

## **APPLICATION REPORT – 17/00714/OUTMAJ**

**Validation Date: 18 July 2017**

**Ward: Chorley North East**

**Type of Application: Outline Major Planning (with ES)**

**Proposal: Outline planning application for the construction of up to 188 dwellings (Use Class C3) with associated highways, landscaping and infrastructure provisions and any ancillary development thereto. All matters reserved except for access.**

**Location: Land To The West Side Of Blackburn Road Chorley**

**Case Officer: Adele Hayes**

**Applicant: FI Real Estate Management Limited**

**Agent: HOW Planning**

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### **RECOMMENDATION**

1. It is recommended that Members be minded to approve the application subject to conditions and no intervention from the Secretary of State in respect of the associated planning application reference 17/00716/OUTMAJ which is also reported on this agenda.

### **SITE DESCRIPTION**

2. The application site comprises 7.05ha of land which lies to the north east of J8 of the M61. It is bounded by the A674 Millennium Way to the north and by the Leeds and Liverpool Canal to the west. Agricultural land lies both to the north and south of the site, with the land to the south subject to a concurrent application under reference 17/00716/OUTMAJ for 100 houses.
3. The application site comprises undeveloped grazing land which is bisected by two drainage ditches running from east to west close to the centre of the site, which drain into the Leeds and Liverpool Canal.
4. The site slopes gently up from the Leeds and Liverpool Canal towards the East, where it rises steeply on the eastern side of the site towards the Blackburn Road.

5. There is currently no vehicular access to the site, which is proposed to be formed via a priority junction with the A674 Millennium Way.

## **DESCRIPTION OF PROPOSED DEVELOPMENT**

6. The application is submitted in outline for access only with all other matters reserved for future approval.
7. The application proposes the erection of up to 188 houses. The application is accompanied by a land use and building heights parameters plan. There would be a minimum 3m wide landscape buffer strip along the western boundary of the site to the canal.
8. An illustrative masterplan has been submitted alongside the application submission, which provides an example of how the site could be delivered. This shows 188 dwellings located in estate roads either side off a central spine road which runs to a junction to the south of the site. The central spine road would provide access to the adjacent site which is under consideration under application reference 17/00714/OUTMAJ.
9. Access to the site would be facilitated by a new priority junction on to the A674 Millennium Way to the north of the site.
10. The Council are also considering three other applications relating to land in the immediate vicinity of the current proposal which are also reported on the agenda.
  - 17/00713/OUTMAJ for employment floorspace
  - 17/00715/OUTMAJ for retail floorspace (Use Classes A1, A3, A4 & A5), employment floorspace (Use Class B1), hotel (Use Class C1), creche/nursery (Use Class D1) and provision of associated car parking, highways, landscaping, and infrastructure
  - 17/00716/OUTMAJ for the construction of up to 100 dwellings

## **ENVIRONMENTAL IMPACT ASSESSMENT**

11. An Environmental Statement (ES) provides a systematic examination of environmental effects that may be caused by a development proposal on the receiving environment. The process allows modification of the project to minimise potentially harmful effects through the incorporation of mitigation measures and enhancement proposals within the design process.

12. The applicant submitted an Environmental Statement alongside this planning application in July 2017 which comprises the following: -

Environmental Statement (July 2017)

- Non-Technical Summary
  - Introduction
  - Approach
  - Site Description
  - Alternatives
  - Proposed Development
  - Planning Policy Context
  - Socio-Economics
  - Landscape and Visual
  - Ecology and Nature Conservation
  - Archaeology and Heritage
  - Ground Conditions
  - Drainage and Flood Risk
  - Transport and Access
  - Air Quality and Dust
  - Noise and Vibration
  - Cumulative Effects
  - Summary of Mitigation and Residual Effects
13. The Environmental Statement takes account of the cumulative effects of the current proposal combined with the other 3 proposals detailed above.
14. Subsequently, an ES Addendum was submitted in February 2018 which addressed changes to the parameter plans and a revised Transport Assessment to address issues raised during consultation with statutory consultees.
15. Following further consultation with CBC, Lancashire County Council (LCC) and Highways England (HE), a review of the transport assessment work has been undertaken. As a result, additional mitigation is proposed in relation to Euxton Lane/A6 junction. The mitigation identified as part of the latest technical review supersedes that which is presented in the original ES and ES Addendum regarding Euxton Lane/A6 junction.

## **REPRESENTATIONS**

16. In total 41 objections have been received together with one letter of support and 2 further representations neither supporting nor objecting.

17. The objections can be summarised as:

*Principle*

- Loss of green space in the local area
- Chorley has met its need for new houses with all the recent development at Buckshaw and across other areas of Chorley, and there is no requirement for additional housing in Chorley
- The green areas between settlements should be protected to maintain the individual character of each
- This is Green Belt land and should be protected from development
- There is sufficient land set aside for housing development at Buckshaw Village
- Chorley is a small market town and Whittle le Woods is a small countryside village, and they cannot accommodate more development
- If permission is granted this will set a precedent for the development of further phases of development on this site
- Residents were informed that the number of houses on this part of the site would be approximately 100, and the current application for 188 houses is almost double this which is too many for this site and would result in houses being crammed in
- The number of houses proposed exceeds the Local Plan allocation

*Landscape*

- Development would create an eyesore at this important gateway to Chorley
- Development along the canal would destroy the rural character of this area
- Due to the topography of the land this development would be highly visible to the detriment of the appearance of this area of open countryside
- The houses should be built in a sensitive manner with extensive tree planting to minimise the impact on the canal corridor

*Design*

- The development will be an architectural monstrosity of red brick and render, and the dwellings will be densely packed together

*Highways*

- Impact of additional traffic on congestion and accidents
- Blackburn Road suffers congestion at peak times, exacerbated by the poor design of the road which connects to Millennium Way which blocks the left hand turn at the traffic lights
- Access for residents of Great Knowley is constrained as Blackburn Road is the only means of access for residents, and this will be exacerbated by congestion associated with the proposed development

- The congestion associated with the proposed development will prevent access for emergency vehicles
- Impact of additional traffic on the Hartwood Estate which will make it increasingly difficult to access / leave the estate at peak times, and increase rat-running through the estate
- Congestion on Millennium Way and the A6 is preventing emergency vehicles accessing Chorley Hospital
- There is often existing congestion on the M61 with traffic queueing on the northbound J8 slip road to exit the motorway and this will be exacerbated by the proposed development, causing highway safety issues on the motorway
- Insufficient improvements proposed to highway infrastructure
- The proposed development will increase the use of Moss Lane as a rat run to avoid congestion on the M61 and Millennium Way
- The proposed new junction on to Millennium Way would be an accident blackspot – it would require a new roundabout to provide access to the development rather than a non-signalised T-junction on to this 50mph road
- There has been no investment in new road infrastructure to serve Chorley's continued growth and Buckshaw Village is still being developed out which will continue to worsen the existing situation, and the proposed development will add to this congestion
- The Transport Assessment underestimates the traffic impact of this development
- The Transport Assessment is misleading and contains errors, the effect of which is to overstate the accessibility of the site by sustainable travel modes to local services and facilities
- The Transport Assessment underestimates the number of trips from a development of this scale
- Whilst a bus service may be secured via legal agreement, this will be time limited and there will be no guarantee that this continues beyond the end of the time frame as this will be a commercial decision by the bus operator. There is a history of local bus services being curtailed.
- VISSIM highway modelling should be undertaken before this application is determined
- The proposed widening of the A6 roundabout junction with the A674, and the widening of the access to the M61 slip road may not be practically achievable – detailed designs should be prepared to demonstrate that this is achievable prior to this application being determined
- The M61 North free flowing slip improvement should commence from the junction with Temple Way or the use of it will be curtailed by queueing traffic in the signal controlled lanes
- Further mitigation should be sought, including i) upgrading Footpath 26 to a cycleway, ii) creating a wider surfaced cycleway along the canal frontage, iii) extending the canal cycle path 55 through the Gale Moss site, iv) funding the cycleway from Springs Road to

Drumhead Road v) hard surfacing and lighting Footpath 26 where it passes through the residential development to allow all weather use

- The traffic impact of all proposed and foreseeable development should be factored in to the assessments
- The overly simplified traffic model identifies that up to 30 minutes delay is acceptable – this is not acceptable
- Increased traffic congestion will make Chorley town centre less attractive as a destination, which runs counter to the objective to encourage more people to visit the town centre

#### *Wildlife*

- Impact on wildlife in terms of loss of habitats
- This is one of a decreasing number of rough grassland habitats within the borough

#### *Flooding and drainage*

- The land near the canal is waterlogged and is flooded on many occasions through the year
- The development may affect the source and course of the River Chor
- This land is a floodplain
- Will the current drainage system be able to cope with the additional demand?
- The proposal to direct all surface water drainage from the proposed development to the River Chor may cause flooding downstream for housing and industrial premises in the Hartwood area and other areas of Chorley – the potential for flooding must be given serious consideration by an independent party
- Earthworks / construction near the canal must not be allowed. Earthworks at the David Lloyd sports centre caused problems for the canal. The application site is low lying and is likely to be more prone to instabilities

#### *Infrastructure*

- Impact on local infrastructure in terms of schools and health facilities – there is insufficient existing capacity to accommodate the proposed development
- St Peter's Primary School is at capacity with no room for expansion
- Chorley Hospital A&E has had major cuts and so now only opens 12 hours per day, and the proposed development will place additional strain on already stretched health services
- No approach has been made to the three local church schools to gauge the impact on their capacity
- The Police are already overstretched

#### *Amenity and pollution*

- Impact of additional traffic in terms of air quality, and associated impacts on health
- Air and noise pollution associated with the development will make our garden area less pleasant to use

*Other*

- Impact of construction traffic on Preston Road, in terms of noise, congestion and vibration impact on properties
- Impact on local house prices
- The proposed development represents gross capitalism in its worst form
- How many cash cows does the Council want before we are all at one another's throats?
- Residents were previously informed that in order for outline planning permission to be granted, all landowners of the land east of the canal would have to agree to the development. The planning applications do not reflect the full area of the site allocation, and do not reflect the ownership of all landowners and as such planning permission should not be granted.

