

## **APPLICATION REPORT – 17/00715/OUTMAJ**

**Validation Date: 18 July 2017**

**Ward: Chorley North East**

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

**Proposal: Outline planning application 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 and any ancillary development thereto. All matters reserved except for access which is proposed off the existing A674 roundabout. Demolition (as applied for) of on-site structures.**

**Location: Land Between M61 Motorway And Leeds And Liverpool Millennium Way 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 a S106 Obligation to secure the provision of public transport and that the application be referred to the National Planning Casework Unit to determine whether the Secretary of State wishes to call the application in for a decision in accordance with the provisions of Part 5 of the Town and Country Planning (Consultation) (England) Direction 2009.

### **SITE DESCRIPTION**

2. The application site comprises 8.7ha of land which lies to the north east of J8 of the M61. It is bounded by the A674 Millennium Way to the north, by the M61 J8 southbound entry slip road to the west, and by the Leeds and Liverpool Canal to the east.
3. The application site comprises a single parcel of land bisected by public footpath 9-2-FP 26 which runs through the site in an east / west direction. To the southern part of the site lies a 5 storey former Victorian

Mill building known as Canal Mill which hosts the 'Botany Bay' retail development and associated car parking. The balance of the site is comprised of rough, open grassland.

4. The site consists of a generally level plain to the central part which slopes up towards the M61 to the west, the A647 to the north and on the northern part of the site slopes up towards the access road to the east. The embankments rise by as much as 8m above the main, level, part of the site.
5. Access to the site would be provided via the existing access to the Botany Bay development via an existing roundabout on 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 a retail led mixed use development consisting of up 20,830sqm of new floorspace and 9,662 sqm in the existing building of the following uses;  
  
A1 - Shops  
A3 - Food and Drink  
A4 - Drinking Establishments  
A5 - Hot Food Takeaways  
B1 - Business  
C1 - Hotel  
D1 - Non-Residential Institutions
8. The application is accompanied by a land use and building height parameter plan which indicates there would be a landscape buffer strip along the eastern boundary of the site varying between 3 and 12m in depth to provide a buffer to the Leeds and Liverpool Canal. The building heights parameters plan indicates the proposed buildings units would have a maximum height ranging between 10m and 14m above ground level compared with the 5 storey 19m height of Canal Mill.
9. An illustrative masterplan has been submitted alongside the application submission, which provides an example of how the site could be delivered. This identifies up to 70 individual units fronting one another along a single 'street' orientated along a north – south axis. The existing mill building is retained and parking is proposed to the western and southern sides of the site.
10. Access to the site would be via the existing access to the Botany Bay development from the A674 Millennium Way roundabout in to the site. The existing public footpath which runs through the site would be retained, however, subject to the layout which is forthcoming at Reserved Matters stage may be subject to

realignment, with the precise detail of this to be determined as part of any future reserved matters application.

11. 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
  - 17/00714/OUTMAJ for the construction of up to 188 dwellings
  - 17/00716/OUTMAJ for the construction of up to 100 dwellings

## **ENVIRONMENTAL IMPACT ASSESSMENT**

12. 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.
13. 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

14. The Environmental Statement takes account of the cumulative effects of the current proposal combined with the other 3 proposals outlined in paragraph 10 above and set out in detail below.
15. 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.
16. 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**

17. In total 41 objections have been received together with one letter of support and 2 further representations, neither supporting nor objecting.
18. The objections can be summarised as:

### *Principle*

- Loss of green space within the local area, which acts as a barrier between Chorley and the Wheelton and Whittle Village communities
- Urbanising effect of open countryside
- This is Green Belt land and should be protected from development

### *Retail and impact on town centre*

- The town centre has lost its individuality and there are already enough business premises, hotels and nurseries in the area
- There are a large number of vacant units in the town centre, and businesses should be encouraged to locate here rather than in this peripheral location
- Bicester Village is successful with Chinese and Arab shoppers but a retail village in Chorley is not going to attract international tourists. Bicester is on a direct link from London and Chorley cannot hope to attract such designer stores or clientele, with the existing competition from Cheshire Oaks and the Trafford Centre
- Is there a need for another hotel in the area, or will this simply result in an existing hotel closing?

- Shops and hotels should be located in the town centre – this development will take business away from the town centre
- The Council should be enhancing the reputation of Chorley as a thriving market town with small independent local retailers, which would support local businesses employing local people selling locally sourced products
- The retail development would not be viable in the long term and could become derelict within five years
- With due respect Chorley is more Browns the Butchers than Burberry
- It is inconceivable that a retail development of this scale will not detract from Chorley town centre

#### *Landscape*

- Impact on the beauty of the local area and the amenity for those walking or travelling along the canal
- Impact on views around the canal as the development will destroy the natural beauty of this area of countryside and its tranquillity
- Additional landscaping will be essential to the scheme, to screen the development
- Development would create an eyesore at this important gateway to Chorley
- 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

#### *Wildlife*

- Impact on wildlife in terms of loss of habitats

#### *Flooding*

- 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
- 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

#### *Highways*

- Impact of additional traffic on congestion and accidents
- Impact of additional commercial vehicles and HGVs
- There is only one means of road access to Great Knowley, and if this is blocked it cuts off the community
- The junction of the A674 and Blackburn Road needs to be improved with a roundabout or traffic lights
- 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

- 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 sliproad 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
- Millennium Way would need to be upgraded to a dual carriageway with a double lane roundabout to provide access to the site
- The proposed development will increase the use of Moss Lane as a rat run to avoid congestion on the M61 and Millennium Way
- 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
- Who would fund improved bus services to the development – the developer or the local taxpayer?
- 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

#### *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

#### *Infrastructure*

- Impact on local infrastructure in terms of schools
- 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

#### *Other*

- Impact of construction phase in terms of traffic, dust and debris on the highway
- Impact of construction traffic on Preston Road
- The existing hedgerow on Blackburn Road should be retained to limit the visual impact of the development from Blackburn Road

- The proposed development represents gross capitalism in its worst form
- Impact on local house prices
- The Mill could be enhanced to provide indoor and outdoor play and sports facilities

19. Blackburn Road and Great Knowley Residents' Association

*Highways*

- The M61 junction and the Hartwood Hall roundabout area 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, people are likely to use Blackburn Road and Moss Lane to access the proposed development.
- The site should be gated to prevent the car park being used at night for anti-social behaviour.

*Retail*

- The retail development will detract from Chorley Town Centre and there will be no benefits for the town centre as visitors arriving by the M61 will not have to pass through the town centre

20. Savills UK Limited (on behalf of Capital & Regional PLC, owner of The Mall in Blackburn Town Centre)

Comment that the applicant has failed to demonstrate that the proposed development will not have a significant adverse impact on defined retail centres.

