

Planning Committee

Tuesday, 24th May 2022, 6.30 pm

Council Chamber, Town Hall, Chorley and YouTube

Agenda

Apologies

1 **Declarations of Any Interests**

Members are reminded of their responsibility to declare any pecuniary interest in respect of matters contained in this agenda.

If you have a pecuniary interest you must withdraw from the meeting. Normally you should leave the room before the business starts to be discussed. You do, however, have the same right to speak as a member of the public and may remain in the room to enable you to exercise that right and then leave immediately. In either case you must not seek to improperly influence a decision on the matter.

2 **Minutes of meeting Tuesday, 29 March 2022 of Planning Committee**

(Pages 3 - 6)

3 **Planning applications to be determined**

The Director (Planning and Development) has submitted nine items for planning applications to be determined (enclosed).

Plans to be considered will be displayed at the meeting or may be viewed in advance by following the links to the current planning applications on our website.

<https://planning.chorley.gov.uk/online-applications/search.do?action=simple&searchType=Application>

a **21/00327/FULMAJ - Land 120M East Of 27 Charter Lane, Charnock Richard**

(Pages 7 - 80)

b **20/01141/FULMAJ - Former BAE Site Group 1, Parcel C1, And C2, Central Avenue, Buckshaw Village**

(Pages 81 - 140)

c **21/00779/FULMAJ - Birkacre Nurseries Ltd, Birkacre Road, Chorley**

(Pages 141 - 158)

d **21/00793/FUL - Springfields Sandy Lane, Mawdesley**

(Pages 159 - 204)

e **22/00034/REM - 20 New Street, Mawdesley, Ormskirk, L40 2QP**

(Pages 205 - 242)

f	22/00081/FUL - Higher Morris Farm, 595 Preston Road, Clayton-Le-Woods, Chorley	(Pages 243 - 274)
g	22/00198/PIP - Vacant Land Off Hill Top Lane, Whittle-Le-Woods	(Pages 275 - 296)
h	22/00213/CB3 - Land Adjacent To Londonderry Cottage, Wigan Lane, Heath Charnock	(Pages 297 - 324)
i	22/00131/FULHH - 35 Warton Place, Chorley, PR7 2RQ	(Pages 325 - 348)
4	Appeals Report	(Pages 349 - 352)
5	Any urgent business previously agreed with the Chair	
6	Addendum	(Pages 353 - 366)

Gary Hall
Chief Executive

Electronic agendas sent to Members of the Planning Committee Councillor June Molyneux (Chair), Councillor Alex Hilton (Vice-Chair) and Councillors Aaron Beaver, Martin Boardman, Gordon France, Danny Gee, Tom Gray, Harold Heaton, Keith Iddon, Alistair Morwood Jean Sherwood, Neville Whitam and Alan Whittaker.

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It was proposed by Councillor Martin Boardman, seconded by Councillor Heaton to approve the application.

It was **resolved (7:6:0)** that **Planning permission is refused for the following reason:**

The proposed development would result in an increased intensity of activity, particularly from vehicles accessing the site with great regularity, which would result in undue noise and disturbance that would be harmful to the amenity of neighbouring residential occupiers contrary to policies EP3, EP4 and BNE1 of the Chorley Local Plan 2012 - 2026.

22.P.184 21/00327/FULMAJ - Land 120M East Of 27, Charter Lane, Charnock Richard

Public Speakers: Colette Jolley (Objector), Lucy Watson (Parish Councillor), and Sarah Jones (Agent)

After careful consideration, it was proposed by Councillor Harold Heaton and seconded by Councillor Alan Whittaker to refuse the application, it was also proposed by Councillor Martin Boardman, and seconded by Councillor Aaron Beaver to defer the decision to allow a site visit. It was proposed by Councillor Alistair Morwood, seconded by Peter Gabbott that the application be approved.

It was **resolved (10:3:0)** that **the decision be deferred to allow Members of the Planning Committee the opportunity to visit the site.**

22.P.185 21/01166/FUL - The Croft, Lower Simpson Fold, Blackburn Road, Higher Wheelton, Chorley, PR6 8HL

Public speaker: Zara Moon (Agent)

Councillor Peter Gabbott expressed a personal interest on this item and chose to abstain from the debate and vote.

After careful consideration, it was proposed by Councillor Martin Boardman, seconded by Councillor Aaron Beaver, and **resolved (11:0:2)** that **Planning Permission is granted subject to conditions.**

22.P.186 21/01329/FUL - Wise Marys Farm, 263 Hoghton Lane, Hoghton, Preston

The application was withdrawn from the agenda.

22.P.187 21/01393/PIP - Land Adjacent To 179 Chapel Lane, Coppull, Chorley

Public speakers Mike Cunliffe (Objector), Councillor Julia Berry (Ward Councillor) and Dan Rigby (Applicant).

After careful consideration, it was proposed by Councillor Alistair Morwood, seconded by Councillor Peter Gabbott, and was **resolved (unanimously)** that **permission in principle is refused for the following reason:**

The proposed development would be located within the Green Belt as defined by the Chorley Local Plan 2012 – 2026. The proposed development is not considered to represent limited infilling and would be inappropriate development in the Green Belt and, therefore, harmful by definition. It is not considered that there are very special circumstances to overcome the definitional harm to the Green Belt and additional harm that would be caused through a contribution to unrestricted sprawl and encroachment. The proposal is, therefore, contrary to the National Planning Policy Framework and policy HS7 of the Chorley Local Plan 2012 – 2026.

22.P.188 22/00169/FULHH - 153 School Lane, Brinscall, Chorley, PR6 8PT

Public speakers: Nigel Barnes (Objector) and Helen Jones (Applicant).

After careful consideration, it was proposed by Councillor Martin Boardman, seconded by Councillor Harold Heaton and **resolved (10:0:3) that planning permission is granted.**

22.P.189 Appeals Report

Members noted the report of the Director of Planning and Development which set out planning appeals and decisions received between 21 February 2022 and 22 March 2022.

Chair

Date

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APPLICATION REPORT – 21/00327/FULMAJ

Validation Date: 17 March 2021

Ward: Eccleston, Heskin And Charnock Richard

Type of Application: Major Full Planning

Proposal: Erection of 76no. affordable dwellings with access, parking, landscaping and all other associated works (including pumping station)

Location: Land 120M East Of 27 Charter Lane Charnock Richard

Case Officer: Mike Halsall

Applicant: Conlon Holdings Ltd

Agent: Maybern Planning and Development

Consultation expiry: 28 December 2021

Decision due by: 27 May 2022 (Extension of time agreed)

Update Report:

1. The determination of this application was deferred at planning committee on 29 March 2022 to enable Members to visit the application site.
2. The recommendation remains as per the original report and addendum, both of which are provided below.
3. It is also noted that many of the objections received to this application refer to there being no shops in Charnock Richard. A small shop called Mrs M's Village Pantry re-opened in November 2021 in the old Post Office on Church Road, approximately 5 mins walk from the application site. The shop sells essential fresh items such as bread, milk, eggs, vegetables, meat products, and a range of other products.
4. Following the planning committee in March, the report from the Charnock Richard Residents Association (CRRA), referred to in March's committee report addendum, was issued to the Local Planning Authority by a member of the CRRA. As this report has already been distributed to Members of the Planning Committee by the CRRA and has been made available to view on the Council's website with the other application documents, it is not considered necessary to summarise its contents here. The issues covered within the CRRA report are covered within March's committee report below.
5. Four further neighbour objections have been received to the proposal which raise the same issues as outlined in the main report, below.
6. Charnock Richard Parish Council have provided further comments requesting that the applicant should be asked to update their Transport Assessment with regards to trip generation, speeds and congestion on Charter Lane, Chorley Lane and Church Lane. They also request that an 'alternative sites assessment' be undertaken to review whether alternative sites are available in Chorley to provide a more accessible and sustainable location for housing.

7. In response to the Parish Council's comments, LCC Highway Services as the Local Highways Authority are the technical experts with regard to transport related impacts of proposals. As set out in the committee report below, LCC Highway Services have no objection to the proposal, subject to conditions and legal agreements. With regards to the request for an 'alternative sites assessment', there is no planning policy basis for requesting such an assessment, given the proposal is a housing scheme in a settlement boundary.
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Location: Land 120M East Of 27 Charter Lane Charnock Richard

Case Officer: Mike Halsall

Applicant: Conlon Holdings Ltd

Agent: Maybern Planning and Development

Consultation expiry: 28 December 2021

Decision due by: 8 April 2022 (Extension of time agreed)

RECOMMENDATION

1. It is recommended that planning permission is granted, subject to conditions and a S106 legal agreement to secure the following:
 - A 100% affordable dwelling scheme
 - £45,000 per year, for 5 years, for improvements to bus services
 - £6,000 to enable Lancashire County Council to appraise and monitor a travel plan for the site
 - £286,216 for public open space contributions (£233,016 if privately maintained)
 - £92,247 for four additional secondary school places

SITE DESCRIPTION

2. The application site is an area of land located within the settlement boundary of Charnock Richard, approximately 5km to the south west of Chorley town centre. The site extends to approximately 2 hectares. The land is generally flat and at present undeveloped, consisting of fields that appear to be used mainly for the grazing of horses. The land is bounded to the north by Charnock Richard Primary School, to the west by Charter Lane and the houses that front onto Charter Lane, to the south by Charnock Richard Football club and to the east by the rear of properties located on Leeson Avenue. There are several mature trees along the site boundaries, particularly the north and south.
3. Planning permission was refused on 8 March 2017 on a larger site of approximately 3.4 hectares, including the application site and further land to the south, for the erection of up to

60 dwellings (originally proposed for 90), a village shop, community parking, landscaping, provision of public open space, access and associated infrastructure. The application was refused for the following reason:

The proposed development is contrary to Policy 1 of the Core Strategy. The application site is not within an area that has been identified for growth and investment. The only types of development that would be considered acceptable in smaller villages, such as Charnock Richard, will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local needs. The proposal does not meet any of these criteria. Insufficient exceptional reasons have been put forward to support a larger scale development scheme.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. The application seeks planning permission for 76no. affordable dwellings at the site, along with other infrastructure such as a vehicular site access, parking, landscaping and surface water pumping station. There are proposed to be 10no. 1-bed apartments, 7no. 2-bed bungalows, 25no. 2-bed dwellings, 30no. 3-bed dwellings and 4no. 4-bed dwellings. The maximum height of buildings on site would be two storey at approximately 8.6m to ridge.
5. The proposal has been revised since the original submission as a result of neighbour comments and requests by both the case officer and technical consultees with neighbours and other consultees having been notified of the changes when appropriate. The changes to the scheme have included the following:
 - Amendment to the orientation and design of the apartment units;
 - Retention of more hedgerows and planting more trees;
 - Changes to the positioning of fences and gates;
 - Moving the pumping station away from the site frontage and additional screening proposed to reduce views from the road;
 - The provision of a 2m wide footway across the site frontage; and
 - Changes to the internal road layout.

REPRESENTATIONS

6. 197no. representations have been received citing the following summarised grounds of objection, some of the 197 are from the same people making multiple representations following being reconsulted on revised plans:

Principle of development

- There are other designated areas for building within Chorley, why squeeze more buildings into an established rural area
- Nothing has changed since the previous refusal on this site
- The site is only suitable for infill or small development
- Houses on the new village are still being built, with infrastructure and schools etc.
- There is existing affordable housing all over the Borough that requires modernising and developing where they stand currently
- There must be more suitable brownfield sites for development
- The scale of development is grossly disproportionate to the size of the village
- No requirement for these properties with the need resulting from a flawed local plan for Lancashire
- Chorley housing targets should be more fairly spread across the Borough
- The Chorley local plan has not allocated this site for development up to and including 2026 and there are no exceptional circumstances for this land to be developed
- Reference to conflict with policies HS8 and BNE1 of the Local Plan and Core Strategy policy 1 – the proposal is not small scale nor an exceptional site and is not of an appropriate scale or massing
- Lack of evidence for this level of affordable housing in Charnock Richard

- The number of affordable houses may lead to households from outside the Parish being housed in Charnock Richard. Delivery of large numbers of affordable properties at one time can mean for many of the properties there is no local demand, and therefore this adds to future need
- The Inspector at the Local Plan examination concluded that allocating this site would make the Plan unsound
- The site is not in a sustainable location
- Reference to recent court and appeal decisions, including [Gladman Developments Limited v Sec of State for Housing, Communities and Local Government and Corby Borough Council and Uttlesford District Council [2021 EWCA Civ 104] where the decision discussed that a lack of a 5 year housing land supply does not make all development plan policies out of date.
- The applicant has stated that the housing policies in the Core Strategy and Local Plan are out-of-date. The recent appeal decision for Pear Tree Lane in Euxton found that Policy 1 of the Core Strategy is not out of date, as it does not unreasonably constrain the ability of the Borough to accommodate its standard method housing requirement.
- The application site was considered by the Council during the preparation of the Local Plan; however, it was not allocated as it is not within a settlement considered to be suitable for growth under Policy 1 of the Core Strategy, and an assessment of the site found that it was not located in a sustainable location. A detailed assessment of the site has shown that distances to a railway station, service centre, supermarket and a GP surgery are all over 3km. It is over 5km to a further/higher educational establishment, and over 10km to an NHS hospital. Bus service frequency is less than 1 an hour in each direction, resulting in a significant number of car journeys to allow any future residents of the proposed development access to these key services.
- The Inspector at the Local Plan examination concluded that allocation of this site would be inconsistent with the development plan and would make the Plan unsound. It is not in a sustainable location, nor is there a need in the village for such a large-scale development. If the site wasn't suitable for allocation and development then, there is no reason why this has changed, and the applicant certainly hasn't demonstrated this as part of his submission.
- The applicant is arguing that there is conflict and inconsistency between Policy 1 of the Core Strategy and Policy V2 of the Local Plan. However, this is not the case – both have the underlying principles of sustainable and appropriate development. Policy 1 sets out the hierarchy of settlements with most growth and investment being centred on the sustainable settlements. Policy V2 allows for sustainable development. The Core Strategy Inspector found this approach to be sound, stating “The Local Plan is clear in terms of its vision and proposals. It ensures an appropriate scale of development in accordance with the existing or proposed size of the settlement”.

Infrastructure

- Charnock Richard has no shop, no post office, no doctors, no chemist, no dentist, only three pubs/restaurants, one small park and public transport is limited
- The local schools are full
- The village is full and cannot sustain more dwellings
- People would not want to move here due to the lack of infrastructure
- Local drains, sewer system, electrical infrastructure, internet is already at full capacity
- The Transport Assessment notes facilities in walking / cycling distance but the terrain is hilly in every direction making it impossible for anyone with ill health or disabilities
- Conflict with Central Lancashire Affordable Housing (SPD) – no local need and lack of services

Amenity

- Residents bordering the site would be overlooked, suffering a loss of privacy
- The land floods and so pilings would likely be required – the noise and damage from vibrations would be unacceptable
- Light pollution, dust and mud

- Harm to mental health with lack of sleep due to noise

Highway safety

- Roads not suitable to support the rise in traffic
- Charter Lane is busy and dangerous as is used as a cut-through to A49 and contains a school, nursery, housing for the elderly, football /cricket pitch, scout hut etc.
- Dangerous for the school children attending the school – Christ Church
- Difficult to navigate Charter Lane at school drop-off and pick-up times and on football / cricket match days, scout hut usage – narrow road with cars parked – dangerous for drivers and pedestrians
- The railway bridge on Church Lane has no footpath and is narrow – greater danger to pedestrians
- The roads are crumbling
- Chorley Lane is a dangerous through route from towns / villages to the south/west of Chorley to and from the motorway junctions at Hartwood and Blackrod
- Vehicles speed through the village
- Parked cars already block access to resident's properties
- The Transport Assessment underestimates the number of additional vehicle movements
- There is a very weak bridge on Chorley Lane
- Poor visibility at entry/exit points on Church Lane and Chorley Lane
- Roads are not suitable for large plant / construction traffic
- Dangerous for horse riders
- Dangerous for wheelchair users
- Conflict with paragraph 108 of the NPPF regarding transport capacity and congestion
- Traffic surveys were undertaken when the school was closed

Ecology and landscape

- The site is a haven for many types of wildlife and should remain so
- The land is frequented by 4/5 fallow deer, owls, pheasants, squirrels, doves, foxes, buzzards, hedgehogs, great crested newts, water vole, newts, heron, frogs, multiple species of birds and insects and salamander and should remain wild
- There are a number of ancient oak trees on this land
- Large scale building across Chorley over past 15 years has destroyed much of the habitat and animals
- Why can't the land be used to plant trees and restore ponds
- Insufficient ecology surveys

Other issues

- Increased flood risk
- The proposal would erode the rural / village character of the area
- Should this application be approved, a further application would likely be submitted for developing adjacent land
- Reduction in property value
- Land and air pollution
- Houses are too small and crammed together
- Will the pumping station accommodate the new buildings, given existing drainage problems
- Urban sprawl has been happening over past 48 years in the village
- Attracting rats and pests
- Increase in crime
- The village already supports a substantial level of affordable housing
- Children hanging around the village
- Parked cars get damaged due to narrow roads
- Minimal weight should be given to the emerging plan

- Hint of a Roman Road traversing the site
- Proposed ponds would be dangerous due the proximity to the school and scout group
- The amendments to the scheme do not overcome the concerns expressed by residents to the initial submission
- Land ownership issues – hedges and trees to boundaries belonging to neighbouring landowners

CONSULTATIONS

7. Charnock Richard Parish Council: Have responded to the initial consultation in objection to the proposal, as follows:

- The Parish Council are very concerned about the number of houses proposed as, Planning Policy 1(f) of the Core Strategy only allows for “small developments” or “infill” development in Charnock Richard. Proposals for 76 homes cannot be considered a small development;
- This application is for more dwellings on only part of the site contained within a previous application, which was refused as being contrary to Policy 1 above. If 60 dwellings were considered too many by the Planning Committee in 2017, and there have been no material changes in the site or to the surrounding infrastructure since that date, then 76 dwellings must similarly be too many;
- The Council are extremely concerned about the highway safety implications of the proposal. The existing road infrastructure is incapable of supporting a development of 76 additional homes. Taking an average of 2.4 cars per household this would amount to an additional 180+ cars and in excess of 360+ vehicular movements per day in and out of the site. Charter Lane, at only 5.5 metres wide, is not suitable as an access road and the lack of pavement/footway on one side of the road means additional footfall on this route would be very limited;
- The junctions of Charter Lane/Chorley Lane and Charter Lane/Church Lane have not been constructed to deal with this significant increase in vehicular movements without seriously compromising highway safety for pedestrians and road users. The Charter Lane/ Chorley Lane junction is completely inadequate to support this size of development. The sightlines are restricted and, there is no land available to increase the visibility splay to accommodate the additional number of vehicular movements created by a development of 76 homes. Similarly, the Charter Lane/Church Lane junction sightlines are restricted, often by parked cars associated with children attending the Primary School on Church Lane, and again it is difficult to see how this access could be altered to service the number of cars associated with a development of 76 homes;
- The Parish Council do not believe that this is a sustainable development and that there is a significant lack of infrastructure in Charnock Richard to support this development. There are no shops, no doctors surgery, no dentist or pharmacy and with very limited public transport links connectivity to these services is extremely difficult;
- There are no school places available in Charnock Richard and neighbouring Parish schools are all fully subscribed;
- There are already significant parking problems in the village, and in particular on Charter Lane and Church Lane at school opening and closing times which would be significantly exacerbated by the addition of 76 dwellings on this site;
- There is no gas supply to the site because this area is off grid; this could therefore result in a surge in demand for electricity to the site which could detrimentally affect neighbouring properties and the village in general
- There is a significant risk of increased flooding to neighbouring homes and gardens on Charter Lane and Leeson Avenue, despite the inclusion of a pumping station and, it is questionable whether the existing sewerage system would be able to cope with the increase demand resulting from this development. There is concern that during significant rainfall the pumping station would not be adequate and that the water discharged is going into an already struggling and full to capacity drainage system in the village resulting in increased flooding;

- Concerns raised in relation to the environmental impact the proposals would have on wildlife in the area as the land in question is currently a valuable feeding ground for barn owls and, a recent site survey has shown the ponds on the land are inhabited by great crested newts. The land also offers a valuable habitat for hedgehogs, foxes and grazing deer;
- The Parish Council believe that a full public consultation should have been undertaken by the applicant prior to submitting this application as the proposals will have a significant detrimental impact on the whole village, the roads, the utilities, highway safety and the demand for school places;
- The Parish Council are extremely concerned that this application may be Phase I and that they may be faced with further development of the remainder of the site in the future;
- The Parish Council do not believe there is a proven need for 76 affordable dwellings in Charnock Richard.

Charnock Richard Parish Council have also responded to the revised plans, much of which repeated their initial response, but also identified the following:

- The Parish Council strongly objects to these proposals.
 - Parking and traffic problems are already major issues at peak times and school times but also at weekends when the Football Club training and matches take place. In addition it is believed that parked cars on Charter Lane will obstruct sightlines for those motorists exiting the proposed development site, again compromising the safety of road users and pedestrians.
 - Furthermore, a full Ecological Survey should be undertaken to assess the impact of the proposals on this land and in the village.
 - Therefore, taking all these factors into account the Parish Council strongly objects to the proposals for this site which would constitute inappropriate development in Charnock Richard contrary to Planning Policy in the Core Strategy. There is no proven or evidential need at this time, or indeed going forward, for 76 affordable dwellings in Charnock Richard, nor on this site.
8. Police Designing Out Crime Officer: Have recommended a number of security recommendation to prevent crime and disorder.
 9. Environment Agency: Have advised that they have no comments to make on this application as it is outside the development types listed in the Environment Agency's External Checklist.
 10. Lancashire County Council Archaeology Service: Have advised that should the Local Planning Authority be minded to grant planning permission to this or any other scheme, they recommend a programme of archaeological work. This should be carried out prior to any development of the site and secured by means of a condition.
 11. Lancashire County Council Highway Services (LCC Highway Services): Initially responded to request on and off-site improvements be made as part of the proposal. Following the submission of revised drawings and the applicant's agreement to the proposed changes and improvements, LCC Highway Services have responded with no objection to the proposal, subject to conditions. Further details can be found later in this report.
 12. Greater Manchester Ecology Unit: Have suggested conditions relating to protection of amphibians (newts), nesting birds and bats. They have also requested that further ecological enhancement measures are provided which resulted in the applicant amending the proposal to retain hedgerows and provide additional planting. Further details are provided later in this report.
 13. Regulatory Services - Environmental Health Officer: Have confirmed that they have no objections in principle to the application but have recommended that electric vehicle charging points be provided at the properties.

14. Waste & Contaminated Land Officer: Have confirmed that they have no objection to the proposal, subject to conditions requiring ground contamination investigations to take place prior to the commencement of development.
15. Lead Local Flood Authority: Have responded with no objection to the proposal, subject to conditions, as detailed later within this report.
16. United Utilities: Have responded with no objection to the proposal, subject to conditions, as detailed later within this report.
17. Lancashire Fire and Rescue Service: No comments have been received.
18. Lancashire County Council (Education): Have responded to state that, based on current approvals, a primary education contribution is not required. Latest projections for the local secondary schools show there to be a shortfall of places in 5 years' time. Therefore, the Local Education Authority are seeking a contribution from the developer in respect of the full pupil yield of this development, i.e. 4 places. Further details of this calculation are provided later in this report. The response from LCC Education was provided in September 2021 and so an updated position has been requested by the case officer. Any update will be provided in the committee addendum report.
19. NHS: No comments have been received.

PLANNING CONSIDERATIONS

Principle of development

20. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that if regard is to be had to the development plan for any determination then that determination must be made in accordance with the plan unless material considerations indicate otherwise.
21. The Development Plan comprises the adopted Central Lancashire Core Strategy (2012) and the adopted Chorley Local Plan 2012- 2026.
22. The proposal is located within the settlement of Charnock Richard as covered by Local Plan Policy V2 where there is a presumption in favour of appropriate sustainable development, subject to material planning considerations and the other Policies and Proposals within this Plan.
23. The Central Lancashire Core Strategy was adopted in July 2012 and covers the three neighbouring authorities of Chorley, South Ribble and Preston. The three authorities are a single Housing Market Area (HMA).
24. Core Strategy Policy 1 sets out the locations for growth and investment across Central Lancashire. Charnock Richard is not identified as a Rural Local Service Centre, therefore, criterion (f) is applicable. Under this criterion, development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes.
25. The proposed development of 76no. dwellings is not considered to be small scale. The proposal is also not redevelopment, therefore, the proposal does not accord with the development plan strategy for the area and is contrary to criterion (f) of Policy 1 of the Core Strategy.
26. Core Strategy Policy 4 sets out the minimum housing requirements for the plan area and is assessed later within this report.

Other material considerations

27. The National Planning Policy Framework (the Framework) is a key material consideration. The purpose of the planning system is to contribute to the achievement of sustainable development. There are three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). There are three objectives to sustainable development set out at paragraph 8 and it is fundamental that development strikes the correct balance between:
- Environmental - the protection of our natural, built and historic environment
 - Economic - the contribution to building a strong and competitive economy
 - Social - supporting strong, vibrant and healthy communities
28. Paragraph 10 of the Framework states that; so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).
29. Paragraph 11 of the Framework states for decision-taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - a. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - b. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
30. The Footnote (6) to paragraph 11 sets out examples of the type of policies that may indicate development should be refused. Footnote 7 makes clear that the tilted presumption in favour of sustainable development will apply where a Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites.
31. Paragraph 59 of the Framework confirms the Government's objective of significantly boosting the supply of homes.
32. Paragraph 60 of the Framework reinforces that requirements represent the minimum number of homes needed.
33. Paragraph 73 of the Framework requires Local Planning Authorities to maintain a supply of deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategies or against their local housing need where the strategic policies are more than five years old. Footnote 37 states in circumstances where strategic policies are more than five years old, five year housing land supply should be calculated against Local Housing Need calculated using the Government standard methodology, unless those strategic policies have been reviewed and found not to need updating.

Housing land supply

34. The following planning appeal decisions are of relevance.

**Land adjacent to Blainscough Hall, Blainscough Lane, Coppull
Decision APP/D2320/W/21/3275691**

35. On the 3 February 2022 a decision was issued for the appeal for Land adjacent to Blainscough Hall, Blainscough Lane, Coppull. The appeal was allowed and outline planning permission was granted for the erection of up to 123 dwellings (including 30% affordable housing) with public open space provision, structural planting and landscaping and vehicular access points from Grange Drive.

36. The main issues in the appeal were:
- Whether or not the Council can demonstrate a 5 year supply of deliverable housing land, having particular regard to the development plan, relevant national policy and guidance, the housing need or requirement in Chorley and the deliverability of the housing land supply;
 - Whether or not the most important policies of the development plan for determining the appeal are out of date, having particular regard to the 5 year housing land supply position and relevant national policy;
 - Whether this, or any other material consideration, would justify the proposed development on safeguarded land at this time.
 - Whether or not there are adequate secondary school places to serve the development.
37. In respect of the Housing Requirement in Chorley:
38. The Decision Letter includes an assessment of Core Strategy policy 4 (which sets out the minimum housing requirements for the plan area) in the context of Paragraph 74 of the Framework, and whether the policy has been reviewed and found not to require updating. It also considers whether the introduction of the standard method in itself represents a significant change in circumstances that renders Core Strategy policy 4 out of date with reference to the PPG (paragraph 062).
39. The Decision Letter concludes that it is appropriate to calculate the housing requirement against local housing need using the standard method due to the significant difference between the local housing need figure and the housing requirement in policy 4 amounting to a significant change in circumstances which renders Policy 4 out of date.
40. With regards to the appropriate housing requirement figure to use when calculating the housing land supply position of the authority, the Blainscough Hall Inspector, therefore, sets out that the standard method should be used. Applying this to the Council's current supply results in a housing land supply position between 2.4 and 2.6 years.
41. The Inspector concluded that as such the Council can no longer demonstrate a 5-year supply of housing land meaning that the tilted balance, and presumption in favour of sustainable development was, therefore, engaged under paragraph 11(d) of the Framework.

Land to the East of Tincklers Lane, Tincklers Lane, Eccleston PR7 5QY Appeal A Ref: APP/D2320/W/21/3272310

Land to the North of Town Lane, Town Lane, Whittle-Le-Woods PR6 8AG Appeal B Ref: APP/D2320/W/21/3272314

42. On the 18 February 2022 decisions were issued for the above appeals. Appeal A was allowed and outline planning permission was granted for the construction of up to 80 dwellings with all matters reserved aside from vehicular access from Doctors Lane. Appeal B was dismissed on grounds of highway safety.
43. The main issues in the appeals were:
- Appeal A: Whether or not the proposal integrates satisfactorily with the surrounding area with particular regard to patterns of movement and connectivity Appeal B: The effect of the proposal on highway safety including accessibility of the appeal site.
 - Whether or not the Council is able to demonstrate a five-year supply of housing land;
 - Whether or not the most important policies of the development plan are out of date; and,
 - Whether any adverse effects, including conflict with the development plan as a whole, would be outweighed by other material considerations.
44. In respect of housing land supply:

45. The Inspector for the conjoined appeals assessed Core Strategy Policy 4 against Paragraph 74 of the Framework which requires the local planning authority to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5 years' worth of housing against their requirement as set out in adopted strategic policies, or against their local housing need when strategic policies are more than five years old. The Core Strategy is more than five years old.
46. The Inspector considered MOU1 to have constituted a review of Core Strategy Policy 4 and was an up-to-date assessment of need at that point in time but that the situation moved on considerably since it was signed.
47. Paragraph 44 of the Inspector's report notes that national guidance indicates local housing need will have considered to have changed significantly where a plan was adopted prior to the standard method being implemented based on a number that is significantly below the number generated by the standard method. The implications for Chorley would result in an annual requirement of 564 dwellings and the CS figure would be significantly below this. In this instance, Chorley's local housing need has changed significantly.
48. The Inspector noted that the standard method figure is particularly influenced by the level of development in the area between 2009 and 2014 but considers that this does not necessarily render the standard method itself as invalid. Any proposed redistribution of standard method figures for the Central Lancashire authorities, such as MOU2, would need to be considered at an examination.
49. The Inspector considered oversupply and the delivery rates of housing, which was weighted towards the early years of the plan period. However, the requirement in Policy 4 itself is not expressed as an overall amount to be met over the plan period. Policy 4 does not refer to any potential oversupply despite the known potential of Buckshaw Village contributing to growth in Chorley and it clearly states that it is a minimum annual requirement. (paragraph 49)
50. Paragraph 50 of the Inspector's report states the inclusion of oversupply against Policy 4 would reduce the requirement for Chorley to just over 100 dwellings per annum. This would be considerably below anything which has been permitted in previous years in the area and would even be below the redistributed standard method figures for Chorley in MOU2. I consider it would be artificially low and would in greater probability, lead to significantly reducing not only the supply of market housing but also affordable housing within the area. It would thus run counter to the objective of the Framework to boost the supply of housing and to paragraph 74 of the same, which seeks to maintain the supply and delivery of new homes.
51. The Inspector concludes at paragraph 51 of the report that; in the circumstances before me having regard to both MOU1 and MOU2, I conclude that the situation has changed significantly for Chorley in respect of local housing need and that Policy 4 is out of date. The standard method is the appropriate method for calculating housing need in Chorley. It is agreed between the parties that a 5% buffer should be applied. In terms of sites which contribute to the housing land supply within Chorley, there is a very narrow area of dispute between the two main parties which relates to only 2 sites and amounts to 116 dwellings. This is a marginal number that has little effect on the result in respect of the requirement. Accordingly, against the application of the standard method there would be less than three years supply of housing land in Chorley, and I conclude that the Council is unable to demonstrate a five-year supply of deliverable housing sites.

**Land south of Parr Lane, Eccleston
Decision APP/D2320/W/21/3284702**

52. On the 17 March 2022 a decision was issued for the appeal for Land south of Parr Lane, Eccleston. The appeal was allowed and outline planning permission was granted for up to 34 dwellings and associated infrastructure on land south of Parr Lane, Eccleston,

Lancashire in accordance with the terms of the application, Ref 20/01193/OUTMAJ, dated 4 November 2020, and the plans submitted with it, subject to the conditions.

53. Following the LPAs withdrawal of the reasons for refusal of the application, based upon the LPA not having a 5-year housing land supply as born out through recent appeal decisions, the main issue in the appeal was whether there were any material considerations that would justify dismissing the appeal.
54. The Inspector concluded the following with regards to housing land supply:
55. Framework paragraph 11d indicates that where the most important policies for the determination of a proposal are out-of-date, (which includes applications for housing, where the LPA cannot show a 5-year HLS), permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole; the tilted balance.
56. The most important policies for determining this appeal are CS Policies 1 and 4 and LP Policy BNE3. Whilst the proposal would be consistent with CS Policy 1, it would conflict with LP Policy BNE3, safeguarding land for future development. The LPA accepts that it cannot show a 5-year HLS and as such CS Policy 4 and LP Policy BNE3 are out-of-date. Taking the development plan as a whole, the most important policies for determining this appeal are out-of-date and the tilted balance applies.
57. The proposal would provide for up to 34 dwellings of which 35%, would be affordable homes (CS Policy 7). Given the absence of a 5-year HLS, the proposal would make, albeit a modest one, a material contribution to meeting local housing needs. As a benefit this attracts significant weight. The development would secure economic benefits through construction investment and the contribution future occupants would make to the local economy. These benefits attract moderate weight. The site has limited biodiversity value and the development has the potential to provide biodiversity net gain. This is a benefit of limited weight. Given my assessment above, the harm arising from the conflict with LP Policy BNE3 is significantly and demonstrably outweighed by the benefits when assessed against the policies of the Framework as a whole.

**Land off Carrington Road, Adlington
Decision APP/D2320/W/21/3284692**

58. On the 17 March 2022 a decision was issued on the above referenced appeal. The appeal was allowed and outline planning permission was granted for residential development of up to 25 dwellings on land off Carrington Road, Adlington, Lancashire PR7 4JE in accordance with the terms of the application, Ref 20/01200/OUTMAJ, dated 5 November 2020, and the plans submitted with it.
59. Following the LPAs withdrawal of the reasons for refusal of the application, based upon the LPA not having a 5-year housing land supply as born out through recent appeal decisions, the main issue in the appeal was whether there were any material considerations that would justify dismissing the appeal.
60. The Inspector concluded the following with regards to housing land supply:
61. Framework paragraph 11d indicates that where the most important policies for the determination of a proposal are out-of-date, (which includes applications for housing, where the LPA cannot show a 5-year HLS), permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole, the tilted balance.
62. The most important policies for determining this appeal are CS Policies 1 and 4 and LP Policy BNE3. Whilst the proposal would be consistent with CS Policy 1, it would conflict with LP Policy BNE3, safeguarding land for future development. The LPA accepts that it cannot show a 5-year HLS and as such CS Policy 4 and LP Policy BNE3 are out-of-date. Taking

the development plan as a whole, the most important policies for determining this appeal are out-of-date and the tilted balance applies.

63. The proposal would provide for up to 25 dwellings of which 30%, would be affordable homes (CS Policy 7). Given the absence of a 5-year HLS, the proposal would make, albeit a modest one, a material contribution to meeting local housing needs. As a benefit this attracts significant weight. The development would secure economic benefits through construction investment and the contribution future occupants would make to the local economy. These benefits attract moderate weight. The site has limited biodiversity value and the development has the potential to provide biodiversity net gain. This is a benefit of limited weight. Given my assessment above, the harm arising from the conflict with LP Policy BNE3 is significantly and demonstrably outweighed by the benefits when assessed against the policies of the Framework as a whole.

Summary - the tilted balance

64. Paragraph 11 d (ii) of The Framework essentially comes into play whereby the most important policies for determining an application are out of date, then planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
65. Policies 1 and 4 of the Central Lancashire Core Strategy are the most important policies for determining the planning application.
66. At 1 April 2021 there was a total supply of 1,504 (net) deliverable dwellings which is a 2.7 year deliverable housing supply over the period 2021 – 2026 based on the annual housing requirement of 547 dwellings which includes a 5% buffer. Chorley does not have a five-year deliverable supply of housing plus 5% buffer and the shortfall is significant. Significant weight should therefore be attached to the delivery of housing provided by this proposal and that it is proposed to be a 100% affordable housing scheme.
67. In light of the above, Policy 4 of the Core Strategy is out of date and the tilted balance is, therefore, engaged.
68. The High Court decision [Gladman Developments Limited v Sec of State for Housing, Communities and Local Government and Corby Borough Council and Uttlesford District Council [2021 EWCA Civ 104] concerned the application of para 11d of the Framework and the tilted balance. In particular, the effect of footnote 7 in this case, where there was not a five year housing land supply, was simply to trigger paragraph 11(d) and that it did not necessarily render all policies out of date. It was noted that where 11(d) is triggered due to the housing land supply position it is for the decision maker to decide how much weight should be given to the policies of the development plan including the most important policies and involve consideration whether or not the policies are in substance out of date and if so for what reasons.
69. Policy 1 of the Core Strategy sets out the settlement strategy for the area and is not out of date. That said, the Council cannot demonstrate an adequate supply of housing and the shortfall is significant. Policy 1 of the Core Strategy therefore forms part of a strategy which is failing to deliver a sufficient level of housing. As such, the policy should only be afforded moderate weight in the planning balance.
70. In accordance with the Framework, planning permission should be granted for the proposal, unless:
 - c. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - d. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Emerging Central Lancashire Local Plan

71. Once adopted, the Central Lancashire Local Plan (CLLP) will replace the existing joint Core Strategy and Chorley Local Plan. The CLLP is at an early stage of preparation and consultation on Issues and Options closed in February 2020.
72. The application site is part of a wider site (19C236x: Charter Lane) put forward for consideration for housing use as part of the CLLP Issues and Options consultation. A report on the Outcomes of the Issues and Options consultation is available on the CLLP website, although no specific comments were received in relation to 19C236x
73. As set out above, the existing Core Strategy Policy 1: Locating Growth sets out the locations where growth and investment will be concentrated across Central Lancashire. The emerging CLLP will look at the distribution of new homes and the CLLP will be informed by an evidence base including a Housing Need and Demand Study, the results of which will also help to inform the future distribution of housing across the Plan area.