18. Blackburn Road and Great Knowley Residents' Association

Object to the application on the following grounds:

*Principle*

- The applications propose more dwellings than the site is allocated for in the Local Plan, which has the effect of reducing the areas of green space on the sites.

*Highways*

- The M61 junction and the Hartwood Hall roundabout are already operating at capacity, there are currently houses being built on Moss Lane, and the proposed development will make the situation even worse.
- To avoid congestion around the M61 and Hartwood Hall roundabouts, people are likely to use Blackburn Road and Moss Lane instead to access the proposed development.
- The proposed T-junction access to the housing development sites will not operate satisfactorily, particularly for vehicles leaving the development at attempting to turn right on to Millennium Way. The junction will be an accident blackspot, as the Moss Lane / Blackburn Road / A674 junction used to be before it was redesigned.
- Alternative options should be considered for this junction, including: i) a roundabout on the A674 to provide access to the housing development sites; ii) construct a road bridge over the canal so that the housing development sites are accessed via the Botany Bay site and its existing roundabout, iii) prevent right turn vehicle movements from the junction on to the A674.
- The impact of additional dwellings proposed for the land to the south of the two housing application sites should also be assessed at this stage.

*Flooding and drainage*

- The land to the east of the canal is wet and low lying, and the development may be at risk of flooding.
- The proposed attenuation storage tanks which are to be sited close to the canal may affect the canal banks, as occurred when the David Lloyd Centre was being built.
- Is the existing sewage system sufficient to cope with the additional waste?

*Other*

- There are no play areas shown on the plans and it will not be appropriate for them to be on the steeply sloping parts of the site.
- The development should provide for a future access point to connect with the Lock and Quay (either a vehicular or pedestrian route).
- There are not enough school places to accommodate the development, and doctors' surgeries are overburdened.

19. Councillor comments

An objection has been received from Cllrs Adrian and Marion Lowe in respect of all four related applications:

:

- Over-intensive development of houses – the masterplan suggested around 180 dwellings, and the applications now propose up to 288 dwellings. The number of dwellings should be reduced.
- Traffic impact – the highway network will not be able to cope with the increased volume of traffic. There will be a particular impact on the Hartwood area, taken together with the planning approval for the digital health park. Additional mitigation measures should be investigated, such as traffic lights at the Hazel Grove exist from the Hartwood estate.
- Loss of green space – loss of green space and a buffer zone with Blackburn Road.
- Phasing – if the planning applications are approved, it should be a requirement that the employment and retail elements are built out before any dwellings are built.

Following the additional highway modelling and resultant additional mitigation measures now proposed, Cllrs Lowe have stated that they do not consider the measures are adequate to deal with the proposed development and the resultant traffic increases. Comment is made that the area around the Junction 8 roundabout and Hartwood cannot cope as it is now.



## CONSULTATIONS

### 20. Heapey Parish Council

- Heapey Parish Council object to all four planning applications due to the impact on local infrastructure including school places, medical and dental facilities and sewage/drainage services and the impact of increased vehicle movements on surrounding roads and Junction 8 of the M61, which currently suffer serious congestion at peak times. The 288 properties contained within the applications is significantly in excess of the 200 dwellings specified within policy HS1.8 of the current Chorley Local Plan.

### 21. Wheelton Parish Council

- Wheelton Parish Council object to the application because:
  - There is potential congestion especially given the additional associated three other proposals-theoretically these could add an additional 1000 vehicles at peak times in this area (both to get to the Motorway and surrounding localities school runs. Given that most traffic now is at a standstill at peak times even the additional of half this number could significantly add to the problems
  - We believe there is still a lack of cohesive infrastructure proposals and understanding of local issues
  - The backup of traffic has a major impact on residents of Wheelton who cannot access the A674 without significant waiting times and these proposals will add to these problems. Even mini roundabouts at the entrance along the A674 to Victoria Street and Blackburn Road would not significantly ease the problem given the additional flow of traffic both ways along A674
  - These proposals will add to irreversible urbanisation, threat to character of Wheelton and ruining the nature of an area people visit for recreation.

### 22. Whittle-Le-Woods Parish Council

- Have confirmed that they have no objections to the proposed development.

### 23. Technical consultees

<b>Statutory consultees</b>		
Coal Authority	N/A	Standing advice
Canal and River Trust	21 Aug 2017	The main issues relevant to the Trust as statutory consultee on this application are:

- a) Impact on the character and appearance of the waterway corridor.
- b) Existing Knowley footbridge canal crossing
- c) Potential contamination of the canal
- d) Surface water drainage
- e) Impact on the biodiversity of the waterway corridor.

Landscape

These proposals would have a major visual impact on the canal corridor (especially the cumulative effect of the other sites coming in to the south) and as such careful consideration needs to be given to the final layout, appearance, scale and landscaping of the development at the reserved matters stage.

Knowley footbridge

The Knowley footbridge is currently maintained to the standard required to support the small amount of pedestrian traffic that currently uses it per day. It is unclear if any local landowners have access rights for vehicular traffic. The existing footbridge has limited capacity and would potentially see a significant increase in usage (pedestrian/cycle etc.) due to the proposed developments across the masterplan areas. The developer should undertake an estimate of the increased use of the footbridge and carry out a load assessment, to ensure that the footbridge is capable of sustaining this increased use in the long term. The access from the footbridge to the towpath would also be required to be upgraded. The existing footbridge may therefore require significant investment to bring it up to standard.

Canal towpath

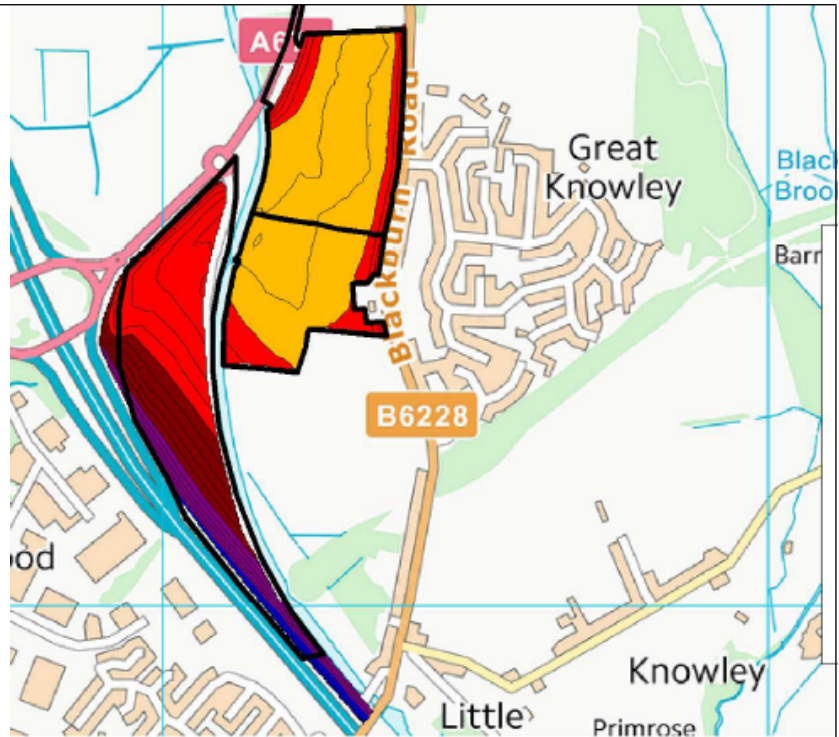
The Trust welcomes the use of the towpath as a sustainable transport route however the impact of additional usage from the development must be considered to ensure that the route is not degraded. The Trust believes it is reasonable to request a financial contribution towards towpath improvements and would be glad to discuss the issue further in order to reach a mutual agreement over the amount that is considered to be reasonable. This should be secured via legal agreement.