*Clarification of quantum of development*

- Table 1 of Appendix 7 of the Supporting Retail Statement sets out that the application proposes 16,254 sq. m of Class A1 retail floorspace. However, the application forms state that 20,830 sq. m of Class A1 use is proposed. It is therefore not clear how much Class A1 floorspace is proposed. It is also not clear from any of the supporting information how much floorspace is proposed in Use Classes A3, A4, A5 and B1.

*Impact assessment*

- The impact assessment applies to all main town centre uses within Use Classes A1 – A5, B1 and D2 (as made clear within both the NPPF and the Local Plan site allocation). The applicant has failed to carry out any assessment of the main town centre Class A3, A4, A5 and B1 uses as required by the NPPF and the Local Plan (para 6.13).

- The multi-phase development scenario should be disregarded, as planning permission is being granted for the whole development and as such the impact of the whole development needs to be assessed. Any assessment that considers a piecemeal approach to impact should be disregarded as it is not a correct or robust approach.
- The Retail Statement only assesses the impact of the proposal on investment in Chorley Town Centre, where it needs to assess the impact on investment in all centres in the catchment area: Wigan, Preston, Blackburn, Lancaster, Blackpool, Bolton, Burnley, Oldham, Rochdale.
- The Retail Statement has only undertaken a healthcheck of Chorley Town Centre, Leyland Town Centre and Preston City Centre. The applicant needs to assess the health of all relevant centres in the wider area, as required by NPPF para 26.

*Detailed comments on assumptions*

- Applicant applies a £4,400/sqm sales density to the proposed development, however Table 5 of the Retail Statement identifies that Outlet Village densities can reach £6,000/sqm. Need to undertake a sensitivity test to assess the impact of a £6,000/sqm sales density.
- Applicant applies a 70% net to gross sales area, however 80% is widely accepted for development of this nature. This will result in a 1,625sqm increase in the net sales area (to 13,003sqm), which then needs to be carried through to the impact assessment.
- The forecast trade diversion from Blackburn town centre to the proposed development is low and not robust (Table 38 of Appendix 7). Whilst the trade diversion percentages from Preston City Centre appear to be broadly correct, the percentages from Blackburn Town Centre need to be increased to reflect the levels that will be diverted from Preston City Centre. The response sets out in detail how this should be achieved, by reducing trade diversion from other identified centres.

21. 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. Our original representation still stands and these proposals would be OK to deal with the current situation.

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

### 22. 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.

### 23. 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.

### 24. Whittle-le-Woods Parish Council

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

25. Technical consultees

<b>Statutory consultees</b>		
Coal Authority	8 Aug 2017	<p>No comments. The application site <b>does not</b> fall with the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.</p> <p>If this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.</p>
Canal and River Trust	21 Aug 2017	<p>The main issues relevant to the Trust as statutory consultee on this application are:</p> <ul style="list-style-type: none"> <li>a) Impact on the character and appearance of the waterway corridor</li> <li>b) Existing Knowley footbridge canal crossing</li> <li>c) New bridge crossing</li> <li>d) Connecting to existing waterway</li> <li>e) Potential contamination of the canal</li> <li>f) Significance of heritage assets</li> <li>g) Surface water drainage</li> <li>h) Impact on the biodiversity of the waterway corridor.</li> </ul> <p>Landscaping</p> <p>Request that clarification is sought as to whether this application seeks consent for landscaping. The application form identifies that approval of landscaping is sought at this stage, however approval of landscaping has not been sought in relation to the other applications.</p> <p>The Trust are content with the general principles set down by the strategic landscape masterplan, which states that existing vegetation is to be retained and enhanced with native species and that a landscape buffer zone is to run adjacent to the canal. It is unclear from this plan as to whether the existing hedge line</p>

		<p>is to be retained as an 'informal avenue' is indicated on the plan. The loss of mature hedgerows and a loss of screening/greening of the canalside should be avoided wherever possible. Given that a large area of parking is proposed to the south of the site retention/enhancement of the existing landscaping would be beneficial. The proposed informal avenue species are acceptable but the addition of <i>Sorbus aucuparia</i> would also be welcomed.</p> <p><b>Design and landscape</b></p> <p>The proposed development on this site cannot be looked at independently as the cumulative impacts need to be carefully considered as the impact of this development and the wider proposals would result in a very different landscape character of the canal when compared to the comparative open landscape feel at present. As such the treatment of the canal corridor will be critical to the success of the scheme.</p> <p>Maximising the potential of the canal is not really carried through in the illustrative design. Active frontages are shown to only run along the central spine of the new buildings, with a series of links through to the canal which we consider would be a missed opportunity to benefit from and enhance the canalside setting. The Trust would have concerns if the canalside façade of the proposed buildings would be inactive/blank/areas for servicing. The layout plan also shows a service road running parallel to the canal.</p> <p>The building height parameters plan shows the whole area zoned for buildings up to 4 storeys which would dominate the local surroundings. It is noted that a different plan within the DAS shows the proposed canalside buildings as 1 and 2 storeys which is much more appropriate. The layout as shown on the illustrative plan for 1 &amp; 2 storey buildings allows for a set back from the canal edge that helps to lessen the impact of new built form, if the storey height was to increase then an appropriate set-back should be considered.</p> <p>These proposals would have a major visual impact on the canal corridor (especially the cumulative effect of the other sites coming forward) and as such careful consideration needs to be</p>
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		<p>given to the final layout, appearance, scale and landscaping of the development at the reserved matters stage.</p> <p><b>Knowley footbridge</b></p> <p>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.</p> <p><b>Canal towpath</b></p> <p>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.</p> <p><b>New bridge crossing</b></p> <p>The wider masterplan shows the potential for a new bridge crossing from the application site to the offside of the canal. It is unclear if this element is proposed as part of this outline application and this should be clarified. A new bridge over the canal would need an agreement with the Trusts Estates team. The bridge would need to comply with the requirements of Disability Discrimination Acts, the Trust would be happy to advise on headroom required over the navigation for safety, width requirements, maximum gross weight and horse drawn boat requirements. Installing the bridge would require the</p>
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		<p>stoppage of the canal during construction. There is a separate Bridge Agreement process which would set down ownership details and responsibilities for maintenance and would include the granting of an easement to the Trust where the bridge is constructed on the applicant's land. We would normally require the bridge ownership and ongoing maintenance responsibilities to rest with the development. If a new bridge is proposed as part of this application we would ask that further detail is provided at the outline stage.</p> <p>Marina / basin</p> <p>The indicative layout plan shows that a connection is proposed to be made to the waterway and a small basin is shown. It is unclear if this new water space would accommodate craft and we would ask that this be confirmed. In any case the Trusts agreement would be required to make a connection and gain access to our waterway. Before granting agreement, we need to be sure that there is sufficient water resources and capacity to accommodate it and that the specification of the connection is adequate to protect the integrity of the waterway and the safety of our customers. Where a marina is proposed this would start with an 'expression of interest' which is the first stage in gaining the Trusts agreement to such a scheme. The Trust would require further information to ensure that creating such a connection would be acceptable in principle. It may be that the cost of making the connection would be prohibitive, as an alternative the developer may wish to explore providing linear visitor mooring adjacent to the development.</p> <p>Canal as a heritage asset</p> <p>The setting of the canal would be impacted adversely, especially if the entire masterplan area is implemented then both sites of the canal would effectively become urban. The Trust considers that the canal should be treated as a non-designated heritage asset. However, the submitted heritage assessments do not appear to have considered the canal at all.</p> <p>Recommend the following conditions:</p> <ul style="list-style-type: none"><li>• Surface water drainage – the development should incorporate mitigation measures to minimise the risk of</li></ul>
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		<p>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.</p> <p>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.”</p> <ul style="list-style-type: none"><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</li></ul>
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		<p>taken to prevent the discharge of silt-laden run-off, materials or dust or any accidental spillages entering the canal. The development shall 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	7 Aug 2017	We have screened the stated application and our understanding is that there are no constraints from an Environment Agency perspective so we would have no comments to make regarding the stated application.
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	11 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 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	<p>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). 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).</p>
Environmental Health	22 Aug 2017	<p>Given the location of the proposal and that it concerns commercial units it is not envisaged that there will be any Environmental Health concerns. However, if there any particular areas where specific advice is required, contact should be made to the Regulatory Services department. It is currently not possible to ascertain exactly where the proposed crèche/nursery would be located within the site, and consideration should be given to the siting of such and the potential for noise exposure to both children and staff in any outdoor spaces provided given the close proximity of the adjacent motorway. A specific noise assessment for the crèche/nursery may be required once the exact location has been determined. To minimise environmental impacts during</p>