Central Lancashire Local Plan: Site Assessment work

74. Three call for sites exercises have been completed to date for the CLLP. The results from Call for sites 1 and 2 were consulted on as part of the Issues and Options Consultation which ran between November 2019 and Feb 2020, during this time, a further window was opened for additional site suggestions (Call for sites 3).
75. Work to assess the sites commenced in February 2021 following completion of Level 1 Strategic Flood Risk Assessment (SFRA). This was undertaken in line with Strategic Housing and Economic Land Availability Assessment (SHELAA) methodology.
76. Officers in Chorley, South Ribble and Preston Councils finished their initial assessment of the sites in January 2021, and their findings were collated by the CLLP Team into the SHELAA database. This work will also include undertaking Integrated Assessment (IA) and Habitats Regulation assessment (HRA) and viability assessment of the sites, and will bring in findings of the SFRA as well as consultation responses on the specific sites from Statutory Consultees and local residents.
77. The direction of growth and development of a spatial strategy for the area is also in early development, with the Councils starting to look at the level of growth likely to be needed over the plan period and how the plan should look to direct this. There is still work to be done on this, including testing the emerging options in terms of transport and other infrastructure needs as they develop.
78. It is important to note that until all these stages of work have been completed, no decision on sites to be taken forward through the CLLP can be made.
79. The applicant considers the proposal to be in a sustainable location and has identified several planning benefits of the proposed development.

Impact on ecological interests

80. Policy BNE9 (Biodiversity and Nature Conservation) of the Chorley Local Plan 2012 – 2026 stipulates that Biodiversity and Ecological Network resources will be protected, conserved, restored and enhanced; and that priority will be given to, among other things, protecting, safeguarding and enhancing habitats for European, nationally and locally important species. The policy also requires, among other things, that where there is reason to suspect that there may be protected habitats/species on or close to a proposed development site, the developer will be expected to carry out all necessary surveys in the first instance; planning applications must then be accompanied by a survey assessing the presence of such habitats/species and, where appropriate, make provision for their needs. The policy is considered to be consistent with the Framework and should be attributed full weight.

Protected species – great crested newts

81. Great crested newts have been recorded from a pond in the north eastern corner of this application site and from the wider landscape in previous years. Surveys in 2020 did not record the species as being present, but very low populations of newts can be very difficult to detect. Single-date eDNA sampling may not pick up signs of great crested newts if very few newts are present, particularly if the water samples were collected early or late in the survey season, as was the case for this site. Infact the samples were taken on 30 June, the last date which Natural England recommend for sampling. If newts were present for breeding early in the season, and there were very few newts present, eDNA sampling carried out this late could be unreliable. Comments from local people note that great crested newts may still be present on the site.
82. The Council's ecology advisor recommends that for the above reasons the newt population should be given the benefit of the doubt and it should be assumed that they may be present as a precautionary position. However, the available evidence does indicate that the newt population in the area is small, even if great crested newts remain present, and in general the dominant habitats present on the application site itself are sub-optimal for use as terrestrial habitat by amphibians. The pond on the site appears to have deteriorated since previous surveys were carried out in 2015-16. However, the site is still suitable for amphibians, and although the pond on site is shown as being retained and improved, other habitats on the site have some value for newts; the boundary habitats in particular provide terrestrial habitat and landscape connectivity of use to amphibians.
83. A Method Statement for the protection of amphibians has been supplied as part of the Ecology Survey and Assessment Report prepared by ERAP (section 5.4). Notwithstanding their comments on habitat loss the ecology advisor regards this as a reasonable precautionary approach to take regarding newts and they recommend that this Method Statement is required to be implemented by a condition placed on any permission which may be granted to the scheme. They would also advise the applicant that if it is suspected that a great crested newt has been found at any time during any approved development of the site, work must stop and a suitably qualified person must be contacted immediately for further assistance.

Habitat loss

84. The application site is not designated for its nature conservation importance; the site is mostly dominated by relatively species-poor agricultural grassland. However, there are some habitats of local value present, including a pond, hedgerows, trees and ditches. These habitats will support birds, small mammals and amphibians. Concern was expressed in relation to the initial planning submission about the losses to habitats, and to boundary trees and hedgerows in particular, which the development would have caused, particularly along the northern boundary and the boundary with Charter Lane. Losses to boundary habitats would cause direct habitat loss, habitat fragmentation and loss of species movement corridors. The applicant has revised the proposal to retain more hedgerow and plant more trees and whilst the proposal would still lead to a slight net loss in local biodiversity, there is currently no statutory requirement to provide a net gain in biodiversity until the contents of the Environment Act 2021 are transposed into planning law. The loss is not considered to be significant. As such, the proposal is considered to be acceptable in this regard.

Protection of nesting birds

85. The ecology advisor recommends that no tree felling or vegetation clearance that may be required by the scheme 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). This can be controlled through a planning condition.

Protection of bats

86. If trees identified as having possible potential to support bat roosts need to be removed to facilitate the scheme, further survey of these trees for bats should be carried out prior to felling. If the scheme is approved a sensitive lighting plan should be prepared which avoids light spill as far as possible. These can also be controlled through a planning condition.

Protection of other mammals

87. The Council's ecology advisor states they are aware of reports of deer using the site. Deer are not specially protected, although precautions should be taken to avoid possible threats to animal welfare which the scheme may cause. As already stated, consideration should be given to the retention or replacement of landscape corridors on and close to the site to aid species movement. In relation to deer, if permission is granted to the development fencing should not be erected until large mammals have been given the opportunity to leave the site, to avoid them becoming trapped in any construction works.

Invasive plants

88. Invasive Himalayan Balsam has been found on part of the site and care must be taken to avoid the potential spread of this invasive plant during the course of any development. Efforts should be made to eradicate the plant and this matter can also be controlled by a planning condition.

Ecology summary

89. The proposal is considered to be acceptable in terms of its impacts upon ecological receptors, subject to conditions to safeguard protected species and the implementation of the submitted landscaping scheme. The applicant has enhanced the landscaping proposals since the original submission and whilst there would be a net loss in the biodiversity value of the site, this is considered to be minimal and not of a scale to warrant the refusal of the application.

Impacts upon designated heritage assets

90. The Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act) sets out the principal duty that a Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Great weight and importance is attached to this duty.
91. The National Planning Policy Framework 2021 (The Framework) at Chapter 16 deals with conserving and enhancing the historic environment. It recognises that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. The following paragraphs contained therein are considered to be pertinent in this case:
92. The Framework at paragraph 197 states that in determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.
93. At paragraph 199 the Framework provides 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 (and the more important the asset, the greater the weight

should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

94. At paragraph 200 the Framework confirms that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
95. Paragraph 201 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
 - a) the nature of the heritage asset prevents all reasonable uses of the site; and
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - d) the harm or loss is outweighed by the benefit of bringing the site back into use.
96. At paragraph 202 the Framework provides 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, where appropriate, securing its optimum viable use.
97. The adopted Central Lancashire Core Strategy (2012) policy 16 (Heritage Assets) states: Protect and seek opportunities to enhance the historic environment, heritage assets and their settings by:
 - a) Safeguarding heritage assets from inappropriate development that would cause harm to their significances.
 - b) Supporting development or other initiatives where they protect and enhance the local character, setting, management and historic significance of heritage assets, with particular support for initiatives that will improve any assets that are recognised as being in poor condition, or at risk.
 - c) Identifying and adopting a local list of heritage assets for each Authority.
98. Chorley Local Plan 2012 - 2026 policy BNE8 (Protection and Enhancement of Heritage Assets) states that:
 - a) Applications affecting a Heritage Asset or its setting will be granted where it:
 - i. Is in accordance with the Framework and relevant Historic England guidance;
 - ii. Where appropriate, takes full account of the findings and recommendations in the Council's Conservation Area Appraisals and Management Proposals;
 - iii. Is accompanied by a satisfactory Heritage Statement (as defined by Chorley Council's advice on Heritage Statements) and;
 - b) Applications will be granted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment and where they show consideration for the following:
 - i. The conservation of features and elements that contribute to the heritage asset's significance and character. This may include: chimneys, windows and doors, boundary treatments, original roof coverings, earthworks or buried remains, shop fronts or elements of shop fronts in conservation areas, as well as internal features such as fireplaces, plaster cornices, doors, architraves, panelling and any walls in listed buildings;
 - ii. The reinstatement of features and elements that contribute to the heritage asset's significance which have been lost or damaged;

iii. The conservation and, where appropriate, the enhancement of the setting of heritage assets; iv. The removal of additions or modifications that are considered harmful to the significance of any heritage asset. This may include the removal of pebbledash, paint from brickwork, non-original style windows, doors, satellite dishes or other equipment; v. The use of the Heritage Asset should be compatible with the conservation of its significance. Whilst the original use of a building is usually the most appropriate one it is recognised that continuance of this use is not always possible. Sensitive and creative adaptation to enable an alternative use can be achieved and innovative design solutions will be positively encouraged; vi. Historical information discovered during the application process shall be submitted to the Lancashire Historic Environment Record.

99. The policy also states that development involving the demolition or removal of significant heritage assets or parts thereof will be granted only in exceptional circumstances which have been clearly and convincingly demonstrated to be in accordance with the requirements of the Framework.

Assessment

100. The site lies approximately 100-130m south of two listed buildings. The Charnock Richard C of E primary School and attached Masters house (1858) and the adjacent Frances Darlington Court and Chapel buildings which both sit on the corner of Charter Lane and Church Lane. Therefore, key heritage issue is whether the proposal would harm the setting of these grade II listed buildings.
101. In relation to setting, Historic England's advice is contained in its Planning Note 3 (second edition) entitled The Setting of Heritage Assets. This describes the setting as being the surroundings in which a heritage asset is experienced and explains that this may be more extensive than its immediate curtilage and need not be confined to areas which have public access. Whilst setting is often expressed by reference to visual considerations it is also influenced by the historic relationships between buildings and places and how views allow the significance of the asset to be appreciated. This definition is largely mirrored in the Framework glossary.
102. The two designated assets lie to the north of the site between 100-130m away separated by a school playing field and are largely screened from view by trees and hedges which enclose the immediate, well defined curtilage. Development on the site would not be viewed in the same context as the two listed buildings and their enclosed setting will not be harmed by the proposed housing development.
103. Map regression does not reveal any historic association between the school building and Almshouses to the land. Due to the distance separation no other heritage assets are affected by the proposal.
104. It is not considered that the application site contributes any significant level of significance to the listed buildings and can be considered, for the basis of this assessment, to be of neutral value. Subsequently, the proposal would have no impact on the contribution made by the setting on the significance of either of the heritage assets.
105. The proposal would meet the statutory test 'to preserve' and would cause no discernible harm to the setting and significance of the designated listed buildings identified above. Therefore, no balancing exercise is required as per paragraph 196 of the Framework. As such, the proposal meets the objectives of Chapter 16 of the Framework and accords with policy 16 of the Core Strategy and policy BNE 8 of the Chorley Local Plan 2012 - 2026.

Archaeology

106. The Archaeology Assessment which accompanies the current planning application concludes (Section 7.2, p.18) that there is a potential for archaeological deposits from the prehistoric and Roman periods to be encountered by the development, and are broadly in line with those reached by the former Lancashire Archaeological Advisory Service

(14/07/2016) in reply to planning application 16/00510/OUTMAJ. LAAS went on to advise that it would be appropriate for a phase of field evaluation to be undertaken and that a scheme of archaeological work be undertaken as part of the development.

107. It was envisaged that a first phase of work should include geophysical surveying and trial trenching, with any subsequent phase or phases of work designed to address the issues revealed by the previous stage of investigations. The Historic Environment Team sees no reason to amend the advice offered by LAAS, and consequently should the Local Planning Authority be minded to grant planning permission to this or any other scheme, would recommend a programme of archaeological work. This should be carried out prior to any development of the site and secured by condition.

Impact on trees

108. An Arboricultural Impact Assessment (AIA) accompanies the application. It details that it would be necessary to remove 9no. individual trees, 12no. groups and 1no. part group to implement the development. These are all Category C trees (defined under the British Standard as those of low quality). It is accepted that all the trees to be removed are Category C trees (i.e. low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm) and the Council would not as a result be able to justify protecting such trees with a Tree Preservation Order.
109. The AIA also recommends there are a further 3no. individual trees and 1no. group that should be removed regardless of the development for tree management reasons, which is accepted.
110. Some of the proposed footpaths and boundary fencing would be within the root protection areas and canopies of 7no. trees and special working and/or construction methods along with special protection measure would need to be undertaken. This could be controlled by a planning condition. The proposal includes for the planting of over 60no. trees as part of the landscaping scheme. The proposal is considered to be acceptable in this regard.

Highway safety

111. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that the residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction. The policy is considered to be consistent with the Framework and should be attributed full weight.
112. Policy ST1 (New provision of Footpaths, Cycleways, Bridleways and their associated facilities in existing networks and new development) stipulates that new development and highways and traffic management schemes will not be permitted unless they include appropriate facilities for pedestrian, cycle parking facilities, and /or cycle routes. The policy requires, among other things, that proposal should provide for facilities for pedestrians and cyclists to facilitate access on foot and by bicycle to nearby residential, commercial, retail, educational and leisure areas, where appropriate; and additional footpaths, bridleways and cycleway routes between the countryside and built up areas where appropriate.
113. Highway safety and access issues have been the main concern expressed by residents during the consultation period. Lancashire County Council is the Local Highway Authority that manages and maintains the highway network in Lancashire and promotes safe travel and developments in accessible and sustainable locations within the county. As such, at certain stages in the planning process Chorley Council formally seeks the views of the County Council as a statutory consultee to assist in making an informed decision about

proposed development. The following summarises comments received from LCC Highway Services.

Existing site information

114. The site is an existing grass field fronted by Charter Lane and bounded to the east by residential houses, partially by residential houses and a field to the south; and the Christ Church Charnock Richard CE Primary School to the north. The site is currently accessed from Charter Lane via a field gate. The Charnock Richard Football and Cricket Grounds are located approximately 400m of the site to the south.
115. There is footway on the east side of Charter Lane, but it is less than the required minimum width of 2.0m. On the west side of the road, there is no footway except at its junction with Church Lane, where footway is provided for approximately 30m. There are existing 'No-Waiting at Anytime' restrictions in force around the radii of Church Lane/Charter Lane extending into Charter Lane for respective distances of approximately 30m and 15m on the east and west sides.
116. There are two Public Rights of Way (PROW) near the site. PROW-FP18 is to the east connecting Church Lane and Chorley Lane, while PROW-FP16 lies to the west of the site and connects Preston Road and Chorley Lane.
117. Cycle routes are within 5km distance of the site on Yarrow Valley Way in the east and the A49 in the south. PROW-FP18 is a proposed cycle route.
118. Chorley Lane is the only bus route in the area with public services. Charter Lane and the section of the A49 from Mill Lane in the south to Church Lane in the north are not bus routes. Although Church Lane is a bus route, only school services are currently operated.
119. There is street lighting on Charter Lane, however, the existing provision would require improvements/upgrade to current standards, the design brief of which LCC Highways will provide the applicant as part of s278 agreement.

Local highway network

120. Charter Lane has an average carriageway width of 5.5m and provides a link between Church Lane and Chorley Lane, both of which extend from Preston Road in the west to Dob Brow in the east. Charter Lane, Church Lane and Chorley Lane are single 2-way roads with 30mph speed limits, but the 40mph speed limit on Preston Road is extended into Chorley Lane for approximately 480m.
121. The west side of Charter Lane is predominantly a vegetation buffer for an adjacent golf course, but in addition to residential houses, there are facilities such as a beauty salon, pre-school, scouts and guides headquarters building, sports pavilion, recreation grounds and football and cricket grounds with associated car park on Charter Lane.
122. Sightlines at the junctions of Charter Lane with Church Lane and Chorley Lane are partially obscured by existing third-party structures and hedges; and while the junctions appear to be operating under current conditions with no traffic collisions from the available most recent 5-year record, this may change with the increased traffic movements associated with the proposed development. Improvements would, therefore, be required to ensure the junctions can continue to be used safely.
123. There is street lighting on Charter Lane, however, the existing provision would require improvements/upgrade to current standards, the design brief of which LCC Highways will provide the applicant as part of s278 agreement.

Existing traffic condition

124. In the original application submission, no new traffic surveys were carried out to establish the existing traffic situation, instead, data from traffic surveys conducted in relation to the

2016 refused application were used to assess the impact of the proposed development. The traffic surveys carried out on 23 February 2016 identified the weekday AM and PM peaks as 08:00-09:00 and 16:30-17:30 respectively. The 2016 surveyed flows are shown in Figures 1 and 2 of the TA. Following the recent meeting with LCC Highways, the applicant conducted a 7-day automatic traffic survey from 16-23 July 2021 on Chorley Lane and Church Lane to establish the 85th percentile speeds of traffic approaching their junctions with Charter Lane for use to determine visibility splay requirements.

Existing traffic condition

125. The most recent available 5-year accident record of the area from 2016-2020 shows there were 4 slight personal injury traffic accidents at Preston Road/Church Lane, one of which involved a pedal cyclist. A slight personal injury accident each were recorded outside the pre-school on Charter Lane involving a motorcyclist and on Church Lane outside no. 54. There was also a single serious personal injury accident at Dob Brow/Sharratt's Path to the east involving a motorcyclist. The 7 accidents are more than the total of 4 analysed in the TA for the same studied area.

Access

126. The development is to be accessed from Charter Lane via a new 5.5m wide access with 6m corner radii located between 17 Charter Lane and the scouts and guides headquarters building. The speed limit of Charter Lane is 30mph, but an automatic traffic count conducted by LCC Highway Services in 2017 found the 85th percentile speeds to be 37mph (northbound) and 35mph (southbound), as such, visibility splays of 2.4m x 58.0m (north) and 2.4m x 53.0m (south) will be required at the proposed site access.
127. The submitted plans have been revised to show the required visibility splays.

Internal layout

128. The proposed site plan shows a 5.5m wide single access road (reduced to 4.8m width midway) provided through the site and linked by a couple of secondary access roads which are connected internally by shared surfaces. The access roads are to be provided with 2.0m wide footways on both sides. The layout accords with the principle of the Manual for Streets (MfS) and the Lancashire County Council's 'Creating Civilized Streets' as it incorporates adequate horizontal speed reduction measures with turning facilities. Swept path analysis drawings have been amended following submission of the application to demonstrate accessibility by refuse vehicles.
129. The layout will be expected to be provided and constructed to the Lancashire County Council Specification for Construction of Estate Roads to ensure satisfactory access and to be accepted for adoption under the s38 agreement of the Highways Act 1980.

Parking

130. It is noted in section 5.5 of the TA that parking would be provided to the Chorley Council Parking Standard.

Accessibility by non-car modes

Walking

131. The proposed development is within acceptable walking distance of 1000m of the Christ Church Charnock Richard CE Primary School located on Church Lane. However, it is outside the preferred maximum commuting distance of 2000m to the nearest secondary school, Chorley Southlands High School on Clover Road in the east. The site is not near a Town Centre, but there are some local facilities, including an off licence, hotel, bar/restaurant, public house, and a community centre within preferred walking distance of 1200m.

132. Walking route to local facilities in the area is currently via the existing footway on the east side of Charter Lane, but which as stated above is less than the required minimum width of 2.0m and often obstructed by parked vehicles, particularly during sporting events/training and; school pick-up and drop-off periods which often displaces pedestrians onto the live carriageway. The applicant's own assessment following the recent meeting with LCC Highway Services shows a maximum of 24 vehicles parked on Charter Lane during school drop-off at 09:00, which in distance terms effectively extended from the end of the waiting restrictions outside the pre-school to the proposed site access. Therefore, given the need to "create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles" as required by the Framework, it is considered that the applicant provides a new 2.0m wide footway on the west side of Charter Lane for its full length. In addition, the section of the existing footway in front of the site between 17 Charter Lane and the scouts and guides headquarters building should be widened to 2.0m consistent with the adjacent footways to achieve safe and suitable access to the site for all users.
133. The existing bus stops on Chorley Lane and Church Lane are outside the preferred maximum walking distance of 400m from the centre of the site and although there appears to be potential to provide footpath links to the east, north and especially to the south to connect Leeson Avenue to reduce travel time and walking distance to bus stops in the area, the applicant's assessment shows that none of these would be feasible mainly due to lands surrounding the site being in third-party ownerships. Therefore, as an alternative measure to reduce walking distance from the site to bus stops on Chorley Lane, the applicant proposes to relocate the existing bus stops south west of Chorley Lane/Charter Lane closer to the junction as shown on Plan 1 of the submitted Technical Note. The bus stops are currently approximately 715m walking distance from the centre of the site and relocating them to the positions shown on plan would reduce the walking distance to 560m, which although still outside the recommended 400m walking distance, would be acceptable if the existing footway on the south side of Chorley Lane is extended from its end outside 177 Chorley Lane (Haydocks Farm) to the new bus stops to ensure they can be safely accessed by residents living southwest of Chorley Lane/Charter Lane.

Cycling

134. There are cycle routes within acceptable 5km cycling distance of the site on Yarrow Valley Way in the east and the A49 in the south providing access to services and facilities in the wider area. The cycle routes include PROW-FP18 and Bridleway- BW34 which are advisory. The cycle routes in the area are not sufficiently interconnected, however, both Chorley and Euxton Balshaw Lane Railway Stations are within the 5km cycling distance of the site. It is therefore considered that there are adequate routes in the area to allow cycling to form part of longer journeys to the site.

Public transport

135. The nearest bus stops to the site are approximately 715m and 850m walking distances respectively in the south west and north east directions of Chorley Lane/Charter Lane from the centre of the site. As stated above, these are outside the preferred maximum walking distance of 400m. At these bus stops, public day services are provided at 2-hourly intervals by Services 337 (Chorley-Ormskirk) and 347 (Chorley-Southport), Mondays to Fridays and on Saturdays. A maximum of 4 school services are also available at these stops. The 2-hourly public services provided including the non-availability of Sunday services are unsuitable to satisfy the needs of most users and cannot be considered a reasonable sustainable alternative to the private car. There are also no facilities of the high-quality standard required to ensure the bus stops are disability compliant, safe and attractive to use. Therefore, given the need for the proposed development to promote use of public transport, improvements will be required to public transport services and infrastructure in the area to support the development and enhance the link to Chorley Town Centre and the wider area.

Public transport service

136. The current local bus Service 337/347 through Charnock Richard is fully funded by Lancashire County Council and it would not be possible for this bus to directly serve the development, via Charter Lane, as this would result in other areas having their services withdrawn. The sustainable option would therefore be to ensure bus stop infrastructure is realigned to better serve the development and the wider community. As an appropriate and sustainable option, it is considered that the applicant provides funding to enhance the existing service provision.

Public transport infrastructure

137. To support the development, there would be a need to formalise and possibly relocate the 4 existing nearest bus stops to the site on Chorley Lane to facilitate improved pedestrian links to the development. The bus stops are to be made fully EA compliant in line with LCC's standard design to include raised kerbs and boarding areas, bus stop bay and worded markings, clearways etc. with the installation of new bus shelter on the nearest Chorley bound bus stops.

Train

138. Chorley and Euxton Balshaw Lane railway stations are within acceptable commuting distance of the site. Both stations have cycle storage and assisted travel facilities with frequent and regular train services to various destinations, as such, it is considered that there is potential for train journeys to be combined with other sustainable transport modes when travelling to the site.

TRAFFIC FORECASTING

139. The TA predicts the demand associated with the proposed development and derived future year traffic flows for use to assess the impact of the proposed development.

Traffic Flows

140. As stated above, no new survey of traffic flows were conducted. Instead, the results of 2016 survey for the above observed peaks carried out at Chorley Lane/Charter Lane and Church Lane/Charter Lane were used.

Assessment years and traffic growth

141. The assessment was carried out for the application year of 2021 and future year of 2026. The 2016 surveyed flows were factored to the 2021 and 2026 assessment years using TEMPRO, adjusted by NTM. The growth factors used are in Table 6.1, para, 6.3.4 of the TA and the resulting 2021 AM and PM growthed flows are in Figures 3 and 4. For the future year of 2026, the growthed flows are in Figures 5 and 6 of the TA. The figures as presented are generally accurate.

Trip generation

142. The applicant proposes the same TRICS based trip rates used for the refused application, which was originally based on 90 residential units, the potential village shop and community parking before being reduced to 60 dwellings. In that assessment, the trip rates were considered acceptable by LCC Highway Services and the proposed development was forecast to generate 48 two-way trips in the weekday AM peak and 44 two-way trips in the weekday PM peak.
143. The current proposal does not include the potential village shop and the community parking; and the 76 dwellings is less than the originally proposed 90 dwellings upon which the previous assessment was based. Therefore, the use of the same trip rates resulting in

the current proposal generating 41 two-way trips in the weekday AM peak and 37 two-way weekday trips in the PM peak is acceptable.

Trip distribution

144. The proposed trip distribution is the same as that of the refused application and is shown in Figure 7 of the TA. The proposed development trips have been assigned to the highway network as shown in Figures 8 and 9 of the TA.

'With development' flows

145. The proposed development flows have been added to the growthed flows to calculate the 2021 and 2026 'with development flows'. The results are shown in Figures 10 and 11 for the 2021 'with development' flows and Figures 12 and 13 for the 2026 'with development' flows. As noted from the results, the proposed development will lead to increased flows. While this increase can be accommodated by the wider highway network, the increased flows will most likely have adverse impacts at the junctions of Church Lane and Chorley Lane with Charter Lane both of which currently have inadequate sightlines. It would therefore be necessary for measures to be implemented to mitigate such impacts.

TRAFFIC IMPACT ASSESSMENT

146. The applicant has carried out an assessment of the operation of the highway network for the future year of 2026 at Church Lane/Charter Lane, Chorley Lane/Charter Lane and Charter Lane/Proposed site access. As these are all priority junctions, the assessment was carried out using Junction 9 (Picady) software. The assessment predicts that all three junctions will operate well within capacity during weekday AM and PM peak periods in the future year of 2026 with low Ratio of Flow to Capacity (RFC) values and minimal queue lengths as shown on Tables 7.1, 7.2 and 7.3 in section 7.3 of the submitted TA.
147. The result of the assessment shows all three junctions will operate well within capacity, however, there are issues of inadequate visibility which need to be addressed to ensure safe access and egress of the site and of Charter Lane at its junctions with Church Lane and Chorley Lane. At the recent meeting with LCC Highway Services, the applicant was requested to reassess the adequacy of sightlines at these junctions. Following this request, the applicant conducted a 7-day automatic traffic survey from 16th -23rd July 2021 on Chorley Lane and Church Lane to establish the 85th percentile speeds of traffic approaching the junctions for use to determine visibility splay requirements. The survey established the 85th percentile speeds on Church Lane as 34.4mph(eastbound) and 35.1mph (westbound). On Chorley Lane, the 85th percentile speeds were 37.6mph (northbound) and 38.1mph(southbound).
148. Based on the above results, the required visibility splays at Church Lane/Charter Lane as per the Manual for Streets recommendation will be 2.4 x 52.0m (east) and 2.4m x 53.0m (west), while at Chorley Lane/Charter Lane, the required splays will be 2.4 x 59.0m (north) and 2.4m x 60.0m (south).
149. The junction visibility assessment as detailed on Plans 002 rev P01 (29.07.2021) included in the Technical Note shows that at Church Lane/Charter Lane, although 45.0m SSD was used instead of the required 52.0m, the splay to the east still cuts across third-party (the pre-school) boundary. As noted, the SSD was not measured to the nearside kerbs as would have been appropriate at this location.
150. At Chorley Lane/Charter Lane, although shown on plan as 2.4m, the x-distance of the visibility splays as per the scale of the drawing is only 2.2m and measured away from nearside kerbs to SSDs of 52.0m (north) and 51m (south) instead of the required 59m(north) and 60m(south). The dimensions used are less than required, yet the splay to the north cuts across the boundary of the adjacent 158 Chorley Lane while in the south direction, there will be the need to cut back the existing hedge to ensure uninterrupted visibility.

MITIGATION MEASURES

151. From the assessment, it is apparent that while the two junctions appear to be operating well under current conditions with no traffic collisions, this may be exacerbated by the proposed development if additional measures are not implemented. Therefore, it is considered that the applicant implements traffic calming measures on Church Lane and Chorley Lane on the approach to the junctions to mitigate the adverse impacts of the development. The traffic calming measures in addition to the provision of footways, bus stop infrastructure and the street lighting improvements would be subject to LCC Highway Services approval and implemented through the s278 agreement.

FRAMEWORK TRAVEL PLAN

152. It is a Framework requirement that all developments that will generate significant amounts of movement to provide a Travel Plan. As the application submission does not include a Framework Travel Plan, this would be required by condition to include the following:
- Commitment and timescale for appointment of a Travel Plan Coordinator by the developer – one month prior to first occupation of development and the position maintained for 5 years.
 - Commitment and timescale to undertake travel surveys - within 3 months of attaining 75% occupation of development.
 - Commitment and timescale for the development of a Full Travel Plan - within 3 months of first travel survey.
 - Details of pedestrian, cycling and public transport links to and within the site.
 - Details of provision of secure and covered cycle storage.
 - Outline objectives and targets.
 - List of proposed measures to be introduced particularly any to be implemented prior to the development of the Full Travel Plan
 - Details of arrangements for monitoring and review of the Full Travel Plan for a period of at least 5 years
153. For the proposed scale of development, LCC have requested a contribution of £6,000 to provide the following range of services.
- Appraise the Full Travel Plan submitted to the Council pursuant to the planning permission and provide constructive feedback.
 - Oversee the progression from Framework to Full Travel Plan in line with agreed timescales.
 - Monitor the development, implementation and review of the Full Travel Plan for a period of up to 5 years.

154. The travel plan contribution will be secured through a S106 agreement of the Town and Country Planning Act 1990 and the trigger point would be prior to commencement of development to enable suitable support to be provided early in the process.

CONCLUSION

155. In assessing the proposed development LCC Highway Services need to ensure that appropriate opportunities to promote sustainable transport modes have been taken up and that safe and suitable access to the site can be achieved for all users. While the impacts of the proposed development on highway safety are significant, it is considered that this can be cost effectively mitigated through the implementation of the above measures. Therefore, LCC Highway Services have raised no objection to the proposal subject to the applicant agreeing to carry out the mitigation measures listed below.

To be secured via a S278 agreement of the Highway Act 1980*Chorley Lane*

- Provide 'SLOW' worded carriageway markings on red textureflexed surfacing on Chorley Lane on its approaches to Charter Lane including renewal of existing carriageway markings extending into Charter Lane. (appendix E - TN2). Drawing to be amended to incorporate coloured surfacing for the 'Slow' worded markings.
- Provide uncontrolled crossing of dropped kerbs and tactile pavings at Chorley Lane/Charter Lane. (appendix E - TN2)
- Relocate the existing 2no. bus stops outside and opposite 183 Chorley Lane closer to Chorley Lane/Charter Lane. The 2no. relocated bus stops to be provided to high quality disability compliant standard to include provision of raised kerbs, boarding platforms, new shelters and the required bus stop carriageway markings to include clearways with good quality information on services. The bus shelters will not be the cantilever type as stated on plan, as a smaller end panel can be installed to support the shelters. (appendix E - TN2).
- Extend the existing footway on the south side of Chorley Lane to a width of 2.0m from its current end outside 177 Chorley Lane to the relocated bus stop.

Note: The actual location of all highway features including the 'SLOW' worded markings, dropped kerbs and tactile pavings and the new bus stops are to be agreed on site as part of the s278 agreement including the extents of the new footway provision and renewal of carriageway markings.

Charter Lane

- Provide 2.0m wide footway extending the full width of the frontage of the proposed site to tie-in with the existing footway outside 17 Charter Lane in the south and outside the Charnock Richard scouts and guides headquarters in the north. The footway shown on the submitted proposed 'Hardstanding Plan' referenced, CL/CL/HP/01 rev B (26.11.21) does not extend to these points and must be amended.
- Provide an upgrade to the existing street lighting from the proposed site access to Church Lane/Charter Lane to include provision and installation of 6no. new lighting columns, 200m or so duct and cable and removal, reinstatement, and disposal from site of 2no. existing lighting columns. Depending on the final detailed street lighting design, the works and materials may be more than stated.

Note: The existing vegetation within the visibility splays of the proposed site access will be required to be removed or reduced in height to no more than a metre. (appendix C - TN2)

To be secured via a S106 agreement of the Town and Country Planning Act 1990

- Provide a planning contribution of £45,000 per annum for a period of 5 years to fund enhancement of the existing 337 and 347 bus services (or replacement / equivalent) to provide extended hourly service into the evenings (say to 8pm / 9pm) Mondays to Saturdays and a 2-hourly service on a Sundays. The enhancements are for the section between Chorley and Croston.
- Provide a planning Contribution of £6,000 to enable LCC to provide the following services in relation to Travel Plan.
 - Appraise the residential Travel Plan submitted to the Council pursuant to the planning permission and provide constructive feedback.
 - Oversee the progression from Interim to Full Travel Plan in line with agreed timescales.
 - Monitor the development, implementation and review of the Travel Plan for a period of up to 5 years.

156. In conclusion, the level of proposed parking and other highway implications of the proposal are considered to be acceptable, subject to conditions and a S106 agreement to secure the above referenced improvements.

Impact on the character and appearance of the area

157. Policy 17 of the Core Strategy seeks to ensure that the design of new buildings takes into account the character and appearance of the local area, including among other things, linking in with surrounding movement patterns and not prejudicing the development of neighbouring land; and protecting existing landscape features and natural assets. The policy is considered to be consistent with the Framework and should be attributed full weight.
158. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, among other things, the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials; that the layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area; and that the proposal would not have a detrimental impact on important natural habitats and landscape features such as historic landscapes, mature trees, hedgerows, ponds and watercourses. In some circumstances where on balance it is considered acceptable to remove one or more of these features, then mitigation measures to replace the feature/s will be required either on or off-site. The policy is considered to be consistent with the Framework and should be attributed full weight.
159. Policy BNE10 (Trees) stipulates, among other things, that proposals that would result in the loss of trees, woodland areas or hedgerows which make a valuable contribution to the character of the landscape, a building, a settlement or the setting thereof will not be permitted. Replacement planting will be required where it is considered that the benefit of the development outweighs the loss of some trees or hedgerows. The policy is considered to be consistent with the Framework and should be attributed full weight.
160. The surrounding housing stock to the development site are generally two storey brick and rendered buildings in a varied mixture of built forms including detached, semi-detached and terraced properties with pitched grey roofs and details such as bay windows, flat canopies and hanging tile.
161. When considering any development proposal, the Council must be mindful of The Framework that states that the Government attaches great importance to the design of the built environment and good design is a key aspect of sustainable development. The Framework also states that planning policies and decisions should aim to ensure that developments (amongst other things) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
162. Chorley Council plans positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes and seeks to create well-mixed and integrated developments, which avoid segregation and have well-planned public spaces that bring people together and provide opportunities for physical activity and recreation.
163. The site area is 2.02 hectares so the scheme is the equivalent to 37.6 dwellings per hectare, which is quite a dense scheme in terms of layout. Although it is not considered that the density could be said to be out of keeping with the density of development in Charnock Richard in general, as a result of the layout and density it is necessary to remove some trees on the site but those of higher value are to be retained.
164. The proposal includes a main spine road through the site with secondary roads branching off and the proposed units arranged in parcels of development with interspersed landscaping areas, mainly around the retained pond to the north east and a new pond to the north west corner of the site.
165. The apartments proposed are 'cottage' style apartments, which each have their own front door and are two-storey in scale. It is considered they are in keeping with the character of

the wider proposal and the surrounding local area. All units will be two storeys in height. Materials will include render, red and brown brick and grey roof tiles. The dwellings are of a simple contemporary design with the final choice of materials to be agreed through the discharge of planning conditions.

166. It is considered that the proposed dwellings would assimilate with the built form of existing dwellings in the area. In light of the above, the proposal would not cause harm to the character and appearance of the locality. The development, therefore, complies with the above referenced policies of the Chorley Local Plan in this regard.

Impact on amenity

167. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, where relevant to the development the proposal would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact; and that the proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses. The policy is considered to be consistent with the Framework and should be attributed full weight.
168. With regards to noise, dust and other pollution during the construction period, these would be short in duration and limited in intensity. Such impacts could be adequately controlled through a construction environmental management plan (CEMP) which can be required to be submitted to the Local Planning Authority for approval prior to works commencing.
169. It is worth noting that many objections to the proposal have referred to the impacts upon the occupiers of surrounding dwellings from overlooking / loss of privacy. The design of the apartment block to be situated closest to the dwellings on Leeson Avenue has been amended at the request of the case officer. The original design had windows that would have introduced a window at first floor level that would have overlooked the rear gardens of nos. 4 and 6 Leeson Avenue. The revised apartment block has a blank gable wall in this location.
170. All interface distances between the existing surrounding dwellings and the proposed dwellings are greater than the Council's minimum guideline distances and so are considered acceptable. The proposed dwellings have been designed in such a way so as to be compatible with each other without creating an amenity impact of adjacent plots. There would be an adequate degree of screening around the plots.
171. In light of the above, it is considered that the proposal is acceptable in terms of amenity impacts and accords with national policy and policy BNE1 of the Chorley Local Plan in this regard.

Drainage and flood risk

172. Policy 29 (Water Management) of the Core Strategy seeks to improve water quality, water management and reduces the risk of flooding in a number of ways including, among other things, appraising, managing and reducing flood risk in all new developments. The policy is considered to be consistent with the Framework and should be attributed full weight.
173. Lancashire County Council as Lead Local Flood Authority is the responsible 'risk management authority' for managing 'local' flood risk which refers to flood risk from surface water, groundwater or from ordinary watercourses.
174. A Flood Risk Assessment and Drainage Strategy has been submitted with the application and reviewed by United Utilities and Lancashire County Council as Lead Local Flood Authority (LLFA). An indicative drainage strategy has also been provided. The site is in Flood Zone 1 (the lowest risk) as identified by the Environment Agency.

