritage Assessment has been submitted as part of the application submission. The site does not contain any designated heritage assets but there are a number of listed buildings within 1km of the site. Glimpsed views of the site would be visible from two heritage assets, Moss Lane Farmhouse and The Rough, although vegetation, modern built development, trees and topography of the landscape would largely screen views of the proposed development from these assets. For the purposes of this assessment the current building at Canal Mill could be considered as being of some heritage value and as such could be regarded as being a non-designated heritage asset (NDHA).
188. The principle statutory duty under the Planning (Listed Building and Conservation Areas) Act 1990 is to preserve the special character of heritage assets, including their setting. LPA's should, in coming to decisions, consider the principle Act, which states the following;  
*Listed Buildings – Section 66(1)*
189. In undertaking its role as a planning authority the Council should in respect to listed buildings pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
190. In determining planning applications LPA's 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.
191. Paragraph 199 of the National Planning Policy Framework (the Framework) states that when considering the impact of proposals on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be applied. This is irrespective of whether any harm is identified as being substantial, total loss or less than substantial harm to its significance.
192. P. 200 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
193. P.202 of the Framework identifies that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
194. P. 203 of the Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
195. The Framework Glossary defines the setting of a heritage asset as *“the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral”*.

196. The key heritage issue for the LPA to consider is the impact of the proposal on the setting of nearby heritage assets. The significance of Moss Lane Farmhouse lies in its architectural and historic interest as a 17th century farmhouse with some 18th century additions. The farmyard and associated barn form the principal setting of the farmhouse, with the agricultural fields which surround the farmhouse forming part of its wider setting. Beyond the fields lie the M61 to the west and built development to the east. Whilst the development would be visible from glimpsed views, it is considered that the vegetation, trees, topography of the landscape and the existing buildings that lie between the farmhouse and the application site along Moss Lane, would largely serve to screen views of the proposed development. As such, it is considered that there would be a minor/negligible impact on the wider setting of the listed building but that the significance of the building and its principal setting would be unaffected. In relation to the degree of harm caused to the heritage asset, it is considered that the small amount of negligible harm that would result is easily offset by the economic and social benefits that would be derived from the proposed development.
197. The significance of The Rough lies in its architectural and historic interest as an early 19th century house. The core setting of the house is the courtyard which primarily comprises modern outbuildings, tarmac access roads and areas of car parking. An agricultural field lies beyond the house to the north, grass fields are situated to the east and modern development is located to the south and west; they comprise the wider setting of the house. The Rough would be visible through glimpsed views to the south east from the site, although modern built development, vegetation, trees and topography of the landscape would largely screen views. Most of its wider setting would be unaffected by the proposed development. Therefore, a negligible effect is considered on the contribution that the wider setting provides to the significance of the building, in limited views to and from it which would be offset by the wider benefits likely to be derived from the development.
198. The Heritage Assessment identifies that the site has low/nil potential for evidence from the prehistoric, Romano-British, early medieval, medieval and post-medieval/modern periods and as such concludes that no additional archaeological works are necessary associated with the development of this site.
199. The submitted heritage assessment identifies there is also some potential for the discovery of sub-surface remains associated with the Mill to be present together with a possible farmstead and Hope Mill, both of which are 19th century in date, are recorded within the application site. Any archaeological assets within the application site boundary will have either been severely truncated or destroyed by previous modern development.
200. The submission documents have been reviewed by Lancashire Archaeological Advisory Service who consider that it would be more accurate to state that the potential for prehistoric to medieval remains here is unknown, rather than low, although it is agreed that there appears to be insufficient justification for a general programme of evaluation works.
201. Lancashire Archaeological Advisory Service, however, disagree with the heritage statement relating to later buried remains, as no evidence has been submitted to support such a statement. In fact it appears that there could well be remains of the demolished structures at Canal Mill still extant. Lancashire Archaeological Advisory Service therefore, repeat the recommendations made on the previous applications that (i) a photographic record of the extant Canal Mill structures be made and (ii) a programme of investigation and recording works in the area of the demolished structures associated with the mill should be undertaken. It is recommended that this be required by planning condition, prior to any development commencing.
202. A further heritage issue for the LPA to consider is whether the proposed development would result in any undue loss of heritage significance from the impact on the setting of the non-designated heritage asset (NDHA).
203. Non-designated heritage assets are identified as being buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage

significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets.