		the demolition and construction phase 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'.
Tree officer	24 Aug 2017	<p>To facilitate the planned development a large section of W1 and T2 will require removal. Woodland consisting mainly of early mature sycamore with alder, ash and hawthorn. Located to the north west area of the site the woodland screens the site from the adjacent motorway.</p> <p>A number of low quality trees are planned for removal T3, H4, G6, G8, G20. These trees are not established and are within the car parking area.</p> <p>Loss of trees should be mitigated with replacement planting.</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	22 Aug 2017	<p>The Heritage 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. The most significant finding was that Canal Mill, a non-designated asset, is located within the site boundary. The mill is considered to be of local archaeological interest and the report suggests there is some potential for the discovery of sub-surface remains (e.g. the mill chimney, warehouses and offices) associated with the Mill.</p> <p>Although the DBA considers that any archaeological assets within the site boundary will have either been severely truncated or completely destroyed by previous modern development, no evidence is provided to demonstrate that this is the case. Experience from other sites in Lancashire would</p>

		<p>suggest that it is common for mill remains such as floors, foundations, flues and machine bases to be left in-situ and covered by modern surfacing and landscaping.</p> <p>Lancashire Archaeological Advisory Service would recommend that a programme of archaeological investigation is undertaken, including the recording recommendation suggested in section 5.0 (Summary and Conclusions) of the DBA. This work should comprise a photographic record of Canal Mill and an archaeological strip, map and record of the site of the ancillary mill buildings at Canal Mill as shown on the 1890s Ordnance Survey mapping.</p> <p>Recommend the following condition:</p> <ul style="list-style-type: none"> <li>• No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. The programme of archaeological work comprises two elements: <ul style="list-style-type: none"> <li>i) The programme of recording should comprise the creation of a photographic record of the buildings at Canal Mill. This work should be carried out by an appropriately qualified and experienced professional contractor to the standards and guidance set out in '<i>Understanding Historic Buildings</i>' (Historic England 2016).</li> <li>ii) The programme of field investigation should include an archaeological strip, map and record of the site of the ancillary mill buildings at Canal Mill. This work should be carried out by an appropriately qualified and experienced professional archaeological contractor to the standards and guidance set out by the Chartered Institute for Archaeologists (<a href="http://www.archaeologists.net">www.archaeologists.net</a>).</li> </ul> </li> </ul>
LCC Highways	31 July 2018	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,

		<p>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 the necessary procedures are followed for the</p>

		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.
Lead Local Flood Authority	29 Sep 2017	Following further discussions with the LLFA since the application was originally submitted, it has been confirmed that the proposed drainage strategy is acceptable and would not result in any adverse impacts.
Lancs Fire and Rescue Service	18 Aug 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>Notable species The development is unlikely to have a harmful effect on populations of any specially protected or notable species, although a number of priority bird species do breed on the site</p>

		<p>and common toad, a priority amphibian species, has been recorded locally.</p> <p><b>Notable habitats</b></p> <p>The development will affect broadleaved woodland, scattered trees, scrub, semi-improved grassland and marshy grassland. While I would not consider that these habitats meet the criteria to be described as priority habitats for conservation they are all of local nature conservation value and will support a range of local wildlife. Semi-natural habitats should be retained and protected as far as possible, and compensation should be provided for any habitats that are lost to the scheme.</p> <p>Currently the master plan shows net losses to semi-natural habitats present on the site. Compensation should therefore be sought for these habitat losses through the preparation of a comprehensive Landscape Plan for the development; quantitative habitat losses should be compensated through enhancements to the <i>quality</i> of remaining green infrastructure.</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>• Means of enclosure</li><li>• Car parking layouts</li><li>• Other vehicle and pedestrian access and circulation areas</li></ul>
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		<ul style="list-style-type: none"> <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 management proposals</li> </ul> <p>2) Protection of the Canal and the Canal corridor 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>• 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> <li>• Should bats be found at any time during the course of any demolition works then works should temporarily cease and advise sought from a suitably qualified person about how best to proceed (informative)</li> </ul> <p>4) Protection of nesting birds 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> <p>5) 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.</p>
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<b>Neighbouring Authorities</b>		
Blackburn with Darwen Council	25 Sep 2017	No objection.
Bolton Council		No comments received.
Preston City Council	31 Aug 2017	No objection.
South Ribble Borough Council	15 Sep 2017	<p>Have objected to the application and comment that they are not satisfied that there is sufficient evidence to conclude that the proposal will not have a significant adverse impact on the vitality and viability of defined centres, and have reservations in relation to the methodology within the submitted Planning and Retail Statements.</p> <p>Specific concerns are as follows:</p> <ol style="list-style-type: none"> <li>1. The estimated turnover of the proposed development is too low. A higher sales density for the proposed floorspace should be adopted as a sensitivity test.</li> <li>2. The trade draw of the proposal is not robust with the stated figure of a draw of 50% of the turnover from the PCA (Zone 1) in particular being too high.</li> <li>3. As a result of (2), we are not satisfied by the trade diversion levels and consider that the solus diversion from Preston City Centre could be higher.</li> <li>4. Given this we cannot be assured that impacts of the proposal on town and local centres are minimised. Particularly in our consideration are the impacts on Chorley Town Centre and Leyland Town Centre which are critical for Central Lancashire. We are also concerned about potential impacts on Preston City Centre which along with Leyland are important projects in the City Deal.</li> </ol>
Wigan Council	22 Aug 2017	Holding response received - comments due 29 September 2017 but no further comments received.