175. The Planning Practice Guidance (PPG) establishes a hierarchy for surface water disposal, which encourages a Sustainable Urban Drainage System (SuDS) approach. Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:

- into the ground (infiltration);
- to a surface water body;
- to a surface water sewer, highway drain, or another drainage system;
- to a combined sewer.

176. Section 8.11 of the submitted Flood Risk Assessment and Drainage Strategy states that a pumping station will be installed to connect to the surface water sewer on Leeson Lane. Given the absence of a suitable watercourse and the general fall of the land to the west, the LLFA accepts that pumping may be necessary. Given that the site has very low relief, however, they advise the applicant should provide evidence to demonstrate why pumping is required and why the site cannot be drained by gravity as part of a satisfactory final sustainable drainage strategy.

177. The Flood Risk Assessment and Drainage Strategy also states that infiltration tests have not been carried out, but that infiltration has been discounted based on identified ground conditions. The information submitted is not considered sufficient to discount infiltration as a discharge method. In order to do so, the LLFA advise that the applicant must submit evidence of infiltration rates and groundwater levels, for example, through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365 revised 2016. This would ensure that priority is given to SuDS in accordance with the Planning Practice Guidance, as the preferred means of surface water drainage for any new development is via infiltration. The applicant must, therefore, submit evidence as to why each 'level' of the above hierarchy cannot be achieved. Subject to the above the LLFA has no objection to the proposed development.

178. The above can be secured through the imposition of planning conditions requiring full details of a drainage strategy to be submitted based on evidence that the highest tier in the drainage hierarchy has been used and associated conditions.

179. United Utilities state the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. They confirm that following their review of the Flood Risk Assessment and Drainage Strategy they can confirm the proposals are acceptable in principle to them. However, they do not have sufficient information on the detail of the drainage design, particularly in relation to the proposed cover and invert levels of the on-site system in comparison to the proposed finished floor levels. They therefore request drainage conditions are attached to any permission similar to those requested by the LLFA, including details of a surface water drainage scheme including an investigation of the hierarchy of drainage options in the National Planning Practice Guidance which shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water, a restricted rate of discharge of surface water (if infiltration is discounted through investigations), and a timetable for its implementation.

180. They also request a condition that foul and surface water shall be drained on separate systems. It is intended that foul sewage from the site will be collected by a piped system and discharged into the public foul sewer manhole that lies within Charter Lane.

181. Subject to the above conditions including demonstrating the site will be drainage as high up on the drainage hierarchy as possible the proposal is considered acceptable in this respect.

Affordable housing

182. Policy 7 of the Core Strategy and the Affordable Housing SPD only relate to affordable housing provided as part of a market housing scheme secured through a S106 agreement, therefore, they are not applicable to this scheme. The Council's preference is for 70%

affordable rented in line with Policy 7 and the SPD and the proposed split for this scheme is 47% affordable rented and 53% shared ownership. The Council's tenancy strategy requires the rented units on S106 sites to be social rent however as this is a 100% affordable housing scheme these requirements do not apply, and Homes England funding is not available for social rent in the borough. As such, the proposed mix is considered to be acceptable.

183. On 25 January 2022 there were 489 active applications in categories a – c of the housing register. On 16 March 2022, two applications in reasonable preference category a - c have listed Charnock Richard as their preferred location. However, many applicants do not choose an area of preference when completing the application, particularly areas where there is less affordable supply, and affordable housing need is borough wide across Chorley.
184. There is an acute shortfall in the provision of affordable housing in the borough. This development would make a valuable contribute to the borough wide need for affordable housing which should be given significant weight in the planning balance, as identified in recent appeal decisions in the borough.

The provision of affordable homes in the planning balance

185. While the provision of affordable housing is given significant weight in the planning balance, this has to be considered alongside the matter of sustainability and, given the low number of people who currently live or have a connection with the village on the housing waiting list, the issue of bringing a large number of new residents into a village that has very few facilities to support them and, therefore, the need for them to travel out of the village, most likely be private car to access facilities. That said, LCC Highway Services have agreed to enhancements to the local bus services, bus stops, and pedestrian access arrangements in and around this site, as explained earlier in this report. As such, it is considered that the sustainable modes of transport will be available to serve the future occupants of the proposed dwellings. Financial contributions will also be secured for public open space and additional school places. It is, therefore, considered that the site is a suitable location for this level of affordable housing.

Public open space

Amenity Greenspace

186. Policy HS4A of the Chorley Local Plan 2012 - 2026 sets a standard of 0.73 hectares per 1,000 population.
187. There is currently a deficit of provision in Chisnall in relation to this standard, a contribution towards new provision in the ward is, therefore, required from this development. As the development is 10 or more dwellings the required amenity greenspace should be provided on-site. The amount required is 0.1332 hectares. A maintenance cost of £53,200 is also required for a 10 year period if private maintenance is not proposed.

Provision for children/young people

188. Policy HS4A of the Chorley Local Plan 2012 - 2026 sets a standard of 0.08 hectares per 1,000 population.
189. There is currently a surplus of provision in Chisnall in relation to this standard, a contribution towards new provision in the ward is, therefore, not required from this development. The site is also not within the accessibility catchment (800m) of any areas of provision for children/young people that are identified as being low quality and/or low value in the Open Space Study. A contribution towards improvements is therefore also not required from this development.

Parks and Gardens

190. There is no requirement to provide a new park or garden on-site within this development.
191. The site is within the accessibility catchment (1,000m) of parks/gardens that are identified as being low quality and/or low value in the Open Space Study (site 2017 Orchard Garden, Charnock Richard), a contribution towards improving these sites is, therefore, required. The amount required is £1,467 per dwelling.

Natural and Semi-Natural Greenspace

192. There is no requirement to provide new natural/semi natural greenspace on-site within this development.
193. There are no areas of natural/semi-natural greenspace within the accessibility catchment (800m) of this site identified as being low quality and/or low value in the Open Space Study, therefore, a contribution towards improving existing provision is not required.

Allotments

194. There is no requirement to provide allotment provision on site within this development.
195. The site is not within the accessibility catchment (10 minutes' drive time) of a proposed new allotment site, a contribution towards new allotment provision is, therefore, not required from this development.

Playing Pitches

196. A Playing Pitch Strategy was published in June 2012 which identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is, therefore, required from this development. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements. The amount required is £1,599 per dwelling.

THE TOTAL PUBLIC OPEN SPACE FINANCIAL CONTRIBUTION REQUIRED FROM THIS DEVELOPMENT IS AS FOLLOWS:

Amenity greenspace	= £53,200 (if private maintenance not proposed)
Equipped play area	= £0
Parks/Gardens	= £111,492
Natural/semi-natural	= £0
Allotments	= £0
Playing Pitches	= £121,524
Total	= £286,216

Sustainability

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

“For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the [Planning and Energy Act 2008](#) in the Deregulation

Bill 2015. This is expected to happen alongside the introduction of zero carbon homes policy in late 2016. The government has stated that, from then, the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the government's intention into account in applying existing policies and not set conditions with requirements above a Code Level 4 equivalent."

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

198. Given this change, instead of meeting the Code Level the dwellings should achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations in accordance with the above provisions. This can be controlled by a conditions.

Education

199. Lancashire County Council Education have provided a contribution assessment for this development which can be summarised as follows:

Lancashire County Council is responsible for the provision of school places across the 12 county districts. The county has been facing significant increases in the birth rate at the same time as capital funding from the Department for Education has been significantly reduced.

In accordance with Lancashire County Council's 'School Place Provision Strategy', the following will apply:

Where the growth in pupil numbers is directly linked to housing development and existing school places are not sufficient to accommodate the potential additional pupils that the development may yield, Lancashire County Council would seek to secure developer contributions towards additional school places. Only by securing such contributions (which, depending upon the scale of development, may also include a contribution of a school site), can Lancashire County Council mitigate against the impact upon the education infrastructure which the development may have.

Latest projections for the local primary schools show there to be 91 places available in 5 years' time. With an expected pupil yield of 9 pupils from this development, we would not be seeking a contribution from the developer in respect of primary places.

Latest projections for the local secondary schools show there to be a shortfall of 234 places in 5 years' time. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document, which already have planning permission.

With an expected yield of 4 places from this development the shortfall would increase to 238. Therefore, we would be seeking a contribution from the developer in respect of the full pupil yield of this development, i.e. 4 places.

Permanent expansion in secondary places:
 (£23,775 x 0.97)
 = £23,061.75 per place
 £23,061.75 x 4 places = **£92,247.00**

Employment skills provision

200. The Central Lancashire Employment Skills Supplementary Planning Document (SPD) was adopted in September 2017. The SPD introduces Employment Skills Statements and provides clarity as to how this requirement relates to the relevant policies set out in the Core Strategy and Local Plan as well as the guidance set out in the Framework. The SPD goes on to state that one of Central Lancashire's priorities is to encourage economic growth within Central Lancashire that benefits the people and businesses in the three boroughs. The SPD seeks to;

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

201. 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

202. It is, therefore, recommended that a condition requiring an employment and skills plan is attached to any grant of planning permission.

Community Infrastructure Levy (CIL)

203. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development would be a chargeable development, unless an exemption is applied for (as affordable housing), and the charge is subject to indexation in accordance with the Council's Charging Schedule.

Planning balance

204. Paragraph 11. d) ii. of the Framework indicates that, where the most important development plan policies for determining the application are out-of-date, planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; the tilted balance.

205. The adverse impacts of the development relate primarily to its conflict with the development plan strategy for the area, born out through Policy 1 of the Central Lancashire Core Strategy. Charnock Richard is not a settlement earmarked for significant development. The

Framework indicates that the planning system should be genuinely plan-led. There would also be some limited harm to the biodiversity of the area through a net loss in the biodiversity value of the site.

206. In terms of benefits, the provision of new housing would bring construction and supply chain jobs, places for the economically active to live, increased local spend and greater choice in the local market. These benefits have not been quantified and would apply to any housing development of this scale but are still considerable.
207. A relatively large number of affordable homes are to be provided in Charnock Richard by this proposal and whilst there would not appear to be a need for these in the immediate area, there is a significant shortfall across the Borough. The new affordable dwellings would provide homes for real people in real need.
208. The proposal would boost the supply of housing in a situation where there is no five-year supply and an under-provision of affordable housing and, as a result, moderate weight can be given to the economic benefits and significant weight to the social benefits.
209. The provision of open space and its ongoing management and maintenance and the contributions to school places, sustainable transport and the travel plan are neutral considerations because they are needed to make the development acceptable.
210. Although Charnock Richard has limited facilities reflecting its lowly position in the settlement hierarchy, there is a primary and pre-school close to the site and an off licence, hotel, bar/restaurant, public house, and a community centre within walking distance of the site. Charter Lane is also well served by public transport with bus stops along both Chorley Lane and Church Lane. The nearest bus stop is located on Chorley Lane, approximately 560m (7 minute walk) from the site. This gives the site accessibility to the local, regional and national road networks, and thus provides opportunities for modes of transport other than the car. The proposal includes to move this bus stop closer to the site and improve its functionality.
211. The nearest supermarkets are a Tesco Extra at Foxhole Road, Chorley (approximately 2.5km to the northeast) and a Co-op at Spendmore Lane, Coppull (approximately 1.5km to the south). The site is also situated approximately 5km to the southwest of Chorley town centre.
212. Whilst, the private vehicle would likely be used for most journeys, alternatives exist and journeys to access services would not be long. The proposal includes enhancements to sustainable transport options.
213. There is conflict with Policy 1 of the CLCS and the development plan overall, although the site is located within the defined settlement boundary. In terms of Policy 1, the overall strategy is consistent with the Framework in concentrating development in the most sustainable locations. That said, the policy forms part of a failing strategy as the Council cannot demonstrate an adequate supply of housing. As such, the policy is only afforded moderate weight.
214. The adverse impacts of the proposed development relating to the conflict with the development strategy and loss in biodiversity would not significantly and demonstrably outweigh the considerable economic and significant social benefits. As such, the proposal is recommended for approval.

CONCLUSION

215. The proposal is recommended for approval as the adverse impacts of the proposal do not significantly and demonstrably outweigh the considerable economic and significant social benefits it would deliver.

RELEVANT HISTORY OF THE SITE

Ref: 5/5/07975

Decision: WDN

Decision Date: 18 February 1971

Description: Site for 145 dwellings

Ref: 88/00603/OUTMAJ **Decision:** REFOPP **Decision Date:** 27 September 1988
Description: Outline application for erection of 13 detached dwellings with associated roadworks

Ref: 16/00510/OUTMAJ **Decision:** REFOPP **Decision Date:** 8 March 2017
Description: The erection of up to 60 dwellings, a village shop, community parking, landscaping, provision of public open space, access and associated infrastructure

RELEVANT POLICIES: In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.

Suggested conditions

To follow.

COMMITTEE REPORT		
REPORT OF	MEETING	DATE
Director of Planning and Development	Planning Committee	29 March 2022

ADDENDUM

ITEM 3b - 21/00327/FULMAJ - Erection of 76no. affordable dwellings with access, parking, landscaping and all other associated works (including pumping station) - Land 120M East Of 27 Charter Lane, Charnock Richard

The recommendation remains as per the original report

An additional neighbour representation has been received which raises the same issues as already identified under paragraph 6 of the committee report.

An updated consultation response has been received from Lancashire County Council Education which provides an updated assessment of projected school places as of 17th March 2022. The assessment concludes the same requirements as outlined in the committee report of no contribution being required for primary school places and £92,247 for four additional secondary school places.

The case officer for the application has been made aware of a report from the Charnock Richard Residents Association (CRRRA) that has been distributed to Members of the Planning Committee. Its contents have not been fully assessed as it has not been formally submitted to the Local Planning Authority as a representation. That said, it is worth noting that the report refers to a Memo which the CRRRA claims shows the

application was originally to be recommend for refusal. The Memo was in fact internal advice provided by the Council's planning policy team to the case officer in April 2021 and did not represent a recommendation on the outcome of the planning application. Further, this response was made prior to the recent appeal decisions in the borough.

The following conditions are recommended:

No.	Condition																																																															
1.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p><i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>																																																															
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="352 797 1310 2033"> <thead> <tr> <th data-bbox="352 797 799 835">Title</th> <th data-bbox="799 797 1078 835">Plan Ref</th> <th data-bbox="1078 797 1310 835">Received On</th> </tr> </thead> <tbody> <tr> <td data-bbox="352 835 799 869">Location Plan</td> <td data-bbox="799 835 1078 869">CL/CL/LP/01</td> <td data-bbox="1078 835 1310 869">18 March 2021</td> </tr> <tr> <td data-bbox="352 869 799 936">Proposed Site Layout</td> <td data-bbox="799 869 1078 936">CL/CL/PSL/01 Rev M</td> <td data-bbox="1078 869 1310 936">3 March 2022</td> </tr> <tr> <td data-bbox="352 936 799 1003">Material's Plan</td> <td data-bbox="799 936 1078 1003">CL/CL/MP/01 Rev C</td> <td data-bbox="1078 936 1310 1003">3 March 2022</td> </tr> <tr> <td data-bbox="352 1003 799 1070">Storey Heights Plan</td> <td data-bbox="799 1003 1078 1070">CL/CL/SHP/01 Rev C</td> <td data-bbox="1078 1003 1310 1070">3 March 2022</td> </tr> <tr> <td data-bbox="352 1070 799 1137">Hardstanding Plan</td> <td data-bbox="799 1070 1078 1137">CL/CL/HP/01 Rev C</td> <td data-bbox="1078 1070 1310 1137">3 March 2022</td> </tr> <tr> <td data-bbox="352 1137 799 1205">Boundary Treatment Plan</td> <td data-bbox="799 1137 1078 1205">CL/CL/BTP/01 Rev C</td> <td data-bbox="1078 1137 1310 1205">3 March 2022</td> </tr> <tr> <td data-bbox="352 1205 799 1272">Waste Management Plan</td> <td data-bbox="799 1205 1078 1272">CL/CL/WMP/01 Rev C</td> <td data-bbox="1078 1205 1310 1272">3 March 2022</td> </tr> <tr> <td data-bbox="352 1272 799 1350">Swept Path Analysis of Site Layout with a Refuse Vehicle</td> <td data-bbox="799 1272 1078 1350">A118747-TR04 Rev A</td> <td data-bbox="1078 1272 1310 1350">5 January 2022</td> </tr> <tr> <td data-bbox="352 1350 799 1417">Landscaping Proposals Sheet 1 of 2</td> <td data-bbox="799 1350 1078 1417">6341.01 Rev F</td> <td data-bbox="1078 1350 1310 1417">6 October 2021</td> </tr> <tr> <td data-bbox="352 1417 799 1485">Landscaping Proposals Sheet 2 of 2</td> <td data-bbox="799 1417 1078 1485">6341.02 Rev F</td> <td data-bbox="1078 1417 1310 1485">6 October 2021</td> </tr> <tr> <td data-bbox="352 1485 799 1552">Site Sections and Street Scenes</td> <td data-bbox="799 1485 1078 1552">CL/CL/SS/01 Rev B</td> <td data-bbox="1078 1485 1310 1552">2 December 2021</td> </tr> <tr> <td data-bbox="352 1552 799 1619">Site Section Pumping Station</td> <td data-bbox="799 1552 1078 1619">CL/CL/SSPS/01 Rev B</td> <td data-bbox="1078 1552 1310 1619">2 December 2021</td> </tr> <tr> <td data-bbox="352 1619 799 1686">House Type 6no. 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	House Type C	CL/HT/C/01	18 March 2021
	House Type D	CL/HT/D/01	18 March 2021
	House Type D2	CL/HT/D2/02	18 March 2021
	<i>Reason: For the avoidance of doubt and in the interests of proper planning.</i>		
3.	<p>The external facing materials, detailed on the approved plans and Design and Access Statement (Revision A, dated February 2022), shall be used and no others substituted unless alternatives are first submitted to and agreed in writing by the Local Planning Authority, when the development shall then be carried out in accordance with the alternatives approved.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>		
4.	<p>Prior to any development taking place above DPC level, full details of the alignment, height and appearance of all fences and walls to be erected to the site boundaries (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.</p> <p><i>Reason: To ensure a visually satisfactory form of development and to protect the amenities of occupiers of nearby property.</i></p>		
5.	<p>Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out strictly in conformity with the approved details.</p> <p><i>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</i></p>		
6.	<p>No tree felling, vegetation clearance works, or other works that may affect nesting birds shall take place between 1st March and 31st August inclusive, unless surveys by a competent ecologist show that nesting birds would not be affected.</p> <p><i>Reason: Nesting birds are a protected species</i></p>		
7.	<p>The development hereby approved shall be carried out in accordance with the details of tree protection (paragraphs 5.2.4 and</p>		

	<p>5.2.5), amphibians method statement (section 5.4), protection of ditch and pond (paragraphs 5.3.6 to 5.2.8), avoiding the spread of invasive species (paragraph 5.3.1), protection of bats (section 5.5) and birds (section 5.6) of the submitted Ecology Survey and Assessment report produced by ERAP, dated March 2021, ref. 2020-151.</p> <p><i>Reason: To safeguard protection species and the trees to be retained.</i></p>
<p>8.</p>	<p>Prior to the construction of the superstructure of any of the dwellings hereby permitted a landscape and environmental management plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:</p> <ul style="list-style-type: none"> o A description and evaluation of the habitat features to be created and enhanced (to include but not necessarily exclusively ponds, grasslands, tree planting and bird nesting and bat roosting habitat / boxes) o Aims and objectives of management o Preparation of a work schedule for implementation o Details of the organisations responsible for implementation and management o A five year monitoring and maintenance plan <p>The approved plan will be implemented in accordance with the approved details.</p> <p><i>Reason: To contribute to and enhance the natural and local environment</i></p>
<p>9.</p>	<p>Prior to the construction of the superstructure of any of the dwellings within a phase hereby permitted full details of the colour, form and texture of all hard landscaping (ground surfacing materials) (notwithstanding any such detail shown on previously submitted plans and specification) within that phase shall have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved, and shall be completed in all respects before the final completion of the development and thereafter retained.</p> <p><i>Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area.</i></p>
<p>10.</p>	<p>All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the earlier, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species..</p>

	<i>Reason: In the interest of the appearance of the locality.</i>
11.	<p>Prior to the construction of the superstructure of any of the dwellings within a phase hereby permitted details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the development of that phase will achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations. The development thereafter shall be completed in accordance with the approved details.</p> <p><i>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.</i></p>
12.	<p>No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate for all dwellings on the site, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the development has achieved the overall Dwelling Emission Rate of 19% above 2013 Building Regulations.</p> <p><i>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.</i></p>
13.	<p>Prior to the construction/provision of any services within a phase, a strategy to facilitate super-fast broadband for future occupants within that phase shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a super-fast broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works within the site boundary only.</p> <p><i>Reason: To ensure a sustainable form of development.</i></p>
14.	<p>The development shall not commence until an Employment and Skills Plan that is tailored to the development and will set out the</p>

	<p>employment skills opportunities for the construction phase of the development has been submitted to and approved by the council as Local Planning Authority (unless otherwise agreed in writing by the council). The development shall be carried out in accordance with the Employment and Skills Plan (in the interests of delivering local employment and skills training opportunities in accordance with Core Strategy Policy 15: Skills and Economic Inclusion).</p> <p><i>Reason: In the interests of delivering local employment and skills training opportunities as per the Central Lancashire Core Strategy Policy 15: Skills and Economic Inclusion and the Central Lancashire Employment Skills Supplementary Planning Document September 2017. No Employment and Skills Plan was submitted with the application.</i></p>
<p>15.</p>	<p>The development permitted by this planning permission shall be carried out in accordance with the principles set out within the Flood Risk Assessment and Drainage Strategy (February 2021, Reford Consulting Engineers Limited). The measures shall be fully implemented prior to first occupation of any dwelling and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority in consultation with the lead local flood authority.</p> <p><i>Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 163 and 165 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.</i></p>
<p>16.</p>	<p>No development shall commence until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the local planning authority. The detailed sustainable drainage strategy shall be based upon the site-specific flood risk assessment and indicative drainage strategy submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems and no surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.</p> <p>Those details shall include, as a minimum:</p> <ul style="list-style-type: none"> a) Sustainable drainage calculations for peak flow control and volume control (1 in 1, 1 in 30 and 1 in 100 + 40% climate change), with allowance for urban creep. b) Final sustainable drainage plans appropriately labelled to include, as a minimum: <ul style="list-style-type: none"> i. Plan identifying areas contributing to the drainage network, including surface water flows from outside the curtilage as necessary;

	<p>ii. Sustainable drainage system layout showing all pipe and structure references, dimensions, design levels; iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate; iv. Flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems; v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each plot to confirm minimum 150mm+ difference for FFL. c) Measures taken to manage the quality of the surface water runoff to prevent pollution, protects groundwater and surface waters, and delivers suitably clean water to sustainable drainage components; d) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with industry guidance. The sustainable drainage strategy shall be implemented in accordance with the approved details.</p> <p><i>Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 163 and 165 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems</i></p>
<p>17.</p>	<p>No development shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the local planning authority. Those details shall include for each phase, as a minimum: a) Measures taken to ensure surface water flows are retained on-site during construction phase(s) and, if surface water flows are to be discharged they are done so at a restricted rate to be agreed with the Lancashire County Council LLFA. b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance. The development shall be constructed in accordance with the approved details.</p> <p><i>Reasons: To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue flood risk on site or elsewhere and to ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies.</i></p>
<p>18.</p>	<p>No dwelling of the development hereby permitted shall be occupied until a Verification Report and Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water</p>

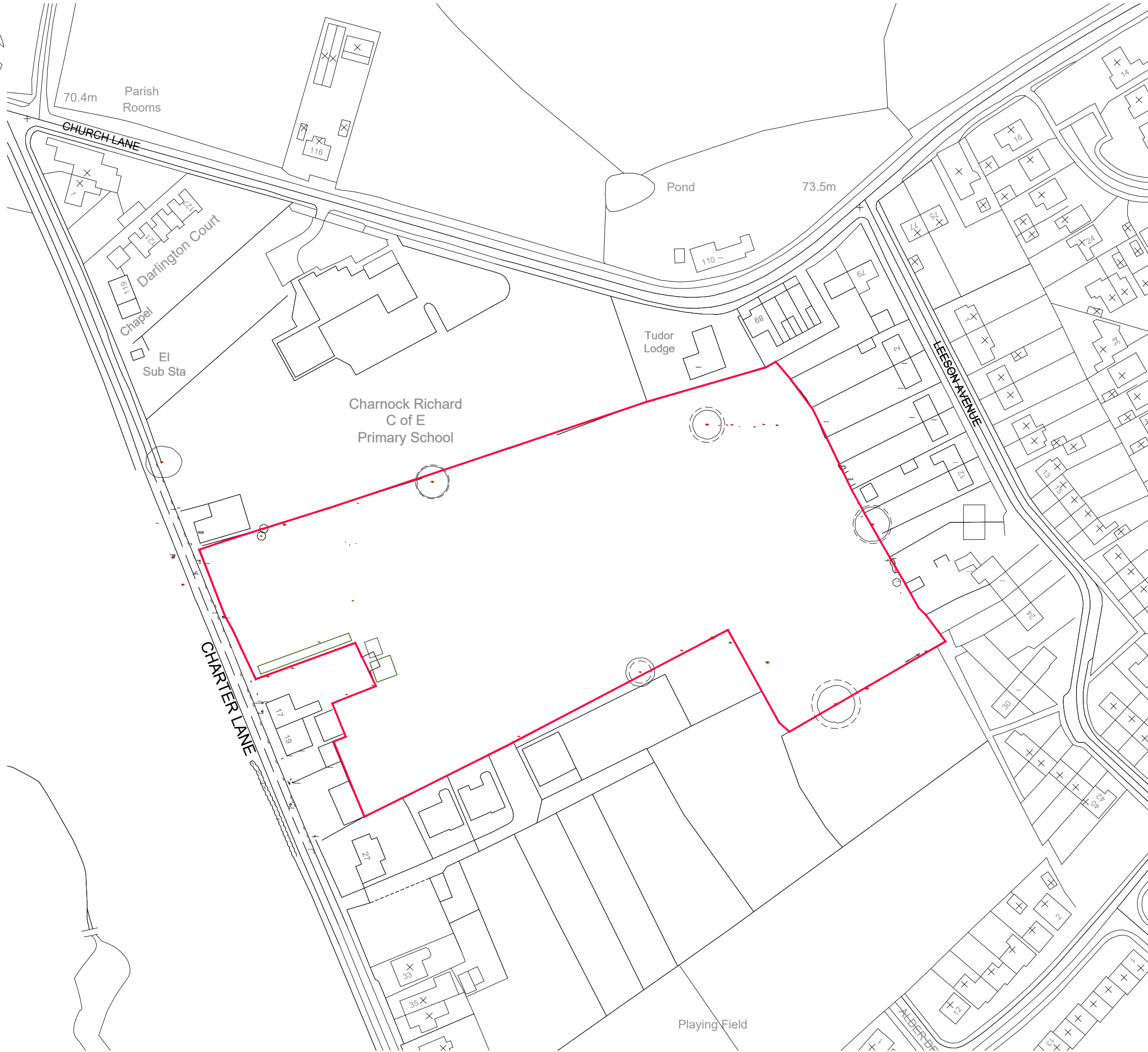
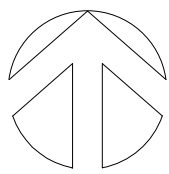
	<p>drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority.</p> <p>The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme (or detail any minor variations), and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an final 'operation and maintenance manual' for the sustainable drainage scheme as constructed.</p> <p>Details of appropriate operational, maintenance and access requirements for each sustainable drainage component are to be provided, with reference to published guidance, through an appropriate Operation and Maintenance Plan for the lifetime of the development as constructed. This shall include arrangements for adoption by an appropriate public body or statutory undertaker, and/or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.</p> <p><i>Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of Paragraph 165 of the National Planning Policy Framework.</i></p>
<p>19.</p>	<p>Due to the proposed sensitive end-use (housing with gardens), no development shall take place until:</p> <p>a) a methodology for investigation and assessment of ground contamination has been submitted to and agreed in writing with the Local Planning Authority. The investigation and assessment shall be carried in accordance with current best practice including British Standard 10175:2011+A2:2017 Investigation of potentially contaminated sites - Code of Practice. The objectives of the investigation shall be, but not limited to, identifying the type(s), nature and extent of contamination present to the site, risks to receptors and potential for migration within and beyond the site boundary;</p> <p>b) all testing specified in the approved scheme (submitted under a) and the results of the investigation and risk assessment, together with remediation proposals to render the site capable of development have been submitted to the Local Planning Authority;</p> <p>c) the Local Planning Authority has given written approval to any remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon</p>

	<p>completion of remediation works a validation report containing any validation sampling results shall be submitted to the Local Authority.</p> <p>Thereafter, the development shall only be carried out in full accordance with the approved remediation proposals.</p> <p>Should, during the course of the development, any contaminated material other than that referred to in the investigation and risk assessment report and identified for treatment in the remediation proposals be discovered, then the development should cease until such time as further remediation proposals have been submitted to and approved in writing by the Local Planning Authority.</p> <p><i>Reason: Please note it is the applicants responsibility to properly address any land contamination issues, to ensure the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).</i></p>
<p>20.</p>	<p>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.</p> <p>The programme of field investigation should include an initial phase of geophysical surveying and trial trenching, followed by such subsequent work as required to investigate and record any remains encountered. 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.</p> <p><i>Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site.</i></p>
<p>21.</p>	<p>No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. If a phasing plan is proposed for the off-site works, this shall be included as part of the scheme and shall detail the specific off-site works that shall be completed by specific milestones in the site's development. The approved development shall be implemented in strict accordance with the scheme.</p> <p><i>Reason: To satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.</i></p>

22.	<p>No part of the development hereby approved shall be occupied until the approved scheme for the construction of the site access has been constructed and completed in accordance with the scheme details.</p> <p><i>Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.</i></p>
23.	<p>Before the use of the site hereby permitted is brought into operation and for the full period of construction, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site. The roads adjacent to the site shall be mechanically swept as required during the full construction period.</p> <p><i>Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.</i></p>
24.	<p>Before the development hereby permitted becomes operative, the existing vegetation on the highway frontage of the site to Charter Lane and within the visibility splays shown on the approved site plan shall be reduced to and be permanently maintained henceforth at a height not greater than 1m above the crown level of the carriageway of the highway.</p> <p><i>Reason: To ensure adequate visibility for the drivers of vehicles entering and leaving the site.</i></p>
25.	<p>Prior to commencement of development, Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:</p> <ul style="list-style-type: none"> - the parking of vehicles of site operatives and visitors. - hours of operation (including deliveries) during construction. - loading and unloading of plant and materials. - storage of plant and materials used in constructing the development. - siting of cabins. - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate. - wheel washing facilities. - measures to control the emission of dust and dirt during construction. - a scheme for recycling/disposing of waste resulting from demolition and construction works. - the routing of construction vehicles and deliveries to site.

	<p><i>Reason: In the interest of highway safety and to protect the amenities of the nearby residents.</i></p>
<p>26.</p>	<p>No part of the development hereby approved shall commence until, a Framework Travel Plan is submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The approved Framework Travel Plan must be implemented in full in accordance with the timetable within it unless otherwise agreed in writing with the Local Planning Authority in consultation with the Highway Authority. All elements shall continue to be implemented at all times thereafter for as long as any part of the development is occupied or used/for a minimum of at least 5 years.</p> <p><i>Reason: To ensure that the development provides sustainable transport options.</i></p>
<p>27.</p>	<p>Prior to the first occupation of any of the Cottage Apartments, the bin and cycle stores identified on the approved Proposed Site Layout drawing ref. CL/CL/PSL/01 Rev M and the Bin and Cycle Store drawing ref. CL/CL/BCS/01 shall be completed and ready for use.</p> <p><i>Reason: To ensure safe storage is provided for bins and cycles associated with the apartments.</i></p>

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IMPORTANT NOTE:

ALL DIMENSIONS AND LEVELS SHOWN ON THIS DRAWING ARE TO BE CHECKED BY THE CONTRACTOR/ MANUFACTURER PRIOR TO THE COMMENCEMENT OF ANY WORKS ON SITE OR THE MANUFACTURE OF ANY SITE COMPONENTS.