Recommend the following conditions:

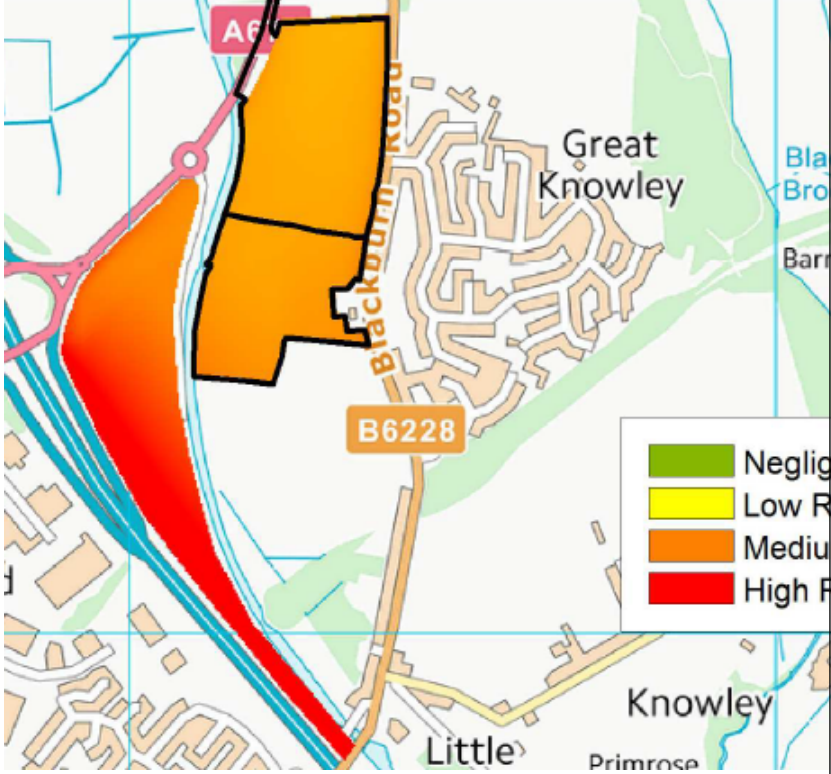
		<ul style="list-style-type: none"><li>• Surface water drainage – the development should incorporate mitigation measures to minimise the risk of contaminated surface water run-off entering the canal. Any proposed surface water drainage scheme which is to discharge to the canal should also incorporate appropriate mitigation measures to ensure that the risk of contaminants from the site entering the waterway and adversely affecting water quality is minimised. A condition should be attached requiring a detailed scheme for surface water drainage which includes measures to protect water quality. Recommend the following condition: “No development shall take place until a scheme for the provision and implementation of a surface water drainage system to serve the development has first been submitted to and approved in writing by the Local Planning Authority. Such scheme shall include full details of the design and operation of all attenuation and flood storage measures and details of the long- term management and maintenance arrangements for these and any other SUDS elements. The development shall thereafter only be carried out in accordance with the approved scheme.”</li><li>• Oil and fuel interceptors – recommend the following condition: “The development hereby permitted shall not be built above slab level until a scheme for the installation of oil and fuel interceptors to all external hardstanding areas used for vehicle parking, manoeuvring, loading or unloading has first been submitted to and agreed in writing by the local planning authority. The agreed details shall be carried out in full prior to first occupation of the development.”</li><li>• Works within 15m of canal – recommend the following condition: “No works should take place within 15m of the edge of the canal without details having first been submitted to and agreed in writing by the Local Planning Authority, to demonstrate that additional loads from the permanent or any temporary works, plant and machinery or storage of materials would not harm the structural integrity of the canal. The details shall also include mitigation measures to prevent any risk of pollution or harm to the adjacent Leeds &amp; Liverpool Canal or its users, both during demolition/construction and on completion of the development. The details shall include the steps to be taken to prevent the discharge of silt-laden run-off, materials or dust or any accidental spillages entering the canal. The development shall</li></ul>
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		<p>be carried out in strict accordance with the agreed details.”</p> <ul style="list-style-type: none"> <li>• Biodiversity – the Trust would like to see recommendations to limit the impact the development may have on the area. If the Council is minded to approve the application the lack of biodiversity enhancements should be addressed to ensure the development conserves and enhance the biodiversity as required by policy BNE9 of the Chorley Local Plan.</li> </ul> <p>In addition, a series of detailed design recommendations are made in terms of the relationship of the proposed development to the canal, to inform any future reserved matters application.</p> <p>Recommend informatives as follows:</p> <ul style="list-style-type: none"> <li>• The applicant/developer is advised to contact The Third Party Works Team ((01782 779909)) in order to ensure that any necessary consents are obtained and that the works comply with the Canal &amp; River Trust “Code of Practice for Works affecting the Canal &amp; River Trust.</li> <li>• The applicant/developer is advised to contact the Canal &amp; River Trust Utilities Team at the Wigan Office on 01942 405766 to discuss the acceptability of discharging surface water from the site to the adjacent canal in order to ensure that any necessary consents are obtained. Please be advised that the Trust is not a land drainage authority, and such discharges are not granted as of right - where they are granted, they will usually be subject to completion of a commercial agreement.</li> </ul>
Environment Agency	6 Oct 2017	No comments.
Highways England	6 July 2018	After issuing several Holding Directions and after additional work being undertaken in connection with traffic modelling, Highways England have confirmed that they raise no objection to the application and recommend that conditions should be attached to any planning permission that may be granted.
Natural England	18 Aug 2017	<p>No objection - the proposal is unlikely to affect any statutorily protected sites or landscapes.</p> <p>We have not assessed this application and associated documents for impacts on protected species. You should apply our Standing Advice to this application as it is a material consideration in the</p>

		<p>determination of applications in the same way as any individual response received from Natural England following consultation.</p> <p>This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant.</p>
<b>Chorley Council Consultees</b>		
CIL	4 Aug 2017	CIL Liability is not calculated at outline application stage. However, this development will be CIL Liable on approval of the final reserved matters application (if approved). This development will be subject to the CIL Charge for 'Dwelling Houses' as listed in Chorley Council's CIL Charging Schedule.
Environmental Health	28 Sep 2017	<p>In respect of the construction phase, the proposed mitigation measures detailed in supporting document 'Chapter 15 Noise and Mitigation' should be implemented. In addition I would recommend that consideration is given to the addition of a condition requiring the applicant to adhere to the information contained within the Chorley Council document 'Code of Practice for Construction and Demolition' which gives information on working hours, noise, plant and equipment and dust control.</p> <p>In respect of the constructed dwellings, there are concerns regarding the daytime noise levels for any properties located in the red areas on Drawing No. 6356487/2 'Noise Propagation Modelling' Dated 28.06.17. Any properties constructed in these areas close to the A674, B6228 and M61 could be subject to high noise levels in outdoor spaces and amenities and the concerns surround how this will be addressed for such properties.</p>



The night time noise risk assessment Drawing No. 6356487/5 'Noise Propagation Modelling' Dated 28.06.17 depicts the entire proposed sites for dwellings as 'medium risk' As such further information is required in the form of an acoustic report on what the predicted internal noise levels of the properties will be to determine how the occupants may be affected and what mitigation measures might address this.

		 <p>Therefore, I agree with the Noise Consultant that a thorough and robust Acoustic Design Statement is required to demonstrate how any adverse impacts of noise will be addressed and minimised to avoid any significant adverse noise impact on the finished developments.</p>
Tree officer	6 Oct 2017	<p>Tree groups and trees as identified within the submitted Preliminary Arboricultural Appraisal.</p> <p>Group 14. Hedge with mixed tree species along eastern boundary of the site adjacent Blackburn Road. Early mature horse chestnut, lime, oak. Trees of moderate quality screening the site. Recommend retained.</p> <p>Group 8 &amp; 12. T9, T10, T11. Group along northern boundary. Screening the site from neighbouring property. Habitat value. Recommend retained.</p> <p>Group 4. Sparse group, hawthorn, elder, willow, western boundary. Group of low quality.</p> <p>Group 7. Small group of ash and alder. Western boundary. Trees of moderate quality. Recommend retained.</p> <p>T6. Early mature multi stemmed willow. West boundary. Deadwood within lower crown, cavity main stem. Tree of low quality.</p>

		<p>T5. Semi mature ash. West boundary. Included union at 0.5m. Low quality tree.</p> <p>Group 3. Mixed group. Semi mature hawthorn, elder. Trees of moderate quality. West boundary, providing site screening. Recommend retained.</p> <p>Group 2. Mixed group. Semi mature alder, willow, hawthorn. Trees of moderate quality. West boundary providing site screening. Recommend retained.</p> <p>Group 1. Semi mature willow. Multi stemmed, some dead wood. West boundary providing site screening.</p> <p>Southern site boundary. Hedge 15, group22, T15, T16, T17, T18, T19, T20, T21. Trees of high and moderate quality 17 subject to TPO. Hedge screening the site, high habitat value. Recommend trees and hedge retained.</p> <p>Group 4. Sparse group, semi mature hawthorn, elder, willow. Trees of limited merit.</p>
Waste and Contaminated Land	2 Aug 2017	<p>No objections subject to standard conditions:</p> <ul style="list-style-type: none"> <li>• Methodology for site investigation and assessment</li> <li>• Details of assessment and remediation proposals</li> <li>• Validation report</li> </ul>
<b>Lancashire County Council</b>		
LCC Archaeology Service	21 Aug 2017	<p>No objection.</p> <p>The Archaeological Desk Based Assessment indicates that the site has low/nil potential for evidence from the prehistoric, Romano-British, early medieval, medieval and post-medieval periods. The report goes on to say that development of the site would not have any impact on designated assets (Scheduled Monuments, Listed Buildings, Registered Parks and Gardens, Registered Battlefields or Conservation Areas).</p> <p>Lancashire Archaeological Advisory Service agree with the conclusion reached in section 5.0 that no further archaeological work would be required.</p>
LCC Education	27 Jul 2017	<p>LCC have assessed the viability of this development by assuming the 188 dwellings are all 4 bedroom houses and have requested a commuted sum payment for the provision of education.</p>



LCC Highways	31 July 2018	<p>Lancashire County Council takes its responsibility seriously with respect to the current and future use of the highway network whilst also giving a high priority to supporting economic growth, the creation of jobs and access to employment, education and training.</p> <p>Highway officers of the county council have worked closely with Highways England their consultants and the developer, I can confirm that the modelling in general indicated that with the 2022 with mitigation, including network management measures, the network of junctions would operate as well as or better than 2022 'Do Minimum no development scenario'. This assumes that all obligations/measures and that all agreements with respect to all highway improvement and related works are progressed and delivered to the satisfaction of the Local Highway Authority (LHA).</p> <p>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.</p> <p>The conclusion reached requires all highway or transport related triggers and planning conditions to be agreed with the county council. It is critical that some infrastructure is delivered prior to development and others are provided in advance of them being needed.</p> <p>The full response is attached to this report at Appendix 1.</p>
LCC Public Rights of Way	28 Sep 2017	<p>Public Footpath No. 26 Chorley runs through the application site. It appears that a minor diversion of the public footpath will be required. It is not clear how the land levels will be affected by the proposed development. Presently the public footpath descends steeply from the main road as it leads north. If the area of land proposed to be developed is to be raised this could make the public footpath more accessible and remove the need to have a steep flight of steps leading away from the A674 allowing for low mobility access and cycle provision to the development.</p> <p>Public Rights of Way must not be obstructed during the proposed development. It is the responsibility of the landowner to ensure that</p>