West Lancashire District Council	23 Aug 2017	No objection.
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## PLANNING CONSIDERATIONS

### Principle of development

26. 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).
27. Policy EP2 of the Chorley Local Plan allocates Botany Bay/Great Knowley Area as a Sub-Regional Employment and Mixed Use Site, within which new development, redevelopment or change of use will be permitted subject to the following:
- a) Comprehensive development of the site is demonstrated through a masterplan;
  - b) The implementation of development in accordance with an agreed design code;
  - c) A phasing and infrastructure delivery schedule for the area; and
  - d) An agreed programme of implementation in accordance with the masterplan.
28. The Botany Bay / Great Knowley area is further split into two areas divided by the Leeds and Liverpool canal, with the application site lying within policy area EP1.2 of the Chorley Local Plan which allocates 8.8 hectares of land for the following purposes;
- i. Employment uses comprising B1 (Business), B2 (General Industrial) and B8 (Storage or Distribution);*
  - ii. Hotel (Use Class C1), Restaurants and cafes (Use Class A3) and drinking establishments (Use Class A4)*
  - iii. Leisure uses (Use Class D2);*
  - iv. Retail (Use Class A1);*
  - v. Pedestrian and cycle route adjacent to the canal.*
- Residential uses may also be permitted if the nature of the employment use would support residential use above ground floor level.*
29. 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.

30. 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.
31. The masterplan identifies the application site (Botany Bay) for a mix of A1, A3, C1 & A4 uses, however, this includes a higher level of housing and a reduced provision of employment development compared to the development plan allocation across the wider area.
32. Whilst the retail and other uses contained within the masterplan form part of the description of the allocation in policy EP2 and 1.2 of the Chorley Local Plan the quantum of retail development is not defined anywhere within the policy or the supporting text. Local Plan policy EP1.1 also allocates 5.90ha of land for employment purposes (identified as B1 / B2 / B8 / C1 uses). Whilst the application proposal would include a hotel element and a small element of office floorspace within the mill, the delivery of the employment allocation would clearly be prejudiced by the proposal given that all of the site allocation would be developed as part of the retail outlet village proposal.
33. It is also apparent that no sequential assessment or robust assessment of the potential impact of a large out of town centre retail led development was carried out in accordance with the allocation as required by the NPPF. As the quantum of development was not defined by the development plan the proposal cannot robustly be considered development plan compliant and is subject to the sequential and impact tests required by the NPPF. These matters are given further consideration below, however, as it is considered that the proposal cannot be robustly considered to be fully development plan compliant and includes more than 5000 sqm of retail floorspace in an out of centre location it will be necessary to refer the application to the National Planning Casework Unit to determine whether the Secretary of State wishes to call the application in for a decision in accordance with the provisions of Part 5 of the Town and Country Planning (Consultation) (England) Direction 2009.

#### Town centres & retail impact

34. Policy EP9 – Development in Edge-of-Centre and Out-of-Centre Locations of the Chorley Local Plan states that outside the town, district and local centres, change of use and development for small scale local shopping and town centre uses (either as part of mixed use developments or in isolation) will be permitted where:

- a) The proposal meets a local need and can be accessed in its catchment by walking, cycling and public transport; and
- b) Does not harm the amenity of an adjacent area; and
- c) The Sequential Test and Impact Assessment are satisfied setting out how proposals do not detract from the function, vitality and viability of the borough's hierarchy of centres.

35. This policy is broadly in line with the provisions of the NPPF paragraph 86 which requires Local Planning Authorities to apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. As outlined above as the quantum of retail development for the site was not set in the Local Plan and sequential testing was not carried out as part of the allocation process it is considered appropriate that it is considered at this stage. The application is supported by a sequential test to ensure that the approach to the development proposal is robust.
36. NPPF paragraph 86 states that Local Planning Authorities should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.
37. Paragraph: 001 Reference ID: 2b-001-20140306 of the National Planning Practice guidance - Ensuring the vitality of town centres states (inter alia);
- ‘The sequential test should be considered first as this may identify that there are preferable sites in town centres for accommodating main town centre uses (and therefore avoid the need to undertake the impact test). The sequential test will identify development that cannot be located in town centres, and which would then be subject to the impact test. The impact test determines whether there would be likely significant adverse impacts of locating main town centre development outside of existing town centres (and therefore whether the proposal should be refused in line with policy).’
39. The applicant has submitted a ‘Supporting Retail Statement’ in which they carry out a sequential test together with an ‘impact’ test. A further report has also been submitted which includes further ‘sensitivity testing’.
40. Policy 11 of the Central Lancashire Core Strategy sets out a retail hierarchy for the borough with Chorley at the top followed by the district centres of Clayton Green and Buckshaw Village with a number of local centres at the bottom of the retail hierarchy.

41. In this context, the application site is clearly outside of an existing centre and as detailed above whilst policy EP1.2 made provision for some retail from the application site this was envisaged as part of a mixed use scheme rather than a retail – led development.
42. In terms of the sequential test, the case of Tesco Stores Limited v Dundee City Council (Scotland) (2012) indicates that the meaning of ‘suitable’ in the context of a sequential approach to site selection means ‘suitable for the development proposed’. The individual elements of the proposal cannot be broken up for the purposes of the sequential test. The question is whether the alternative sites referred to in the applicant’s sequential test report are sequentially preferable for the whole of the development.
43. The applicant also asserts that there is no need to consider whether the proposal can be disaggregated and the separate components of the scheme accommodated in sequentially preferable locations. Whilst the applicant must show flexibility in format and scale, the consideration is thus whether the actual development scheme proposed can be accommodated on an alternative site in its entirety in a sequentially preferable location.
44. The proposal involves a retail outlet village extending to approximately 8.4ha. To demonstrate flexibility a 15% discount has been applied in the sequential report to include sites as small as 7.14 ha as a possible opportunity for development. An area of search has been set in which 13 alternative sites were identified, with the exception of four sites in Preston and one in Wigan, all of these are significantly under the 7.1 ha minimum size with the largest at 5.7 ha.
45. Of the larger sites none are considered to be truly ‘available’ for development or are heavily constrained such that the minimum site area of 7.1ha can be achieved. As such it is considered that there are no sequentially preferable sites available and the sequential test as set out in paragraph 86 of the NPPF is passed.
46. None of the sequentially preferable sites identified are large enough to accommodate the proposed development as a whole and whilst a degree of flexibility must be shown by both the applicant and the Council, the proposal would require the proposed scheme to be almost completely disaggregated to be accommodated on any of the sequentially preferable sites.
47. Both the NPPF and NPPG acknowledge that it may not always be possible to accommodate all retail development in existing town centres and state that in these circumstances, planning authorities should plan positively to identify the most appropriate alternative strategy for meeting the need for these main town centre uses. Regard should be had to the sequential and impact tests to ensure that any proposed main town centre uses which are not in an existing town centre are in the best locations to support the vitality and vibrancy of town centres and that no likely significant adverse impacts on existing town centres arise, as set out in paragraph 89 of the National Planning Policy Framework.