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Revision:	By:	Date:

	Client:		
	Conlon Holdings Ltd		
	Project Title:		
	RESIDENTIAL DEVELOPMENT		
	Address:		
	Charter Lane, Charnock Richard		
Drawing Title:			
Location Plan			
Drawing No:			
CL/CL/LP/01			
Dwn:	Ckd:	Date:	
BP	ST	02/03/21	
Scale:	Paper Size:	Rev:	
1:1250	A3		

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Planning
Committee Meeting

24 May 2022



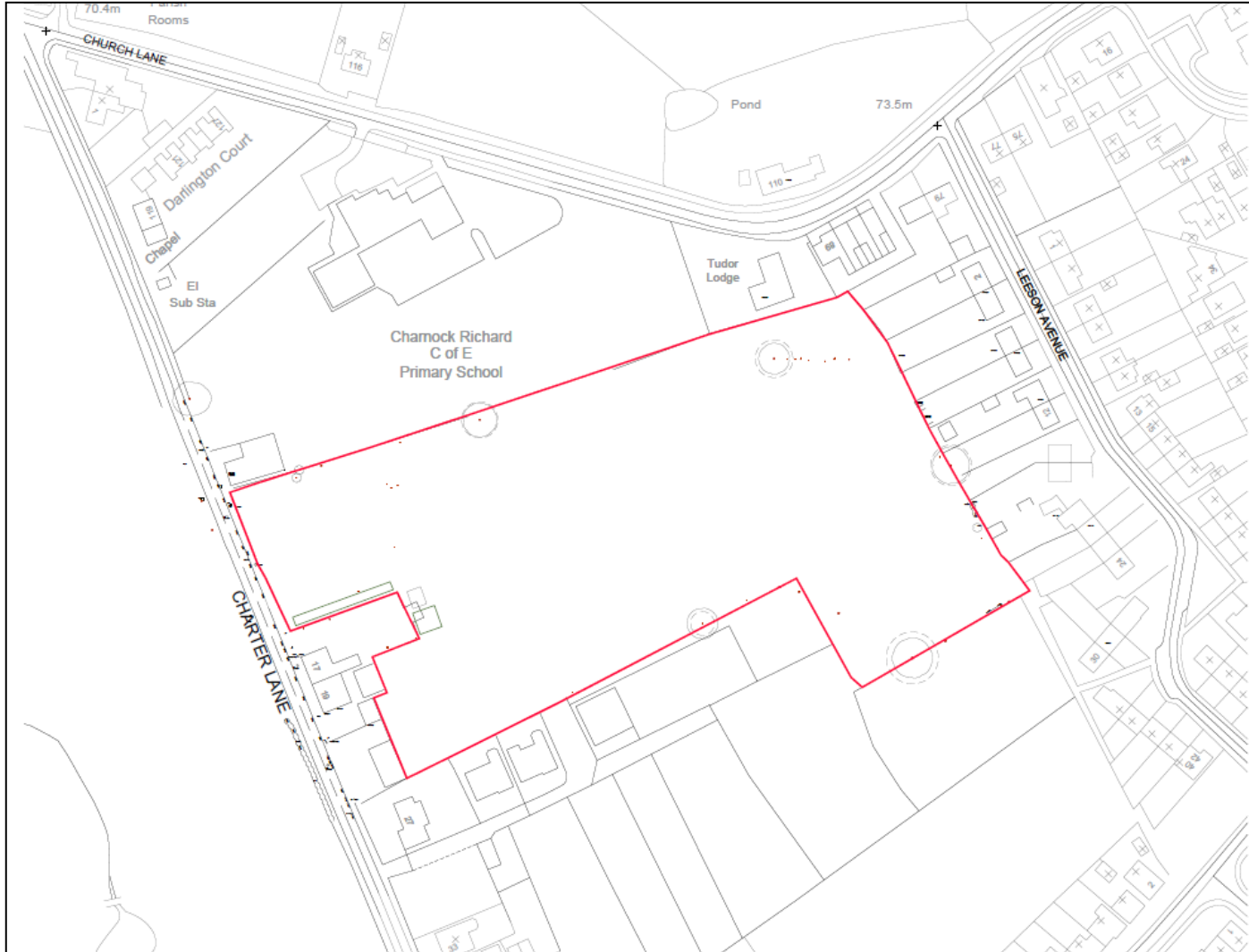
Item 3a

21/00327/FULMAJ

Land 120M East Of 27 Charter Lane, Charnock Richard

Erection of 76no. affordable dwellings with access, parking, landscaping and all other associated works (including pumping station)

Location Plan



Aerial photo



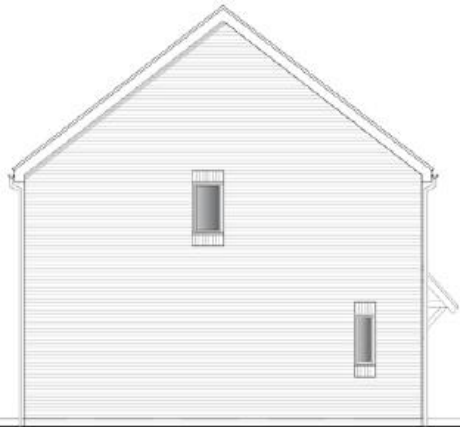
Site Layout



Elevations and Floor Plans



Front Elevation



Side Elevation



Rear Elevation



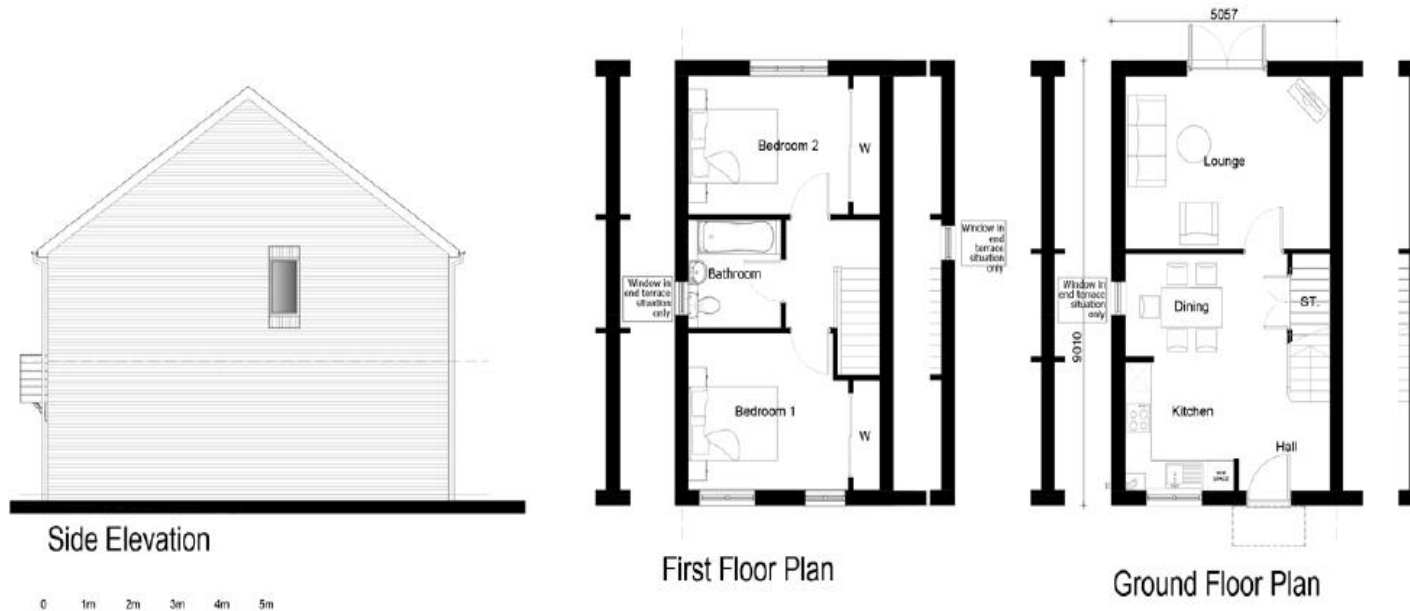
Ground Floor Plan



First Floor Plan



Elevations and Floor Plans



Elevations and Floor Plans



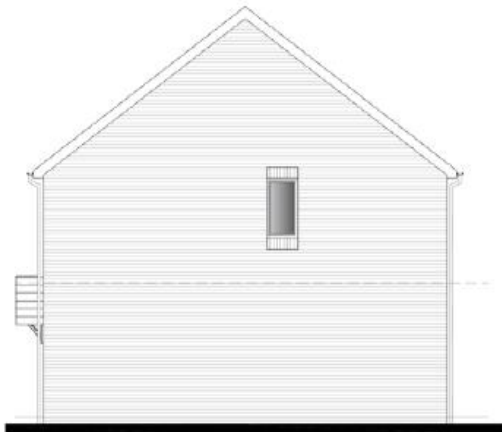
Front Elevation



Side Elevation



Rear Elevation



Side Elevation



First Floor Plan

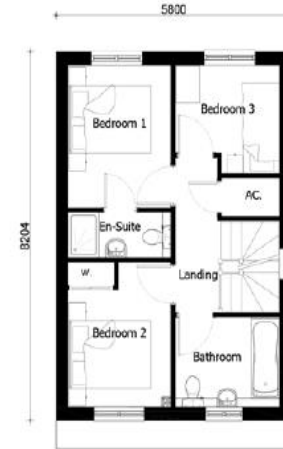
Ground Floor Plan

Elevations and Floor Plans

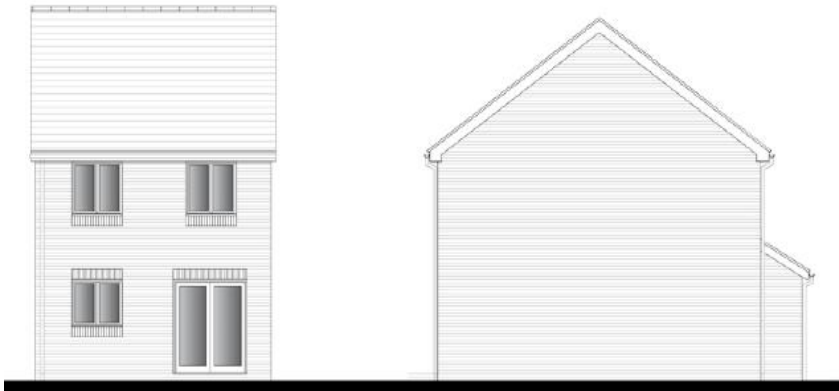


Front Elevation

Side Elevation



First Floor Plan



Rear Elevation

Side Elevation



Ground Floor Plan



noettype **D2** Variation Option

Elevations and Floor Plans



Front Elevation



Rear Elevation



First Floor Plan



Side Elevation



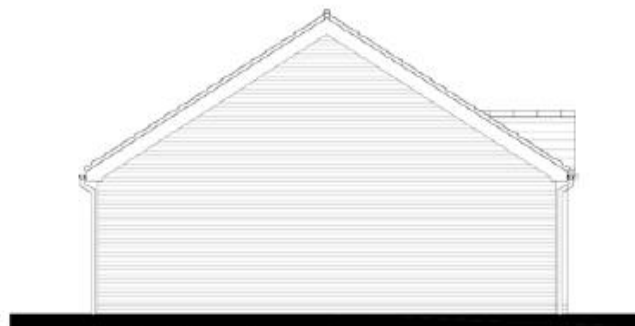
Ground Floor Plan



Elevations and Floor Plans



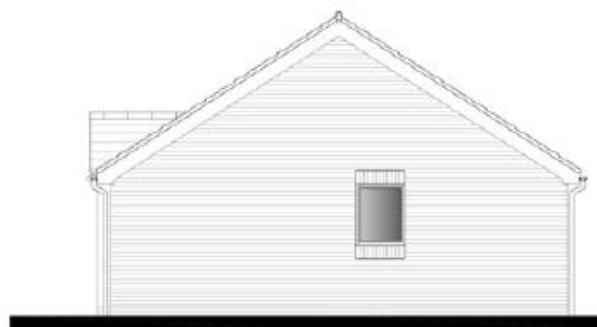
Front Elevation



Side Elevation



Rear Elevation



Side Elevation



Ground Floor Plan

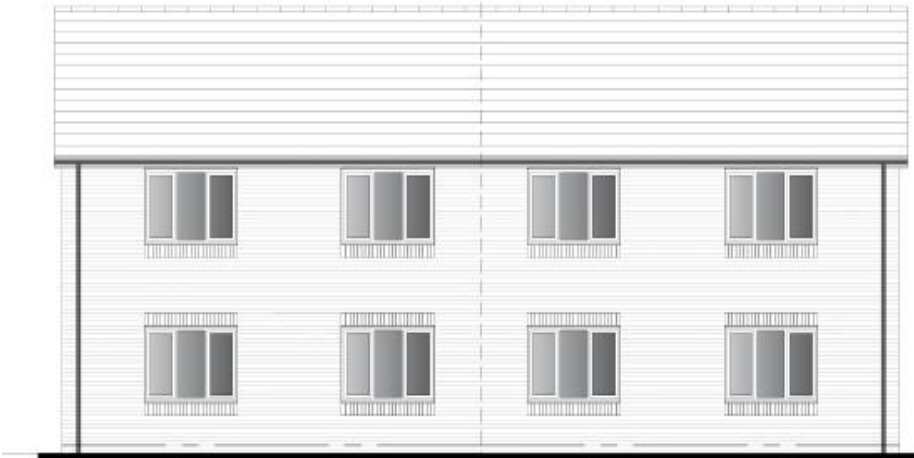
Cottage Style Apartments



FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

Cottage Style Apartments



FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



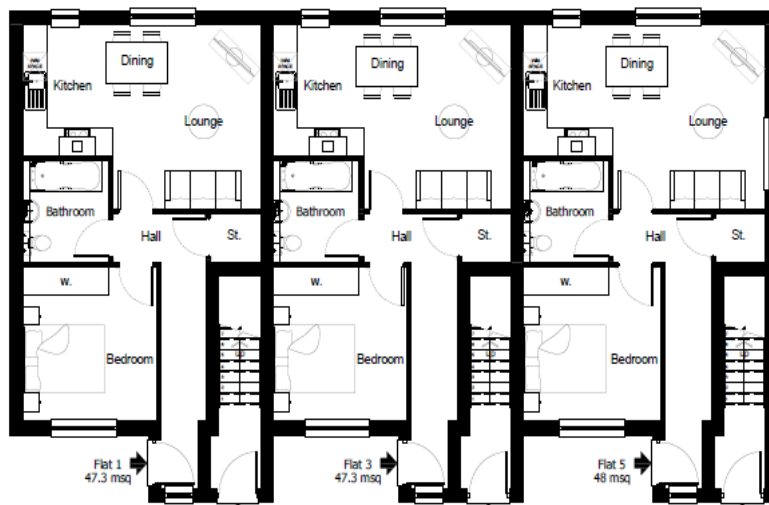
SIDE ELEVATION

Cottage Style Apartments



FIRST FLOOR PLAN

18865



GROUND FLOOR PLAN

Street Scene

Street Scene A-A



Street Scene B-B



Street Scene C-C



Site Section D-D

Site photos



Site photos



Site photos



Site photos



Site photos



Charter Lane



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ITEM 3a - 21/00327/FULMAJ - Erection of 76no. affordable dwellings with access, parking, landscaping and all other associated works (including pumping station) - Land 120M East Of 27 Charter Lane, Charnock Richard

The recommendation remains as per the original report

The applicant has submitted a formal response to the report issued by Charnock Richard Residents Association (RA) to Members of the Planning Committee on 29th March, as follows:

“The representation was not made available to the applicant to view until after the Planning Committee meeting. From review of the representation, there are a number of points of clarification or update that Officers and Members should be aware of.

Policy- The previous application on the site was refused for conflict with policy 1(f), on the basis of the scale of development, at a time when the Borough had a 5 year housing land supply. The current 5 year housing land supply position now engages the tilted balance as outlined in NPPF, and for policies of the development plan that relate to housing numbers to be deemed out of date, or of more limited weight as outlined in the Officers Report to the planning application.

The planning balance and consideration of the current application is therefore of significant difference to previously.

Highways – The RA claim that the speed survey was undertaken in school holidays. The surveys were carried out from 16th to 23rd July. It is noted on Charnock Richard Primary School Term Dates on their website that the school closed for summer holidays on the 22nd July; the survey was undertaken in term time, other than the 23rd July which was a Saturday (all of which is set out in the Highways Statement).

The date of the parking survey was also questioned. This was undertaken on Wed 14th July from 8am-9.10 am (as noted on the survey results sheet in the Highway Report), aligning with school opening time.

The survey determined that the maximum parking occurred for 5 minutes and the main phase of parking (around 15 cars) occurred for only 20 minutes. This is a normal short term parking experience that occurs around schools, as is referenced by the Inspector in the appeal decision at Carrington Road, Adlington (APP/D2320/W/21/3284692) (that decision being allowed and permission granted).

It is also relevant that the Highway Statement to the application also demonstrates that the proposal will generate very limited traffic in the morning peak period, the traffic assessment determining that there would be likely only c8 trips from the development site¹, therefore potentially 3 trips in the 20 minute period, concluded to be of negligible impact to the operation of the highway. It is also noted that as most drivers from the local area are aware of the school location, amendments to travel habits can be made in such periods.

Improvements proposed to the junctions of Charter Lane are in line with discussions with Lancashire County Council (LCC) Highways Authority, and improvements to the existing footway on Charter Lane, including widening in areas and improvements to lighting has been agreed to negate provision of a further footpath along the road.

Ecology - It is referenced by RA that a recent on-site ecological assessment has not been undertaken, only desktop. This is incorrect as a full Phase 1 Habitat survey (site walkover)

and pond review was undertaken in July 2020, with a further pond survey review in June 2021 for further clarity.

Current guidelines for protected species are listed in table 3.2 of the Ecology Assessment Report and does not include Roe Deer. It is relevant that GMEU has no objection to the proposals, has confirmed the assessment acceptable and that relevant planning conditions can be utilised.

Education/ Children Numbers – It is referenced in the RA submission that the school place assessment is based on September 2021 information, prior to other decisions in the Borough. We would draw attention to the Officers Report to the March Committee that an updated Education Assessment from LCC was received by Chorley Council in March 2022 and the recommendation on the relevant education contribution is based upon this up to date review. We also see from the website details for the application that a further Assessment from April 2022 has also been received.

The consideration of the Common Allocation Policy and the number of children the site could theoretically house is considered excessive. It is noted as maximum, with 4 bed units assigned 6 children and 3 bed units 4 children, which is very unlikely to occur to all units. The Chorley Council Allocations document for housing available on the website references 3 bed units at 2 or 3 children and 4 bed units at 3 children, thus more likely towards half the number of children that was referenced in the RA submission. LCC Education pupil yield assessment is also significantly lower than the level suggested by the RA.

The concern to over subscription of the school resulting in significant traffic movements out of the village for children to access wider schools is also considered unlikely. Over time, school applications and allocations account for local families (i.e. numbers accepted from out of the village requiring travel to access the school would reduce) such that it would be more likely local children would walk to the school with resulting alleviation of traffic and parking issues.”

Charnock Richard Residents Association (RA) submitted further comments on 24th May 2022 to Members of the Planning Committee and the Local Planning Authority, which is summarised as follows:

- Photographs are provided which the RA states shows the treacherous nature of the roads
- Reference is made to the application of paragraph 11d(ii) and the ‘tilted balance’ of the National Planning Policy Framework, stating that it should only be applied in favour of sustainable development
- Reference is made to the conflict of the scheme with policy 1 of the Core Strategy
- Criticisms of the age and timeframes of the traffic assessments and surveys
- Questions are raised in relation to the financial contribution towards enhanced bus services
- Claim that basic services cannot be accessed via public transport without a substantial walk
- Claim that the proposal will result in a greater requirement of school places than calculated by LCC Education
- States that the shop noted in the Committee Report is not open every day and not open in the evenings and is not considered to be a convenience store
- Reference is made to potential future government planning reforms

The RA’s assertion that paragraph 11d(ii) of the Framework should only be applied to sustainable development is a misinterpretation of the relevant section of the Framework.

Paragraph 11 clearly states that “Plans and decisions should apply a presumption in favour of sustainable development...for decision-taking this means:...b(ii)”. Paragraph 11 therefore sets out the criteria which a proposed development must meet to be considered a sustainable development, rather than criteria to be applied to development that has already been determined to be sustainable.

With regards to the financial contribution to enhance bus services, the RA has asked three questions which the case officer has answered below in italicised text:

a) how an hourly bus service and one which ceases in the evenings is considered a reasonable alternative to the private car;

It is acknowledged that the private car will be the main form of transport for the proposed development. Bus services will provide an alternative form of transport for some journeys. Existing residents of Charnock Richard will already be managing to live in the village under similar circumstances, albeit the proposal offers an opportunity to improve this situation.

b) why the contribution has more than halved compared to the 13th October 2021 letter? and

This relates to the financial contribution towards additional bus services. It is usual for negotiations to take place between the Council and other relevant bodies with regards to mitigation measures and scheme enhancements.

c) what will happen after 5 years.

This relates to the fixed 5 year timeframe during which the developer will pay a contribution towards enhanced bus services. It is understood that the 5 years will enable the additional service to become established and then a decision will need to be made by the service provider as to whether it would be feasible to continue the service without the subsidy.

The applicant submitted a response to the above comments from the RA on 24th May 2022, which is summarised as follows:

- Reference is made to sustainable development forming three elements – social, economic and environmental
- Reiterates that the speed survey was not undertaken in school holidays
- Using traffic data from previous applications is a normal provision within Transport Assessments and is accepted and agreed with LCC Highways
- The 2016 survey information has been re-based using nationally accepted growth rates
- The accepted allocation of likely trips from the development demonstrates low movements and the level of traffic generation is therefore within acceptable levels
- Bus service improvements would result in a doubling of the services through the village and is a viable alternative to the private car
- The contribution level has been accepted by LCC Highways and the bus team
- As the bus service becomes established it will likely become more self-funding
- Mixed-mode journeys may be required to access some services, but this must already occur for existing residents living in Charnock Richard
- Reference is made to the RA’s assertions in relation to pupil numbers and the applicant is concerned about the submission not acknowledging the forward planning for school allocation will be undertaken by LCC Education and in time there will be a transition to more local pupils. Also expresses concern there is an implication to potential pupil numbers based on the housing being social housing
- There will be a lag whilst units are built and occupied which will enable the Education authority to plan for future levels and consider places going forward

- The scheme will provide customers for the local shop which may then extend opening hours
- Residents from the application site will not add to parking in the village – they will walk to school, football club and shop.

Lancashire County Council Education

An updated consultation response has been received from Lancashire County Council Education which provides an updated assessment of projected school places as of 20th April 2022. The assessment concludes the same requirements as outlined in the original committee report and addendum, of no contribution being required for primary school places and £92,247 for four additional secondary school places.

APPLICATION REPORT – 20/01141/FULMAJ

Validation Date: 10 November 2020

Ward: Buckshaw And Whittle

Type of Application: Major Full Planning

Proposal: Erection of 80no. dwellings, including houses and apartments (including 30% affordable) with associated infrastructure and school pick-up/drop-off car park

Location: Former BAE Site Group 1 Parcel C1 And C2 Central Avenue Buckshaw Village

Case Officer: Mike Halsall

Applicant: Persimmon Homes

Consultation expiry: 7 December 2021

Decision due by: 27 May 2022 (Extension of time agreed)

RECOMMENDATION

1. It is recommended that the planning application is approved subject to conditions and a S106 legal agreement to:
 - secure the provision of 24 affordable dwellings;
 - a financial contribution towards off-site biodiversity enhancements of £30,000 on adjacent land, including habitat management prescriptions and long term monitoring; and
 - a financial contribution of £151,713 towards the provision of public open space for children / young people.

SITE DESCRIPTION

2. The application site forms part of the wider Group 1 / Royal Ordnance Site which is allocated under policies EP1.12 and HS1.21 of the Chorley Local Plan 2012-2026 as a proposed mixed-use site for employment and housing.
3. The application site forms Parcels C1 and C2 of the Group 1 site which benefits from Outline planning permission, ref. 14/00927/OUTMAJ for a mixed-use development of housing and commercial uses. The site is positioned on the western side of Buckshaw Village, which has a number of amenities including a supermarket, petrol station, doctor's surgery, community centre and church. The site is also within walking distance of Buckshaw Parkway Station which provides regular services to Manchester, Preston and Blackpool. The site is accessed from Brookwood Way, off Central Avenue. The illustrative development masterplan of the outline planning permission identified these parcels as being developed for B1/B2 commercial developments.
4. The site is located to the north and west of Brookwood Way with Trinity Church of England Methodist Primary School located to the south and an existing housing development on the other side of Brookwood Way. Buckshaw retirement village is located to the north on Oakbridge Drive, along with a GP surgery. There is a woodland to the west which is designated as a Biological Heritage Site. The site forms the final parcels of the Group 1 site to be developed and is currently used for parking and storage of construction materials as well as vacant land.

DESCRIPTION OF PROPOSED DEVELOPMENT

5. The application seeks planning permission for the erection of 80 dwellings, including houses and apartments, 30% of which will be affordable. The 24 affordable units are required to be made up of 17 social rented dwellings and 7 shared ownership dwellings.
6. The site would be accessed from Brookwood Way. The proposed site layout includes three vehicular access points from Brookwood Way, internal vehicular and pedestrian access routes, dwellings orientated to face the main access routes, a new car parking area for the primary school and other associated infrastructure such as landscaping.
7. The proposal represents a departure from the Development Plan as it would result in the development of the final parcels of the allocated mixed use site being developed for housing. There would therefore be no land remaining for employment uses which conflicts with the mixed-use site allocation.
8. The proposal would provide a mix of apartments, mews, semi-detached and detached properties, consisting of 6 no. 1 bed apartments, 24 no. 2 bed apartments, 47 no. 3 bedroom houses and 3 no. 4 bedroom houses.
9. The proposal has been amended since its original submission which has included the following changes:
 - A buffer zone has been added between the proposed development site and the Biological Heritage Site to the west – this has resulted in one fewer dwelling being proposed (was originally submitted for 81 dwellings)
 - Changes to the make-up of the affordable units
 - Changes to the drainage scheme as discussed later in this report
 - Changes to the layout of the dwellings to ensure the residential amenity of the future occupants of the dwellings is not unacceptably impacted
 - The level of parking has been increased and other slight changes to internal vehicle access arrangements at the request of LCC Highways
10. Neighbours and technical consultees have been reconsulted as considered necessary following the enactment of the above changes.

REPRESENTATIONS

11. One representation has been received in objection to the proposed development which refers to a lack of capacity at the local doctors' surgery and schools.

CONSULTATIONS

12. Euxton Parish Council: have not responded on this occasion.
13. South Ribble Borough Council: have not responded on this occasion.
14. United Utilities: Initially responded in objection to the proposal and requested that evidence be provided to discount surface water infiltration to ground prior to a connection to the purpose-built sewers. Following receipt of the requested information, United Utilities responded with no objection to the proposal and have suggested conditions be attached to any grant of planning permission relating to secure the implementation of the submitted drainage strategy.
15. Lancashire Fire and Rescue Service: have not responded on this occasion.
16. Lancashire Highway Services (LCC Highways): initially responded to request changes to the internal site layout and later responded with no objection to the proposal subject to conditions, once the requested changes had been made by the applicant.

17. Waste & Contaminated Land Officer: has responded with no objection to the proposal subject to a condition requiring further remediation to be undertaken should any unexpected contaminated land be encountered.
18. Lead Local Flood Authority: have responded with no objection the proposal subject to conditions.
19. Lancashire Constabulary: have not responded on this occasion.
20. Greater Manchester Ecology Unit: following protracted negotiations and discussions have responded with no objection to the proposal subject to conditions and a S106 legal agreement being secured to provide off-site biodiversity net gain.
21. Regulatory Services - Environmental Health Officer: has responded with no objections to the proposal. He is satisfied with the submitted noise assessment and no mitigation measures are required. Should the application be approved, he requests that the Council's Code of Practice for Construction and Demolition be adhered to during the construction phase.
22. Lancashire County Council (Education): responded in November 2021 to state that they would not be requesting a contribution towards primary or secondary school places. That said, at the time of writing their response there were seven planning applications awaiting decision which could impact upon the final predicted demand for school places. As such, LCC Education will be contacted prior to planning committee to obtain an update which will appear within an addendum report.

PLANNING CONSIDERATIONS

Principle of the Development

The Development Plan

23. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that if regard is to be had to the development plan for any determination then that determination must be made in accordance with the plan unless material considerations indicate otherwise.
24. The Development Plan comprises the adopted Central Lancashire Core Strategy (2012) and the adopted Chorley Local Plan 2012- 2026.
25. The Central Lancashire Core Strategy was adopted in July 2012 and covers the three neighbouring authorities of Chorley, South Ribble and Preston. The three authorities are a single Housing Market Area (HMA). Core Strategy Policy 4 sets out the minimum housing requirements for the plan area and is assessed later within this report.
26. The application site is brownfield / previously developed land allocated under policies EP1 (site ref. EP1.12) and HS1 (HS1.21) of the Chorley Local Plan 2012-2026 as a proposed mixed-use site for employment and housing. The site forms Parcels C1 and C2 of the wider Group 1 site which are the final parcels of the allocated site to come forward for development. The approval of this application would mean that no employment development would be delivered on the allocated mixed-use site.
27. Core Strategy Policy 4 and policies EP1 and HS1 of the Chorley Local Plan 2012-2026 represent the most important policies in the determination of this application.

Other Material Considerations

28. The National Planning Policy Framework (the Framework) is a key material consideration. The purpose of the planning system is to contribute to the achievement of sustainable development. There are three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net

gains across each of the different objectives). There are three objectives to sustainable development set out at paragraph 8 and it is fundamental that development strikes the correct balance between:

- Environmental - the protection of our natural, built and historic environment
- Economic - the contribution to building a strong and competitive economy
- Social - supporting strong, vibrant and healthy communities

29. Paragraph 10 of the Framework states that; so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).
30. Paragraph 11 of the Framework states for decision-taking this means:
 - c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - a. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - b. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
31. The Footnote (6) to paragraph 11 sets out examples of the type of policies that may indicate development should be refused. Footnote 7 makes clear that the tilted presumption in favour of sustainable development will apply where a Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites.
32. Paragraph 59 of the Framework confirms the Government's objective of significantly boosting the supply of homes.
33. Paragraph 60 of the Framework reinforces that requirements represent the minimum number of homes needed.
34. Paragraph 73 of the Framework requires Local Planning Authorities to maintain a supply of deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategies or against their local housing need where the strategic policies are more than five years old. Footnote 37 states in circumstances where strategic policies are more than five years old, five year housing land supply should be calculated against Local Housing Need calculated using the Government standard methodology, unless those strategic policies have been reviewed and found not to need updating.
35. Paragraph 120c of the National Planning Policy Framework (the Framework) states that planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.

Housing land supply

36. The following planning appeal decisions are of relevance.

Land adjacent to Blainscough Hall, Blainscough Lane, Coppull Decision APP/D2320/W/21/3275691

37. On the 3 February 2022 a decision was issued for the appeal for Land adjacent to Blainscough Hall, Blainscough Lane, Coppull. The appeal was allowed and outline planning permission was granted for the erection of up to 123 dwellings (including 30% affordable housing) with public open space provision, structural planting and landscaping and vehicular access points from Grange Drive.

38. The main issues in the appeal were:
- Whether or not the Council can demonstrate a 5 year supply of deliverable housing land, having particular regard to the development plan, relevant national policy and guidance, the housing need or requirement in Chorley and the deliverability of the housing land supply;
 - Whether or not the most important policies of the development plan for determining the appeal are out of date, having particular regard to the 5 year housing land supply position and relevant national policy;
 - Whether this, or any other material consideration, would justify the proposed development on safeguarded land at this time.
 - Whether or not there are adequate secondary school places to serve the development.
39. In respect of the Housing Requirement in Chorley:
40. The Decision Letter includes an assessment of Core Strategy policy 4 (which sets out the minimum housing requirements for the plan area) in the context of Paragraph 74 of the Framework, and whether the policy has been reviewed and found not to require updating. It also considers whether the introduction of the standard method in itself represents a significant change in circumstances that renders Core Strategy policy 4 out of date with reference to the PPG (paragraph 062).
41. The Decision Letter concludes that it is appropriate to calculate the housing requirement against local housing need using the standard method due to the significant difference between the local housing need figure and the housing requirement in policy 4 amounting to a significant change in circumstances which renders Policy 4 out of date.
42. With regards to the appropriate housing requirement figure to use when calculating the housing land supply position of the authority, the Blainscough Hall Inspector, therefore, sets out that the standard method should be used. Applying this to the Council's current supply results in a housing land supply position between 2.4 and 2.6 years.
43. The Inspector concluded that as such the Council can no longer demonstrate a 5-year supply of housing land meaning that the tilted balance, and presumption in favour of sustainable development was, therefore, engaged under paragraph 11(d) of the Framework.

Land to the East of Tincklers Lane, Tincklers Lane, Eccleston PR7 5QY Appeal A Ref: APP/D2320/W/21/3272310

Land to the North of Town Lane, Town Lane, Whittle-Le-Woods PR6 8AG Appeal B Ref: APP/D2320/W/21/3272314

44. On the 18 February 2022 decisions were issued for the above appeals. Appeal A was allowed and outline planning permission was granted for the construction of up to 80 dwellings with all matters reserved aside from vehicular access from Doctors Lane. Appeal B was dismissed on grounds of highway safety.
45. The main issues in the appeals were:
- Appeal A: Whether or not the proposal integrates satisfactorily with the surrounding area with particular regard to patterns of movement and connectivity Appeal B: The effect of the proposal on highway safety including accessibility of the appeal site.
 - Whether or not the Council is able to demonstrate a five-year supply of housing land;
 - Whether or not the most important policies of the development plan are out of date; and,
 - Whether any adverse effects, including conflict with the development plan as a whole, would be outweighed by other material considerations.
46. In respect of housing land supply:

47. The Inspector for the conjoined appeals assessed Core Strategy Policy 4 against Paragraph 74 of the Framework which requires the local planning authority to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5 years' worth of housing against their requirement as set out in adopted strategic policies, or against their local housing need when strategic policies are more than five years old. The Core Strategy is more than five years old.
48. The Inspector considered MOU1 to have constituted a review of Core Strategy Policy 4 and was an up-to-date assessment of need at that point in time but that the situation moved on considerably since it was signed.
49. Paragraph 44 of the Inspector's report notes that national guidance indicates local housing need will have considered to have changed significantly where a plan was adopted prior to the standard method being implemented based on a number that is significantly below the number generated by the standard method. The implications for Chorley would result in an annual requirement of 564 dwellings and the CS figure would be significantly below this. In this instance, Chorley's local housing need has changed significantly.
50. The Inspector noted that the standard method figure is particularly influenced by the level of development in the area between 2009 and 2014 but considers that this does not necessarily render the standard method itself as invalid. Any proposed redistribution of standard method figures for the Central Lancashire authorities, such as MOU2, would need to be considered at an examination.
51. The Inspector considered oversupply and the delivery rates of housing, which was weighted towards the early years of the plan period. However, the requirement in Policy 4 itself is not expressed as an overall amount to be met over the plan period. Policy 4 does not refer to any potential oversupply despite the known potential of Buckshaw Village contributing to growth in Chorley and it clearly states that it is a minimum annual requirement. (paragraph 49).
52. Paragraph 50 of the Inspector's report states: *"the inclusion of oversupply against Policy 4 would reduce the requirement for Chorley to just over 100 dwellings per annum. This would be considerably below anything which has been permitted in previous years in the area and would even be below the redistributed standard method figures for Chorley in MOU2. I consider it would be artificially low and would in greater probability, lead to significantly reducing not only the supply of market housing but also affordable housing within the area. It would thus run counter to the objective of the Framework to boost the supply of housing and to paragraph 74 of the same, which seeks to maintain the supply and delivery of new homes."*
53. The Inspector concludes at paragraph 51 of the report that; *"in the circumstances before me having regard to both MOU1 and MOU2, I conclude that the situation has changed significantly for Chorley in respect of local housing need and that Policy 4 is out of date. The standard method is the appropriate method for calculating housing need in Chorley. It is agreed between the parties that a 5% buffer should be applied. In terms of sites which contribute to the housing land supply within Chorley, there is a very narrow area of dispute between the two main parties which relates to only 2 sites and amounts to 116 dwellings. This is a marginal number that has little effect on the result in respect of the requirement. Accordingly, against the application of the standard method there would be less than three years supply of housing land in Chorley, and I conclude that the Council is unable to demonstrate a five-year supply of deliverable housing sites."*

**Land south of Parr Lane, Eccleston
Decision APP/D2320/W/21/3284702**

54. On the 17 March 2022 a decision was issued for the appeal for Land south of Parr Lane, Eccleston. The appeal was allowed and outline planning permission was granted for up to 34 dwellings and associated infrastructure on land south of Parr Lane, Eccleston,

Lancashire in accordance with the terms of the application, Ref 20/01193/OUTMAJ, dated 4 November 2020, and the plans submitted with it, subject to the conditions.

55. Following the LPAs withdrawal of the reasons for refusal of the application, based upon the LPA not having a 5-year housing land supply as born out through recent appeal decisions, the main issue in the appeal was whether there were any material considerations that would justify dismissing the appeal.
56. The Inspector concluded the following with regards to housing land supply:

“Framework paragraph 11d indicates that where the most important policies for the determination of a proposal are out-of-date, (which includes applications for housing, where the LPA cannot show a 5-year HLS), permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole; the tilted balance.

The most important policies for determining this appeal are CS Policies 1 and 4 and LP Policy BNE3. Whilst the proposal would be consistent with CS Policy 1, it would conflict with LP Policy BNE3, safeguarding land for future development. The LPA accepts that it cannot show a 5-year HLS and as such CS Policy 4 and LP Policy BNE3 are out-of-date. Taking the development plan as a whole, the most important policies for determining this appeal are out-of-date and the tilted balance applies.

The proposal would provide for up to 34 dwellings of which 35%, would be affordable homes (CS Policy 7). Given the absence of a 5-year HLS, the proposal would make, albeit a modest one, a material contribution to meeting local housing needs. As a benefit this attracts significant weight. The development would secure economic benefits through construction investment and the contribution future occupants would make to the local economy. These benefits attract moderate weight. The site has limited biodiversity value and the development has the potential to provide biodiversity net gain. This is a benefit of limited weight. Given my assessment above, the harm arising from the conflict with LP Policy BNE3 is significantly and demonstrably outweighed by the benefits when assessed against the policies of the Framework as a whole.”

**Land off Carrington Road, Adlington
Decision APP/D2320/W/21/3284692**

57. On the 17 March 2022 a decision was issued on the above referenced appeal. The appeal was allowed and outline planning permission was granted for residential development of up to 25 dwellings on land off Carrington Road, Adlington, Lancashire PR7 4JE in accordance with the terms of the application, Ref 20/01200/OUTMAJ, dated 5 November 2020, and the plans submitted with it.
58. Following the LPAs withdrawal of the reasons for refusal of the application, based upon the LPA not having a 5-year housing land supply as born out through recent appeal decisions, the main issue in the appeal was whether there were any material considerations that would justify dismissing the appeal.
59. The Inspector concluded the following with regards to housing land supply:

Framework paragraph 11d indicates that where the most important policies for the determination of a proposal are out-of-date, (which includes applications for housing, where the LPA cannot show a 5-year HLS), permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole, the tilted balance.

The most important policies for determining this appeal are CS Policies 1 and 4 and LP Policy BNE3. Whilst the proposal would be consistent with CS Policy 1, it would conflict with LP Policy BNE3, safeguarding land for future development. The LPA accepts that it cannot show a 5-year HLS and as such CS Policy 4 and LP Policy BNE3 are out-of-date. Taking

the development plan as a whole, the most important policies for determining this appeal are out-of-date and the tilted balance applies.

The proposal would provide for up to 25 dwellings of which 30%, would be affordable homes (CS Policy 7). Given the absence of a 5-year HLS, the proposal would make, albeit a modest one, a material contribution to meeting local housing needs. As a benefit this attracts significant weight. The development would secure economic benefits through construction investment and the contribution future occupants would make to the local economy. These benefits attract moderate weight. The site has limited biodiversity value and the development has the potential to provide biodiversity net gain. This is a benefit of limited weight. Given my assessment above, the harm arising from the conflict with LP Policy BNE3 is significantly and demonstrably outweighed by the benefits when assessed against the policies of the Framework as a whole.”

Summary - the tilted balance

60. Paragraph 11 d (ii) of The Framework essentially comes into play whereby the most important policies for determining an application are out of date, then planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
61. Core Strategy Policy 4 and policies EP1 and HS1 of the Chorley Local Plan 2012-2026 represent the most important policies in the determination of this application.
62. At 1 April 2021 there was a total supply of 1,504 (net) deliverable dwellings which is a 2.7 year deliverable housing supply over the period 2021 – 2026 based on the annual housing requirement of 547 dwellings which includes a 5% buffer. Chorley does not have a five-year deliverable supply of housing plus 5% buffer and the shortfall is significant. Significant weight should therefore be attached to the delivery of housing provided by this proposal and that it is proposed to be a 100% affordable housing scheme.
63. The Borough cannot show a 5-year HLS and as such Core Strategy Policy 4 is out-of-date.
64. The applicant argues that given the lack of a 5-year housing land supply in the borough, policies EP1 and HS1 can now be considered out of date. It is not considered that these policies are out of date because their respective purposes are to ensure a sufficient range of sites are available for employment and housing purposes and there remains an employment land supply in line with policy 10 of the Central Lancashire Core Strategy, which is also not out of date and is assessed later in this report. These policies can be given full weight in the planning balance.
65. As one of the most important policies for determining this appeal is out-of-date, the tilted balance applies.
66. In accordance with the Framework, planning permission should be granted for the proposal, unless:
 - c. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - d. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Loss of an employment site

67. The applicant has submitted an Employment Land Study in support of the proposal which concludes that there is a substantial supply of employment land coming forward within the Central Lancashire market, albeit with a limited amount of availability in the short term. The study claims that the market is currently experiencing a significant shortage of supply of existing, available industrial/warehouse units, which is coinciding with unprecedented

demand. Over time however, the pipeline supply will redress this imbalance, and of course additional sites will also be promoted through the planning system.

68. Policy 10 of the Central Lancashire Core Strategy seeks to protect employment sites from non-employment uses unless they meet specific criteria. An assessment of the proposal against the criteria of policy 10 is provided below.

(a) there would not be an unacceptable reduction of the type, quality or quantity of employment land supply;

The range of employment sites allocated in the Local Plan provide a variety of sites to provide choice and to meet a range of needs and uses of different types of employer. The Council's Employment Land Monitoring Report (May 2021) shows that 70.49 hectares of employment land was available in the borough for E(g) (formerly B1), B2 and B8 uses. This includes 66.01 hectares of Local Plan allocations remaining, of which 15.38 hectares has planning permission for employment use (out of a total of 88.74 hectares allocated in the Local Plan comprising 15 employment sites). In addition, 4.48 hectares of non-allocated land has planning permission for employment development. It is estimated that from 2010 to 2021, 25.6 hectares of land, which was previously in use as employment premises, has been lost to other uses through demolition and change of use.