		<p>the necessary procedures are followed for the legal diversion of the Public Right of Way if this should be necessary. If it is necessary for Public Rights of Way to be temporarily diverted or temporarily closed, this is the responsibility of the landowner to ensure that this is done following the appropriate legal procedures. The development must not commence until the necessary procedures are in place.</p>
<p>Lead Local Flood Authority</p>	<p>4 Oct 2017</p>	<ul style="list-style-type: none"> <li>• The proposals indicate that the applicant intends to discharge surface water from the site to the Leeds and Liverpool Canal via the existing infrastructure/outfalls and construct a road across the open watercourse that traverses from east to west. Under the Land Drainage Act 1991 (as amended by the Flood &amp; Water Management Act 2010), consent from the Lead Local Flood Authority is required to build a culvert or structure or carry out works within the banks of any ordinary watercourse which may alter or impede the flow of water, regardless of whether the watercourse is culverted or not.</li> <li>• There is an open watercourse that traverses the site from east to west. On the applicant's Illustrative Masterplan F1001MP01B the proposed driveways and plots are less than 1 metre and approx. 3.5 metres respectively away from the open watercourse. Construction within 8 metres of an open watercourse or over a culverted watercourse is not advised as access for maintenance purposes is restricted and it has the potential to pose an undue flood risk to structures should the culvert collapse or fluvial flooding occur. It is therefore advised that the applicant's proposed drainage layout plan ensures no structures are constructed within 8 metres of the top of the banks of the watercourse or over a culverted watercourse.</li> <li>• It is critical the basins are constructed and operational prior to any construction phase. This will ensure that site drainage during the construction process does not enter the watercourses at un-attenuated rates causing un-necessary flood risk.</li> </ul> <p>No objection subject to the following conditions:</p> <p>1) Submission of a surface water drainage scheme As a minimum this shall include:</p> <p>a) Information about the lifetime of the development design storm period and intensity (1 in 30 &amp; 1 in 100 year + allowance</p>

		<p>for climate change – see EA advice Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable , the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;</p> <p>b) The drainage scheme should demonstrate that the surface water run-off must not exceed the existing greenfield rate which has been calculated at 8 l/s/ha. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed;</p> <p>c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant); d) Flood water exceedance routes, both on and off site;</p> <p>e) A timetable for implementation, including phasing where applicable;</p> <p>f) Site investigation and test results to confirm infiltrations rates;</p> <p>g) Details of water quality controls, where applicable.</p> <p>h) Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.</p> <p>i) Provision of compensatory flood storage</p> <p>2) No Occupation of Development until completion of SuDS in accordance with agreed SuDS Scheme and Management &amp; Maintenance Plan</p> <p>3) Surface Water Lifetime Management and Maintenance Plan As a minimum this shall include:</p> <p>a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company</p> <p>b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:</p>
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		<p>i. on-going inspections relating to performance and asset condition assessments</p> <p>ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;</p> <p>c) Means of access for maintenance and easements where applicable.</p> <p>4) Construction and Operation of Pond/Attenuation Basin prior to main construction phase/occupation</p> <p>A number of informatives are also recommended.</p>
Lancs Fire and Rescue Service	24 Jul 2017	The development should fully meet all requirements of Building Regulations Approved Document B, Part B5 – ‘Access and facilities for the Fire Service’. The proposed development should be provided with suitable provision of Fire Fighting water to comply with National Guidance.
Lancs Constabulary Architectural Liaison Unit	1 Aug 2017	A site specific overview of crime and bespoke advice will be provided at any future reserved matters stage. Sets out a series of detailed considerations to inform future development – not relevant to outline stage.
<b>Other consultees</b>		
Ramblers Association (Chorley Branch)		No comments received.
GM Ecology Unit	22 Sep 2017	<p>The ecology surveys undertaken to inform the application have been carried out by suitably qualified consultants and are to appropriate and proportionate standards. No further surveys are necessary prior to determining the application.</p> <p>The development proposal will not have a harmful impact on any designated nature conservation sites, although the Canal corridor is part of a local ecological network.</p>

	<p><b>Notable species</b></p> <p>The application site supports significant numbers of foraging bats and is likely to represent an important feeding site for local bat populations, although no bat roosts were discovered on the site. A number of priority bird species also breed on the site and common toad, a priority amphibian species, has been recorded.</p> <p><b>Notable habitats</b></p> <p>The site is dominated by semi-improved grassland pasture. There are also extensive areas of marshy grassland and 'flushes'. There is developing wet woodland in low-lying areas close to the Canal. In localised places the grassland is species-rich, tending towards unimproved, particularly in the northern part of the site and close to the eastern boundary on the steeper slopes. Species present in these areas include bluebells, scattered common spotted orchid, tufted vetch, yarrow, bird's foot trefoil, ribwort plantain, common sorrel, red clover, common knapweed, false oat grass and Yorkshire fog. The impression is that the land has been subjected to only light grazing, with few artificial inputs, over recent years. There are areas of developing scrub vegetation, both open and closed, together with areas of unmanaged tall ruderal vegetation. There is an intact, managed hedgerow running along the eastern boundary of the site with the road, relatively species-rich and therefore representative of the priority habitat type for conservation.</p> <p><b>Impacts</b></p> <p>The development will cause losses to broadleaved woodland, scattered trees, scrub, semi-improved grassland, marshy grassland, hedgerows and stream courses. Whilst these habitats (apart from the hedgerow) do not meet the criteria to be described as priority habitats for conservation they are all of some local nature conservation value and will support a range of local wildlife. Semi-natural habitats should therefore be retained and protected as far as possible, and compensation should be provided for any habitats that are lost to the scheme.</p> <p>Given the outline nature of the application it is difficult at this stage to accurately assess the quantitative habitat losses that will be incurred, and therefore whether 1.8 ha of retained greenspace is sufficient. More detailed future plans for the site should obviously</p>
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	<p>aim to avoid losses as far as possible, particularly to hedgerows and more species-rich areas of grassland as mapped in the ecology survey reports. Compensation should then be sought for any unavoidable habitat losses through the preparation of a comprehensive Landscape Plan for the development; quantitative habitat losses could be compensated through enhancements to the <i>quality</i> of the remaining green infrastructure.</p> <p>Semi-natural habitats would best be retained, or re-created, in large blocks rather than in piecemeal fragments. It would make sense to place linear habitat blocks along the Canal corridor at the western boundary, since the Canal provides a habitat corridor with the wider landscape.</p> <p>Question whether the habitat retained and/or recreated should be 'double-counted' as Public Open Space. While semi-natural habitats <i>can</i> be accommodated in POS if the sites are to be used for passive recreation this requires careful planning and management if the value for wildlife is to be effectively retained.</p> <p>The waterway should be integrated within the public realm of the development in terms of design and management and the development should look to enhance the biodiversity value of the existing immediate and wider waterway corridor. In places there are existing mature hedgerows along the towpath, it would be good if these could be retained and incorporated into a linear 'green' park concept.</p> <p>Recommend conditions as follows:</p> <p>1) Landscaping details</p> <p>No works or development shall take place until full details of both hard and soft landscape proposals have been submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:</p> <ul style="list-style-type: none"><li>• Proposed finished levels or contours</li><li>• Extent of semi-natural habitats to be retained</li><li>• Semi-natural habitats to be re-created</li><li>• Features for wildlife (e.g. bat and bird boxes, hedgehog boxes) to be installed</li></ul>
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	<ul style="list-style-type: none"> <li>• Means of enclosure</li> <li>• Road layouts</li> <li>• Other vehicle and pedestrian access and circulation areas</li> <li>• Hard surfacing materials</li> <li>• Planting plans</li> <li>• Written specifications (including cultivation and other operations associated with plant and grass establishment)</li> <li>• Schedules of plants, noting species, planting sizes and proposed numbers / densities where appropriate</li> <li>• Implementation timetables</li> <li>• Long-term habitat management proposals</li> </ul> <p>2) Protection of the Canal and the Canal corridor</p> <p>Best practice measures should be followed throughout any permitted site clearance and construction period to prevent any possible pollution of the Canal, and if surface water is to be drained into the Canal then measures should be installed to prevent any possible pollution of the Canal waters during the operation of the development.</p> <p>3) Protection of bats</p> <ul style="list-style-type: none"> <li>• A further pre-construction assessment survey of the trees with bat potential is recommended. If bats are found to be present then further surveys, mitigation and licencing may be required. If no bats are recorded then removal of the tree can go ahead, however this should be completed between autumn (late October and November) and early spring (late February and March) as a precaution and contractors made aware of the possible presence of bats”.</li> <li>• Direct lighting of the Canal corridor should be avoided.</li> <li>• The provision of bat roosting features into buildings close to the Canal corridor would be a useful biodiversity enhancement measure.</li> </ul> <p>4) Protection of nesting birds</p> <p>No tree felling or vegetation clearance should take place during the optimum period for bird nesting (March to August inclusive). All nesting birds their eggs and young are specially protected under the terms of the Wildlife and Countryside Act 1981 (as amended).</p>
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		<p>5) Control of invasive species</p> <p>A Method Statement should be prepared giving details of how invasive species are to be controlled (eradicated) during the course of any development. Once agreed the Method Statement must be implemented in full.</p>
United Utilities	4 Sep 2017	<p>No objections, subject to the following conditions:</p> <p>i) Foul and surface water shall be drained on separate systems</p> <p>ii) Surface water drainage scheme reflecting SuDS principles</p> <p>A public sewer crosses the site and will need to maintain an access strip 3m either side of centre line, or will require diversion. Additional detail to be captured via informatives.</p>
<b>Neighbouring Authorities</b>		
Blackburn with Darwen Council	4 Aug 2017	No objection.
Bolton Council		No comments received.
Preston City Council	31 Aug 2017	No objection.
South Ribble Borough Council		No comments received.
Wigan Council	18 Sep 2017	Holding response received - comments due 29 September 2017 but no further comments received.
West Lancashire District Council	23 Aug 2017	No objection.