48. Paragraph 89 of the NPPF states that when assessing applications for retail, leisure and office development outside of town centres which are not in accordance with an up-to-date Local Plan, local planning authorities should require a retail impact assessment to be undertaken if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m).
49. NPPG states that the purpose of the impact test is to ensure that the impact over time (up to five years or ten for major schemes) of certain out of centre and edge of centre proposals on existing town centres is not significantly adverse. The test relates to retail, office and leisure development (not all main town centre uses) which are not in accordance with an up to date Local Plan and outside of existing town centres. It is important that the impact is assessed in relation to all town centres that may be affected. These are not necessarily just those closest to the proposal and may be in neighbouring authority areas.
50. In the case of this application, the site is not in a town centre or edge of centre location and is above the 2500sq m floorspace threshold set in paragraph 89 of the NPPF. The applicant has submitted the required impact assessment in relation to the retail element of the scheme to support the proposals.
51. The NPPF states that the impact assessment should include an assessment of:
- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
  - the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider retail catchment (as applicable to the scale and nature of the scheme).
52. An objection has been received from South Ribble Borough Council on the basis that they are not satisfied that there is sufficient evidence to conclude that the proposal will not have a significant adverse impact on the vitality and viability of defined centres. They also have reservations in relation to the methodology within the submitted Planning and Retail Statements.
53. Savills UK Limited have also objected to the proposal (on behalf of Capital & Regional PLC, owner of The Mall in Blackburn Town Centre) on the basis that the applicant has failed to demonstrate that the proposed development will not have a significant adverse impact on defined retail centres. No objection has been raised in relation to the sequential test.
54. The supporting retail information has been independently assessed by a consultant appointed by the Council.

55. The consultant has considered the retail planning issues arising from the proposed development. He advises that the Development Plan context enables retail development on the site with the proviso that the impact of town centre uses on the Botany Bay site is acceptable and considers that the Retail Assessment prepared on behalf of the Applicant under-estimates the impacts of the proposal on Chorley Town Centre and other centres likely to be affected.
56. The recently approved development at Cuerden together with other retail proposals will have a significant effect on shopping patterns in the locality. However, following the withdrawal of Ikea there is uncertainty about how the scheme, approved by South Ribble Borough Council, will be progressed, whether an alternative retail scheme will come forward (that would require a new planning application), or whether a retail scheme will be abandoned. Irrespective, the impact assessment which the council's consultant has undertaken, which addresses points of concern arising from the Applicant's submission, serves to demonstrate that the incremental impact on each centre arising from the Botany Bay application is low. The only centre where impact is above the yardstick where the turnover of a centre in 2023 would be lower than the 2018 turnover is in relation to Preston City Centre. It is considered that the incremental impact arising from the current proposal is insignificant having regard to the impact likely to arise from the approved development at Cuerden.
57. The impact of the application on investment in Chorley Town Centre is the most relevant issue. The Council's retail consultant previously advised that in respect of the proposal at Cuerden, that if that proposal compromised the delivery of the Market Walk extension as planned, it would amount to a significantly adverse impact that would justify refusing planning permission. Events have moved on in that retailers who were seeking representation in the scheme withdrew, Marks & Spencer have now committed to the development, the Council have reviewed options and the decision has been taken to progress the scheme with an improved, more flexible format, in full knowledge of the approved scheme at Cuerden and the current application.
58. In these circumstances it is difficult to argue that the application will have a significantly adverse impact on investment in the town centre such as to justify refusing planning permission. However, there is no doubt that the application will compound the impact on Chorley Town Centre that arises from other approved development. It will be important, therefore, that if approved, the application is strictly controlled to ensure that the quantum of floorspace and character of the development is as set out in the application. The conditions attached to the Scotch Corner Designer Outlet decision by the Secretary of State in December 2016 ought to be adopted in respect of the current application. In addition, given the role intended for the proposed cinema as an anchor for a leisure offer within Chorley Town Centre, it will be important to ensure that Botany Bay does not become a competing leisure destination. Overall, retail issues are finely balanced.
59. The key retail issue is considered to be the potential impact on the Market Walk extension. Given that the Market Walk scheme is proceeding, notwithstanding the Botany Bay application, the impact on investment

in the town centre would not be significantly adverse which of itself would justify the refusal of permission. The harm to the town centre that would arise from the diversion of trade in those circumstances would need to be balanced against the benefits of the application and mitigated through the imposition of conditions.

### Design and layout

60. The application is made in outline with all matters reserved except for access, which is proposed via the existing access to 'Botany Bay' from the A674 roundabout (which lies within the application site).
61. 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. This indicates 70 A1/A3 units within a new build street with the 5 storey Canal Mill retained and refurbished for a range of potential future uses including A1/A3/B1/C1/D1. Whilst early drawings indicated the potential for a wharf / marina within the development located off the canal this has now been removed.
62. The building heights parameters plan indicates the proposed buildings would have a maximum height of between 10 - 14m above ground level compared with the 5 storey, 19m height of Canal Mill. Canal Mill is retained as a significant feature of the site and is prominent within the local landscape, contributing positively to its character and appearance, with the new build elements subservient to this at mainly 1-2 storeys.
63. There would be a landscape buffer strip along the eastern boundary of the site varying between 3 and 12m in depth to provide a buffer to the Leeds and Liverpool Canal. The provision of the landscaped buffer strips provides scope for the planting of trees and vegetation along the eastern boundary which would over time serve to afford screening of the development. The details of landscaping would be submitted as part of any future application for reserved matters consent.
64. The main car park will include a single storey deck to maximise on-site provision, with the southern car park serving staff and the Mill building with provision for c. 7 coach parking bays. In addition to this there will be provision for bus pick up/drop off within the site to allow extension of bus services to connect the site with the town centre.
65. The detailed design of the development will require further consideration at reserved matters stage to ensure that the development does not 'turn its back' on the canal as active frontages are shown to only run along the central spine of the new buildings, with a series of links through to the canal. Opportunities to enhance the eastern edge of the development and the setting of the canal need to be taken, however it is considered that with an acceptable design solution in terms of layout, appearance, landscaping and scale, as part of any future reserved matters application the development accords with the provisions of policy BNE1 – Design Criteria for New Development of the Chorley Local Plan 2012 - 2026.