It is estimated that some 31.48 hectares of land within the Borough has been developed for employment purposes between April 2010 and March 2021. In the 2020/21 monitoring year 0.21 hectares was developed which represents a very slow take-up rate.

At Buckshaw Village there are three areas of employment land available (3.26ha at the Revolution, 2.3 hectares on Group 1 and 2.88ha on the Southern Commercial site). Within Chorley Town as a whole there remains 7 allocated sites available for employment use, amounting to 42.03ha (gross). This application would not leave any land available for employment uses at EP1.12. However, whilst there would be just two employment sites remaining at Buckshaw Village, land is also available in Chorley Town for B uses (41.38ha) for the remainder of the plan period.

(b) the provision and need for the proposed use;

As explained earlier within this report, the site is allocated for a mixed use which includes housing, as proposed. The greater level of housing cannot fail to comply with the Development Plan given that there is no express limitation upon the number of dwellings as allocated in the site-specific policy and within the wider plan (as is the case with all Development Plan) housing figures are not to function as ceilings. Furthermore, the Council cannot currently demonstrate a 5-year supply of housing land and this proposal would provide a significant level of additional housing on a brownfield site.

(c) the relative suitability of the site for employment and for the alternative use;

The applicant has referred to paragraph 122 of the Framework which outlines the requirement for planning policies and decisions to reflect changes in the demand for land. This states that, 'They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan.' Whilst the site is currently allocated for a mix of both employment and residential uses, the demand for commercial premises has significantly decreased, especially given the recent global pandemic of Coronavirus and the subsequent effects on the economy. The suitability of the site for housing is demonstrated to be acceptable throughout the later sections of this report.

(d) the location of the site and its relationship to other uses;

Where consideration is being given to alternative uses of employment land, any such proposals must demonstrate that the alternative use would be better suited to the location

of the site and its relationship to other uses than employment use. It must also ensure that the proposed use does not conflict with the character of the surrounding area and other policies and proposals within the Central Lancashire Core Strategy, or any other material considerations.

The applicant states that the site sits in a sustainable location, next to a retirement village and primary school and within the wider residential development at the Group 1 site. It therefore makes for a logical extension to the existing residential development and fits well within the area. Moreover, it will aid the Council in gaining a 5 year housing land supply, something which it cannot currently demonstrate.

The site comprises land used for parking and storing construction waste as well as vacant land. It is surrounded by a school, housing and open space. It is accessed off Central Avenue, and access to the school is on the same side road (Brookwood Way). It is sustainable and has links to public transport. It is approximately 700m from Buckshaw Parkway railway station (as the crow flies) and a number of buses stop on Central Avenue, including the 109 which is approximately every half hour to Chorley Town Centre. Therefore, the use proposed is suitable within the location of the site and its adjoining uses.

(e) whether the ability to accommodate smaller scale requirements would be compromised;

As noted earlier within this report, there are other available allocated sites for employment development in proximity to the application site.

(f) there would be a net improvement in amenity.

The site is currently used for parking and storage of construction materials as well as vacant land. The proposed scheme would include open space and landscaping and would be an improvement in terms of visual amenity.

(g) convincing evidence of lack of demand through rigorous and active 12 month marketing period for employment re-use and employment redevelopment;

The site has not been marketed for employment re-use or redevelopment.

(h) an assessment of the viability of employment development including employment re-use and employment redevelopment.

It is not known if the site is viable for employment re-use or redevelopment.

69. It is considered that the proposal complies with the spirit of policy 10 of the Central Lancashire Core Strategy as there are adequate alternative employment sites within the Borough in more suitable locations. The proposal would deliver much needed housing and the approval of the application would show the Council is dynamic in responding to changes in the demand for land.

Emerging Central Lancashire Local Plan

70. Once adopted, the Central Lancashire Local Plan (CLLP) will replace the existing joint Core Strategy and Chorley Local Plan. The CLLP is at an early stage of preparation and consultation on Issues and Options closed in February 2020.
71. The emerging CLLP will look at the distribution of new homes and the CLLP will be informed by an evidence base including a Housing Need and Demand Study, the results of which will also help to inform the future distribution of housing across the Plan area.

Central Lancashire Local Plan: Site Assessment work

72. Three call for sites exercises have been completed to date for the CLLP. The results from Call for sites 1 and 2 were consulted on as part of the Issues and Options Consultation

which ran between November 2019 and Feb 2020, during this time, a further window was opened for addition site suggestions (Call for sites 3).

73. Work to assess the sites commenced in February 2021 following completion of Level 1 Strategic Flood Risk Assessment (SFRA). This was undertaken in line with Strategic Housing and Economic Land Availability Assessment (SHELAA) methodology.
74. Officers in Chorley, South Ribble and Preston Councils finished their initial assessment of the sites in January 2021, and their findings were collated by the CLLP Team into the SHELAA database. This work will also include undertaking Integrated Assessment (IA) and Habitats Regulation assessment (HRA) and viability assessment of the sites, and will bring in findings of the SFRA as well as consultation responses on the specific sites from Statutory Consultees and local residents.
75. The direction of growth and development of a spatial strategy for the area is also in early development, with the Councils starting to look at the level of growth likely to be needed over the plan period and how the plan should look to direct this. There is still work to be done on this, including testing the emerging options in terms of transport and other infrastructure needs as they develop.
76. It is important to note that until all these stages of work have been completed, no decision on sites to be taken forward through the CLLP can be made.

Other Issues

Impact on character and appearance of locality

77. The National Planning Policy Framework (the Framework) attaches considerable importance on achieving good design and a high-quality built environment. It states that planning policies and decisions should respond to local character and history and seek to reinforce local distinctiveness. The importance of high-quality design is reflected in the Central Lancashire Core Strategy (policy 17) and the Chorley Local Plan (policy BNE1).
78. The surrounding housing stock consists of various styles and type of dwellings with detached, semi-detached, mews, terraced and apartments all present. Materials include red brick, cladding (timber and UPVC), multi-brick, render, Tudor board, buff brick, slate roof tiles and grey tiles. Windows include feature heads and cills, brick details surrounds, portal, horizontal emphasis, dormer windows and bay windows. Roofs include saltbox style, pike features, canopies, shed style and standard dual pitches.
79. The proposed houses will all be two-storeys in height and the two apartment blocks will be three storeys in height. Materials will include render, brick and cladding and the dwellings are of a simple contemporary design with the final choice of materials to be agreed through the discharge of planning conditions.
80. It is considered that the proposed dwellings will assimilate with the built form of existing dwellings in the area. In light of the above, the proposal would not cause harm to the character and appearance of the locality. The development therefore complies with policy BNE1 of the Chorley Local Plan 2012 – 2026 in this regard.

Residential amenity

81. The site is located to the north and west of Brookwood Way, Trinity Church of England Methodist Primary School is located to the south and there is existing housing on the other side of Brookwood Way. Buckshaw retirement village is located to the north on Oakbridge Drive, along with a GP surgery.
82. Paragraph 185 of the Framework requires that planning decisions should ensure that new development is appropriate for its location, taking into account the likely effects (including cumulative effects) of pollution on health and living conditions.

83. With regards to noise pollution, the applicant has submitted an acoustic report in support of the planning application. The Council's Environmental Health Officer has reviewed the report and agrees that no noise mitigation measures are required to protect the residential amenity of future occupants of the proposed dwellings.
84. Policy BNE1 of the Chorley Local Plan 2012 - 2026 states that new development must not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact.
85. It is worth noting that no objections have been received to the proposal in relation to residential amenity. All interface distances between the existing surrounding dwellings and the proposed dwellings are greater than the Council's minimum guideline distances and so are considered acceptable. The proposed dwellings have been designed in such a way so as to be compatible with each other without creating an amenity impact of adjacent plots. There would be an adequate degree of screening around the plots.
86. In light of the above, it is considered that the proposal would be acceptable in terms of amenity impacts and accords with national policy and local Policy BNE1 in this regard.

Flood Risk

87. The application site is not located within an area at risk of flooding, i.e. Flood Zones 2 or 3. That said, Section 14 of The National Planning Policy Framework (the Framework) requires that, when determining any planning application, local planning authorities should ensure that flood risk is not increased elsewhere. Further, paragraph 169 of the Framework states that:

"Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the lead local flood authority;*
- b) have appropriate proposed minimum operational standards;*
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and*
- d) where possible, provide multifunctional benefits."*

88. Paragraph 080 of National Planning Practice Guidance: Flood Risk and Coastal Change sets out the following hierarchy of drainage options: into the ground (infiltration); to a surface water body; to a surface water sewer, highway drain or another drainage system; to a combined sewer.
89. Policy 29 of the Central Lancashire Core Strategy (2012) seeks to reduce risk of flooding by, amongst other things, appraising, managing and reducing flood risk in all new developments, encouraging the adoption of Sustainable Drainage Systems; and seeking to maximise the potential of Green Infrastructure to contribute to flood relief.
90. The applicant has provided evidence to the satisfaction of United Utilities to demonstrate that surface water infiltration to ground is not an option. The proposal is to connect to the purpose-built sewers at an unrestricted rate as they were designed and purpose built for these types of connections throughout the Group One development. The Group One drainage strategy proposed flow controls that were to be implemented via weirs within the watercourses themselves. The resultant storage being online and provided within the lagoons and modified watercourses through the Group One site. The scheme has been agreed in principle with the Lead Local Flood Authority and United Utilities who have no objections to the proposed development, subject to conditions.
91. In light of the above, the proposed development incorporates the most suitable sustainable drainage option available to its location and would not increase the risk of surface water

flooding. The proposal therefore accords with national and local planning policy with regards to flood risk and surface water drainage and is acceptable in this regard.

Highway safety

92. Policy BNE1 of the Chorley Local Plan 2012 – 2026 requires that the residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction.
93. The vehicular access to the site would be provided via three connections to Brookwood Way. (LCC) Highways are of the opinion that the highways layout and level of off-road car parking conforms to current guidelines and the proposed development would not have a severe impact on highway safety within the site and a safe and suitable access to the site has been provided for all road users.
94. It is considered that the surrounding highway network could accommodate the uplift in traffic associated with the delivery of the dwellings and that the residual cumulative impacts on the road network would not be severe. The site is in a sustainable location with multiple options in terms of sustainable transport modes within walking distance of the site. It is also noted that LCC Highways have no objection to the proposed development subject to the imposition of conditions. The proposal conforms to national and local planning policy with regards to highway safety and is therefore acceptable.

Ecology and trees

95. Section 174 of the National Planning Policy Framework states that the planning system should contribute to and enhance the natural and local environment. Policy BNE1 of the Chorley Local Plan 2012 – 2026 requires that proposals do not have a detrimental impact on important natural habitats and landscape features such as historic landscapes, mature trees, hedgerows, ponds and watercourses. In some circumstances where on balance it is considered acceptable to remove one or more of these features then mitigation measures to replace the feature/s will be required either on or off-site. Policy BNE9 of the Chorley Local Plan 2012 – 2026 explains that biodiversity and ecological network resources will be protected, conserved, restored and enhanced.
96. Much of the southern section of the site and part of the northern section are dominated by bare ground and gravelled areas which have been used as a site compound, including car parking, material storage areas and metal cabins. Other areas consist of flattened ground and a soil bund with established colonised vegetation, dense and scattered shrub, running water, amenity grassland and a very small pocket of broadleaved woodland in the south east corner of the site consisting of three mature oak trees and a few young willows and ash samplings. The woodland is proposed to be retained as part of the proposal.
97. The site has no nature conservation designations, legal or otherwise. No adverse impacts on any legally protected sites are anticipated. Buckshaw Wood and Pasture Biological Heritage Site (BHS) is adjacent to the western boundary of the site. This is an area of semi-natural woodland and marshy neutral grassland, with the woodland habitat in closest proximity to the site. A stream is also present on the southern boundary of the northwest section of the site. Without mitigation measures there is potential for the development to have a negative impact on the BHS.
98. Following comments made by the Council's ecological advisors (the Greater Manchester Geological Unit, GMEU) the proposed development has been pulled-back away from the BHS and a buffer zone introduced to protect the BHS from encroachment. Further, an assessment of biodiversity net gain was requested by GMEU which has been submitted and updated by the applicant, through discussion with GMEU. The assessment identifies that the proposal would be incapable of providing the 10% net gain on-site which will soon become a legal requirement through the contents of the Environment Act 2021 being

transposed into planning law. The applicant has therefore agreed with an adjacent landowner of grassland to provide off-site biodiversity enhancement measures to form part of a S106 legal agreement, to include habitat management prescriptions and long-term monitoring.

99. Conditions would be attached to any grant of planning permission to ensure the submitted landscaping scheme and mitigation measures for the safeguarding of protected species, and the adjacent BHS and trees are implemented. Further, a S106 agreement will be required to deliver the funding for off-site biodiversity enhancement measures. It is therefore considered that the proposal accords with national and local policy in this regard.

Employment skills provision

100. The Central Lancashire Employment Skills Supplementary Planning Document (SPD) was adopted in September 2017. The SPD introduces Employment Skills Statements and provides clarity as to how this requirement relates to the relevant policies set out in the Core Strategy and Local Plan as well as the guidance set out in the Framework. The SPD goes on to state that one of Central Lancashire's priorities is to encourage economic growth within Central Lancashire that benefits the people and businesses in the three boroughs. The SPD seeks to;

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

101. 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

102. It is, therefore, recommended that a condition requiring an employment and skills plan is attached to any grant of planning permission.

Public Open Space

Amenity Greenspace

103. Policy HS4A of the Chorley Local Plan 2012-2026 sets a standard of 0.73 hectares per 1,000 population. There is currently a surplus of provision in Buckshaw in relation to this standard and the site is within the accessibility catchment (800m) of an area of amenity greenspace. A contribution towards new provision is therefore not required from this

development. However there are areas of amenity greenspace within the accessibility catchment that are identified as being low quality and/or low value in the Open Space Assessment Report (February 2019) / Open Space Study Paper (February 2019) (Study site 1818 Opposite 58-66 Wentworth Drive, Euxton). A contribution towards improvements to this sites is therefore required from this development. The amount required is £140 per dwelling.

Provision for children / young people

104. Policy HS4A of the Chorley Local Plan 2012-2026 sets a standard of 0.08 hectares per 1,000 population. There is currently a surplus of provision in Buckshaw in relation to this standard and the site is within the accessibility catchment (800m) of an area of provision for children/young people. A contribution towards new provision is therefore not required from this development. However, there are areas of provision for children/young people within the accessibility catchment that are identified as being low quality and/or low value in the Open Space Assessment Report (February 2019) / Open Space Study Paper (February 2019) (Site Ref 1815.1 Playground adjacent 92 Mile Stone Meadow). A contribution towards improvements is therefore required from this development. The amount required is £134 per dwelling.

Playing Pitches

105. The Playing Pitch Strategy and Action Plan (December 2018) identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is therefore required from this development. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements, with borough-level detail provided in the Chorley Open Space, Sports and Recreation Strategy (OSSR) Action Plan 2020 to 2036. The amount required is £1,599 per dwelling.
106. The total open space contribution required from this scheme is £151,713 which will be secured via a S106 legal agreement.

Sustainability

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

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

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

108. Given this change, instead of meeting the code level, the dwellings should achieve a minimum dwelling emission rate of 19% above 2013 Building Regulations in accordance with the above provisions. This can be controlled by conditions.

Other issues

109. The one objection received in relation to this proposal relates to the capacity of local education and GP services to serve the proposed development. Lancashire County Council's Education department has responded to the consultation on this application to state that no contribution is required for the creation of additional primary or secondary school places. With regards to GP services, funds from the Community Infrastructure Levy noted in the preceding paragraph of this report includes for supporting such services.

Applying the tilted balance

110. Paragraph 11. d) ii. of the Framework indicates that, where the most important development plan policies for determining the application are out-of-date, planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; the tilted balance.
111. The housing allocation reference HS1.21 identifies that the overall allocation could deliver 761 units, 817 have already been approved through reserved matters applications across the site allocation and this proposal would further increase this to 897 units. It should be noted that the housing allocation numbers detailed in policy HS1 are indicative and the housing requirement is a minimum to ensure enough housing is provided through the Local Plan. It is considered that in this case the greater level of housing cannot fail to comply with the Development Plan given that there is no express limitation upon the number of dwellings as allocated in the site-specific policy and within the wider plan (as is the case with all Development Plan) housing figures are not to function as ceilings.
112. The adverse impacts of the development relate primarily to its conflict with the mixed-use allocation of the site, namely policy EP1 of the Chorley Council Local Plan. It is considered that the proposal complies with the spirit of policy 10 of the Central Lancashire Core Strategy in providing additional housing over and above that identified for this site within policy HS1. It has been demonstrated that there would remain a sufficient quantity and variety of employment land within the Borough following the loss of this site. As such, the conflict with policy EP1 is only given limited weight in the planning balance.
113. In terms of benefits, the provision of new housing would bring construction and supply chain jobs, places for the economically active to live, increased local spend and greater choice in the local market. These benefits have not been quantified and would apply to any housing development of this scale but are still considerable.
114. The proposal would boost the supply of housing in a situation where there is no five-year supply and an under-provision of affordable housing and, as a result, moderate weight can be given to the economic benefits and significant weight to the social benefits.
115. The provision of open space and biodiversity gain contributions are neutral considerations because they are needed to make the development acceptable. That said, the 10% net gain in biodiversity is not yet a legal requirement in planning legislation but the applicant has nonetheless agreed to achieve this.
116. It is not considered that the adverse impacts of the proposed development relating to the conflict with Policy EP1 of the Local Plan would significantly and demonstrably outweigh the economic and social benefits of the proposal. As such, the proposal is recommended for approval.

Community Infrastructure Levy

117. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging

commenced on 1 September 2013. The proposed development would be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

CONCLUSION

118. Whilst the proposal would result in the loss of the employment allocation on this site, there would remain a sufficient supply of employment land within the Borough and significant weight is given to the delivery of additional housing on this brownfield site. It is considered that the adverse impacts of the proposal do not significantly and demonstrably outweigh the considerable economic and social benefits it would deliver. The proposal is therefore considered to be acceptable and is recommended for approval subject to the conditions identified below and a S106 obligation, as set-out earlier in this report.

RELEVANT POLICIES: In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.

Suggested conditions

1. The proposed development must be begun not later than three years from the date of this permission.

Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved plans below:

Title	Plan Ref	Received On
Location Plan C1 & C2	GRP1.PP.C1.C2	26 October 2020
Planning Layout	G1C1.PL01 Rev E	17 February 2022
Landscape Proposals Sheet 1 of 2	6605.01 Rev B	1 March 2022
Landscape Proposals Sheet 2 of 2	6605.02 Rev B	1 March 2022
Drainage Layout	15048-5-EDGE-XX-XX-DR-C-2001 Rev P06	10 December 2021
Culvert Crossing Details	15048-5-EDGE-XX-XX-DR-C-2004 Rev P01	6 October 2021
Burnham (R20)	BH-WD17 Rev F	7 March 2022
The Cannock Apartments	CAN	15 April 2021
Single & Twin Garage (6 x 3) Plans & Elevations	PHL.SGD(6x3).P01	15 April 2021
The Piel Apartments	PIEL Rev A	19 November 2020
The Alnwick	ALN	26 October 2020
The Barton	BAR	26 October 2020
The Buttermere	BUT	26 October 2020
The Derwent	DER	26 October 2020
The Grasmere	GRA	26 October 2020
The Hornsea	HOR	26 October 2020
The Moseley	MOS	26 October 2020
The Windermere	WND	26 October 2020

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

3. Prior to any development taking place above DPC level, samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.

Reason: To ensure that the materials used are visually appropriate to the locality.

4. No development shall be commenced until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the standards that estate streets serving each phase of the development will be completed.

Reason: To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway.

5. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

6. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

7. Before the use of the site hereby permitted is brought into operation and for the full period of construction, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.

Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.

8. Prior to any works taking place above DPC level, the following details shall be submitted to and approved in writing by the Local Planning Authority:

- a) Details of the colour, form and texture of all external facing materials to the proposed dwelling
- b) Details of the colour, form and texture of all hard ground- surfacing materials.
- c) Location, design and materials of all fences, walls and other boundary treatments.
- d) The finished floor level of the proposed dwelling.

The development thereafter shall be completed in accordance with the approved details. Prior to the first occupation of the dwelling hereby permitted all fences and walls shown in the approved details to bound its plot shall have been erected in conformity with the approved details.

Reason: In the interests of the visual amenities and character of the area and to provide reasonable standards of privacy to residents.

9. All landscape works shown on the approved drawings ref. 6605.01 Rev B and 6605.02 Rev B received on 01.03.2022 shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All planting should comprise only native plant communities appropriate to the natural area.

Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design.

10. Prior to the construction of the superstructure of the dwelling hereby permitted, details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling will achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations. The development thereafter shall be completed in accordance with the approved details.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.

11. The approved dwelling shall not be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.

12. No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.

Reason: Wild birds and their eggs are protected under Part 1 of the Wildlife and Countryside Act 1981, which makes it illegal to kill or injure a bird and destroy its eggs or its nest whilst it is in use of being built.

13. The Chorley Council document "Code of Practice for Construction and Demolition" shall be adhered to throughout the construction period.

Reason: To protect the amenities of the nearby residents.

14. Should, during the course of the development, any contaminated material other than that referred to BAE's investigation, risk assessment and remediation reports be discovered, then the development should cease until such time as further remediation proposals have been submitted to and approved in writing by the Local Planning Authority.

Reason: Please note it is the applicants responsibility to properly address any land contamination issues, to ensure the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012)..

15. Prior to the commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP should follow the recommendations in Section 5 of the submitted 'Preliminary Ecological Appraisal Update' report and include details of protection of existing and retained habitats (including BHS habitats and the stream), protection of species such as nesting birds (paragraphs 5.14 and 5.15 of the report), amphibians (5.13) and mammals (5.10). The CEMP should also include a lighting scheme (5.8), tree protection measures (5.2) and details of reasonable avoidance measures.

Reason: To protect local flora and fauna.

16. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the flood risk assessment and drainage strategy report (November 2020, 15048-5-EDGE-XX-XX-RP-C-0001_FLOOD RISK ASSESSMENT[P01], EDGE Consulting Engineers). The measures shall be fully implemented prior to first occupation of any dwelling and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority in consultation with the lead local flood authority.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 166 and 168 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

17. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing 15048-5-EDGE-XX-XX-DR-C-2001, Rev P06 - Dated 5.11.21 which was prepared by EDGE. The development shall be completed in accordance with the approved details.

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

18. The development shall not commence until an Employment and Skills Plan that is tailored to the development and will set out the employment skills opportunities for the construction phase of the development has been submitted to and approved by the council as Local Planning Authority (unless otherwise agreed in writing by the council). The development shall be carried out in accordance with the Employment and Skills Plan (in the interests of delivering local employment and skills training opportunities in accordance with Core Strategy Policy 15: Skills and Economic Inclusion).

Reason: In the interests of delivering local employment and skills training opportunities as per the Central Lancashire Core Strategy Policy 15: Skills and Economic Inclusion and the Central Lancashire Employment Skills Supplementary Planning Document September 2017. No Employment and Skills Plan was submitted with the application.

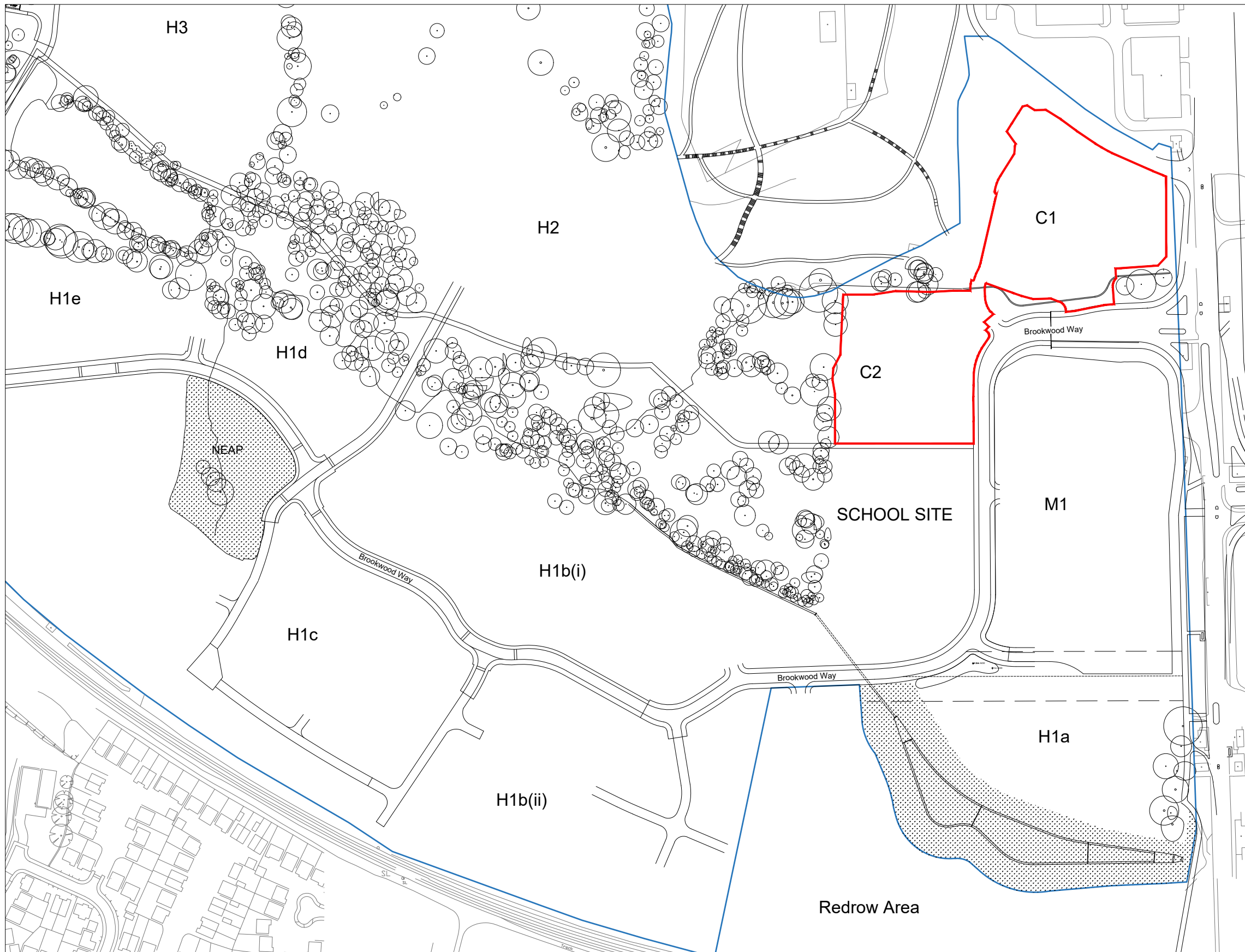
19. The development shall be carried out in strict accordance with the measures of tree protection identified on drawing ref. P.1376.20.02 Rev A, which forms part of the Arboricultural Impact Assessment ref. P1376.20, dated September 2020, submitted to the Local Planning Authority on 24 March 2022. All trees proposed for retention shall be protected in accordance with BS5837.

Reason: To minimise impact upon trees to be retained.

20. The development shall be carried out in strict accordance with the ecological mitigation measures identified at Section 5 of the Preliminary Ecological Appraisal Update report, dated February 2022, received by the Local Planning Authority on 7th February 2022.

Reason: To protect ecological receptors and enhance the biodiversity value of the scheme.

Group One Parcel Boundaries



Key:

Application Boundary

Revision	Date	Amendment	Initials

Development	Group One		
Location	Euxton, Chorley		
Marketing Name	-		
Drawing Title	Location Plan C1 & C2		
Drawing Number	GRP1.PP.C1.C2		
Revision	-	Scale @ A3	1:2500
Drawn By	SDH	Date Started	29.09.20



Persimmon House, Lancaster Business Park, Caton Road, Lancaster, LA13RQ
 Tel: 01524 542 000 Fax: 01524 542 001 Web: www.persimmonhomes.com



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Planning
Committee Meeting

24 May 2022



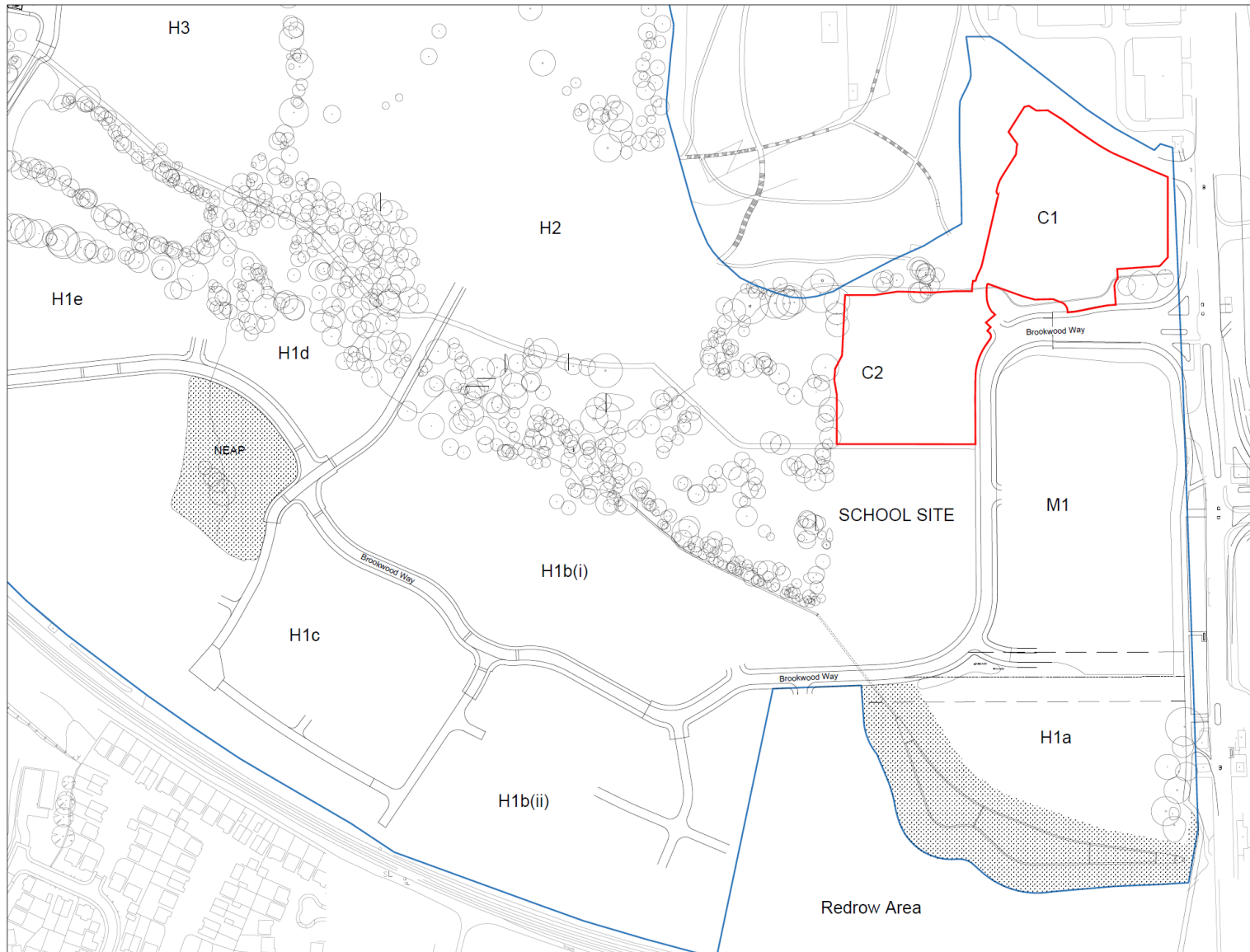
Item 3b

20/01141/FULMAJ

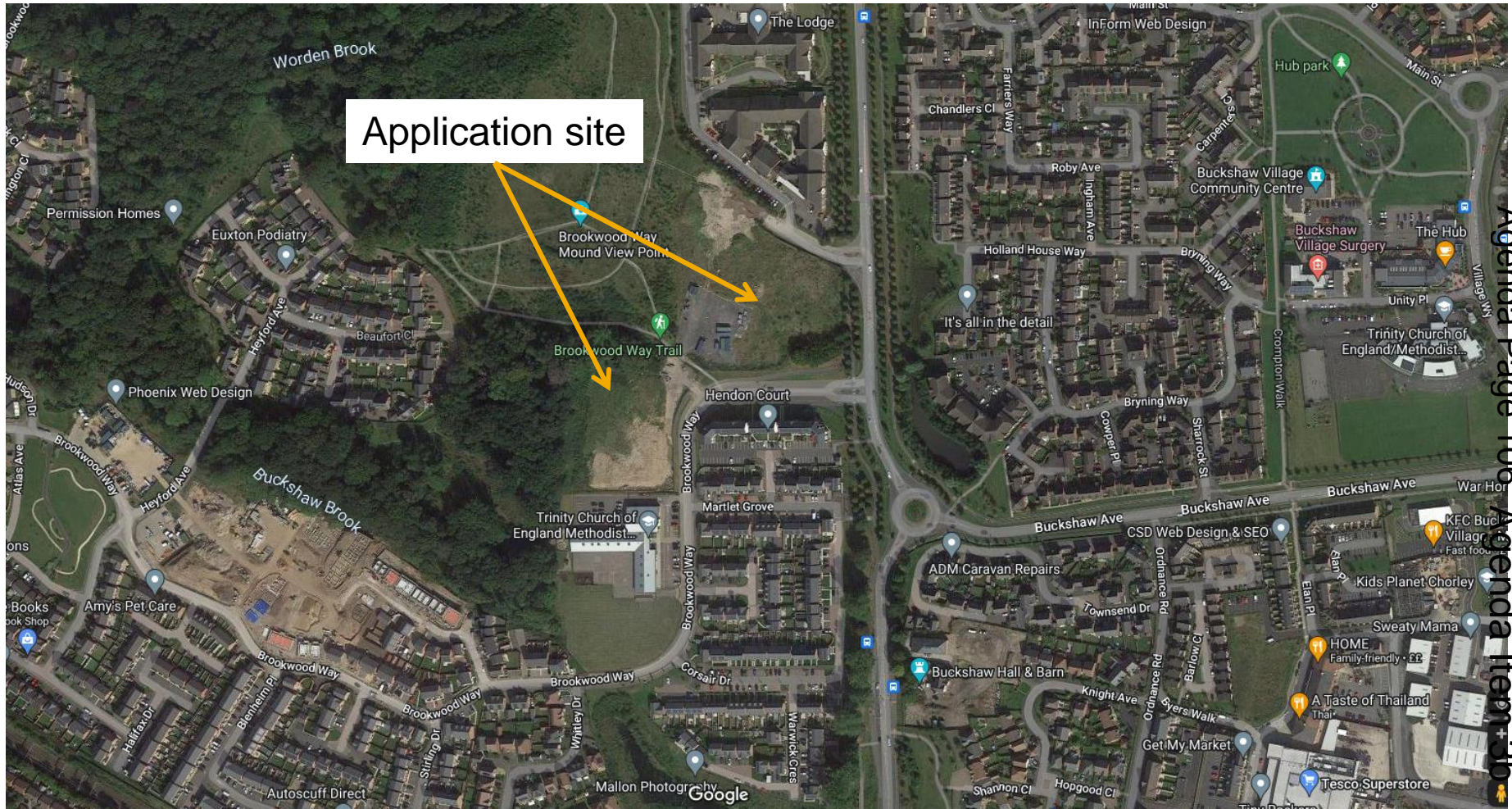
Former BAE Site Group 1 Parcel C1 And C2, Central Avenue, Buckshaw Village

Erection of 80no. dwellings, including houses and apartments (including 30% affordable) with associated infrastructure and school pick-up/drop-off car park

Location Plan



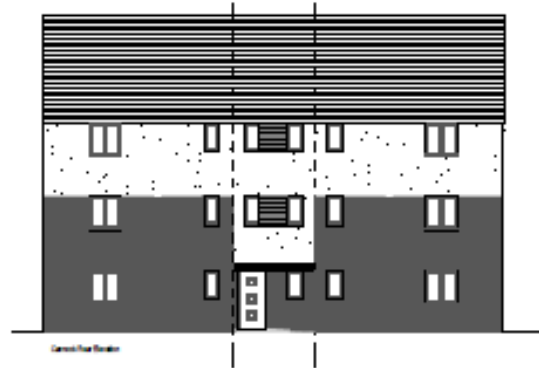
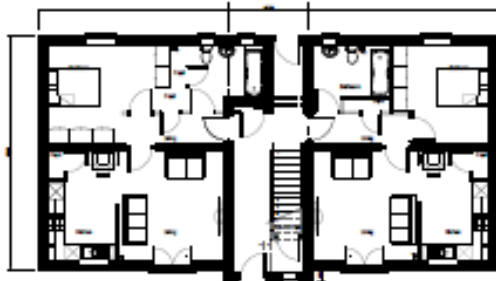
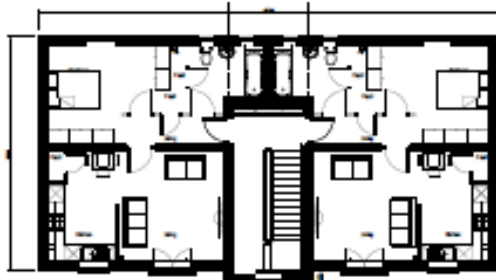
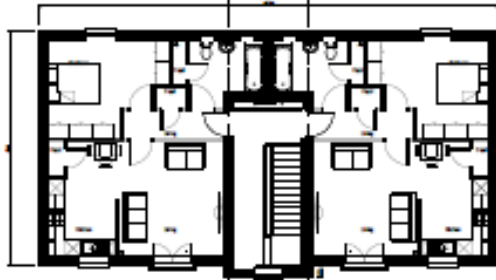
Aerial photo