## **PLANNING CONSIDERATIONS**

### Principle of development

24. Policy 9(d)(i) of the Central Lancashire Core Strategy allocates land at 'Botany / Great Knowley' for sub-regionally significant employment development. The reasoned justification confirms that this is a large (approximately 20 hectares) greenfield site adjoining the Leeds Liverpool Canal in close proximity to J8 of the M61, which is ranked as a 'Good Urban' site in the employment land review (paragraph 9.13).



25. Policy HS1.8 allocates 9.6ha of land at 'Botany Bay / Great Knowley' for housing with an identified 200 dwellings. The indicative phasing schedule, identified at Appendix B of the Local Plan, identifies 100 dwellings coming forward within the period 2016-21 and 100 dwellings coming forward within the period 2021-26 (in line with policy HS2 on phasing).
26. Taken together these two allocations comprise a total site area of 23.7ha.
27. Policy EP2 complements this in relation to the 'Botany Bay/Great Knowley Area – sub regional employment and mixed use site'. This identifies the total EP1.1 / HS1.8 site (23.7ha) as suitable for:
  - B1 and B2 uses
  - 200 dwellings
  - A3 restaurant/café and A4 drinking establishment uses
  - Water based leisure/recreation uses such as a marina adjacent to the canal
  - A pedestrian and cycle route adjacent to the canal with connectivity to the existing towpath
28. With regard to the policy requirement in EP2 (a) for the production of a masterplan the land at Botany Bay / Great Knowley has been allocated in Chorley's development plan since 2003. In November 2013, when the Council adopted the Chorley Local Plan, it was therefore recognised that as this was the second time that the land had been allocated in the development plan, if the site were not to come forward within this plan period then it would likely need to be deallocated in any future plan review on the basis of being undeliverable. As such, the Council identified the development of a masterplan for the Botany Bay Area as a corporate priority.
29. The Council facilitated the preparation of the masterplan, with stakeholders participating in the process under the terms of a Memorandum of Understanding. Planit IE were commissioned to prepare the masterplan on the basis that it should be evidence driven and where possible compliant with the Local Plan. Planit were not directed to depart from the Local Plan but it was recognised that the stakeholders, as landowners / developers should have the opportunity to maximise the value of their ownership, and that any departure from planning policy should be evidence based. The masterplan was presented to the Council's Executive Cabinet on 8 December 2016 for information.
30. The housing allocation reference HS1.8 identifies that the overall allocation (including the land to the south) could deliver 200 units. However, the development of the Botany Bay Masterplan has identified that approximately 250 units could be delivered across the broader allocation within the Local Plan.

31. It should be noted that the housing allocation numbers detailed in policy HS1 are indicative and the housing requirement is a minimum to ensure enough housing is provided through the Local Plan.
32. The site area of this application and the concurrent application for housing on land to the south under application 17/00716/OUTMAJ is 11.96 hectares which is greater than the amount of land allocated for housing in the Local Plan (9.6 hectares). There would, therefore, be insufficient land left for the employment allocation.
33. It is noted that the sites are allocated housing sites and their development is, therefore, acceptable in principle. However, given the proposals together propose 288 dwellings, this could be considered to prejudice delivery of other elements of the overall allocation within the plan. However, Development Plan compliance needs to be determined in the round and a proposal is either compliant or not, taking into account that a Development Plan may have countervailing policies and compliance with all individual provisions may be impossible.
34. In the case of each of the housing applications, the departures from the extant policy are in the quantum of housing proposed and a resultant and associated decrease in land available for employment purposes.
35. It is considered that in this case, the greater level of housing cannot fail to comply with the Development Plan given that there is no express limitation upon the number of dwellings as allocated in the site-specific policy and within the wider plan (as is the case with all Development Plan) housing figures are not to function as ceilings.
36. The issue is, therefore, whether the delivery of less than the allocation of employment land fails to comply with the development plan. The statutory requirement is to consider the compliance with the Development Plan as a whole. In this case, the effect of the two applications is to decrease the employment land potentially realisable from the site from 14.3ha to 11.7ha. The proposals would however still deliver mixed use development with an employment component.
37. Whilst Members should be mindful of the reduction in employment land, regard must be had to the fact that the policy is by definition a future allocation i.e. a policy aim as to what can potentially be realised from a site.
38. Consequently, it is considered that given the proposals would realise more than 80% of the target hectareage of employment land, then the housing proposals are in compliance with the Development Plan.

### Affordable housing

39. The Central Lancashire Core Strategy Policy 7 states that subject to such site and development considerations as financial viability and contributions to community services, market housing schemes should achieve a target of 30% on developments of 15 or more dwellings. This would equate to a requirement for 56.4 affordable dwellings on site in accordance with the Affordable Housing SPD, 70% of these should be social rent and 30% should be shared ownership.
40. This is reiterated by the associated Affordable Housing Supplementary Planning Document, that states that where a developer or landowner considers that there are constraints of significance, sufficient to jeopardise or prevent them from meeting the Councils' affordable housing policy targets, this will need to be demonstrated by the submission of a suitable financial appraisal.
41. Given that the application is submitted in outline, the provision of affordable housing will need to be secured through the imposition of a condition with the final details agreed at reserved matters stage and the viability of doing so considered at that time with regard to site constraints and abnormal costs associated with developing the site.

### Public open space

42. In accordance with policies HS4A and HS4B of the Chorley Local Plan 2012-2026, council's Open Space and Playing Pitch SPD and the Planning Pitch Strategy, the provision of the public open space would required
43. The illustrative layout of the site has been designed to ensure that open space can be maximised. The development will not only provide for new open space on site but will also provide improvements to the existing pedestrian and cycling linkages and open up the canal to existing and future residents. As such the development will enhance accessibility to/ from the site and the wider area.
44. Consequently, given that the application is submitted in outline, the provision of public open space will need to be secured through the imposition of a condition with the final details agreed at reserved matters stage and the viability of doing so considered at that time with regard to site constraints and abnormal costs associated with developing the site.

## Education

45. Paragraph 94 of the NPPF states that The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement and to development that will widen choice in education. This includes expanding or altering schools and as such seeking contributions to facilitate this where adequate capacity in existing schools does not exist.
46. LCC Education comment that the latest projections for the local primary schools show there to be a shortfall of 159 places in 5 years' time. With an expected yield of 20 places from the development the shortfall would increase to 179.
47. In relation to secondary schools there is an expected yield of 8 places from the development the shortfall of 113 places would increase to 121.
48. Lancashire County Council's request for a commuted sum (£455,732.36) towards the provision of school places is noted. However, the Council operate a CIL Charging schedule which was implemented on 1<sup>st</sup> September 2013. The Regulation 123 list allows the charging authority to set out a list of projects or types of infrastructure that the levy is intended to fund. The purpose of the list is to ensure clarity on what CIL might be spent on and to prevent duplication ('double dipping') between CIL and S106 agreements in funding the same infrastructure projects.
49. Education is listed in the Council's Regulation 123 list and, therefore, education infrastructure falls under the remit of CIL and all housing schemes coming forward will be subject to the levy. Accordingly, such applications should not normally be subject to separate planning obligations to secure education contributions, regardless of whether or not they are windfall sites or exceed housing allocations.
50. Whilst not completely excluding site specific education contributions in exceptional cases, National Planning Practice Guidance is clear that this should not normally be sought and, where it is, it must be justified by specific evidence publicly available at the examination into the CIL list.
51. Planning obligations cannot be used where CIL accounts for the specific infrastructure requirements as set out in the list, as this would breach Regulation 123 and would lead to duplication. Accordingly, an education contribution is not required in this instance.

## Design and layout

52. The application is made in outline with all matters reserved except for access, which is proposed from the A674 to the north of the application site.
53. The application is accompanied by a Land Use and Building Heights Parameters Plan which defines the parameters which would frame any future reserved matters application, together with an indicative masterplan.
54. The submitted indicative information shows a mix of house types to include detached, semi-detached, mews style and apartments. The layout indicates that a number of existing trees will be retained and a buffer strip maintained to the canal.
55. The parameters plan identifies a maximum building height of 15.5m above existing site levels (3 storeys). A net density of approximately 26.7 dwellings per hectare across the whole of the site could be achieved, with higher densities indicated to be focused amongst the proposed apartments and along main routes including the canal frontage, with lower densities away from these nodes.
56. The indicative layout plan shows that it will create new neighbourhood green / amenity spaces including the buffer strip to the canal and substantial green open space to the upper slopes of the eastern side of the site which are too steep to be developed. An additional pedestrian route up to Blackburn Road and pedestrian connectivity through to the A674 are also proposed.
57. In terms of road hierarchy there will be one main road through the site with a number of narrower estate roads and cul-de-sacs branching off. An apartment block is shown close to the entrance of the site to create an entrance feature.
58. The existing field boundary which forms the southern boundary of the site divides it from the site area for application 17/00716/OUTMAJ. A landscaped area along this boundary including the retention of mature trees is shown on the indicative layout.
59. The Police Designing Out Crime Officer has set out a series of detailed considerations to inform future development which are not relevant to outline stage. A site specific overview of crime and bespoke advice will need to be provided at any future reserved matters stage.
60. The majority of houses shown on the indicative layout are semi-detached with a small number of detached houses and one block of apartments. The application site is sufficiently remote from other residential development to essentially form its own character area, however, given

that in the wider area there are a range of house types it is considered that a layout and design could be achieved at reserved matters stage which is appropriate to the character of the area.