## Landscape

66. 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 Samlesbury Withnell Fold Landscape Character Area and partly within the West Pennine Foothills Landscape Character Area.
67. 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 wider site is dissected by the Leeds and Liverpool Canal in a north – south direction and is dominated by the M61 to the west.
68. Open fields lie beyond the site to the south and beyond the site to the north-west the Preston England Temple forms a distinctive feature. Together this and the on-site Canal Mill building are distinctive local landmarks. It is important, however, to note that neither of these buildings is nationally or locally designated.
69. 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. As set out above, the provision of the proposed landscaped buffer strip along the eastern boundary of the site provides scope for the planting of trees and vegetation which would over time serve to afford screening of the development. 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. 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 employment. 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 any visual impact is thus kept to a minimum.
70. 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 in-tact including the Leeds and Liverpool Canal and Canal Mill.
71. No measures are required to mitigate the proposed developments effects on the landscape of the site 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 eastern side.
72. Subject to further consideration at reserved matters stage the proposal accords with policy 21 – Landscape Character Areas of the Central Lancashire Core Strategy 2012.

## Access and highways

73. Access is proposed from the A674 traffic island via the existing access to the Botany Bay retail site.
74. Although each application must be considered on its merits the cumulative impact of the current proposal and the associated proposals need to be considered.
75. Paragraph 111 of the NPPF states;
  - All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment.
76. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
77. A full Transport Assessment has been submitted within ES which has been prepared in accordance with the Institute of Environmental Assessment (IEA) (1993), Guidelines for the Environmental Assessment of Road Traffic.
78. The impact on the local highway network has been considered by the Local Highway Authority and their statutory comments are appended to this report.
79. The impact on the strategic highway network has been considered by Highways England who have raised no objection and recommend conditions.
80. 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 together 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.
81. 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.
82. 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.

83. 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 proposals.

### Ecology

84. 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.
85. Policies BNE9 and BNE11 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.
86. 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.
87. Very small areas of moderately species rich, semi-improved natural grassland are located in the north and at the south eastern end of the site, having developed over previously disturbed ground. The northern half of the site, north of the existing carpark, comprises a larger area of species poor semi-improved grassland. The area is un-managed with a well-used public footpath (9-2-FP-26) running west to east. Areas of species poor marshy grassland are also present to the south of the grassland.
88. A row of *Leylandii* extends along the eastern boundary of the site. This feature is considered to have negligible ecological value.
89. Dense scrub is present in the north of the site, predominantly along the ditch to the north of the car parks and along the motorway banking. The scrub is largely dominated by hawthorn and bramble with sycamore, elder, oak and ash also present throughout. The scrub provides a valuable ecological resource, particularly due to its connectivity to a small area of broadleaved woodland just outside the boundary, and its context within a largely developed environment

90. The Leeds and Liverpool Canal, adjacent to the eastern boundary of the site, provides ecological value as well as recreational value to the public and waterway users. The canal provides connectivity and an aquatic habitat within the developed landscape of the site.
91. 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.
92. In relation to bats, the Leeds and Liverpool Canal corridor to the east of the application site and habitats around the margins of the site such as broadleaved woodland, hedgerow, scattered trees and scrub, provide suitable foraging and commuting habitat for bats.
93. The developable area of the site includes poor semi-improved grassland which provides low value foraging habitat for bats. Bat Surveys (ES Appendix 9.4) – identify that Canal Mill has low to moderate bat roost potential. However, the site is currently well lit at night which may be a limiting factor in its suitability for bats
94. Six buildings are present within the site and with the exception of the Mill all are assessed as having low to negligible potential for bats with the Mill assessed as having low to moderate potential.
95. There is a small footbridge (Knowley Bridge) over the Leeds and Liverpool canal to the east of Application Site 1 (and west of Application Site 3). The bridge has stone abutments which are in poor condition but have crevices which may be utilised by roosting bats.
96. 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.
97. The breeding bird survey found that some small areas of suitable habitat on site, particularly around the woodland area to the west of the site boundary.
98. The otter, water vole and amphibian surveys found no evidence of protected species.
99. 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

100. 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.
101. 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

102. A Preliminary Arboricultural Appraisal (PAA) has been submitted as part of the application submission. Any future planning application 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.
103. The PAA shows a large section of W1 and T2 will require removal. Although this woodland has been categorised as B due to its contribution to public amenity, the trees are themselves unremarkable and of relatively poor quality. For this reason, the PAA recommends that, should a section of this woodland be removed its loss is mitigated with replacement planting. An ecological buffer is proposed on the east boundary, which will offer opportunities for mitigation planting.
104. There are several low value C category trees that will require removal (T3, H4, G6, G8-G20). These trees have been planted as part of the parking areas and are yet to fully establish. The loss of these trees should be mitigated for with replacement planting within the parking scheme.

105. There is opportunity to retain the canal side hedgerow H5. This section of hedgerow should be incorporated into the design within the ecological buffer and should be supplemented with additional planting where appropriate.
106. Trees situated on the boundary (H7, H13, G26 and G27) will be retained as screening to the adjacent motorway. Although the bank where G27 is situated is outside the red line, additional planting in these areas would improve screening to the adjacent motorway.
107. The proposal is therefore considered acceptable in relation to trees, subject to a condition securing tree protection measures during construction, and therefore complies with the requirements of policy BNE10 – Trees of the Chorley Local Plan 2012 – 2026.

#### Flood risk and drainage

108. 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.
109. An existing watercourse crosses the site, which would be culverted and a 375mm diameter combined water sewer and pumping station, lie within the site to the south. There is a large ditch bisecting the site with base flow from east to west and then culverted under the M61.
110. It is proposed to discharge post development surface water run-off to the existing ditch crossing the site. Overall, post development discharge rates will be restricted to 80% of the existing brownfield run-off rate. The proposed surface water drainage will be attenuated on site due to the reduction in flow rates up to the 1 in 100 plus 20% climate change event. The post development discharge rate for the site is to reflect its existing greenfield rate
111. LLFA initially objected to the proposals on the basis that the submitted FRA did not comply with the requirements set out in paragraph 30 of the Planning Practice Guidance and did not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development and that further evidence needed to be provided regarding the peak surface water runoff rate and runoff volume from the development. However, no concerns were raised to the proposed drainage arrangement/ strategy in principle. The applicant has made an assessment of the existing run-off rate by calculating the area of hardstanding served by drainage, proved by a simple connectivity survey. Whilst there is a potential that the existing drainage may be insufficient to serve the existing area, and hence the actual existing run-off may be less than assumed, the impact of this would not change the actual drainage strategy (i.e. discharge to ditch), but may result in changes to the details relating to run-off rate and storage i.e. requirement for more on-site storage (attenuation crates).