204. Canal Mill is a non-designated asset within the Application Site boundary, which is of local archaeological and historic interest, although it is not identified on a local list. As highlighted by the Canal and Rivers Trust, the Leeds and Liverpool canal, which runs adjacent to the eastern boundary of the site, can also be considered to be a non – designated heritage asset.
205. Paragraph 203 of the Framework advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
206. Canal Mill would be retained as it does not form part of the development proposals and whilst the proposals would inevitably have an urbanising effect on the canal this harm must be balanced against benefits of the proposal, and the urban infrastructure in close proximity that already impacts upon this setting. It is considered that the proposal would result in a low level of harm to the NDHAs, which would need to be given weight in the planning decision
207. Therefore, it can be concluded that the proposal would cause only negligible levels of harm to those designated heritage assets highlighted above, by virtue of the separation and intervening structures and development. There would be a low level of harm caused through the urbanising impact on Canal Mill and the canal, which are both NDHAs.
208. Under the duty imposed by s.66(1) of the P(LBCA) Act 1990 it is considered that the proposed development would have a negligible or very low impact on the contribution made by the setting to the significance of Moss Lane Farmhouse and The Rough, and a low level of harm through the urbanised setting of Canal Mill and the Canal.
209. Under the Framework the negligible level of harm is '*less than substantial*' and as such should be assessed under P.202 and P.203 of the Framework. It is for the LPA to consider the very low level of harm in its planning balance considering also any public benefits generated by the scheme. In this instance there is a significant social and economic benefit in providing an employment site for sub-regionally significant development as anticipated by the Chorley Local Plan 2012-2026. This is considered to outweigh the limited harm identified and therefore meets the statutory test to 'preserve' and be in conformity with Chapter 16 of the NPPF, Policy 16 of the Adopted Central Lancashire Core Strategy and policy BNE8 of the Chorley Local Plan.

#### Drainage

210. Policy 29 of the Central Lancashire Core Strategy requires appraising, managing and reducing flood risk in all new developments, avoiding inappropriate development in flood risk areas. A Flood Risk and Surface Water Drainage Assessment has been prepared by Integra Consulting (Ref: 2945FRA) and submitted in support of the proposals. The report has been written in accordance with the standing advice and requirements of the Environment Agency (EA) for Flood Risk Assessments as outlined in the Communities and Local Governments Planning Policy Guidance to the National Planning Policy Framework (NPPF).
211. The application site is located within an area classified as Flood Zone 1, therefore, the site is considered to be at very low risk from fluvial flooding. Isolated areas, typically at low risk of surface water flooding are identified on the EA mapping. There are however no records of flooding from surface water sewers on the site and, due to the topography, in the event of a sewer failure there would be no deep accumulation of flows with surface water finding a shallow overland route. There are no records of a canal breach in this location.
212. The extent of flooding to the site from surface water is classified as being at 'Very Low'. Developers are responsible for ensuring that new development does not increase the flood risk elsewhere. It is proposed to discharge surface water run off from the site to an existing

ditch that crosses the site currently. It is not proposed to make use of the existing drainage system and, therefore, the development is designed to achieve greenfield run off rates in line with DEFRA standards. The drainage strategy states that the proposed surface water drainage network shall be designed to attenuate water on site due to the reduction in flow rates up to the 1 in 100-year plus 40% climate change allowance.

213. It is considered that the proposed drainage strategy provides a robust basis from which detailed surface water drainage proposals for the future development of the site can emerge. Sustainable drainage solutions have been considered for the site in line with the Sustainable Drainage Hierarchy. Infiltration is confirmed as being unviable for the site. The next outlay option is discharge to a watercourse, which in this case is deemed to be the viable solution for the site.

214. The Lead Local Flood Authority (LLFA) is a statutory consultee for major developments with surface water drainage, under the Town and Country Planning (Development Management Procedure) (England) Order 2015. The LLFA has reviewed the drainage details provided at this stage and considers these to be acceptable subject to the provision of further details and have recommended conditions requiring:

- Development is carried out in accordance with the submitted Flood Risk Assessment.
- Final Surface Water Sustainable Drainage Strategy to be submitted
- Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations.
- A site specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system.
- Site specific verification report, pertaining to the surface water sustainable drainage system

215. It is recommended that these conditions be attached to any grant of planning permission.

216. The flood risk implications arising from both the site itself and the intended development have been given careful consideration and the identified mitigation measures and outline drainage strategy would ensure that the proposals do not give rise to any adverse impacts in respect of flood risk, thereby complying with Core Strategy Policy 29 subject to the provision of further details.

#### Ecology

217. The applicant has submitted an ecological survey in support of the proposed development. This has been reviewed by the Council's ecology advisor who confirms that the ecological surveys undertaken for the site have been carried out by suitably qualified ecologists and were generally to appropriate standards.