61. In terms of impact on existing properties, the nearest properties are those to the east of the site fronting Blackburn Road which are in excess of 50m away from the nearest property on the submitted indicative layout. Given the significant change in levels between the application site and Blackburn Road it is considered unlikely that the proposal will result in material detriment to the amenities of the neighbouring properties in terms of overlooking, loss of light etc.
62. As such, it is therefore considered that the application site could accommodate the proposed scale of development with an acceptable design solution in terms of layout, appearance, landscaping and scale, as part of any future reserved matters application.

#### Landscape

63. A Landscape and Visual Assessment has been submitted as part of the application submission and forms Chapter 8 of the Environmental Statement. The application site lies within the Lancashire Valleys National Character Area 35 and at a local level is located partly within the Samesbury Withnell Fold Landscape Character Area and partly within the West Pennine Foothills Landscape Character Area.
64. The site lies north east of the built-up area of Chorley, east of the M61 Junction 8, west of Great Knowley and south of the A674. The site is bounded to the west by the Leeds and Liverpool Canal in a north – south direction with the Botany Bay retail development and M61 lying beyond this further to the west.
65. Open fields lie beyond the site to the north and to the south, where a concurrent application for residential development is also under consideration. The Canal Mill building together with the Preston England Temple, which lies beyond the site to the west are distinctive local landmarks. It is important, however, to note that neither of these buildings are nationally or locally designated.
66. The assessment concludes that the effects during the construction phase will be of minor significance and of a temporary nature. In relation to the completed development, the assessment concludes that the effects will be minor and limited to the site and its immediate setting. The application site sits at a lower level than the A674 which, taken together with the existing vegetation, will afford some screening of the site.

67. The design approach would retain mature vegetation to the boundaries of the site and internally, where possible, therefore allowing the existing green infrastructure to be maintained and preserving the existing screening for views into the site. As illustrated on the Parameters Plan, a buffer along the eastern edge of the Leeds and Liverpool Canal is proposed to secure an area for soft landscaping thus leading to an improved visual amenity and open character as well as providing opportunity for enhanced connectivity. Replacement planting of trees along the A674 around the proposed access point will be carried out.
68. As set out above, the provision of the proposed landscaped buffer strip along the western boundary of the site provides scope for the planting of trees and vegetation which would over time serve to afford screening of the development.
69. It is recognised that the development of the site will introduce a clear change in the landscape character of the site, however the principle of development on this site is established by its allocation within the development plan and as such, any form of development would result in an impact in this regard and the resultant visual impact of the development is justified by the contribution the site will make to housing.
70. It is, however, considered that the application proposal has been designed to facilitate the mitigation of the visual impact of the development through future landscaping and planting and to ensure that any visual impact is thus kept to a minimum. Keeping the upper sloping parts of the site free from development will also help to minimise their visual impact.
71. The level of significance of effects identified will be minor and will be limited to the site and its immediate setting, with features of local merit remaining intact including the Leeds and Liverpool Canal and Canal Mill.
72. No mitigation measures are required to mitigate the proposed developments effects on the sites landscape or the surrounding area. Replacement planting of trees along the A674 around the proposed access point will be carried out, together with the provision of a landscaped buffer to the western side.
73. Subject to further consideration at Reserved matters stage, the proposals are considered to accord with policy 21 – Landscape Character Areas of the Central Lancashire Core Strategy 2012.

#### Density

74. Policy 5 of the adopted Core Strategy covers housing density and requires developments to be in keeping with an area, but also make an efficient use of land. The proposal will be

equivalent of 26.7 dwellings per hectare across the whole of the site, which considering the site constraints, is considered to be an efficient use of land.

75. Considering the proposed layout in the context of the immediate surrounding area, it is considered that the proposal will be in keeping in terms of density with the modern housing estates close to the site and the proposal is therefore acceptable in this respect.

#### Levels

76. There are level differences across the site, with it rising significantly to the eastern side up towards the Blackburn Road. The detailed layout and relationship between proposed houses will therefore require detailed consideration at reserved matters stage in relation to the Council's interface distances. However, there is no reason to consider that the development of the site, which is indicated to take place to the lower part of the site, could not be achieved as anticipated.

#### Access and highways

77. Access is proposed from the A674 traffic island via a new priority junction to the north of the site.
78. Although each application must be considered on its merits the cumulative impact of the current proposal and the associated proposals need to be considered.
79. Paragraph 111 of the NPPF states;
- All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment.
80. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
81. A full Transport Assessment has been submitted within the ES which has been prepared in accordance with the Institute of Environmental Assessment (IEA) (1993), Guidelines for the Environmental Assessment of Road Traffic.
82. The impact on the local highway network has been considered by the Local Highway Authority and their statutory comments are appended to this report.



83. The impact on the strategic highway network has been considered by Highways England who have raised no objection and recommend conditions.
84. Subject to conditions to secure the necessary mitigation measures the proposals are considered to conform to Central Lancashire Core Strategy 2012 policy 2 – Infrastructure and policy 3 – Travel, and with policies ST1, Provision or Improvement of Footpaths, Cycleways, Bridleways and their Associated Facilities in Existing Networks and New Development, ST3, Development Access, and ST4, Parking Standards of the Chorley Local Plan 2012 – 2026.
85. The Canal and River Trust (C&RT) have commented that the proposed development is opposite the Knowley footbridge over the canal which C&RT state is currently maintained to the standard required to support the small amount of pedestrian traffic that currently uses it. C&RT further state that the existing footbridge has limited capacity and would potentially see a significant increase in usage (pedestrian/cycle etc.) due to the proposed developments across the masterplan areas.
86. The applicant has, therefore, commissioned a bridge survey report which concludes that the existing bridge is already in a poor state of repair. The report demonstrates that there is a requirement for the bridge to be repaired now, and as such this is something that the C&RT should be undertaking regardless of the current applications. It is not, therefore, considered reasonable to seek a contribution towards the costs of these works.
87. The C&RT also comment regarding a new bridge which is indicated to the south east of the masterplan. This, however, lies outside of the site area for the current application and does not form part of the proposal.

#### Air quality

88. Whilst the site is not located within or in the vicinity of an Air Quality Management Area (AQMA), Chapter 14 of the ES assesses the air quality and dust impacts of the development proposals and concludes that the application scheme would not have an adverse impact with regards to air quality and dust.
89. Whilst construction works have the potential to produce dust and other fine particles which may cause air quality nuisance, the application of appropriate measures (secured through a Construction and Environmental Management Plan) reduces the potential effects to negligible and as such the proposal would comply with Policy 30 of the Central Lancashire Core Strategy 2012 – Air Quality.

## Noise

90. The noise and vibration impacts that could arise as a result of the proposed development have been assessed as part of the application submission. The assessment evaluated the potential noise impacts during the construction phase and following the completion of development during the operational phase. The assessment noted that the general sound climate around the site comprises mainly of traffic noise associated with the M61. The assessment concludes that whilst construction works have the potential to impact sensitive receptors in close proximity to the site, the application of appropriate measures (secured through a Construction and Environmental Management Plan) would serve to mitigate the potential effects, which themselves would be both temporary and limited.
91. In respect of the constructed dwellings, there are concerns regarding the daytime noise levels for any properties located in the red areas on Drawing No. 6356487/2 'Noise Propagation Modelling' Dated 28.06.17. Any properties constructed in these areas close to the A674, B6228 and M61 could be subject to high noise levels in outdoor spaces and amenities and the concerns surround how this will be addressed for such properties.
92. The night time noise risk assessment Drawing No. 6356487/5 'Noise Propagation Modelling' dated 28.06.17, depicts the proposed sites in their entirety for dwellings as 'medium risk'. As such, further information is required in the form of an acoustic report on what the predicted internal noise levels of the properties will be. This is to determine how the occupants may be affected and what mitigation measures might address this.
93. The level of noise across the site has been measured, modelled and assessed in line with current guidance detailed within the ES. On the basis of this assessment it is considered that:
- suitable internal sound levels, in line with the guidance of BS8233:2014, can be achieved in all properties with the specification of suitable glazing and ventilation
  - suitable external sound levels during daytime periods can be achieved in most, if not all, garden spaces depending on the site layout and design. The achievement of the lowest practicable sound levels, with regard for the guidance of BS8233:2014 for sites benefitting from access to the strategic transport network, can be assessed during detailed design stage.
94. It is considered that the applicant has demonstrated that the site can be developed in the manner envisaged whilst achieving an adequate level of amenity for the occupants of the proposed dwellings. This matter and the final detailed design can be considered further at reserved matters stage and can be secured by condition.