112. Changes to the detail for storage on site often occurs during the detailed design stage and it is considered that this can be controlled by condition to require that the final surface water discharge rate is agreed with the LLFA following a detailed drainage condition/connectivity survey and hydraulic modelling of the existing drainage system.
113. Subject to conditions the proposed development is, therefore, considered to be acceptable in terms of flood risk and drainage and complies with policy 29 – Water Management of the Central Lancashire Core Strategy 2012.

#### Heritage

114. A Heritage Desk-Based Assessment has been submitted as part of the application submission.
115. 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 (a Grade II\* listed building) and The Rough (a Grade II listed building), although vegetation, modern built development, trees and topography of the landscape will largely screen views of the proposed development.
116. 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”.
117. 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.
118. 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.
119. Similar provision is made in the Central Lancashire Core Strategy 2012 policy 16 (a), Heritage Assets and Chorley Local Plan 2012 – 2026 policy 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.

120. 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.
121. The significance of The Rough lies in its architectural and historic interest as an early 19th century house. The core setting of the house is the courtyard which primarily comprises modern outbuildings, tarmac access roads and areas of car parking. An agricultural field lies beyond the house to the north, grass fields are situated to the east and modern development is located to the south and west; they comprise the 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.
122. 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.
123. The submitted heritage assessment identifies there is also some potential for the discovery of sub-surface remains associated with the Mill to be present together with a possible farmstead and Hope Mill, both of which are 19th century in date, are recorded within the application site. Any archaeological assets within the Application Site boundary will have either been severely truncated or destroyed by previous modern development. A suitable planning condition can be attached to require a watching brief that would ensure any archaeological remains are detected and recorded.
124. 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.

125. Canal Mill is a non-designated asset within the Application Site boundary 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 eastern 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.
126. 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.
127. 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 the proposal.
128. 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

129. The nearest residential properties to the proposed development lie approximately 75m to the north of the application site around Blackburn Brow. The residential development proposed as part of the related planning applications for the two sites known as 'Land at Great Knowley' (application references 17/00714/OUTMAJ and 17/00716/OUTMAJ) would, subject to the approval of these applications and their subsequent implementation, represent the closest residential properties to the application site, lying approximately 30m to the east across the Leeds Liverpool Canal.
130. 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.

131. The Council's Environmental Health Officer has reviewed the submitted information and raises no specific objection to the development proposals given that it concerns commercial units. Environmental Health state that it is currently not possible to ascertain exactly where the proposed crèche/nursery would be located within the site. They advise that consideration should be given to the siting of such and the potential for noise exposure to both children and staff in any outdoor spaces provided, given the close proximity of the adjacent motorway. It is acknowledged that a specific noise assessment for the crèche/nursery may be required once the exact location has been determined. However, this would fall to be considered at reserved matters stage.
132. 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.
133. 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) would ensure the potential effects would be negligible and that the proposal would comply with policy 30 of the Central Lancashire Core Strategy 2012 – Air Quality.
134. Some degree of impact from artificial illumination of the site is also to be expected, however, this would be seen in the context of J8 of the M61 and the A674 which are both illuminated. Lighting would be further controlled at reserved matters stage and as such, the proposal is considered capable of complying with policy BNE6 – Light Pollution of the Chorley Local Plan 2012 – 2026.

#### Minerals and coal mining

135. The site has underlying sand and gravel deposits including Lower Haslingden Flags Sandstone bedrock, which are regarded as a Mineral Resource.
136. 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.
137. The application is supported by a Minerals Assessment which states that based on the site investigation undertaken at the adjacent site, it is anticipated that the sand and gravel resource is not pure and is likely to have significant clay content and generally medium to high cobble content. As such the minerals would require significant processing prior to use and therefore may not be an economically viable resource.



138. Furthermore, the mineral resource was not found to be present continuously across the site and varied in depth and thickness. Due to the presence of the M61, the A674 and the Leeds and Liverpool Canal along three of the site boundaries, the significant extraction of the resource is deemed unlikely. The requirements for easements from the highways and canal would be significant and would reduce the workable mineral resource to a level whereby it is likely to be uneconomic.
139. Given that the site has been allocated for employment use as part of the EP1 policy, the site is protected for employment use between 2012 and 2026. The Chorley Local Plan 2012 – 2026, which would have taken into account the presence of the mineral resource at the time of allocation, states that there is potential for economic growth within the area to provide jobs and services if employment land is made available. The value of the land in planning terms is thus considered more valuable to deliver employment uses in line with the Local Plan, than to deliver a marginal and difficult to process mineral resource.
140. 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.
141. The Coal Authority has confirmed that the application site does not lie within a high risk area and that the site is not within a likely zone of influence of past or present underground workings.

#### Sustainable resources

142. Policy 27 of the Core Strategy seeks to incorporate sustainable resources into new development through a number of measures. The proposed development is within the threshold category of criterion b of the policy which requires either additional fabric insulation measures or appropriate decentralised, renewable or low carbon energy sources are to be installed and implemented to reduce CO2 emissions by a minimum of 15%. This is in addition to achieving a BREEAM 'very good' rating for energy efficiency.
143. Conditions are recommended to secure the development in terms of sustainable resources.
144. The proposed development is, therefore, considered to be in conformity with policy 27 of the Core Strategy.

#### Employment skills

145. 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.
146. 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. The SPD seeks to;

- Increase employment opportunities by helping local businesses to improve, grow and take on more staff
- help businesses to find suitable staff and suppliers, especially local ones
- improve the skills of local people to enable them to take advantage of the resulting employment opportunities
- help businesses already located in Central Lancashire to grow and attract new businesses into the area

147. The SPD requires development over certain thresholds to be accompanied by an Employment and Skills Statement to ensure the right skills and employment opportunities are provided at the right time. This is to the benefit of both the developer and local population and covers the following areas:

- Creation of apprenticeships/new entrants/graduates/traineeships
- Recruitment through Job Hub and Jobcentre plus and other local employment vehicles.
- Work trials and interview guarantees
- Vocational training (NVQ)
- Work experience (14-16 years, 16-19 years and 19+ years) (5 working days minimum)
- Links with schools, colleges and university
- Use of local suppliers
- Supervisor Training
- Management and Leadership Training
- In house training schemes
- Construction Skills Certification Scheme (CSCS) Cards
- Support with transport, childcare and work equipment
- Community based projects

148. 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 employment floorspace.
- The potential effects of the proposed development arising through new employment from the development (e.g. the permanent jobs supported once the development is complete and occupied).

149. The applicant anticipates the proposed development will provide a range of construction jobs, estimated to be approximately 120 temporary construction jobs per annum over the build period, with a further 1300

FTE jobs potentially being supported by the development. This is 1175 over and above that currently supported by the existing Botany Bay development and significant weight is attached to the economic benefits of the proposed development in the overall planning balance.

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

### **COMMUNITY INFRASTRUCTURE LEVY (CIL) & S106 CONTRIBUTIONS / REQUIREMENTS**

151. 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 'All Other Uses' as listed in Chorley Council's CIL Charging Schedule.