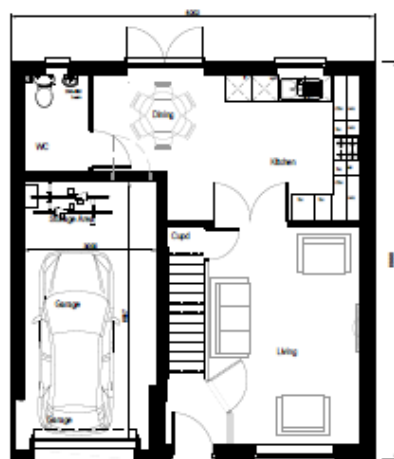
Site Layout



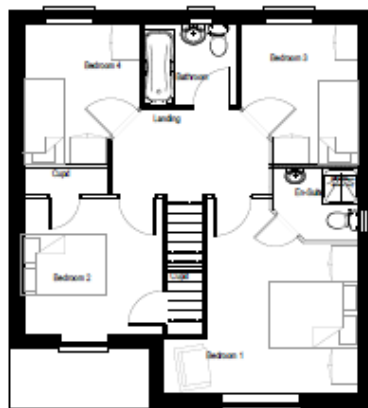
Elevations and Floor Plans



Elevations and Floor Plans



Ground Floor Plan



First Floor Plan

PERSIMMON HOMES	
1115	0010
Bumham (R20)	
6/1/2017	8/21/17
Plans & Elevations Contemp (Planning)	

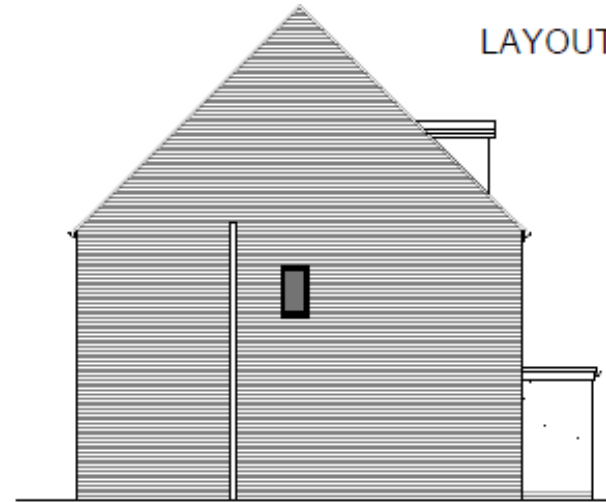
Elevations and Floor Plans



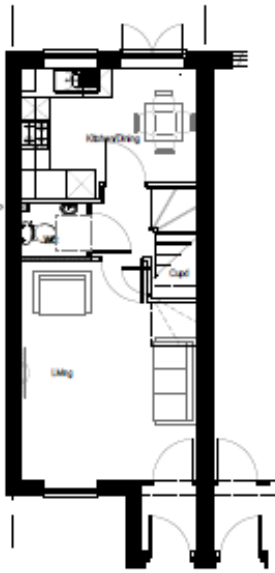
Front Elevation



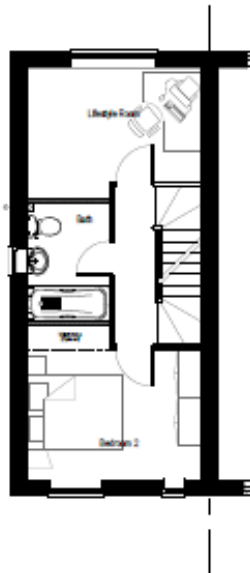
Rear Elevation



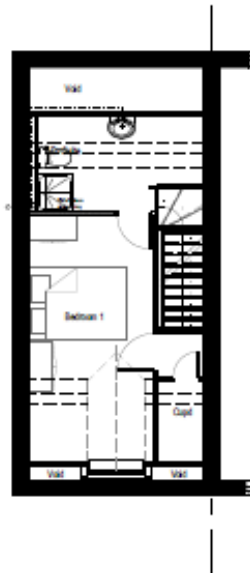
Side Elevation



Ground Floor Plan

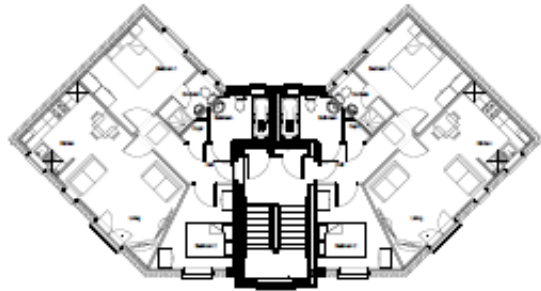


First Floor Plan

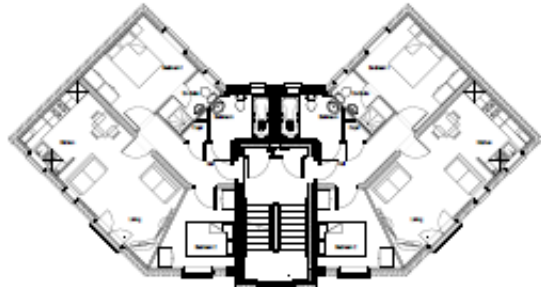


Second Floor

Elevations and Floor Plans



2nd Floor Plan



3rd Floor Plan



4th Floor Plan



Front Elevation



Side Elevation

Side Elevation

Elevations and Floor Plans



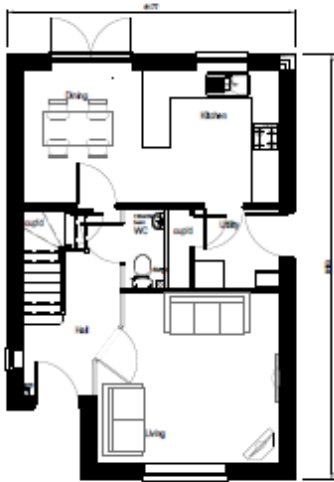
Front Elevation



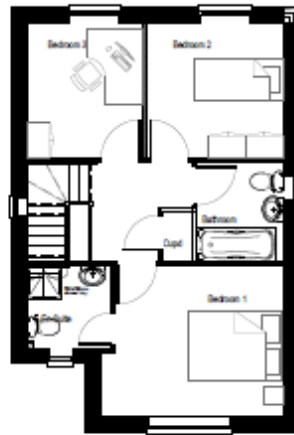
Rear Elevation



Side Elevation



Ground Floor Plan



First Floor Plan

Elevations and Floor Plans



Front Elevation



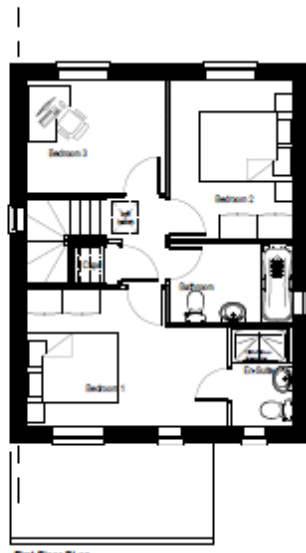
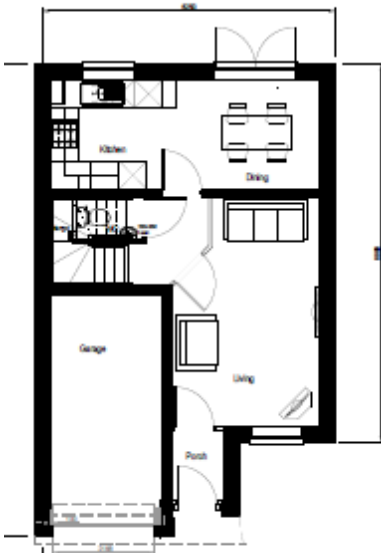
Side Elevation



Rear Elevation



Side Elevation



First Floor Plan

Elevations and Floor Plans



Elevations and Floor Plans



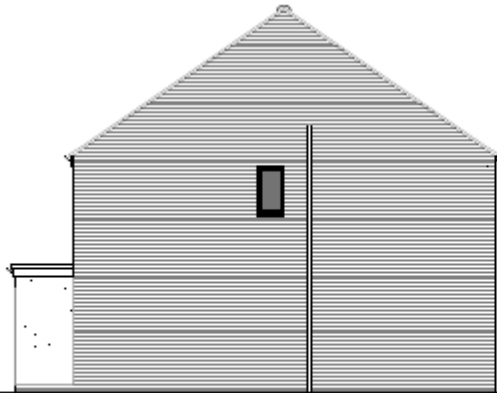
Elevations and Floor Plans



Elevations and Floor Plans



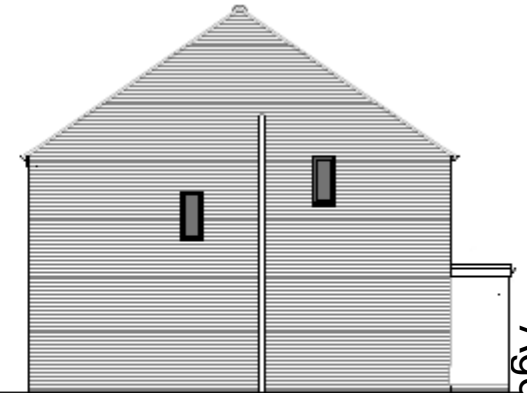
Front Elevation



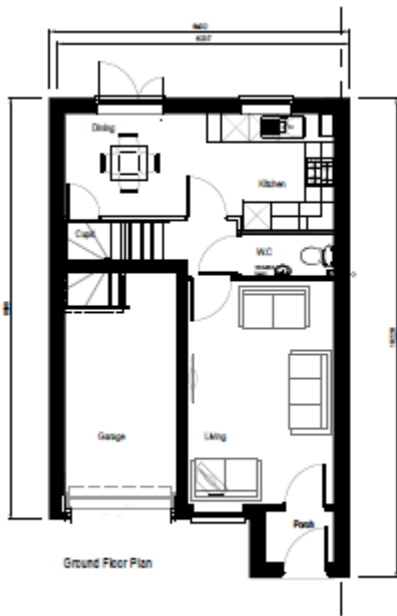
Side Elevation



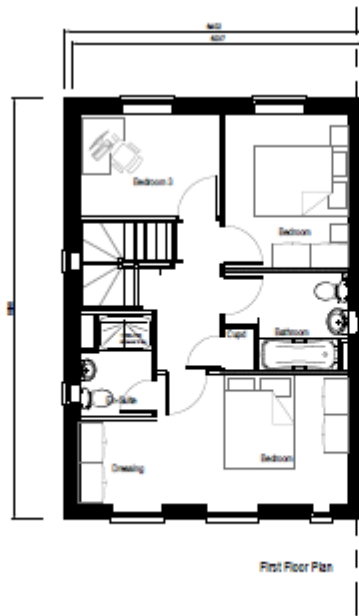
Rear Elevation



Side Elevation

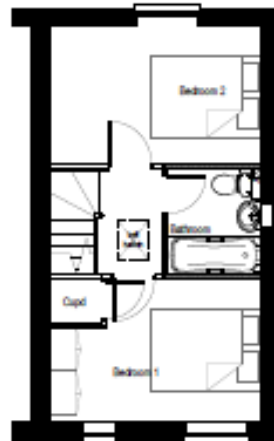
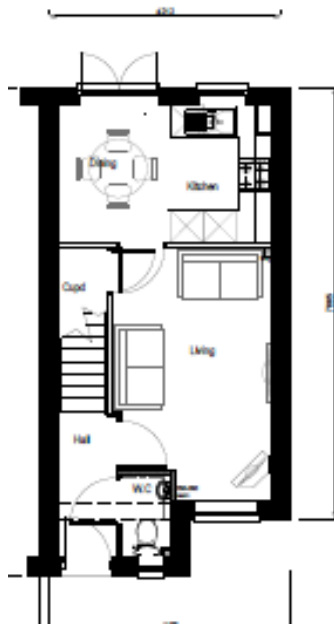


Ground Floor Plan



First Floor Plan

Elevations and Floor Plans

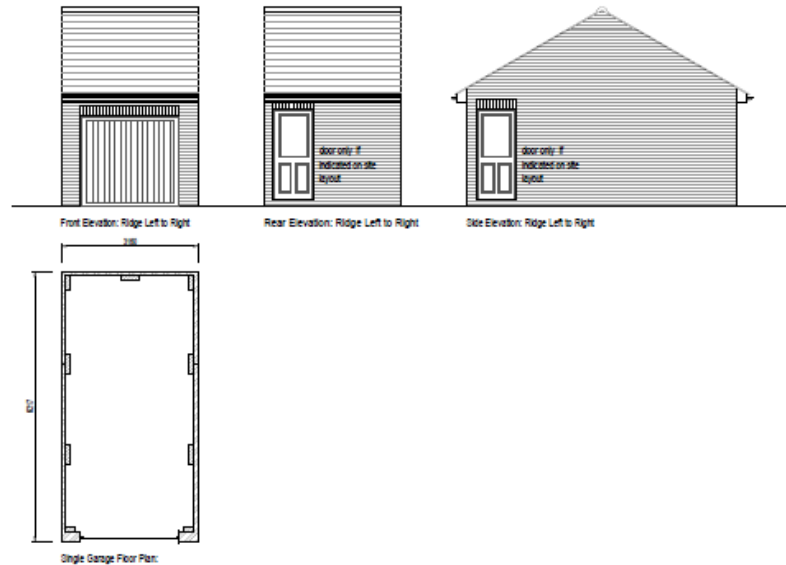
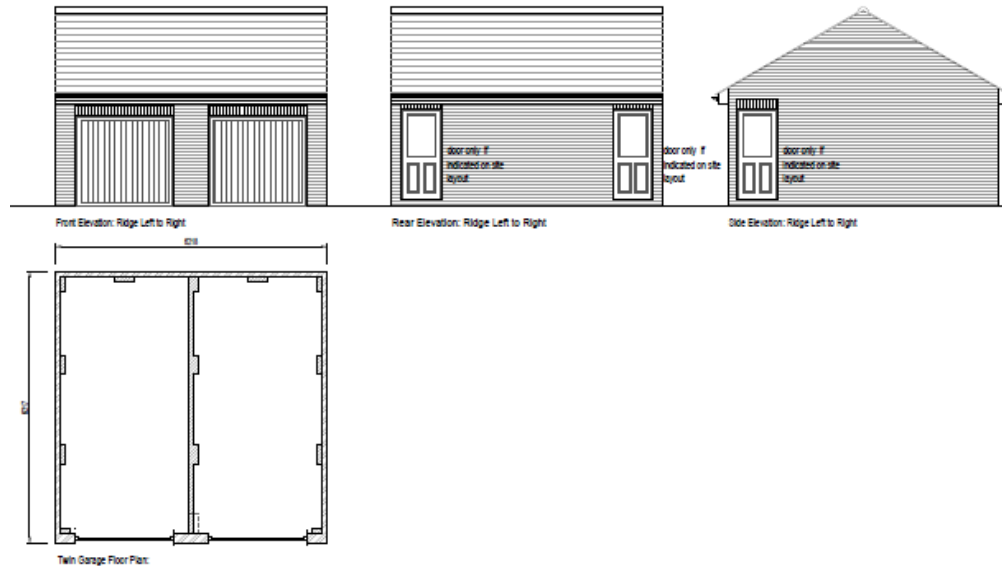


First Floor

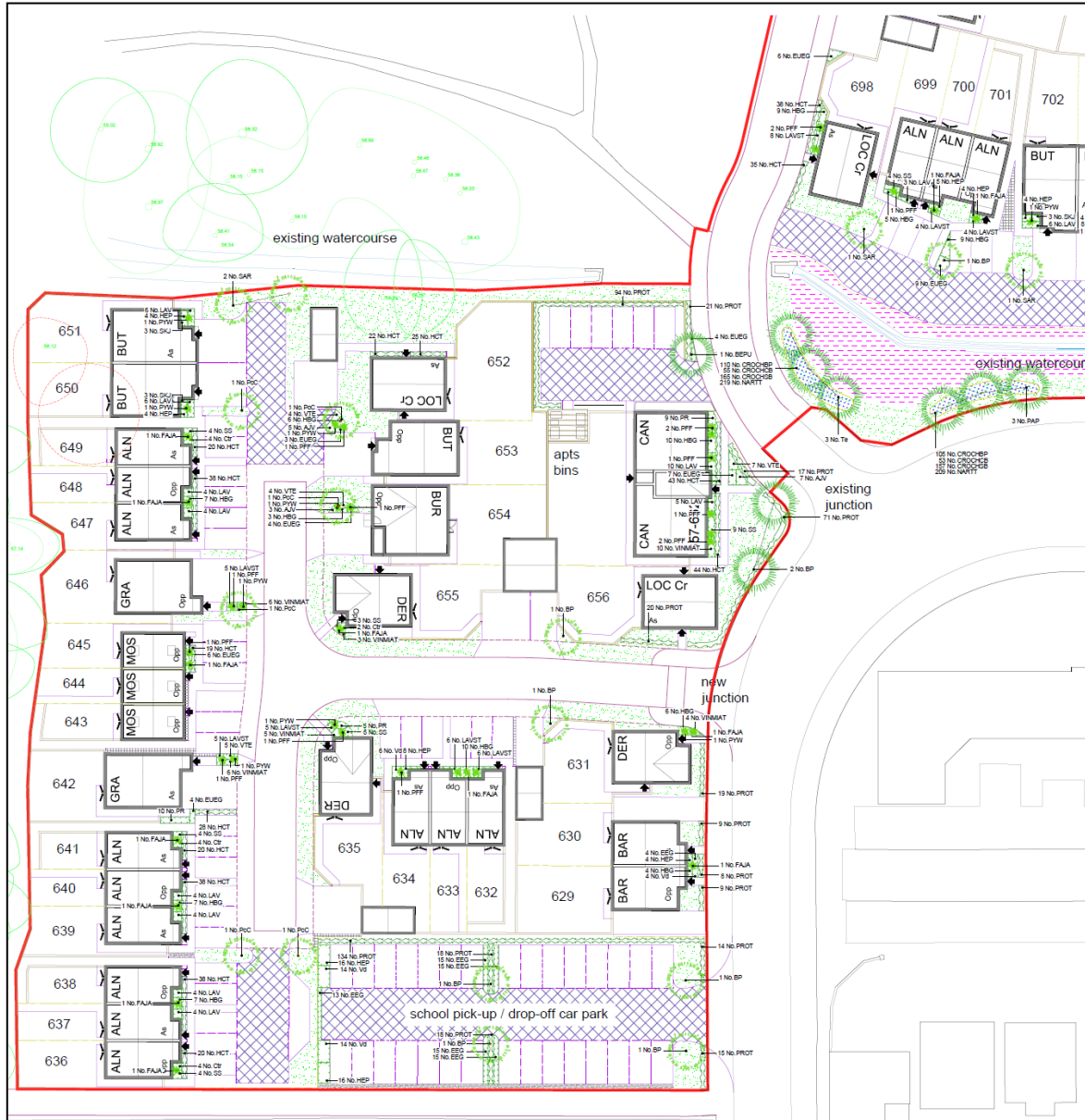


First Floor with optional Deck

Elevations and Floor Plans



Landscaping Plan 1



Landscaping Plan 2



Site photo - Brookwood Way, facing east towards Central Avenue



Site photo – apartments on opposite side of Brookwood Way



Site photo – apartments on opposite side of Brookwood Way



Site photos



Site photos



Site photos



Site photos



Site photos – Trinity School



Site photos



Site photos



Site photos



Site photos



Site photos



Site photos



Site photos



Site photos



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ITEM 3b – 20/01141/FULMAJ – *Erection of 80no. dwellings, including houses and apartments (including 30% affordable) with associated infrastructure and school pick-up/drop-off car park*
- Former BAE Site Group 1 Parcel C1 And C2 Central Avenue Buckshaw Village

The recommendation remains as per the original report

Euxton Parish Council has requested that the Council adopts all trees referred to in the Arboricultural Impact Assessment. This comment has been clarified with the Parish Council clerk as to mean that the trees proposed for retention are protected by a Tree Preservation Order.

As identified at paragraph 96 of the committee report, there is a very small pocket of broadleaved woodland in the south east corner of the site consisting of three mature oak trees and a few young willows and ash samplings. The woodland is proposed to be retained as part of the proposal. Further, proposed planning condition 19 requires the trees to be protected during construction work. The future safeguarding of the trees with a Tree Protection Order is being progressed by the Council's Tree Officer but this cannot be secured via this planning application as it follows a separate legislative process. Other trees adjacent to the site are already protected by Chorley BC TPO 8 (Euxton) 2010.

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APPLICATION REPORT – 21/00779/FULMAJ

Validation Date: 16 July 2021

Ward: Chorley South West

Type of Application: Major Full Planning

Proposal: 1) Extension of car park 2) Erection of storage building, following the demolition of the existing glasshouse

Location: Birkacre Nurseries Ltd Birkacre Road Chorley PR7 3QL

Case Officer: Amy Aspinall

Applicant: Mr S Ainscough, Birkacre Garden Centre

Agent: Mr Tony Lawson, LMP Ltd.

Consultation expiry: 24 January 2022

Decision due by: 15 October 2021

RECOMMENDATION

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

SITE DESCRIPTION

2. The application site is located wholly within the Green Belt, as defined by the Chorley Local Plan Policies Map, along Birkacre Road and is occupied by Birkacre garden centre.

3.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. The application seeks planning permission for the erection of a storage building to replace the existing glasshouse. The car park would also be extended, and part of the existing car park would be reconfigured.
5. The application as originally submitted, also proposed a new vehicular access onto Birkacre Road, dedicated to servicing and delivery vehicles. The proposed access has been removed from the scheme.

REPRESENTATIONS

6. No representations have been received.

CONSULTATIONS

7. Lancashire County Council Highway Services (LCC Highway Services) - Advise that approval is not recommended.

Officer note – the comments relate to the scheme before the proposed access was omitted from the development. The applicant has addressed other comments raised by LCC Highway Services, however, no consultation response has been received in relation to the amended plans.

8. Regulatory Services - Environmental Health - Have not commented on the application.
9. The Coal Authority - Advise that they have no objection subject to a condition for a scheme of intrusive investigations.
10. Greater Manchester Ecology Unit - Advise that they have no objections and recommend a number of conditions.

PLANNING CONSIDERATIONS

Principle of the development in the Green Belt

11. The application site is located within the Green Belt, as defined by the Chorley Local Plan Policies Map. Section 13 of the Framework confirms that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
12. Development will only be permitted within the Green Belt, in accordance with the Framework, if it is considered appropriate development or where very special circumstances can be demonstrated. The Framework confirms that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
13. Paragraph 149 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt but lists a number of exceptions. One exception listed at paragraph 149 (d) is for the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
14. The Rural Development Supplementary Planning Document sets out a threshold of 30% not being materially larger. The proposed storage building would replace the existing glasshouse which is also used for the same purpose. In volumetric terms, the proposed building would be 27% larger in volume, but would have a reduction in floorspace of approximately 31%. It is not, therefore, materially larger and the proposed building satisfactorily falls within exception (d) of paragraph 149.
15. The car park extension and reconfiguration of existing parking would be within the confines of the existing hardstanding currently used as outdoor storage. There would be no change of use of the land and would not constitute an engineering operation. In respect of openness, vehicles would only be parked during opening hours of the business, and there would be less visual impact as a result of materials being stored internally.

Impact on the character and appearance of the area

16. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials; and that the layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area.
17. The proposed storage building would replace an existing glasshouse at the site and would be situated roughly on the same footprint. The proposed building would measure approximately 22 metres by 6 metres within a height of 5.9 metres. Although taller in height than the existing building, it would have a reduced floor area. The appearance of the building is similar to a standard industrial unit, which is functional in its design. The car park would be extended to the south, in an area already used for servicing and storage. Any views of the proposal would

be seen in the context of the existing established site and existing buildings and paraphernalia associated with the garden centre use.

18. Having regard to the above and the nature of the site, it is not considered that the proposal would be harmful to the character and appearance of the area. The proposal accords with policy BNE1 Chorley Local Plan 2012 – 2026 in respect of design.

Impact on neighbouring amenity

19. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, where relevant to the development the proposal would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact; and that the proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses.
20. The site is relatively well separated from neighbouring residential properties, and it is not considered that the proposed development would give rise to adverse amenity impacts, having regard to policy BNE1 Chorley Local Plan 2012 – 2026.

Impact on ecological interests

21. Policy BNE9 (Biodiversity and Nature Conservation) of the Chorley Local Plan 2012 – 2026 stipulates that Biodiversity and Ecological Network resources will be protected, conserved, restored and enhanced; in a number of ways including:
- i. Protecting and safeguarding all designated sites of international, national, regional, county and local level importance including all Ramsar sites, Special Protection Areas, Special Areas of Conservation, national nature reserves, sites of special scientific interest and biological heritage sites, geological heritage sites, local nature reserves and wildlife corridors together with any ecological network approved by the Council;
 - ii. Protecting, safeguarding and enhancing habitats for European, nationally and locally important species;
 - iii. The ecology of the site and the surrounding area (safeguarding existing habitats / features such as but not exclusive to trees, hedgerows, ponds and streams), unless justified otherwise;
 - iv. When considering applications for planning permission, protecting, conserving, restoring and enhancing Chorley's ecological network and providing links to the network from and/or through the proposed development site.
- In addition, development must adhere to the provisions set out below:
- a) The production of a net gain in biodiversity where possible by designing in wildlife and by ensuring that any adverse impacts are avoided or if unavoidable are reduced or appropriately mitigated and/or compensated;
 - b) The provision of opportunities for habitats and species to adapt to climate change;
 - c) The support and encouragement of enhancements which contribute to habitat restoration;
22. Whilst the application site itself is of limited ecological value, it is surrounded by high value sites such as the Yarrow Valley Park Biological Heritage Site (BHS). It should be noted that a small area of the BHS does fall within the application site, however, it is already laid to hardstanding and utilised as part of the garden centre for storage and servicing. This habitat is not a qualifying feature of the BHS, nor does it meet the criteria for designation and would not be a significant loss of designated land at a county level.
23. An ecological survey has been submitted which incorporates an extended Phase 1 Habitat Survey and a daylight licensed bat and barn owl survey and assessment. The survey establishes that the proposed development would have no adverse direct or indirect effect on statutory designated sites for nature conservation.

24. In terms of bats, which are a protected species, no evidence of current or previous use of the existing building was found, and the survey identifies them as having negligible suitability for use by roosting bats.
25. The ecological survey provides that there would be no adverse effect on designated sites for nature conservation, irreplaceable habitats or rare plant species as a result of the proposed development. Recommendations are made in respect of biodiversity enhancements, and measures to prevent harm to habitats and species during construction. The Council's appointed ecologists at Greater Manchester Ecology Unit (GMEU) have assessed the application and raise no objection. Conditions are advised in relation to the submission of a Construction Environmental Management Plan (CEMP), details of lighting, and measures for biodiversity.
26. It should be noted that these details have been submitted prior to determination, and comments from GMEU on the acceptability of the submitted scheme are awaited. Should the information be satisfactory, the measures would need to be implemented and would be secured by way of conditions. Should the information not be satisfactory, the details could be secured by way of planning conditions to be submitted prior to commencement of the development.
27. Subject to conditions, the proposed development would not be detrimental to nature conservation and accords with policy BNE9 of the Chorley Local Plan 2012 – 2026.

Highway safety

28. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that the residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction.
29. It is important to note that the application originally proposed a new vehicular access to Birkacre Road to provide a dedicated access for servicing and deliveries. This has been removed from the scheme which now solely relates to the erection of a replacement storage building and to extend the car park, including reconfiguration of some spaces within the existing car park. The existing access points would be utilised, as per the current established arrangements.
30. LCC Highway Services have not provided comments on the latest amended plan, but the scheme has addressed their comments specifically in relation to parking, namely the dimensions of parking spaces and the provision of a clear manoeuvring aisle to measure 6 metres.
31. The proposed building does not generate an additional parking requirement as it is a replacement building and also has less floor space. It would not place any additional demands on parking or traffic at the site. The scheme seeks to tackle existing parking demands of the site, and would provide an additional 33no. spaces overall, after some existing spaces have been reconfigured. The new spaces meet the spacing requirements of 2.4 metres by 4.8 metres and a 6 metre aisle is achieved. This meets the standards of LCC and would be adequate for safe manoeuvring of vehicles when using the spaces. The Local Planning Authority is satisfied that the proposed development would not prejudice highway safety and is in accord with policy BNE1 of the Chorley Local Plan 2012 – 2026.

Land stability

32. The Coal Authority have assessed the application and advise that further investigations are required. They recommend a condition requiring intrusive investigations and this would be secured by way of a planning condition.

CONCLUSION

33. The proposal is not inappropriate development in the Green Belt and would not be harmful to the character and appearance of the area. There would be no adverse impacts on the residential amenity afforded to nearby residential properties, nor would it prejudice highway safety, and subject to conditions, the proposal would not be detrimental to nature conservation interests. The application is recommended for approval, subject to conditions.

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**Various history across the site.**

Ref: 18/00587/FUL **Decision:** PERFPP **Decision Date:** 31 January 2019

Description: Erection of a cafe building to replace existing open sided metal framed building and car park extension

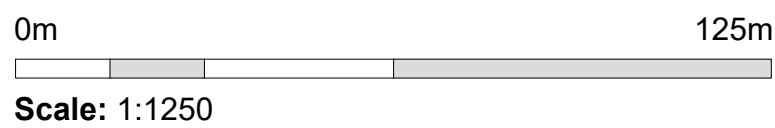
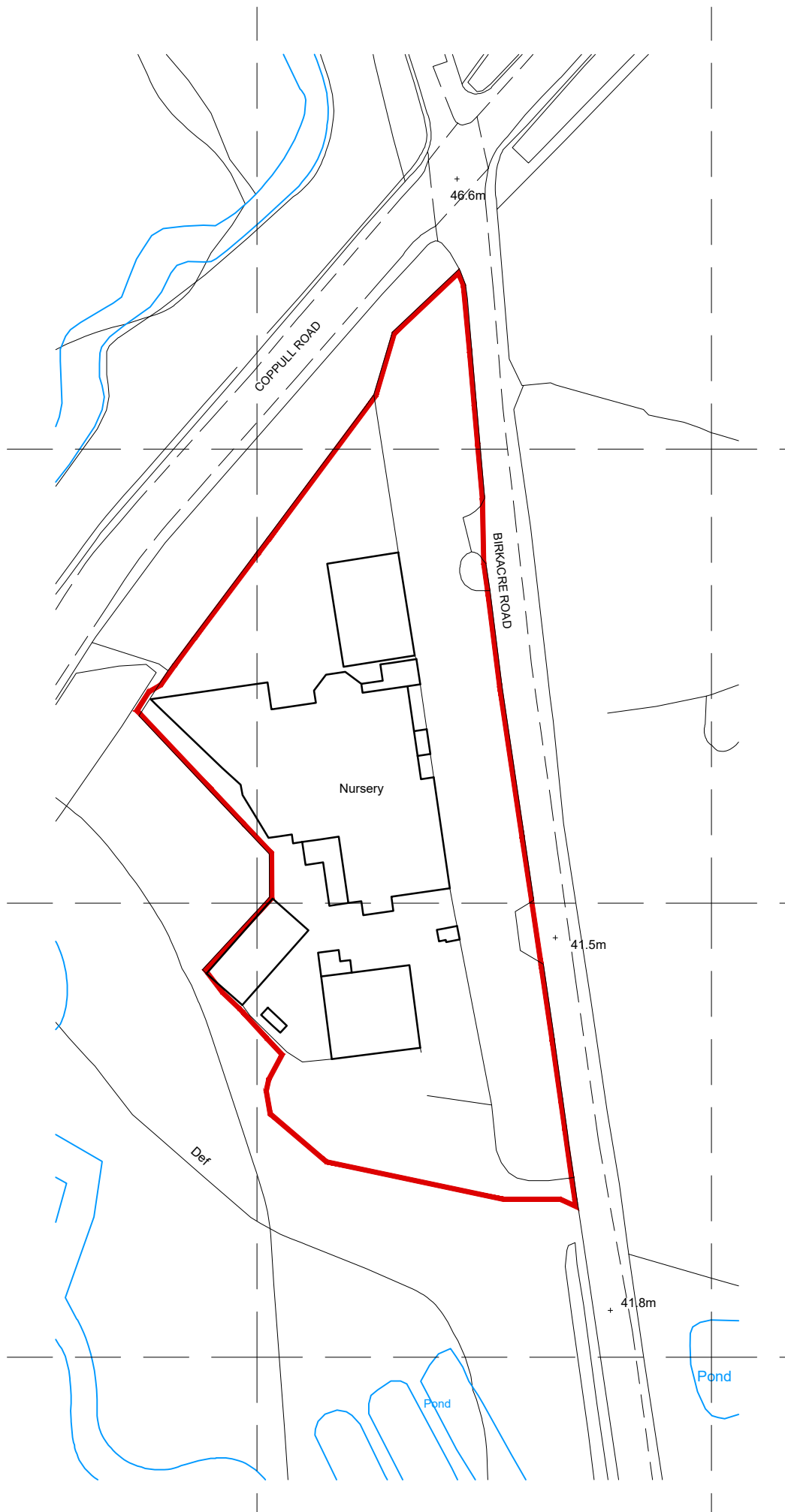
Ref: 19/00674/FUL **Decision:** PERFPP **Decision Date:** 5 September 2019

Description: Erection of building to accommodate a biomass boiler and external silo for the heating of garden centre buildings

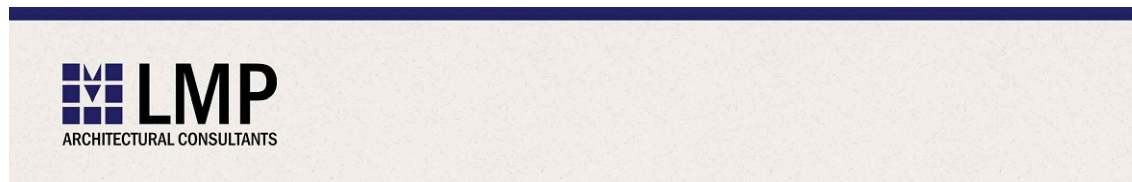
Suggested conditions

To follow.