218. The northern third of the site comprises a field of rough, tussocky grassland, which appears to comprise grasses typical of species poor semi-improved grassland. There is an area of plantation broad-leaved woodland bordering the M61 motorway to the north west of the Canal Mill building. The woodland appears less than 50 years old and is dominated by sycamore acer with abundant hawthorn, frequent alder and occasional elder. No ground flora was recorded.

219. Towards the north of the woodland the ground becomes damper and there is abundant creeping buttercup. Two seasonally damp areas were recorded in this area, although they did not contain standing water during the survey the presence of silt and rushes indicates they do become wet at times. The woodland offers foraging and nesting opportunities for birds. Scattered scrub is present in areas of the site, notably along the embankment bordering the M61 motorway in the northwest of the site.

220. A species-poor, defunct hedgerow is present along the eastern border, adjacent to the canal towpath. This hedgerow is dominated by hawthorn with occasional blackthorn and elder. The hedgerow has been severely cut and averages 1-2m in height with numerous

gaps. Ground flora comprises bramble, common nettle and cleavers. A further defunct species poor hedgerow is present on the northern bank of the ditch running east-west across the site. There is also a *Leylandii* hedgerow along the western boundary which is approximately 2m tall. None of the hedgerows are considered to qualify as 'important' under the ecological criteria defined within the Hedgerows Regulations 1997. Although of limited ecological value, the hedgerows have potential to offer a foraging and nesting resource for birds and a foraging and commuting resource for bats.

221. There is a wet ditch flowing east to west between the grassland and the car park. The ditch has a wetted width of approximately 60cm and is on average 10cm deep with a slow to moderate flow and a silt substrate. The bank profile is 45 degrees and macrophytes are largely absent, although there is a small area of brooklime and great willowherb. Bankside vegetation consists of bramble and hawthorn. Remains of an old hedgerow are present along the northern bank.
222. Towards the west of the site the ditch becomes deeper and stagnant before disappearing down a drain, presumably beneath the motorway. There is limited potential for wetland wildlife such as common frog, common toad, birds and invertebrates. No field signs indicating the presence of water vole were noted during the phase 1 habitat survey. Habitats along the drain are considered to be largely unsuitable for water vole due to the shallow depth of water, shaded banks and lack of vegetation offering suitable foraging and cover.
223. Hard-standing accounts for approximately 60% of the site. Most of this is used for car parking, whilst there are some small areas of ornamental planting and small planted trees.
224. The woodland, rank grassland, species-poor hedgerow, ditch and scrub habitats are considered to be of value within the context of the site. Although not rare or of particular importance, they contribute to the wider network of similar habitat in the locality. These habitats offer suitable habitats for a range of common birds, small mammals and invertebrates. Bats are likely to use the woodland edge, hedgerows and canal for foraging and commuting. The Leeds and Liverpool Canal is assessed as being of local value as it provides a wildlife corridor facilitating the movement of a range of fauna through the landscape.
225. Overall, the surveys found the site to have some ecological interest with the proposed plans appearing to result in a net loss for biodiversity. For example 3.4 of the Updated Ecological Appraisal states with regard to areas of semi-improved grassland and habitat mosaics present on site "compensation for the loss of these habitats will be required" and that the "Proposed plans indicate that only a limited area within the site is available for mitigation, and so off-site habitat enhancement and creation will likely be required". No such compensation has been provided at this stage and the losses and gains in biodiversity would need to be quantified in order to devise a scheme for off-site habitat improvement if the losses cannot be fully compensated for on site. Given that the site is allocated for employment development it is desirable that an efficient use of the land for this purpose is made. The development of the site to provide employment premises carries great weight and given that the ecological interest on site is limited, with some gains possible, it is considered that in this instance the full details of the landscaping, biodiversity gains and losses and any associated scheme of compensation can be required by condition.
226. There are no detailed landscaping plans for the site and, therefore, a more detailed Landscape Plan, and a Landscape Management Plan, should be prepared for the site and required by condition. Retained habitats (particularly trees and the water course) should be suitably protected during the course of any groundworks or construction works.
227. A Construction Environmental Management Plan and Ecological Management plan, were provided in support of the proposed development. These were considered acceptable by GMEU and it is recommended that the measures contained within them are secured by condition. With regard to the Ecological Management Plan, it includes details of on-site enhancement measures and invasive species control. The latter are also included within the CEMP.

228. Section 174 of the Framework states that the planning policies and decisions should contribute to and enhance the natural and local environment. The site is generally of limited ecological value, however, a scheme to include full details of measures to enhance biodiversity at the site and to provide an overall net gain for biodiversity, in line with the aspirations of the Framework should be provided and it is recommended that this be secured by condition.