## Ecology

95. Core Strategy policy 22 on Biodiversity and Geodiversity aims to conserve, protect and seek opportunities to enhance and manage the biological and geological assets of the area, through a series of measures including promoting the conservation and enhancement of biological diversity and seeking opportunities to conserve, enhance and expand ecological networks.
96. Policies BNE 9 and BNE 11 of the Chorley Local Plan 2012 – 2026 contain a number of requirements to protect and safeguard all designated sites, ecological networks and individual species as well as to provide net gains in biodiversity, where possible, and ensuring that any adverse impacts are avoided, or if unavoidable, are reduced or appropriately mitigated and/or compensated. These policies are underpinned by the Biodiversity and Nature Conservation SPD July 2015.
97. The site is dominated by semi-improved grassland pasture. There are also extensive areas of marshy grassland and 'flushes'. There is developing wet woodland in low-lying areas close to the Canal. In localised places, the grassland is species-rich, tending towards unimproved, particularly in the northern part of the site and close to the eastern boundary on the steeper slopes.
98. An Extended Phase 1 Habitat Survey has been submitted as part of the application submission and forms Chapter 9 of the Environmental Statement. This was complemented with a range of further surveys to assess the presence of potential species in more detail, comprising a breeding bird survey, an amphibian survey, and an otter and water vole surveys.
99. The application site falls within the SSSI Impact Risk Zone for the West Pennine Moors SSSI, which is located approximately 2.8km to the east. However, the development does not fall into any of the risk categories for the SSSI and as such it is not considered that the proposed development will have any impact on the SSSI.
100. In relation to bats, the Leeds and Liverpool Canal corridor to the west of the application site and scattered trees and scrub provide suitable foraging and commuting habitat for bats, although no bat roosts were found on site.
101. There is a small footbridge (Knowley Bridge) over the Leeds and Liverpool canal to the south west of the site. The bridge has stone abutments which are in poor condition and have crevices which may be utilised by roosting bats.
102. The results of the emergence, activity and static surveys indicate no roost presence and relatively low level use of the site by foraging and commuting bats during the survey period.

103. The breeding bird survey found some opportunities within the site boundary for ground nesting birds, and that scrub, trees and plantation woodland around the site margins offer potential for nesting habitat for tree nesting birds. The majority of the tree and woodland habitats around the site margins lie outside the developable area and the final layout of the development can ensure that these areas are retained and enhanced.
104. The otter and water vole survey and the amphibian survey found no evidence of protected species.
105. The submission documents have been reviewed by Greater Manchester Ecology Unit who raise no objection to the proposed development, subject to conditions relating to:
- i) Landscaping details
  - ii) Protection of the Canal to the east of the site during the construction phase to prevent building materials and surface water run-off from entering the watercourses;
  - iii) Protection of bats
    - Direct lighting of the Canal corridor should be avoided.
    - The provision of bat roosting features into buildings close to the Canal corridor would be a useful biodiversity enhancement measure.
    - Should bats be found at any time during the course of any demolition works then works should temporarily cease and advice sought from a suitably qualified person about how best to proceed (informative)
  - iv) Control of invasive species
    - A Method Statement should be prepared giving details of how invasive species are to be controlled (eradicated) during the course of any development. Once agreed the Method Statement must be implemented in full.
106. Subject to conditions to secure the necessary mitigation measures the proposals are considered to conform to Central Lancashire Core Strategy 2012 policies 18 – Green Infrastructure and policy 22 – Biodiversity and Geodiversity together with policies BNE9 – Biodiversity and Nature Conservation and BNE11 - Species Protection of the Chorley Local Plan 2012 – 2026 and the guidance contained within the Biodiversity and Nature Conservation SPD.

## Trees

107. A Preliminary Arboricultural Appraisal (PAA) has been submitted as part of the application package. Any future application for reserved matters consent will need to be accompanied by an Arboricultural Impact Assessment and Arboricultural Method Statement to assess the impact of the development once the detailed site layout is confirmed.
108. The PAA identifies a number of groups of trees within the development site and to facilitate the proposed access, trees G4, T5, T6 and G7 will require removal. Trees G4, T5 and T6 are C category trees and therefore should not be seen as a constraint to development. There will be four individual trees removed within G7 which have been categorised as B. Whilst these trees are of moderate amenity value the removal of these trees can easily be mitigated with replacement planting as part of ecological and landscape improvements to the site.
109. Future landscape improvements will aim to create a net gain in tree cover and biodiversity across the site by planting a variety of different tree species. Future access from the application site to the land parcel to the south should utilise the existing gap between trees T17 and T18.
110. The proposal is therefore considered acceptable in relation to trees, subject to a condition securing tree protection measures during construction and complies with the requirements of policy BNE10 – Trees of the Chorley Local Plan 2012 – 2026.

## Land contamination

111. The application site has remained largely undeveloped with the exception of a sand and gravel pit being extended across the northern extremity onto the residential site from the adjacent field.
112. On the basis of the human health conceptual model included in the Phase 1 Geo-Environmental Reports accompanying the application, the potential for contaminative sources is deemed low risk due to the lack of potential contaminative sources and / or pathways following development.
113. The assessment concludes that the site poses a low risk to human health and also to controlled waters.
114. The Council's Contaminated Land Officer has assessed the submitted information and has no objections, subject to standard conditions regarding the methodology for further site

investigation and assessment, details of assessment and remediation proposals and production of a validation report.

115. Subject to conditions, the proposal is considered to accord with guidance contained within paragraphs 178 and 180 of the NPPF and policy BNE7 of the Chorley Local Plan 2012 -2026.

#### Flood risk and drainage

116. A Flood Risk and Surface Water Drainage Assessment has been submitted as part of the application submission. The site lies entirely within Flood Risk Zone 1 (low risk). There are no records of the site flooding from surface water or sewers or as a result of a canal breach.
117. There are a number of existing sewers within the site including a 450mm diameter surface water sewer from Blackburn Road crossing the site to discharge into the canal; 300mm diameter surface water sewer from Blackburn Road crossing the site to discharge into the canal; and 225mm diameter foul sewer flowing north to south in the southern half of the site. There is also evidence of numerous land drains in place across the site.
118. It is proposed to discharge post development surface water runoff to the northern part of the site to the Leeds and Liverpool Canal via the existing 300mm and 450mm diameter surface water outfalls on the site. It is proposed to discharge the flows to the southern part of the site to the ditch on the southern boundary. Overall, post development discharge rates will be restricted to greenfield run-off rates. The proposed surface water discharge will be attenuated on site due to the reduction in flow rates up to the 1 in 100 plus 30% climate change event.
119. This has been reviewed by Lancashire County Council as Lead Local Flood Authority (LLFA), who highlight that there is an open watercourse that traverses the site from east to west which will need to be culverted and the applicants drainage plan should ensure that no structures are constructed within 8 metres of the top of the banks of the watercourse or over a culverted watercourse. Additionally the LLFA comments that it is critical the basins are constructed and operational prior to any construction phase. This will ensure that site drainage during the construction process does not enter the watercourses at un-attenuated rates causing unnecessary flood risk.
120. The LLFA raises no objection to the proposed development, subject to conditions: i) submission and implementation of a surface water drainage scheme with additional information about the lifetime of the development design storm period and intensity that demonstrates surface water run-off does not exceed the existing greenfield rate (8 l/s/ha) together with adequate pollution prevention measures, ii) submission and implementation of a management and maintenance plan for the sustainable drainage system for the lifetime of the development;

and iii) that attenuation basins and flow control devices / structures are constructed and operational prior to the commencement of development on any plots / buildings.

121. Subject to conditions, the proposed development is therefore considered to be acceptable in terms of flood risk and drainage.

#### Heritage

122. A Heritage Desk-Based Assessment has been submitted as part of the application package.

123. 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 will be visible from two heritage assets, Moss Land Farmhouse (Grade II\*) and The Rough (Grade II), although vegetation, modern built development, trees and topography of the landscape will largely screen views of the proposed development.

124. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering whether to grant planning permission for development which affects a listed building or its setting, "special regard" will be given to the "desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

125. In terms of the test within the NPPF, paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. In the case of this proposal, the development has the potential to impact upon the setting of the heritage asset but would not lead to its loss and as such the development would lead to less than substantial harm.

126. Paragraph 196 of the NPPF goes on to state that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

127. Similar provision is made in the Central Lancashire Core Strategy 2012 policy 16 (a), Heritage Assets and Chorley Local Plan 2012 – 2026 BNE8 – Protection and Enhancement of Heritage Assets which both require development to safeguard heritage assets from inappropriate development that would cause harm to their significance.

128. The significance of Moss Lane Farmhouse lies in its architectural and historic interest as a 17<sup>th</sup> century farmhouse with some 18<sup>th</sup> 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 which 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 building's significance 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.
129. The significance of The Rough lies in its architectural and historic interest as an early 19<sup>th</sup> 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 house's wider setting. The Rough will be visible through glimpsed views to the south-east from the site, although modern built development, vegetation, trees and topography of the landscape will largely screen views. Most of its wider setting will 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.
130. The Heritage Desk-Based 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.
131. The submission documents have been reviewed by Lancashire Archaeological Advisory Service who have confirmed that they concur with the conclusions of the assessment and that no further archaeological work is required.
132. Canal Mill is a non-designated asset which lies beyond the western boundary of the site but which is of local archaeological and historic interest. As highlighted by the Canal and Rivers Trust the Leeds and Liverpool canal, which runs adjacent to the western boundary of the site, can also be considered to be a non – designated heritage asset in its own right, however there are no historic canal bridges or locks nearby, which where they are found elsewhere on this



stretch of waterway are grade II listed - for example Moss Lane Bridge no. 80 which is 480 metres north of the site.

133. Paragraph 197 of the NPPF 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.
134. Whilst the setting of Canal Mill and the canal will be affected as part of the development proposals, which would inevitably have an urbanising effect, this harm must be balanced against benefits of the proposal and it is considered that the limited harm which would occur would easily be outweighed by the social and economic benefits of delivering additional housing.
135. In consideration of the above, it is considered that the proposed development is acceptable as it will preserve the appearance of the nearby listed buildings and thus also sustain the significance of these designated heritage assets. The negligible harm to the setting of nearby heritage assets is justified by the economic and social benefits of the development. Accordingly it is considered that the proposed development is in conformity with S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework, policy 16 of the Central Lancashire Core Strategy 2012 and policy BNE8 of the Chorley Local Plan 2012 – 2026 with respect to heritage impacts.