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Revision Notes:



CLIENT
Birkacre Garden Centre

PROJECT NAME
Proposed Warehouse, Service Entrance and Car Park Extension

Birkacre Garden Centre, Birkacre Road, Chorley, PR7 3QL

DRAWING NAME
Location Plan

SCALE	DRAWN BY	DATE	DRAWING NUMBER	REVISION
1:1250 @ A3	ASL	09/06/21	20-144-L01	-

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Planning
Committee Meeting

24 May 2022



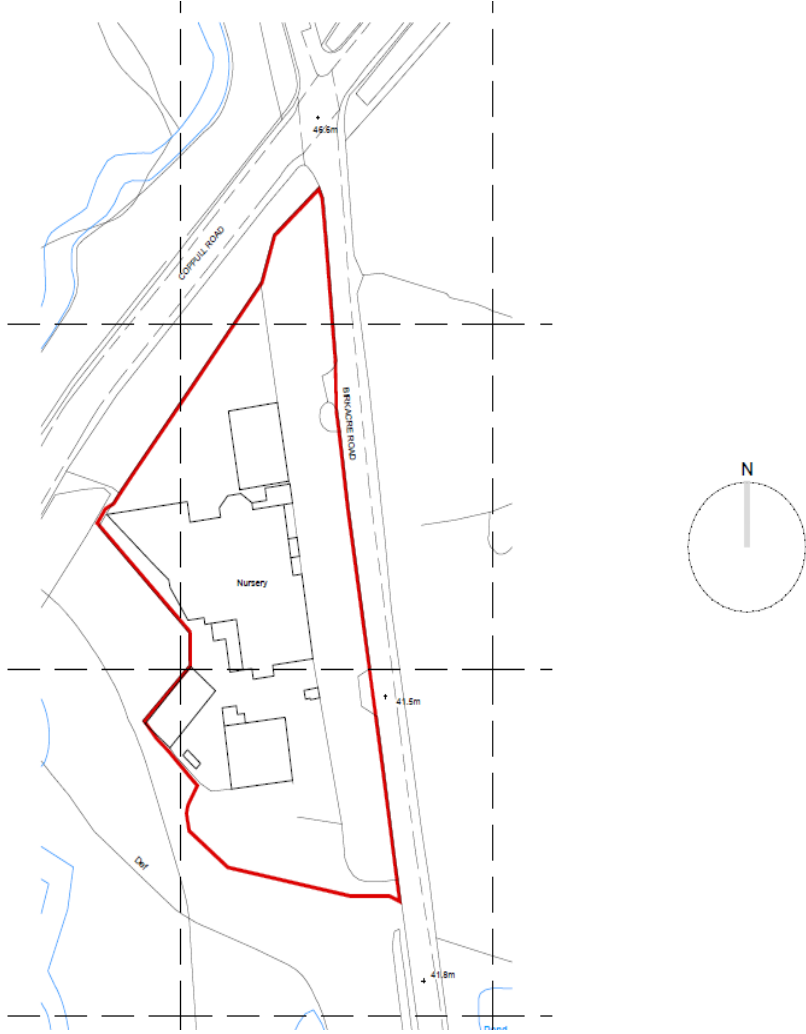
Item 3c

21/00779/FULMAJ

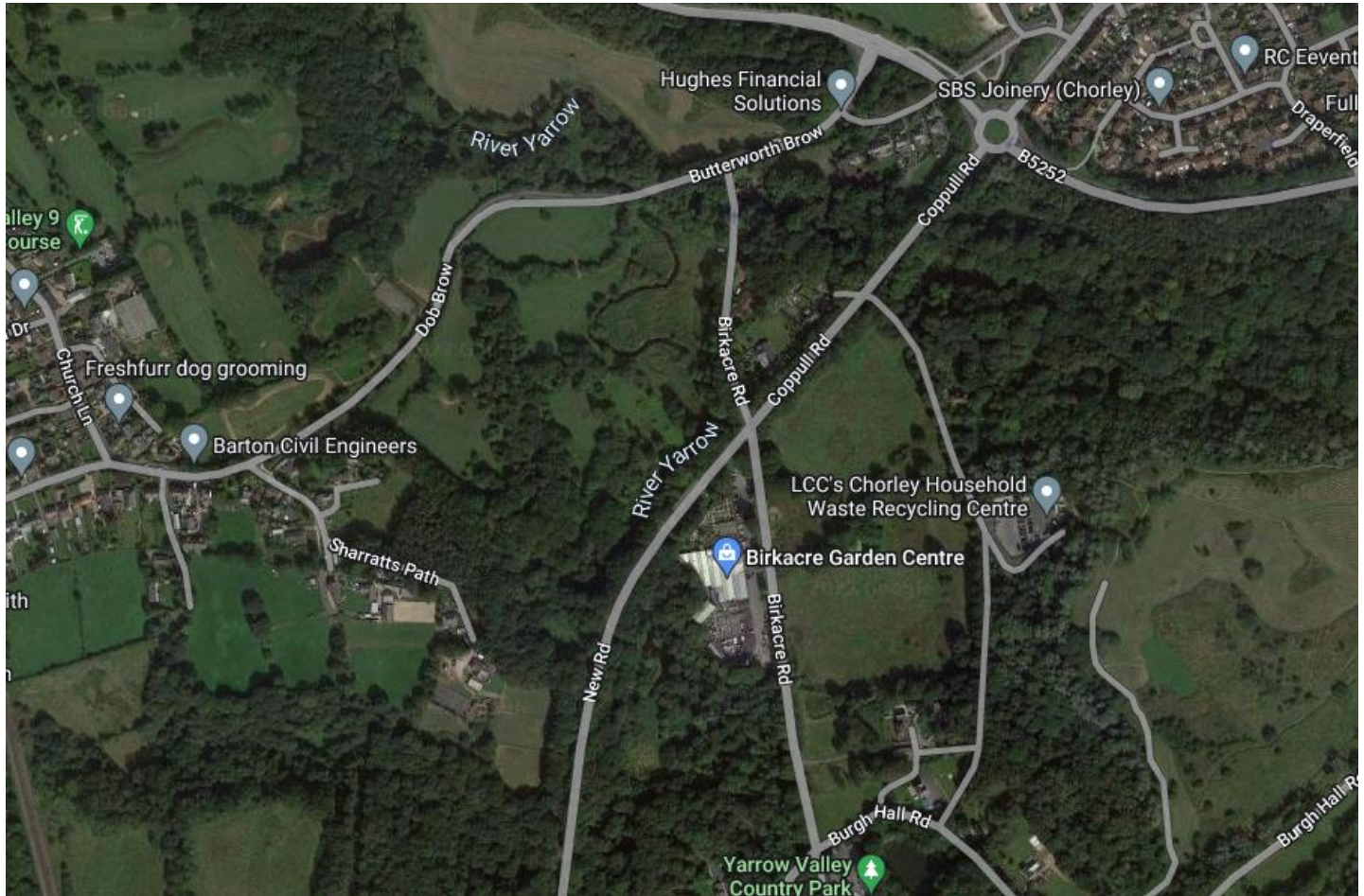
Birkacre Nurseries, Birkacre Road, Chorley

1) Extension of car park 2) Erection of storage building, following the demolition of the existing glasshouse

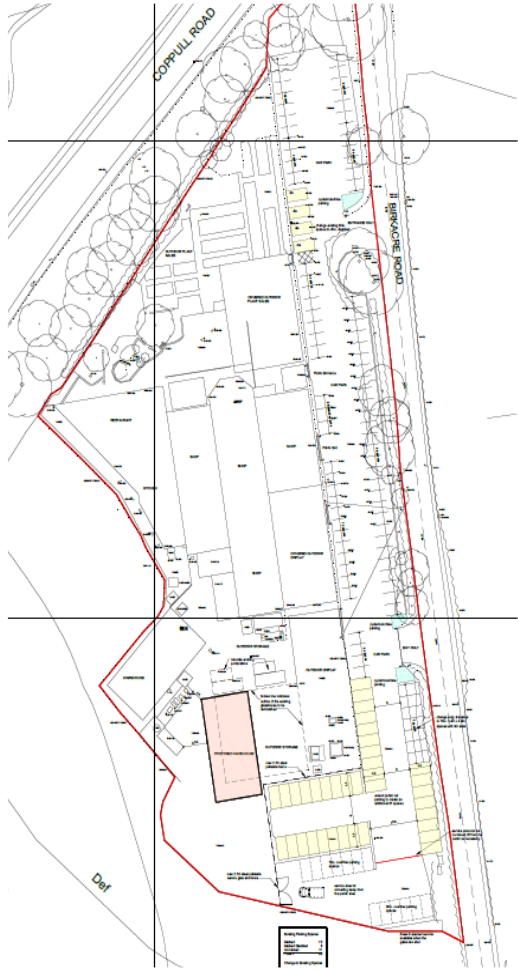
Location Plan



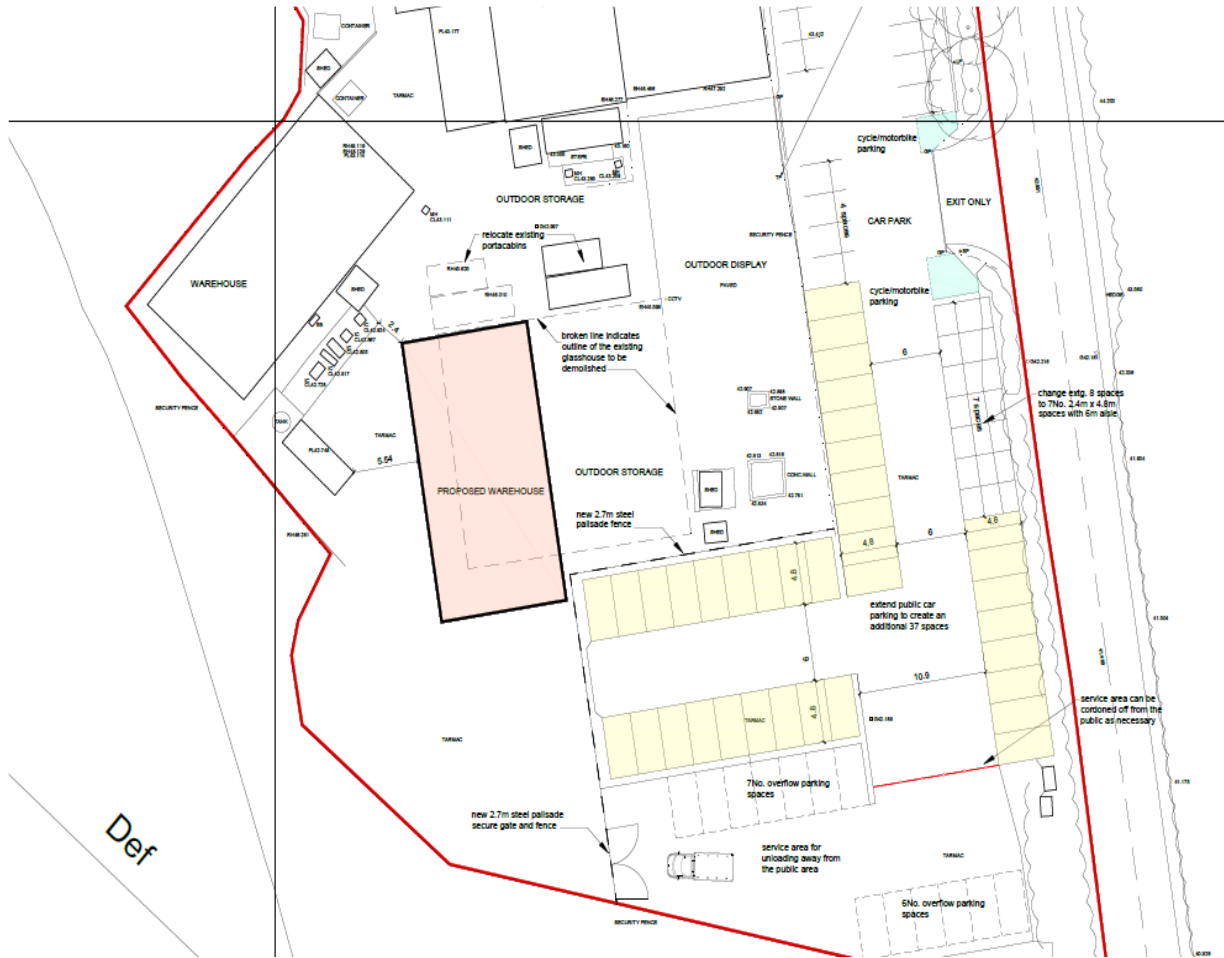
Aerial photo



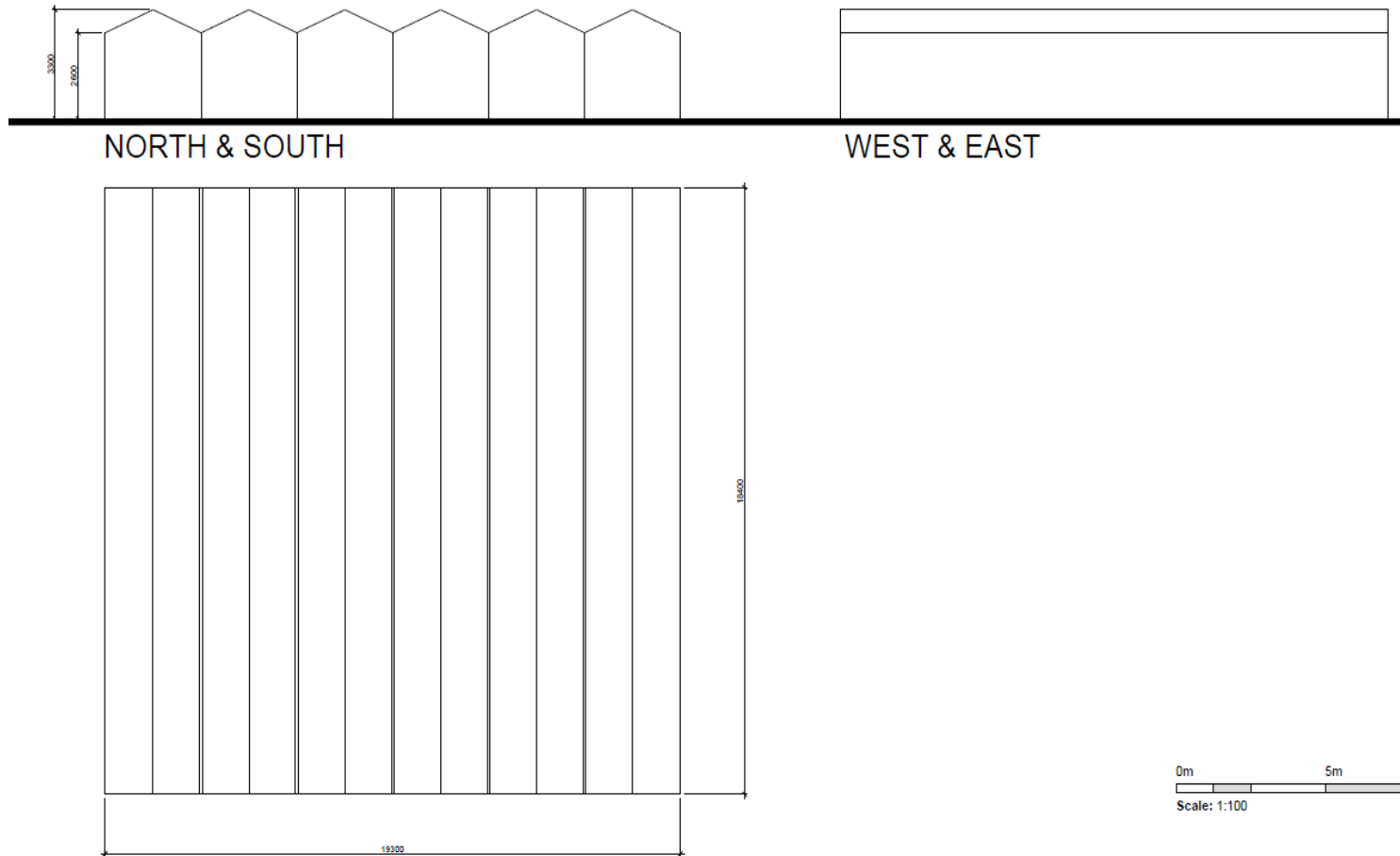
Proposed site layout



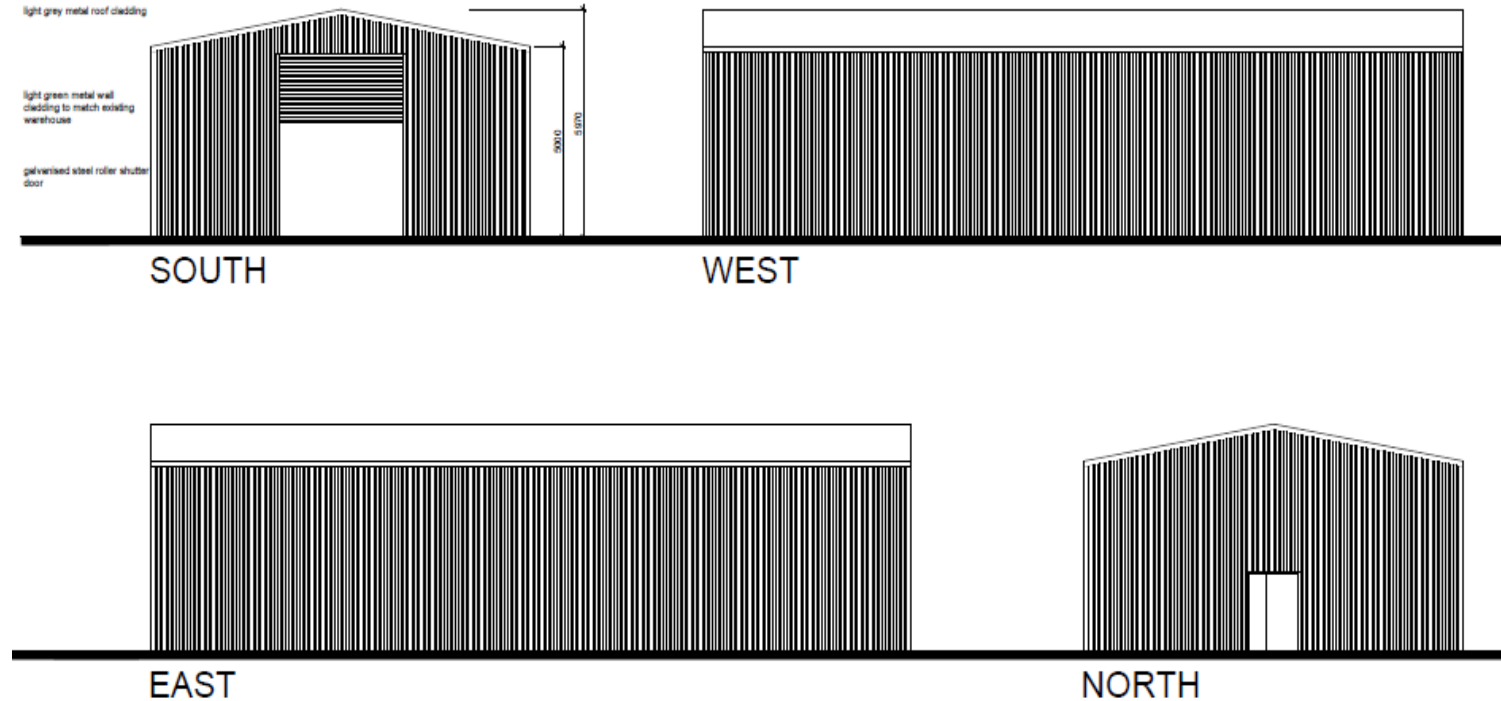
Proposed site layout (south)



Existing glasshouse



Proposed storage building



**ITEM 3c – 21/00779/FULMAJ – 1) Extension of car park 2) Erection of storage building, following the demolition of the existing glasshouse
- Birkacre Nurseries Ltd, Birkacre Road, Chorley**

The recommendation remains as per the original report

Impact on ecological interests:

The Council's appointed ecologists at Greater Manchester Ecology Unit have assessed the submitted Construction Environmental Management Plan and Biodiversity Enhancement Measures and advise that these are satisfactory. The measures would ensure that the adjacent Biological Heritage Site would not be harmed as a result of the development and would secure biodiversity enhancements of the site. A planning condition would ensure that the development and construction activities are carried out in accordance with these details.

The following conditions are recommended:

24. The proposed development must be begun not later than three years from the date of this permission.

Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved plans below:

Title	Plan Ref	Received On
Proposed Site Plan	20 144 P01 REV B	16 February 2022
Location Plan	20 144 L01	16 July 2021
Proposed Floor Plans and Elevations	20 144 P02	18 June 2021

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

3. The external facing materials, detailed on the approved plans, shall be used and no others substituted unless alternatives are first submitted to and agreed in writing by the Local Planning Authority, when the development shall then be carried out in accordance with the alternatives approved.

Reason: To ensure that the materials used are visually appropriate to the locality.

4. The development hereby permitted, and construction works shall be carried out in full accordance with the Construction Environment Management Plan For Biodiversity and the Biodiversity Enhancement Measures Plan ERAP Ltd 2021-359b (dated March 2022). The bird nest boxes shall be installed on the building hereby permitted prior to its first use and permanently retained thereafter.

Reason: To ensure that construction activities do not adversely affect the Biological Heritage Site and to secure biodiversity enhancement of the site.

5. The construction of the building hereby permitted shall not be commenced until:

- a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity and;
b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: The site is situated within a Development High Risk Area for coal mining features and hazards and the condition is necessary to ensure that adequate information pertaining to ground

conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site, in the interests of the safety and stability of the development.

6. Prior to first use of the building hereby permitted, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: In the interests of the safety and stability of the development as the site is situated within a Development High Risk Area for coal mining features and hazards.

APPLICATION REPORT – 21/00793/FUL

Validation Date: 16 July 2021

Ward: Croston, Mawdesley And Euxton South

Type of Application: Full Planning

Proposal: 1) Erection of 5no. detached dwellinghouses, including associated new access to Sandy Lane 2) Demolition of existing buildings

Location: Springfields Sandy Lane Mawdesley Ormskirk L40 2QB

Case Officer: Amy Aspinall

Applicant: Mr Markus Wierenga, 4 Ventures Developments Ltd

Agent: Mr Chris Weetman, CW Planning Solutions Ltd

Consultation expiry: 30 November 2021

Decision due by: 10 September 2021

RECOMMENDATION

1. It is recommended that planning permission is granted subject to conditions and a legal agreement.

SITE DESCRIPTION

2. The application site is occupied by several buildings, including 2no. dwellings, hardstanding areas and overgrown land. Access to the site is from Sandy Lane. Previously a number of glasshouses occupied the site which was used for the purposes of horticulture. Horticulture itself falls within the definition of 'agriculture' as set out in the Town and Country Planning Act 1990.

3. The application site has a complex planning history and it has been established, through appeal, that there is a lawful B2 industrial use at the site. The site is a mixed use planning unit, and case law has established that this falls to be considered as previously developed land, having regard to the definition set out in the National Planning Policy Framework 2021 (the Framework) at Annex 2: Glossary which states:

4. *"Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape".*

DESCRIPTION OF PROPOSED DEVELOPMENT

5. The application seeks planning permission for the erection of 5no. detached dwellinghouses with associated new access points to Sandy Lane. The proposal also includes the demolition of existing buildings on site.

REPRESENTATIONS

6. 3no. representations have been received citing the following grounds of objection:
- Over development of a rural green belt area.
 - HT1 and HT2 proposed on current open land
 - HT1 and HT2 too close to existing neighbours' gardens and properties impacting on their privacy and peaceful enjoyment of their homes.
 - HT2 and HT2 would be built on virgin Green Belt Land and not on the footprint of the dwellings
 - Development in cramped in
 - Impact on the number of vehicles using the lane and wildlife that reside there.
 - Excessive noise to Brookfield House from access immediately on the boundary with Brookfield from the build and use of the driveway
 - Overlooking to Brookfield from first floor balcony
 - The area of unspoiled beauty will be urbanised and lose its natural aspect
 - Impact on views
 - Impact on wildlife
 - The land does need developing as it is currently an eyesore, but it should be on a smaller scale (3 houses max) and more in keeping with the nature of the area.
7. 4no. objections were received as part of the initial notification procedure on the original plans. These are summarised below:
- Not in-keeping with the with the rural location
 - 3 large houses with large gardens would be more than sufficient in this location
 - For the last 20 plus the land has returned to a natural wild habitat / will negatively impact the natural environment
 - Sightings include bats, owls, newts, foxes and deer
 - The development is in the Green Belt / agricultural conservation area
 - The Green Belt in Mawdesley is now being eroded at an alarming rate and this development only adds to the problem
 - HT1 and HT2 (plots 1 and 2) are on Green Belt agricultural land – this land was used to graze a pony
 - The development does not follow the original footprint of the present buildings
 - House types HT1 and HT2 (plots 1 and 2) each include two balconies to the rear of the at first floor level, which will overlook the garden of Brookfield House (adjacent to the site) and severely impact on privacy and peaceful enjoyment of our home
 - The development of three large houses nearest to Brookfield House would be overpowering and not in-keeping with the rural aspect
 - The three houses nearest Brookfield House would be set back from the present building line and, therefore, vehicles entering the drives of those properties will impact on the peaceful enjoyment of the garden (of Brookfield House) due to noise of cars and doors
 - Loss of privacy Ardvark Cottage
 - Noise and disturbance for a long period due to construction works
 - No garages are included and it is feared that these will be added at a later date thus increasing the overall building footprint further
 - Currently only 4 houses located along the road, to add 5 more would be excessive – impact on traffic on the small single track
 - Increase in traffic on a single track with ditches along it and no pulling/passing places provided by the Council will become dangerous risking cars leaving the road and ending in a ditch, but will also wear away the grass verges currently in situ for the public to walk along
 - Lane already clogged up with parked cars because walkers use it as a starting point for walks
 - Newly opened Spud Shed has increased volume of traffic along the lane of visitors traveling there
 - Passing places should be provided along Sandy Lane
 - Sandy Lane is in a poor state
 - The lane is currently used intensively by walkers, families with young children and prams, dog walkers and horse riders and an increase in traffic using the lane will be a risk to them as it is likely the existing grass verges will be eroded by cars trying to pass one another
 - Extra 10 cars would make it difficult for emergency vehicles to get through

- Drains are at maximum capacity
- The development will hinder the natural ability of the land to soak away
- The land already floods
- The existing fence blocks access to the boundary ditch which will have to be taken down so that the new owners can maintain and keep the ditch free flowing.

CONSULTATIONS

8. Mawdesley Parish Council make the following comments:

Following consultation with the Parish Council I been asked to write to you to object to the above planning applications. Please note two Parish Councillors declared an interest and did not comment, two Parish Councillors had no objection however asked for a more sympathetic plan and three Parish Councillors objected

The additional homes are in the Green Belt. The policy aims to prevent the urban sprawl which is reducing quality of life in rural villages. This unsustainable form of development swallows up farmland and wildlife habitats while increasing air pollution, flood risk and car dependency. The Parish Council does not agree that if it is an unused site so it automatically benefits from houses in Green Belt.

The size and physical scale of the buildings means they will have a visual impact on the local environment. They will be out of keeping and change the character of the village.

The additional traffic from the development will have an impact on the narrow country lane. Sandy lane is a single-track road and passing of two cars is not possible for much of its length. Sandy Lane itself is a lovely quiet country lane much used by walkers/strollers; joggers; cyclists, many of them very young as a safe place to learn; dog walkers and horse riders.

A large development just down the road from this has already impacted the sewerage and drainage systems in the village there is no capacity for further development. There is evidence of waste, spoil on the ground.

An existing property opposite is likely to suffer loss of light and outlook. For that reason, a development of bungalows would be less detrimental to the view from neighbouring properties.

The development is on the boundary of the housing within Mawdesley and the properties would be visible

The Parish Council would ask Planning to carefully review allowing people to build new houses in the Green Belt

9. Lead Local Flood Authority – In their most recent comments they advise that their standing advice note should be applied.

10. Environment Agency - No response has been received.

11. Lancashire County Council Highway Services (LCC Highway Services) - Advise that they have no objection and recommend a number of conditions.

12. Greater Manchester Ecology Unit – Advise that they have no objection and recommend a number of conditions

13. United Utilities – Drainage conditions advised.

14. CIL Officers - Advise that the development is subject to the CIL Charge for Dwelling Houses as listed in Chorley Council's CIL Charging Schedule.

PLANNING CONSIDERATIONS

Principle of development within the Green Belt

15. The application site is located within the Green Belt and falls within the definition of previously developed land provided within the National Planning Policy Framework 2021 (The Framework). Section 13 of the Framework confirms that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

16. Development will only be permitted within the Green Belt, in accordance with the Framework, if it is considered appropriate development or where very special circumstances can be demonstrated. The Framework confirms that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

17. Paragraph 149 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt but lists a number of exceptions. One exception listed at paragraph 149 of the Framework of development that need not be considered inappropriate development in the Green Belt is the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development. As the site constitutes previously developed land exception G is, therefore, engaged.

18. Whilst the test for sites such as this relates to the impact on openness, the Framework does not contain a specific definition of 'openness'. It is a subjective judgment which is considered further below, along with objective criteria of making that assessment. It is considered that in respect of the Framework, the existing site currently has an impact on the openness of the Green Belt. However, it is important to note that merely the presence of an existing building on the site currently does not justify any new buildings. The new buildings must also not "have a greater impact on the openness of the Green Belt".

19. To engage with the exceptions of paragraph 149 of the Framework, which is reflected in policy BNE5 of the Chorley Local Plan 2012 – 2026, the test relates to the existing development. The openness of an area is clearly affected by the erection or positioning of any object within it no matter whether the object is clearly visible or not. The openness test relates to the whole of the site.

20. Policy BNE5 relates to the redevelopment of previously developed sites in the Green Belt and states that redevelopment of previously developed sites in the Green Belt will be permitted providing that the appearance of the site as a whole is maintained or enhanced and that all proposals, including those for partial redevelopment, are put forward in the context of a comprehensive plan for the site as a whole.

21. Whether harm is caused to openness depends on a variety of factors such as the scale of the development, its locational context and its spatial and/or visual implications. At present site is occupied by various large buildings which provide a frontage to Sandy Lane. The dwellings and single storey outbuildings are relatively grouped together toward the south east of the site and the larger building is set away from them, further north. Areas of hardstanding remain across extensive areas of the site, whilst parts appear overgrown. The presence of this existing development already causes harm to openness by its mere existence; and case law has established that for there to be a greater impact, there must be something more than merely a change.

22. The proposal involves the demolition of all existing buildings which occupy the site, in order to offset the harm caused to openness which would arise from the proposed development. In volumetric terms, the proposed dwellings would have an uplift of approximately 28% in volume compared to the existing volumes.

23. When considering the increase in volume, national policy allows for the replacement of a building provided, among other things, that they are not materially larger. The Council considers that a volume increase of up to 30% is not 'materially larger'. Accordingly, when applying this approach, the proposed volume increase of approximately 28% above existing volumes would not be a material increase, when considering the impact on the openness of the Green Belt.

24. The proposed dwellings would spread out beyond the existing cluster of buildings, taking a more linear form, parallel with Sandy Lane. The overall scale of the dwellings would be two storeys in height, although over a metre taller than the existing two storey dwelling on the site. The proposal would result in a decrease in footprint of buildings by approximately 8% with a significant reduction in hardstanding areas. An extensive part of the site to the west which was previously occupied by glasshouses, but where the hardstanding and piles of material remain, would become formal gardens which would be appropriately landscaped as part of a comprehensive scheme across the site which would result in an overall enhancement of the site. The increase in height of the proposed dwellings compared to the existing heights is considered to be satisfactorily balanced against the reduction in the amount of development across the site, and the visual improvements that this would deliver. Whilst there would be a clear change in how the site looks, overall it is not considered that the proposal would have a greater impact on the openness of the Green Belt than the existing development.

25. The proposal is considered to accord with exception (g) of paragraph 149 and is not, therefore, inappropriate development in the Green Belt.

26. The proposed development is not major development and, therefore, falls to be considered small scale. As such it is considered that the proposed development is compliant with policy 1(f) of the Central Lancashire Core Strategy.

Impact on the character and appearance of the area

27. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials; and that the layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area.

28. The application proposes 5no. detached dwellings in a linear layout, parallel to Sandy Lane, which is a typical arrangement found within the area, where pockets of linear development are commonplace. Each dwellinghouse would have a separate access to Sandy Lane, with driveway parking and large front gardens which provide opportunities for landscaping and would enhance the site frontage.

29. House types 2 and 3 are very similar in their design, with house types 1 and 4 having a slightly different appearance, but with the same key design features being incorporated into the house types to provide a consistent, modern design approach. Plot 5 would have a different house type (house type 5) which has a more agrarian appearance. This would be the most prominent plot on the site, being the end plot, adjacent to the proposed ecological habitat and where most wide-ranging views can be gauged. The design of this house type would appear similar to a barn conversion, with two distinct 'barns' one being two storeys in height, and the other being single storey, linked together with a simple low-profile flat roof construction. The varying heights and staggered footprint assist to reduce the overall bulk and mass of the dwelling and plot 5 is considered to be an acceptable design approach in this location.

30. The area itself is characterised by a mix of housing styles and types, and the contemporary appearance of the development, in addition to the simple agrarian approach to plot 5, and the overall scale is considered to be acceptable and would not be harmful to the character and appearance of the surrounding area. It is considered that betterment would be achieved through the visual enhancement of the site as a whole.

31. The submitted plans indicate a 1.8-metre-high closed boarded fence to the boundaries of each plot. Whilst this may be acceptable between plots, it is not an appropriate treatment to the perimeter of the development as it would result in a hard edge to the countryside and is a more urbanised feature. Nonetheless, details of appropriate boundary treatments could be secured by way of a planning condition. A landscaping scheme would also be secured by way of condition, in the interests of the appearance of the development.

32. The proposal is acceptable in design terms, in accordance with Chorley Local Plan policy BNE1.

Impact on neighbouring amenity

33. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, where relevant to the development the proposal would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact; and that the proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses.

34. The nearest residential property to the application site is Brookfield House, which borders the site to the south. There would be a separation distance well in excess of 21 metres between the side elevation of the dwellinghouse of plot 1 and Brookfield House, which ensures that an acceptable relationship is achieved between the two properties. No habitable room windows are proposed to the side facing elevation of plot 1 at first floor, and the house type (house type 3) shows that the rear balcony would be enclosed within the gable, therefore, meaning that any impact would be the same as a window i.e. a direct view, rather than a wide ranging view that could be achieved with a standard open-sided balcony. The view from the balcony would be to the west and would overlook its own private rear garden, with no direct views to the neighbouring garden of Brookfield House. The proposed dwellinghouse would be set in from the boundary by approximately 8 metres and would not result in a visually obtrusive or overbearing form of development to Brookfield House, given the aforementioned separation distances which are achieved. Plot 1 is also positioned to the north of Brookfield House and would not give rise to loss of light or overshadowing impacts to this neighbouring property.

35. Several residential properties are situated opposite the site, to the east of Sandy lane. There would be a separation in excess of 50 metres between these existing and proposed dwellings and, therefore, the amenity afforded to these neighbouring properties would not be adversely affected as a result of the proposed development. Other neighbouring properties are sufficiently well separated to avoid any amenity impacts.

36. In land use terms, the proposal is a small-scale residential development of 5no. dwellings, (but with a net gain of 3no. dwellings (as there are already 2no. on site, although currently vacant) and would result in an overall amenity improvement compared to the lawful use of the site, which is able to operate a B2 use in close proximity to residential properties. The nature and scale of the domestic use associated with the proposed development would be compatible with neighbouring land uses.

37. Whilst the proposal would introduce a vehicular access and driveway adjacent to the boundary of Brookfield House, this access would serve a domestic dwellinghouse, with its associated comings and goings. It is acknowledged that this would be a change from the current situation as the application site is currently vacant, however, it would not be an adverse change as the residential nature of the proposal is low impact. Furthermore, consideration must be given to the lawful use of the site previously referred to in this report, and there are no restrictions on traffic movements or hours of use associated with this lawful use at the site.

38. The relationships achieved between each plot would be satisfactory and there would be ample private amenity space for future occupiers to carry out day-to-day domestic activities. Plots 2, 3 and 4 could be subject to overlooking from each other given that open balconies are proposed at first floor in close proximity to the garden boundaries. However, buyers/future

occupiers would be aware of this situation and it is not a reason to warrant refusal of the application given that there would be no impact on existing neighbours.

Highway safety

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

40. The application proposes separate access points onto Sandy Lane for each plot. The parking requirement for each dwellinghouse is 3no. parking spaces which would be provided on-site and, therefore, adequate off-road parking provision for the proposed development / each individual property is provided. As there would be sufficient parking provision, in line with the Council's standards, it is unlikely that the proposed development would generate on-street parking demand along Sandy Lane. It is also clear from the submitted plan that the layout for each plot would be able to accommodate parking in excess of the standards, which would cater for visitors, etc.

41. Neighbour objections have raised concerns regarding the impact of increased traffic as a result of the development, and in combination with other developments nearby, on Sandy Lane which is a single track and has no passing places. One objection also requests that passing places are provided and concern is raised regarding the safety of other road users and the risk of cars driving into the ditch along the roadside.

42. LCC Highway Services have, however, assessed the application and advise that they do not have any objections to the proposal and are of the opinion the proposed development would not have a detrimental impact on highway safety, capacity or amenity in the immediate vicinity of the site. It should also be noted that there is a lawful B2 use on this site and this is unrestricted, meaning that traffic movements and types of vehicles which are able to enter the site are uncontrolled.

43. In the absence of any objection from LCC Highway Services it is not considered that a refusal on highway safety grounds could be sustained. Based on the advice from LCC Highway Services it is considered that the proposed development satisfactorily accords with Chorley Local Plan policy BNE1 (d).

Impact on ecological interests

44. Policy BNE9 (Biodiversity and Nature Conservation) of the Chorley Local Plan 2012 – 2026 stipulates that Biodiversity and Ecological Network resources will be protected, conserved, restored and enhanced; and that priority will be given to, among other things, protecting, safeguarding and enhancing habitats for European, nationally and locally important species. In addition, the policy states that development must adhere to the provisions which includes: where there is reason to suspect that there may be protected habitats/species on or close to a proposed development site, the developer will be expected to carry out all necessary surveys in the first instance; planning applications must then be accompanied by a survey assessing the presence of such habitats/species and, where appropriate, make provision for their needs.

45. Policy BNE11 (Species Protection) of the Chorley Local Plan 2012 – 2026 stipulates that planning permission will not be granted for development which would have an adverse effect on a priority species unless the benefits of the development outweigh the need to maintain the population of the species in situ. Should development be permitted that might have an effect on a priority species planning conditions or agreements will be used to:

- a. Facilitate the survival of the individual species affected;
- b. Reduce the disturbance to a minimum; and

c. Provide adequate alternative habitats to sustain the viability of the local population of that species.

46. The application is accompanied by an Ecological Impact Assessment, informed by several surveys, and Biodiversity Strategy and Mitigation for Bats. The assessment identifies that the site supports a number of species.

47. A maternity roost of brown long-eared bats was identified in building number 2 (as illustrated in the ecological assessment), including a day roost of Common Pipistrelle. In building number 3 two day roosts for Common Pipistrelle were also evidenced. The proposed development would result in the loss of these roosts and a mitigation strategy has been provided which includes a dedicated bat barn and roosting provision.

48. The Habitats Directive is imposed through the Conservation of Habitats and Species Regulations 2017 (and as amended) and all species of bats are European Protected Species under these regulations. The Regulations protect individual bats from killing, injury or disturbance and also protects their habitats, in this case the roost, even if the bat is not present in it at the time.

49. If a protected species is known to be present on site and impacted upon by the proposed development, which is the case here, a European Protected Species licence from Natural England would be required. Under the Habitats Directive a derogation licence may be applied for if certain criteria relating to maintenance of favourable conservation status, no satisfactory alternative and reasons of overriding public interest are satisfied.

50. This sets out the three derogation tests which must be considered, in particular having regard to the likelihood of Natural England granting a licence.

51. Test 1 - Regulation 53(2) (e) states: a licence can be granted for the purposes of "preserving public health or public safety or other imperative reasons of overriding public interest (IROPI) including those of a social or economic nature and beneficial consequences of primary importance for the environment".

52. Test 2 - Regulation 53(9) (a) states: the appropriate authority shall not grant a licence unless they are satisfied "that there is no satisfactory alternative",

53. Test 3 - Regulation 53(9) (b) states: the appropriate authority shall not grant a licence unless they are satisfied "that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range."

54. In respect of the first test, the proposed development would secure enhancements by improving the appearance of the site as a whole through the removal of some aesthetically poor buildings and the landscaping of unkempt land. Other benefits include the creation of a habitat area to the north of the site and enhancements to the open mosaic habitat which is a UK Biodiversity Priority Habitat. The delivery of housing, a contribution towards the provision of affordable housing and creation of jobs during construction are also socio-economic benefits. It is considered that the first test is satisfied.

55. The site is previously developed land in the Green Belt and contains a number of buildings. The alternative is to leave the site as it currently exists including the operation of a lawful B2 use and associated traffic and activity, in relatively close proximity to residential neighbours. The site is also unmanaged and contains non-native invasive species. It is considered that the second test is reasonably satisfied.

56. In terms of the third test, a mitigation strategy and method statement for the works has been submitted and the Council's appointed ecologists at Greater Manchester Ecology Unit (GMEU) advise that this contains sufficient detail. Subject to the mitigation being implemented and a Natural England licence being granted, there should not be a detrimental impact on the favourable conservation status of bats in this area, as a result of the works proposed in this

application. The mitigation strategy and licence could be secured by way of condition. It is considered that the third test is passed.