A S106 agreement is required to secure;

- A public transport contribution

152. The infrastructure and monetary contributions that can be required from the proposal have to be assessed under Regulation 122 & 123 of the Community Infrastructure Levy (CIL) Regulations, 2010 (as amended).

153. It is unlawful for a planning obligation to be taken into account when determining a planning application for a development, or any part of a development, if the obligation does not meet all of the following Regulation 122 tests:

1. be necessary to make the development acceptable in planning terms;
2. be directly related to the development; and
3. be fairly and reasonably related in scale and kind to the development.

154. Regulation 123 limits the number of contributions which can be pooled towards a particular infrastructure project to no more than 5.

155. The proposed measures relate directly to the development and the impact arising from it and are limited to those measures necessary to make the development acceptable in planning terms. The measures within the s106 are considered to relate fairly and reasonably in scale and kind to the proposals and as such are considered to be compliant with the requirements of regulation 122 and 123 of the CIL regulations.

## CONCLUSION

156. *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.
157. 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).
158. Policy EP2 of the Chorley Local Plan allocates Botany Bay/Great Knowley Area as a Sub-Regional Employment and Mixed Use Site, within which new development, redevelopment or change of use will be permitted subject to the following:
- a) Comprehensive development of the site is demonstrated through a masterplan;
  - b) The implementation of development in accordance with an agreed design code;
  - c) A phasing and infrastructure delivery schedule for the area; and
  - d) An agreed programme of implementation in accordance with the masterplan.
159. The Botany Bay / Great Knowley area is further split into two areas divided by the Leeds and Liverpool canal, with the application site lying within policy area EP1.2 of the Chorley Local Plan which allocates 8.8 hectares of land for the following purposes;
- i. Employment uses comprising B1 (Business), B2 (General Industrial) and B8 (Storage or Distribution);*
  - ii. Hotel (Use Class C1), Restaurants and cafes (Use Class A3) and drinking establishments (Use Class A4)*
  - iii. Leisure uses (Use Class D2);*
  - iv. Retail (Use Class A1);*
  - v. Pedestrian and cycle route adjacent to the canal.*  
*Residential uses may also be permitted if the nature of the employment use would support residential use above ground floor level.*
160. The masterplan identifies the application site (Botany Bay) for a mix of A1, A3, C1 & A4 uses, however, this includes a higher level of housing and a reduced provision of employment development, compared to the development plan allocation and is afforded limited weight.
161. Whilst the retail and other uses contained within the masterplan form part of the description of the allocation in policy EP2 and 1.2 of the Chorley Local Plan, the quantum of retail development is not defined

anywhere within the policy or the supporting text. Local Plan policy EP1.1 also allocates 5.90ha of land for employment purposes (identified as B1 / B2 / B8 / C1 uses). Whilst the application proposal includes a hotel element and a small element of office floorspace within the mill, the delivery of the employment allocation in the manner envisaged by the plan would clearly be prejudiced by the proposal, given that all of the site allocation would be developed as part of the retail outlet village proposal. Having regard to this, however, it is considered that the proposed development represents a sustainable and beneficial use of the site for which permission should be granted.

162. As the quantum of development was not defined by the development plan, the proposal cannot robustly be considered development plan compliant and is subject to the sequential and impact tests required by the NPPF and as it includes more than 5000 sqm of retail floorspace in an out of centre location. It will be necessary to refer the application to the National Planning Casework Unit to determine whether the Secretary of State wishes to call the application in for a decision in accordance with the provisions of Part 5 of the Town and Country Planning (Consultation) (England) Direction 2009.
163. 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.
164. Significant weight is given to the economic and employment benefits of the proposed development which are considered to outweigh any other harm identified.
165. It is, therefore recommended that Members be minded to approve the application subject to conditions and a S106 Obligation to secure the provision of public transport and that the application be referred to the National Planning Casework Unit to determine whether the Secretary of State wishes to call the application in for a decision in accordance with the provisions of Part 5 of the Town and Country Planning (Consultation) (England) Direction 2009.176.

**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**

**Ref:** 96/00650/ADV

**Decision:** WDN

**Decision Date:** 21 November 1996

**Description:** Display of two free standing advertisement hoardings,

**Ref:** 97/00247/OUT      **Decision:** PEROPP      **Decision Date:** 21 May 1999  
**Description:** Outline application for business and leisure development, including offices, research and development, light industry, general industry, distribution and warehousing, pubs and restaurants, hotel and leisure,

**Ref:** 00/00238/FUL      **Decision:** Permit      **Decision Date:** Wed 14 Jun 2000  
**Description:** 2 No. 3 storey office blocks with associated parking and access

**Ref:** 02/00877/ADV      **Decision:** WDN      **Decision Date:** 31 October 2002  
**Description:** Retrospective application for consent to erect an advertising hoarding,

**Ref:** 05/00392/FULMAJ      **Decision:** PERFPP      **Decision Date:** 4 November 2011  
**Description:** Erection of two storey office unit with associated car parking,

**Ref:** 05/00393/FULMAJ      **Decision:** PERFPP      **Decision Date:** 4 November 2011  
**Description:** Erection of 2 single storey industrial units with associated service yards and car parking,

**Ref:** 05/00394/OUTMAJ      **Decision:** PERFPP      **Decision Date:** 4 November 2011  
**Description:** Proposed mixed use development of mainly B1, B2 and B8 use classes with site entrance allocated for C1 & A4 use classes,

**Ref:** 05/00455/FULMAJ      **Decision:** REFFPP      **Decision Date:** 8 March 2006  
**Description:** Erection of hotel and public house/restaurant and related works,

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

**Ref:** 07/00062/FULMAJ      **Decision:** Permit      **Decision Date:** Thu 26 Apr 2007  
**Description:** The erection of 3 No office blocks with non infrastructure roadway, car parking and landscaping

**Ref:** 15/00023/CLEUD      **Decision:** Grant Cert      **Decision Date:** 15 July 2015  
**Description:** Application for a Certificate of Lawfulness for an existing A1 retail use of 4,500 m<sup>2</sup> of floorspace at Botany Bay (located on the ground, first, second and third floor of the building) incorporating the sale of: Books, CD's, Toys, Stationery and Hobby / Crafts Products (10% of the floor area); Clothing, Footwear and Jewellery (11% of the floor area); Food and Drink (for consumption off the premises) (15% of the floor area); Furniture, Carpets and Soft Furnishings (22% of the floor area); Household Goods (42% of the floor area).

**Ref:** 17/00355/SCOPE

**Decision:** SCOPE

**Decision Date:** 12 May 2017

**Description:** Scoping Opinion for the Environmental Statement, pursuant to Regulation 13 of the Town And Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015), associated with the proposed retail, employment, leisure and residential development at land to West of Blackburn Road, Chorley.

Suggested Conditions