#### Amenity

136. The nearest residential properties to the proposed development lie to the east of the site fronting the Blackburn Road and are in excess of 50m away from the nearest property on the submitted indicative layout.
137. In terms of impact on existing properties, the nearest properties are those outlined above. Given the significant change in levels between the application site and Blackburn Road it is considered unlikely that the proposal will result in material detriment to the amenities of the neighbouring properties in terms of overlooking, loss of light etc.
138. The noise and vibration impacts that could arise as a result of the proposed development have been assessed as part of the application submission. The assessment evaluated the potential noise impacts during the construction phase and following the completion of development during the operational phase. The assessment noted that the general sound climate around the site comprises mainly of traffic noise associated with the M61. The assessment concludes

that whilst construction works have the potential to impact sensitive receptors in close proximity to the site, the application of appropriate measures (secured through a Construction and Environmental Management Plan) would serve to mitigate the potential effects, which would be both temporary and limited.

#### Minerals and coal mining

139. The application site is underlain by various types of superficial deposits, with underlying sand and gravel deposits, including Lower Haslingden Flags Sandstone bedrock, which are regarded as a Mineral Resource.
140. 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.
141. The application is supported by a Minerals Assessment, which together with Chapter 11 of the Environmental Statement, present a review of available evidence of the presence of any viable mineral deposits beneath the application sites and any potential for their prior extraction. Once appropriate buffer zones are applied to the M61, the Leeds-Liverpool canal and existing housing developments, the prior extraction of minerals from beneath the application sites would not be economically viable. This will be compounded by the likely low quality of the resource encountered.
142. Given that the site has been allocated for development as part of the policy EP2 EP1.1 / HS1.8 site, the presence of the mineral resource would have taken into account at the time of allocation and the value of the land in planning terms is thus considered more valuable to deliver housing than to deliver a marginal and difficult to process mineral resource.
143. 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.
144. The site lies within a Coal Authority Mining report area however a Coal Mining Report obtained for a previous Environmental Desk Based Study for a site to the west of the Leeds and Liverpool Canal, within a similar geological setting, indicates that the site is not within a likely zone of influence of past or present underground workings. Due to the faulting in the area, the solid geology beneath the site is downthrown relative to the solid geology containing coal at shallow depths. Consequently, the coal is anticipated to be at a deeper level, and thus, it is considered unlikely that coal would have been mined.

145. The applicant has submitted a Desk Study & Ground Investigation Report in relation to the application site and the neighbouring site, proposed under application 17/00716/OUTMAJ and this has been reviewed by The Coal Authority.
146. The Coal Authority considers that the content and conclusions of the Desk Study & Ground Investigation Report are sufficient for the purposes of the planning system and meets the requirements of the Framework in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development. However, further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent Building Regulations application.
147. The Coal Authority therefore does not require any conditions be applied in relation to this application.

#### Sustainability

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

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

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

149. Given this change, instead of meeting the Code Level the dwellings should achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations rate in accordance with the above provisions. An Energy Report has been submitted with the application which shows a 19.92% reduction in energy requirements over the 2013 Building Regulations rate can be achieved on the site. This can be controlled by a condition.

#### Employment skills

150. The Central Lancashire Employment Skills Supplementary Planning Document adopted in September 2017 identifies a number of key sites being bought forward including the application site at Botany Bay/Great Knowley. This site constitutes part of a highly accessible 20 hectare site situated adjacent to junction 8 of the M61, which is allocated as a site for sub regionally significant development including B1, B2 and B8 but also retail, housing and leisure.
151. The employment skills 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 NPPF. 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 and the SPD seeks to;
152. 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
153. The SPD requires development over certain thresholds to be accompanied by an Employment and Skills Statement. This is to ensure the right skills and employment opportunities are provided at the right time. This is to benefit 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

154. Section 7 of the ES assesses the potential socio economic impacts of the development including;

- The potential effects of the proposed development arising through construction, eg the temporary construction employment associated with the proposed development of new housing.

155. The applicant anticipates that the proposed development will provide a range of construction jobs, estimated to be approximately 135 temporary construction jobs per annum over the 3 year build period.

156. The measures indicated in the Employment Skills Statement can be secured via a planning condition.

#### Community Infrastructure Levy (CIL) & S106 Contributions / Requirements

157. CIL Liability is not calculated at outline application stage. However, this development will be CIL Liable on approval of the final reserved matters application (if approved). Based upon this outline application information, this development will be subject to the CIL Charge for 'Dwelling Houses' as listed in Chorley Council's CIL Charging Schedule.

#### **CONCLUSION**

158. Section 38(6) of the Planning & Compulsory Purchase Act 2004, *requires decisions on planning applications to be made in accordance with the development plan unless material considerations indicate otherwise.* Para 11 of the NPPF includes a similar provision whereby

Local Planning Authorities should approve development which accords with the development plan without delay.

159. Policy 9(d)(i) of the Central Lancashire Core Strategy allocates land at 'Botany / Great Knowley' for sub-regionally significant employment development. The reasoned justification confirms that this is a large (approximately 20 hectares) greenfield site adjoining the Leeds Liverpool Canal in close proximity to J8 of the M61, which is ranked as a 'Good Urban' site in the employment land review (paragraph 9.13).
160. Policy HS1.8 allocates 9.6ha of land at 'Botany Bay / Great Knowley' for housing with an identified 200 dwellings. The indicative phasing schedule identified at Appendix B of the Local Plan identifies 100 dwellings coming forward within the period 2016-21 and 100 dwellings coming forward within the period 2021-26 (in line with policy HS2 on phasing).
161. Taken together these two allocations comprise a total site area of 23.7ha.
162. Policy EP2 complements this in relation to the 'Botany Bay/Great Knowley Area – sub regional employment and mixed use site'. This identifies the total EP1.1 / HS1.8 site (23.7ha) as suitable for:
  - B1 and B2 uses
  - 200 dwellings
  - A3 restaurant/café and A4 drinking establishment uses
  - Water based leisure/recreation uses such as a marina adjacent to the canal
  - A pedestrian and cycle route adjacent to the canal with connectivity to the existing towpath
163. With regard to the policy requirement in EP2 (a) for the production of a masterplan, the land at Botany Bay / Great Knowley has been allocated in Chorley's development plan since 2003. In November 2013, when the Council adopted the Chorley Local Plan, it was therefore recognised that as this was the second time that the land had been allocated in the development plan, if the site were not to come forward within this plan period then it would likely need to be deallocated in any future plan review on the basis of being undeliverable. As such, the Council identified the development of a masterplan for the Botany Bay Area as a corporate priority.
164. The Council facilitated the preparation of the masterplan, with stakeholders participating in the process under the terms of a Memorandum of Understanding. Planit IE were commissioned to prepare the masterplan on the basis that it should be evidence driven and where possible compliant with the Local Plan. Planit were not directed to depart from the Local Plan but it was

recognised that the stakeholders, as landowners / developers should have the opportunity to maximise the value of their ownership, and that any departure from planning policy should be evidence based. The masterplan was presented to the Council's Executive Cabinet on 8 December 2016 for information.

165. The housing allocation reference HS1.8 identifies that the overall allocation (including the land to the south) could deliver 200 units. However, the development of the Botany Bay Masterplan has identified that approximately 250 units could be delivered across the broader allocation within the Local Plan.
166. It should be noted that the housing allocation numbers detailed in policy HS1 are indicative and the housing requirement is a minimum to ensure enough housing is provided through the Local Plan.
167. The site area of this application and the concurrent application for housing on land to the south under application 17/00716/OUTMAJ is 11.96 hectares which is greater than the amount of land allocated for housing in the Local Plan (9.6 hectares). There would, therefore, be insufficient land left for the employment allocation.
168. It is noted that the sites are allocated housing sites and their development is, therefore, acceptable in principle. However, given the proposals together propose 288 dwellings, this could be considered to prejudice delivery of other elements of the overall allocation within the plan. However, Development Plan compliance needs to be determined in the round and a proposal is either compliant or not, taking into account that a Development Plan may have countervailing policies and compliance with all individual provisions may be impossible.
169. In the case of each of the housing applications, the departures from the extant policy are in the quantum of housing proposed and a resultant and associated decrease in land available for employment purposes.
170. It is considered that in this case, the greater level of housing cannot fail to comply with the Development Plan given that there is no express limitation upon the number of dwellings as allocated in the site-specific policy and within the wider plan (as is the case with all Development Plan) housing figures are not to function as ceilings.
171. The issue is, therefore, whether the delivery of less than the allocation of employment land fails to comply with the development plan. The statutory requirement is to consider the compliance with the Development Plan as a whole. In this case, the effect of the two applications is to decrease the employment land potentially realisable from the site from 14.3ha to 11.7ha. The proposals would however still deliver mixed use development with an employment component.

172. Consequently, it is considered that given the proposals would realise more than 80% of the target hectareage of employment land, then the housing proposals are in compliance with the Development Plan.
173. The submitted Environmental Statement demonstrates that the proposals would not have significantly detrimental Environmental effects and those negative impacts which do occur are easily outweighed by the benefits which arise from the development.
174. It is recommended that Members be minded to approve the application subject to conditions and providing that there is no intervention from the Secretary of State in respect of the associated planning application reference 17/00715/OUTMAJ which is also reported on this agenda.

**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.

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

There is no recent relevant planning history.

#### **SUGGESTED CONDITIONS**

TO FOLLOW