#### Minerals and coal mining

229. The site has underlying sand and gravel deposits including Lower Haslingden Flags Sandstone bedrock, which are regarded as a Mineral Resource.

230. Policy M2 of the Lancashire Minerals and Waste Site Allocation and Development Management Policies Local Plan applies. The policy states that planning permission will not be supported if a development is incompatible by reason of “scale, proximity and performance” with mineral safeguarding.

231. The application is supported by a Minerals Assessment, which states that based on the site investigation undertaken at the adjacent site, it is anticipated that the sand and gravel resource is not pure and is likely to have a significant clay content and generally medium to high cobble content. As such the minerals would require significant processing prior to use and therefore may not be an economically viable resource.

232. Furthermore, the mineral resource was not found to be present continuously across the site and varied in depth and thickness. Due to the presence of the M61, the A674 and the Leeds and Liverpool Canal along three of the site boundaries, the significant extraction of the resource is deemed unlikely. The requirements for easements from the highways and canal would be significant and would reduce the workable mineral resource to a level whereby it is likely to be uneconomic.

233. Given that the site has been allocated for employment use as part of the EP1 policy, the site is protected for employment use between 2012 and 2026. The Chorley Local Plan 2012 – 2026, which would have taken into account the presence of the mineral resource at the time of allocation, states that there is potential for economic growth within the area to provide jobs and services if employment land is made available. The value of the land in planning terms is thus considered more valuable to deliver employment uses in line with the Local Plan, than to deliver a marginal and difficult to process mineral resource.

234. Consequently, given the above constraints, it is considered that there is an overarching need for the development that outweighs the need to avoid the sterilisation of the mineral resource.

235. The Coal Authority has confirmed that the application site does not lie within a high risk area and that the site is not within a likely zone of influence of past or present underground workings.

#### Employment and skills provision

236. 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

237. 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

238. A condition is recommended requiring an employment and skills plan.

#### Community Infrastructure Levy (CIL)

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

### **CONCLUSION**

240. The proposed development would clearly contribute to economic growth within Chorley supporting the provision of employment and meets with the expectations of the Chorley Local Plan 2012-2026, fulfilling the requirements of the allocation. There would be no unacceptable detrimental impact on the amenity of neighbouring occupiers 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 or drainage. On the basis of the above, it is recommended that planning permission be granted subject to conditions and a s106 agreement to secure a public transport contribution, a travel plan support contribution and for the enhancement the pedestrian and cycle network.

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

- Ref:** 97/00247/OUT      **Decision:** PEROPP      **Decision Date:** 21 May 1999  
**Description:** Outline application for business and leisure development, including offices, research and development, light industry, general industry, distribution and warehousing, pubs and restaurants, hotel and leisure
- Ref:** 05/00392/FULMAJ      **Decision:** PERFPP      **Decision Date:** 4 November 2011  
**Description:** Erection of two storey office unit with associated car parking
- Ref:** 05/00393/FULMAJ      **Decision:** PERFPP      **Decision Date:** 4 November 2011  
**Description:** Erection of 2 single storey industrial units with associated service yards and car parking
- Ref:** 05/00394/OUTMAJ      **Decision:** PERFPP      **Decision Date:** 4 November 2011  
**Description:** Proposed mixed use development of mainly B1, B2 and B8 use classes with site entrance allocated for C1 & A4 use classes
- Ref:** 05/00455/FULMAJ      **Decision:** REFFPP      **Decision Date:** 8 March 2006  
**Description:** Erection of hotel and public house/restaurant and related works



**Ref:** 06/00045/FULMAJ      **Decision:** PERFPP      **Decision Date:** 21 March 2006  
**Description:** Extension of approval for temporary access road from roundabout on A674 to Canal Mill for a further 12 months until 31.03.2007

**Ref:** 17/00715/OUTMAJ      **Decision:** PEROPP      **Decision Date:** 21 October 2019  
**Description:** Outline planning application for retail floorspace (Use Classes A1, A3, A4 & A5), hotel (Use class C1), crèche/ nursery (use Class D1) and provision of associated car parking highways, landscaping and infrastructure and any ancillary development thereto, with all matters reserved except for access which is proposed off the existing A674 roundabout. Full planning permission for demolition (as applied for) of on- site structures and the change of use of the retained building (Use Classes A1, A3, B1, C1, D1)

**Ref:** 17/00716/OUTMAJ      **Decision:** PEROPP      **Decision Date:** 21 October 2019  
**Description:** Outline planning application, with all matters reserved, for the construction of up to 100 dwellings (Use Class C3) with associated highways, landscaping and infrastructure provisions and any ancillary development thereto

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

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

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

**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