57. The site supports breeding bird species which includes swallow and snipe, which appear to nest in the northern area of the site. A mitigation strategy for breeding birds is proposed which focuses on the habitat area to the north of the site. GMEU are satisfied with the measures and also advise that works should take place outside of bird breeding season.

58. The assessment also found the site to be suitable to support common toad and common frog and the submitted mitigation strategy addresses these species with hibernacula creation to the habitat area to the north of the site. Surveys of nearby off-site ponds were carried out, although their suitability to support great crested newts was deemed to be poor and no effects on this protected species are identified.

59. Invasive species (Japanese Knotweed and Variegated Yellow Archangel) were found on site and, therefore, GMEU advise that a method statement is required prior to any works commencing. This could be secured by way of a planning condition.

60. Subject to conditions to secure the habitat area to the north of the site and mitigation / enhancement proposals, it is not considered that the proposed development would be detrimental to nature conservation or protected species interests and the proposal accords with policies BNE9 and BNE11 of the Chorley Local Plan 2012 – 2026.

Public open space

61. Policy HS4 of the Chorley Local Plan 2012 – 2026 requires public open space contributions for new dwellings to be provided in order to overcome the harm of developments being implemented without facilities being provided.

62. Until recently the National Planning Practice Guidance (NPPG) previously set out a threshold for tariff-style contributions, stating that planning obligations should not be sought from developments of 10 or less dwellings and which have a maximum combined floorspace of no more than 1000 square metres. This guidance has been removed from the latest NPPG and has been replaced with a requirement that planning obligations for affordable housing should only be sought for residential developments that are major developments.

63. Specifically, the guidance was derived from the order of the Court of Appeal dated 13 May 2016, which gave legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 which has not been withdrawn and which should, therefore, clearly still be taken into account as a material consideration in the assessment of planning applications.

64. To this end whilst it would normally be inappropriate to require any affordable housing or social infrastructure contributions on sites below the thresholds stated, local circumstances may justify lower (or no) thresholds as an exception to the national policy. It would then be a matter for the decision-maker to decide how much weight to give to lower thresholds justified by local circumstances.

65. Consequently, the Council must determine what lower thresholds are appropriate based on local circumstances as an exception to national policies and how much weight to give to the benefit of requiring a payment for 10, or fewer, dwellings. The Council has agreed to only seek contributions towards provision for children/young people on developments of 10 dwellings or less.

66. There is, however, currently a surplus of provision in Eccleston and Mawdelsley in relation to this standard, and a contribution towards new provision in the ward is not, therefore, required from this development. The site is also not within the accessibility catchment (800m) of any areas of provision for children/young people that are identified as being low quality and/or low value in the Open Space Study and a contribution towards improvements cannot be required.

67. Therefore, a public open space commuted sum is not requested for this scheme.

Affordable housing

68. The Framework at paragraph 64 provides that the provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).

69. The site does not fall within a designated area as defined by the Framework (National Parks, Areas of Outstanding Natural Beauty and areas designated as 'rural' under Section 157 of the Housing Act 1985).

70. The definition of 'major development', for the purposes of affordable housing, is set out in the Framework at Annex 2: Glossary:

"For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000m² or more, or a site of 1 hectare or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015".

71. The site has an area in excess of 0.5 hectares and is, therefore, a major development for the purposes of affordable housing. An affordable housing contribution of 35% is required in accordance with Core Strategy Policy 7. This site is not considered to be a suitable location for affordable housing and, therefore, a commuted sum for off-site provision is deemed more appropriate in this case.

72. Paragraph 64 also states:

"To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount".

73. A vacant building credit would be applied, and the total amount required towards affordable housing in the Borough would be £182,473. This would be secured by way of a legal agreement.

Sustainability

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

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

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

77. Given this change, instead of meeting the code level, the dwellings should achieve a minimum dwelling emission rate of 19% above 2013 Building Regulations in accordance with the above provisions. This could be controlled by a condition.

Flood risk and drainage

78. A Flood Risk Assessment has been prepared as the application site exceeds 1 hectare. The site is, however, located in flood zone 1 (as defined by the Environment Agency Flood Maps for Planning) which has a low probability of flooding. The far northern area of the wider site which is proposed as a habitat area is identified as being intermediately susceptible to surface water flooding. The site itself is at low risk.

79. An initial drainage strategy has been submitted, which includes options for SUDs such as permeable paving for storage and geocellular storage with discharge being restricted to greenfield run off rates. The FRA identifies that the preferred option is to discharge into the existing ditch which runs along the boundary of the site.

80. Detailed drainage design would be secured by way of a planning condition, in accordance with the drainage hierarchy as set out National Planning Practice Guidance.

81. It should be noted that any maintenance of ditches and ensuring that they are free-flowing is the responsibility of the riparian owner.

Community Infrastructure Levy

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

CONCLUSION

83. The application satisfies exception g of paragraph 149 of the Framework and is not, therefore, inappropriate development in the Green Belt. The proposal would not be harmful to the character and appearance of the area, nor would it be detrimental to the residential amenity afforded to neighbouring properties, or to highway safety. Subject to conditions, the proposed development would not be detrimental to the favourable conservation status of bats in the area and would result in an improvement to nature conservation through enhancements of a dedicated ecological habitat area to the north of the site. Drainage of the site would be secured by way of a condition, and affordable housing infrastructure would be delivered through a commuted sum which would be secured by way of a legal agreement.

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: 77/00020/OUT **Decision:** REFOPP **Decision Date:** 29 March 1977
Description: Outline application for agricultural workers dwelling

Ref: 77/00401/OUT **Decision:** REFOPP **Decision Date:** 2 August 1977
Description: Outline application for agricultural workers dwelling

Ref: 78/00895/OUT **Decision:** REFOPP **Decision Date:** 4 December 1978
Description: Outline application for house

Ref: 80/00038/FUL **Decision:** PERFPP **Decision Date:** 25 February 1980
Description: Extension (bedrooms/bathroom/porch/kitchen/sitting room)

Ref: 94/00622/FUL **Decision:** PERFPP **Decision Date:** 15 June 1995
Description: Extension to existing building for the purposes of processing, packaging and distribution of vegetables

Ref: 00/00058/FUL **Decision:** PERFPP **Decision Date:** 14 March 2000
Description: Erection of polytunnel

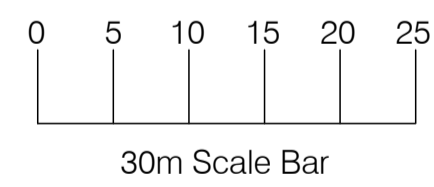
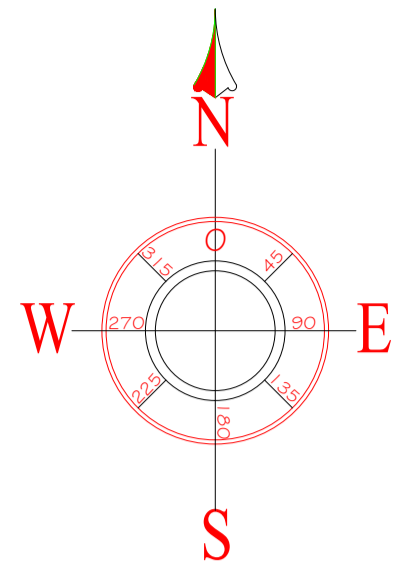
Ref: 03/01234/FUL **Decision:** PERFPP **Decision Date:** 21 January 2004
Description: Erection of polytunnel,

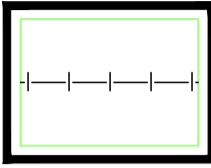
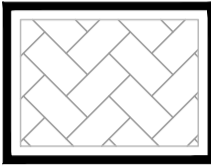

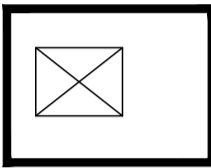
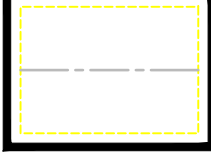
Ref: 03/01235/COU **Decision:** REFFPP **Decision Date:** 29 March 2004
Description: Change of use of land for the storage of a caravan (retrospective),

Ref: 10/00504/FUL **Decision:** REFFPP **Decision Date:** 13 August 2010
Description: Retrospective application for the retention of: - gate, wall and wooden fencing together with soft landscaping

Suggested conditions

To follow.



-  EXISTING POST & RAIL FENCE TO BE RETAINED
-  GREY BLOCK PAVOURS
-  PLOT DIVISIONAL FENCING
1.8m HIGH
(CLOSE BOARDED TIMBER)
-  PLOT BIN STORAGE
-  600mm HIGH POST & RAIL FENCING

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Project Title
Proposed Layout
Land north of
Springfield
Sandy Lane
Mawdesley
Lancashire
L40 2QB

Rev	Date	Description	Checked	Approved	Approved By	Initials	Date	Drawing No.	Rev.
					Drawn By	N.A.A.	13.01.21	MW27/21EL1	
					Approved By	D.H	13.01.21	PLANNING APPROVAL	D

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Planning
Committee Meeting

24 May 2022



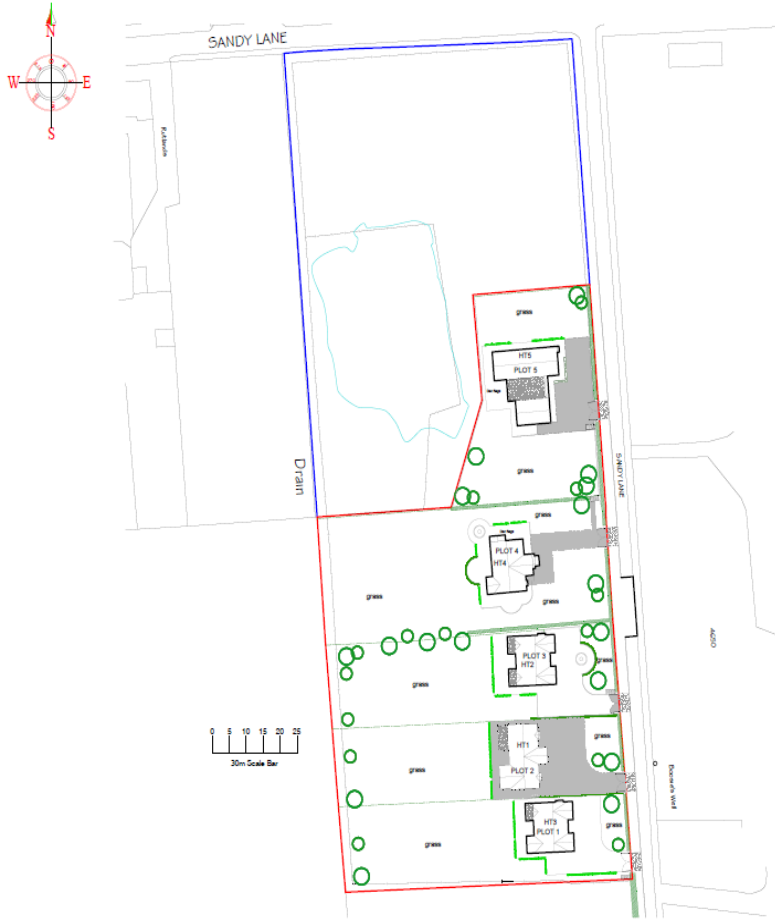
Item 3d

21/00793/FUL

Springfields, Sandy Lane, Mawdesley

1) Erection of 5no. detached dwellinghouses, including associated new accesses to Sandy Lane 2) Demolition of existing buildings

Location & Site Plan



Aerial photo



Existing site layout



Proposed site layout



House Type 1



House Type 1 CGI



House Type 1 Floor Plans



anyon architectural
& planning Ltd

House Type 2



PROPOSED SIDE ELEVATION

PROPOSED FRONT ELEVATION



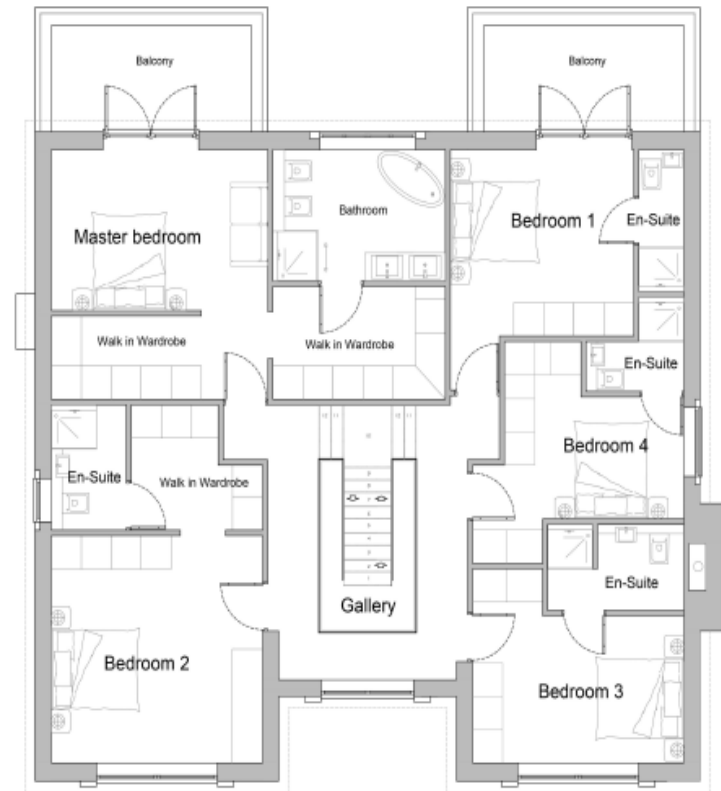
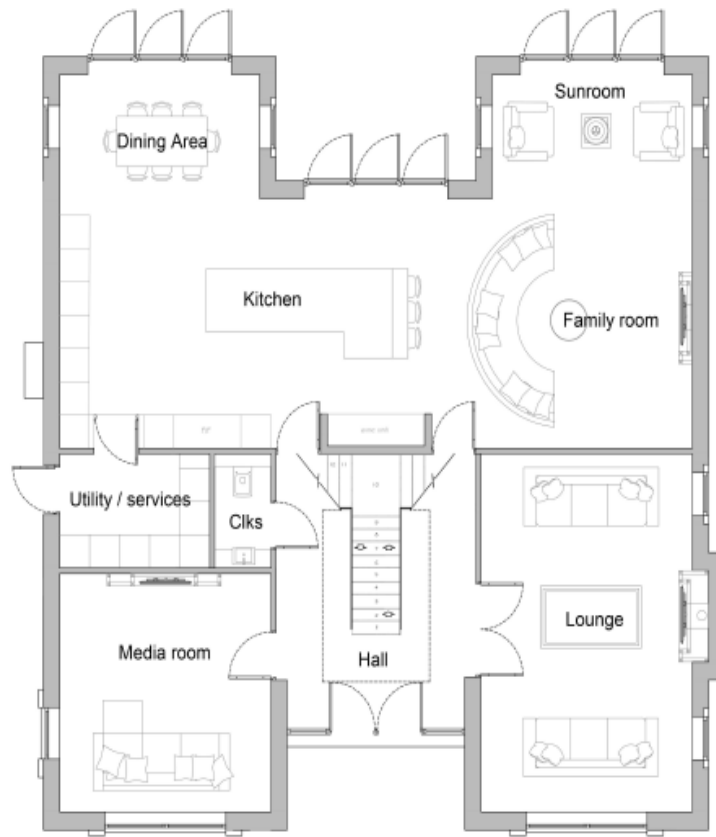
PROPOSED SIDE ELEVATION

PROPOSED REAR ELEVATION
SCALE 1:100

House Type 2 CGI



House Type 2 Floor Plans



House Type 3



PROPOSED SIDE ELEVATION

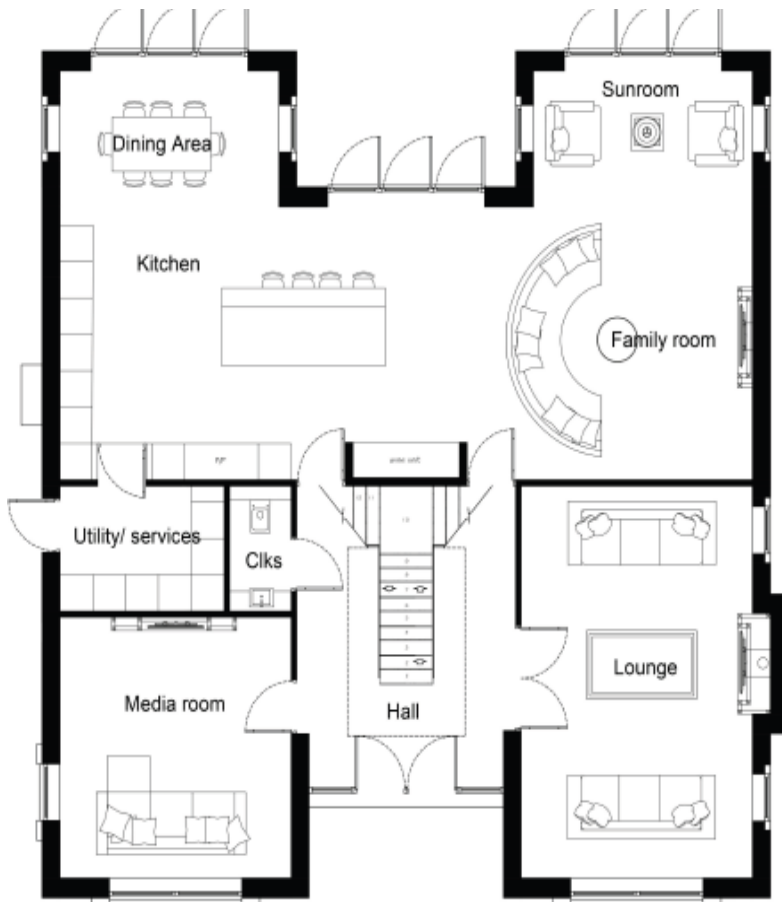
PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION

PROPOSED REAR ELEVATION
SCALE 1:100

House Type 3 Floor Plans



PROPOSED PLAN VIEW



PROPOSED PLAN VIEW

House Type 4



PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION



PROPOSED REAR ELEVATION
SCALE 1:100

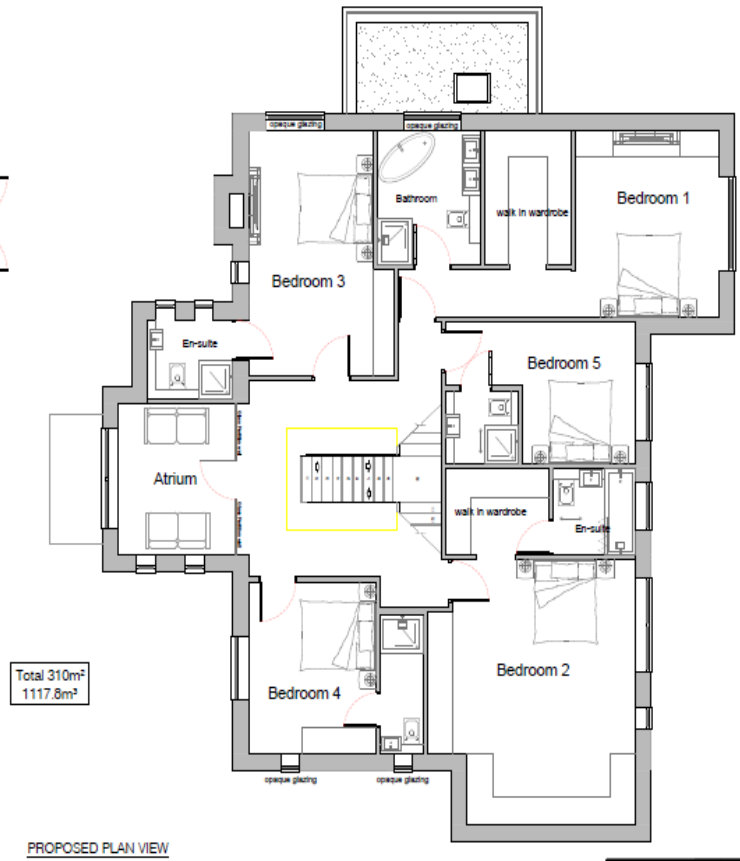
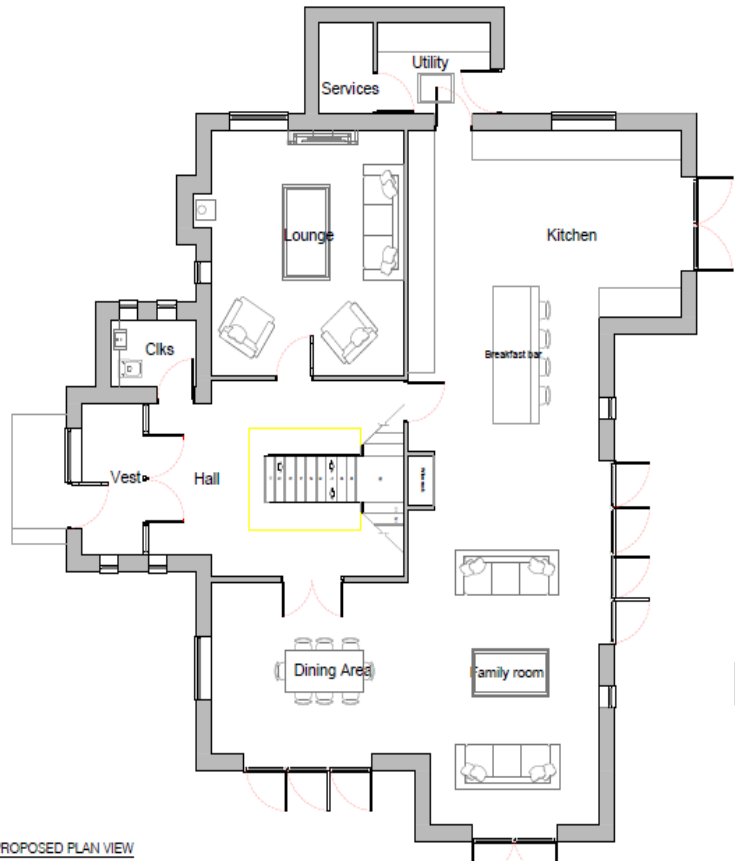


PROPOSED SIDE ELEVATION

House Type 4 CGI



House Type 4 Floor Plans



House Type 5



House Type 5 Floor Plans



PROPOSED PLAN VIEW
ON GROUND FLOOR



PROPOSED PLAN VIEW
ON FIRST FLOOR

Site Photo



Site Photo



Site Photo



Site Photo



Site Photo



Site Photo



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ITEM 3d 21/00793/FUL – 1) Erection of 5no. detached dwellinghouses, including associated new accesses to Sandy Lane 2) Demolition of existing buildings

- Springfields Sandy Lane Mawdesley

The recommendation remains as per the original report

The following conditions are recommended:

24. The proposed development must be begun not later than three years from the date of this permission.

Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved plans below:

Title	Plan Ref	Received On
Proposed Layout	MW27/21EL1 REV D	12 May 2022
House Type 4	P4/21 REV B	17 March 2022
House Type 3	P2/21 REV A	16 July 2021
House Type 1	P2/21 REV A	25 June 2021
House Type 2	P2/21 REV A	25 June 2021
House Type 5	P5/21 REV A	25 June 2021

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

3. Prior to the commencement of the construction of each dwellinghouse hereby permitted, full details of all external facing and roofing materials of the respective dwellinghouse (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.

Reason: In the interests of the appearance of the development and to ensure that the materials used are visually appropriate to the locality.

4. No dwelling hereby permitted shall be commenced until all existing buildings on the site are demolished in full and all resultant materials removed from the site.

Reason: The demolition of the existing buildings is necessary to make the development acceptable in the Green Belt as an exception to inappropriate development in the Green Belt as listed in paragraph 149 (g) of the National Planning Policy Framework (2021) and also in accordance with Chorley Local Plan 2012 – 2026 policy BNE5.

5. No removal of or works to any hedgerows, trees, shrubs, or other vegetation or works to or demolition of buildings or structures that may be used by breeding birds shall take place during the main bird breeding season 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation and structures for active birds' nests immediately before the vegetation is cleared or works commenced and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.

Reason: All wild birds, their nest and eggs are protected under the Wildlife and Countryside Act 1981 (as amended).

6. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of

surface water;

(ii) A restricted rate of discharge of surface water (if it is agreed that infiltration is discounted by the investigations); and

(iii) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

7. Prior to their erection or installation, full details of the alignment, height and appearance of all fences, walls, gates or other boundary treatments to be erected (notwithstanding any

such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. Any boundary treatments shall only be installed or erected in accordance with the approved details.

Reason: To ensure a visually satisfactory form of development in the locality and to provide reasonable standards of privacy to residents.

8. Prior to the commencement of the development, full details of the existing and proposed ground levels and proposed dwelling finished floor levels (all relative to ground levels adjoining the site) to be submitted to and approved in writing by the Local Planning Authority, notwithstanding any such details shown on previously submitted plans(s). The development shall be carried out only in conformity with the approved details.

Reason: In the interests of the appearance of the development in the locality and the amenity of neighbouring properties.

9. Prior to the laying of any hard landscaping (ground surfacing materials) full details of their colour, form and texture for that phase shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details and shall be completed in all respects before occupation of the respective dwellinghouse.

Reason: In the interests of the appearance of the development and the visual amenities of the area.

10. No development shall commence until the Local Planning Authority has been provided with either:

a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations (Amendments) (EU Exit) 2019. Authorizing the specified activity/development to go ahead; or

b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: Bats are a protected species and are present on site.

11. The development shall be carried out in accordance with the details contained in the Biodiversity Strategy & Mitigations for Bats V1.0 (as received by the Local Planning Authority on 19 November 2021), unless where modified by any condition of this permission.

The bat receptor boxes shall be installed on site prior to any demolition taking place.

The bat barn shall be installed on site prior to final occupation of the development and shall be located in either location identified on approved drawing number MW27/21EL1 REV D, unless otherwise approved in writing by the Local Planning Authority.

Reason: To provide satisfactory mitigation for bats and in the interests of nature conservation and biodiversity of the site.

12. Prior to the commencement of the development, a detailed landscaping scheme shall be submitted to and approved in writing by the local planning authority.

This shall include:

Details of those existing trees and hedgerows to be retained or removed, and the provision of any compensatory planting should any trees or hedgerows be identified for removal.

- ii) Retained landscape and habitat features and proposals for restoration (hedges and trees)
- iii) Planting plans.
- iv) Written specifications (including cultivation and other operations associated with plant and grass establishment).
- v) Schedules of plants, noting species, planting sizes and proposed numbers /densities where appropriate.
- vi) Implementation timetables.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any dwellings or in accordance with an agreed timetable. Any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the landscaping of the site is high quality in the interests of the appearance of the development in the locality.

13. A landscape and ecological management plan (LEMP) of the site and the area to north (edged in blue) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the occupation of the development. The content of the LEMP shall also include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.

- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanisms by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

Reason: To ensure that the landscaping of the site is high quality in the interests of the appearance of the development in the locality and in the interests of nature conservation to secure biodiversity enhancements.

14. All new dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However, as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.

15. Prior to the commencement of the development, excluding the erection of the detached garage, details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However, as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so it can be assured that the design meets the required dwelling emission rate.

16. No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However, as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.

APPLICATION REPORT – 22/00034/REM

Validation Date: 20 January 2022

Ward: Croston, Mawdesley And Euxton South

Type of Application: Reserved Matters

Proposal: Reserved matters application pursuant to outline planning permission ref.19/00564/OUT (Outline application for the erection of 4no. dwellings and associated garages and parking following demolition of the existing commercial building (with all matters reserved save for access)) seeking approval of details of appearance, layout, scale, landscaping, emission rates, materials, boundary treatments, site levels, broadband strategy and remediation strategy (condition nos. 1, 3, 6, 7, 9 and 12)

Location: 20 New Street Mawdesley Ormskirk L40 2QP

Case Officer: Mike Halsall

Applicant: Mr G Hough, Solid Bond Homes

Agent: Robert Smallwood, 3DG Design Limited

Consultation expiry: 17 February 2022

Decision due by: 27 May 2022 (Extension of time agreed)

RECOMMENDATION

1. It is recommended that reserved matters consent is granted subject to conditions.

SITE DESCRIPTION

2. The application site is located within the settlement area of Mawdesley and is allocated for employment under policy EP1.17 of the Chorley Local Plan 2012 – 2026. The site was previously occupied by a vehicle repairs garage and workshop and the associated outdoor storage and manoeuvring areas. The building has since been demolished and the site largely consists of open scrubland.
3. The site is set behind dwellings fronting New Street to the north west, with an existing access to the side off 20 New Street. There is an industrial site to the south west and recently constructed dwellings to the south east on Asland Drive that back-on to the application site, with mature trees along the site boundary. There are gardens and open land to the north east. The character of the area is that of a rural village surrounded by open agricultural land with more dispersed development.
4. Outline planning permission was granted in November 2021 for the erection of 4no. dwellings and associated garages and parking following demolition of the existing commercial building (with all matters reserved save for access).

DESCRIPTION OF PROPOSED DEVELOPMENT

5. The application seeks approval of the reserved matters associated with the above referenced outline planning permission relating to details of appearance, layout, scale, and landscaping. Details of emission rates, materials, boundary treatments, site levels, broadband strategy and a remediation strategy have also been submitted to meet the requirements of conditions attached to the outline planning permission.

6. The submitted plans identify four detached two storey dwellings laid out in an 'L' shaped pattern of development with the dwellings on plots 1 and 2 orientated side-on to the dwellings on New Street to the west and plots 3 and 4 backing-on to the rear of the newly erected dwellings to the east on Asland Drive. Each dwelling would have four bedrooms and plots 1 and 3 each have a detached double garage, plot 2 would have a detached single garage and plot 4 would have an attached single garage.

REPRESENTATIONS

7. Two neighbour objections have been received in relation to the proposed development. One from the occupant of no.22 New Street in relation to the location of the double garage proposed to serve plot 1 and its proximity to the resident's conservatory and rear garden and a resultant loss of light. The second objection was received from the occupant of no.22 Asland Drive relating to a loss of privacy from overlooking from the dwellings proposed on plots 3 and 4.

CONSULTATIONS

8. Mawdesley Parish Council: Have responded raising objection to the proposal in relation to adverse impact upon drainage and sewers which they state are overwhelmed and would therefore create further pressure on the overwhelmed infrastructure. They state the development is inappropriate as is in a flood risk area.
9. Greater Manchester Ecology Unit: Initially responded to request changes to the proposed planting schedule to include more native plant species. Upon receipt of a revised planting schedule and landscaping scheme, responded with no objection to the proposal.
10. Lancashire County Council Highway Services (LCC Highway Services): Have responded with no objection to the proposal and requested that the proposed garages be increased in size to meet their guideline dimensions, which was subsequently implemented by the applicant. LCC Highway Services have recommended conditions be attached in relation to the layout of vehicle manoeuvring areas and the implementation of wheel cleaning during construction work.
11. Waste & Contaminated Land Officer: Have responded to state the following:

'The Ground Investigation has indicated some ground contamination that requires attention. The report recommends remedial action by installation of a 600mm/450mm cover layer of clean soils in rear/front & side gardens/ open spaces. The applicant should confirm the remediation methodology and ensure this is carried out. This should be confirmed by a validation report once completed, prior to the occupation of housing.'

It is considered that the above can be adequately dealt with via a suitably worded planning condition and requires no further assessment in this report.

12. United Utilities: Have not responded on this occasion. It is noted that they responded to the previous outline planning application for this site with no objection.

PLANNING CONSIDERATIONS

Principle of the development

13. The acceptability of the principle of the development has been established by the grant of outline planning permission.

Impact on character and appearance of locality

14. The National Planning Policy Framework (the Framework) attaches considerable importance on achieving good design and a high-quality built environment. It states that planning policies and decisions should respond to local character and history and seek to reinforce local distinctiveness. The importance of high-quality design is reflected in the Central Lancashire Core Strategy (policy 17) and the Chorley Local Plan (policy BNE1). It is

considered that detached dwellings of the design proposed would be appropriate to the character of the area.

15. The prevailing dwelling types within the vicinity of the application site are detached two storey houses, bungalows and dormer bungalows. However, elsewhere in Mawdesley, a wide range of dwelling types and design styles exist from the traditional to the modern.
16. The proposed four detached dwellings are of a modern design and appearance with some interesting features. The materials palette consists of rural blend red brick, sandstone detailing, cream UPVC windows, roughcast render and grey roof tiles.
17. It is considered that the four detached properties in this location would assimilate with the built form of Mawdesley, particularly given that a residential development is being implemented to the south east of the site, and the house adjacent to the site entrance is a two storey detached house. The position of the dwellings themselves would be largely concealed from public view in any event given the position of the site, and the addition of four dwellings would have a negligible impact in terms of the character of the village.
18. Care has been taken to ensure site levels remain consistent with surrounding dwellings and mature trees and vegetation to the periphery are proposed to be retained, other than four trees due to poor health. Eight trees and over 150m of new hedgerow would be planted as part of the proposal, along with substantial areas of amenity grassland.
19. The proposal is considered to be acceptable in terms of character and appearance and complies with policy BNE1 of the Chorley Local Plan 2012 - 2026.

Impact on neighbour amenity

20. Policy BNE1 of the Chorley Local Plan 2012 - 2026 states that new development must not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact.
21. It is noted there has been two neighbour objections to the proposed development.
22. The submitted plans have been revised following the comments made by an occupant of no.22 New Street to reposition the garage that would serve Plot 1, moving this to the south behind no.20 where there is a greater separation distance to neighbouring dwellings.
23. There are no side windows in the facing elevation of the dwelling on plot 1 that could overlook into the rear gardens of the properties on New Street and the dwelling on plot 1 is positioned so to not be directly faced by either of the closest dwellings on New Street.
24. There is 14m between the rear elevations of plots 3 and 4 and the shared boundaries with the dwellings on Asland Drive and a further 10m to the dwellings themselves.
25. The degree of separation and relative positioning are such therefore that there would be no unacceptable impact from loss of light, overshadowing, or loss of privacy on the occupiers of surrounding dwellings as a result of the proposal.
26. The proposed dwellings have been designed in such a way so as to be compatible with each other without creating an amenity impact of adjacent plots. There would be an adequate degree of screening around the plots.
27. In light of the above, it is considered that the proposal is acceptable in terms of amenity impacts and accords with policy BNE1 in this regard.

Highway safety

28. The proposed site access from New Street has already been determined to be acceptable by the approval of the outline planning permission which sought detailed consent for access.

29. Adequate parking spaces are proposed to serve the development by way of garages and driveway space. This would ensure that the proposal complies with the Council's parking standard set out at policy ST4 of the Chorley Local Plan 2012 - 2026.
30. It is considered that the surrounding highway network could accommodate the uplift in traffic associated with the delivery of the dwellings and that the residual cumulative impacts on the road network would not be severe. It is also noted that LCC Highway Services have no objection to the proposed development subject to the imposition of conditions.

Ecology and trees

31. Policy BNE9 (Biodiversity and Nature Conservation) of the Chorley Local Plan 2012 – 2026 stipulates that Biodiversity and Ecological Network resources will be protected, conserved, restored and enhanced; and that priority will be given to, among other things, protecting, safeguarding and enhancing habitats for European, nationally and locally important species.
32. The application site consists of scrubland, hardstanding and some mature trees and hedgerows to the site perimeter. As previously noted, the mature trees and vegetation to the periphery of the site are proposed to be retained, other than four trees due to poor health. The condition of these trees has been agreed with the Council's Tree Officer. Eight trees and over 150m of new hedgerow would be planted as part of the proposal, along with substantial areas of amenity grassland.
33. The Greater Manchester Ecological Unit are satisfied with the proposed landscaping details, which includes a management plan to secure the future care of the landscaping measures. All of the landscaping details can be secured by planning condition. The proposal is considered to comply with policy BNE9 of the Local Plan and is acceptable in terms of impacts upon ecology and trees.

Flood risk and drainage

34. Mawdesley Parish Council's objection to the application in relation to flood risk is noted.
35. The application site is not located in an area that is at risk of flooding from pluvial or fluvial sources, according to Environment Agency mapping data. In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.
36. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. As such the developer should consider the following drainage options in the following order of priority:
 1. into the ground (infiltration);
 2. to a surface water body;
 3. to a surface water sewer, highway drain, or another drainage system;
 4. to a combined sewer.
37. The application is supported by a Drainage Strategy Report that has assessed the ground conditions of the site as being unsuitable for ground infiltration of surface water. It is, therefore, proposed to discharge surface water to an existing watercourse that runs from south to north within the eastern boundary of the site to which surface water from the site presently discharges. The rate of discharge would be controlled by surface water pipes and chambers and within two attenuation tanks.
38. Foul water is proposed to connect with the existing foul sewer in New Street.
39. On completion of the construction works, a suitably qualified Management Company will be contracted to manage and maintain the developed site. The management company will be responsible for the inspection, maintenance and repair of all communal drainage infrastructure and communal access and landscape areas. Minor drains and driveway areas will remain outside the management company and will be the responsibility of the

property owners. The drains and chambers will be inspected at six monthly intervals and will be cleaned and repaired as necessary to maintain a fully operational system of drainage. The operation and work of the Management Company will be financed through a legal contract with each property on which will be levied an annual fee.

- 40. United Utilities, the Lead Flood Authority and the Council’s Building Control department will need to approve the proposed drainage network under separate legislation, prior to its installation. In planning terms, it is considered to be acceptable as the proposal meets the aforementioned national planning policy requirements.

Community Infrastructure Levy

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

CONCLUSION

- 42. The submitted details of reserved matters are considered to be acceptable and the application is recommended for approval.

RELEVANT HISTORY OF THE SITE

Ref: 19/00564/OUT **Decision:** PEROPP **Decision Date:** 30 November 2021
Description: Outline application for the erection of 4no. dwellings and associated garages and parking following demolition of the existing commercial building (with all matters reserved save for access)

RELEVANT POLICIES: In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.

Suggested conditions

- 1. The Development shall only be carried out in accordance with the approved plans, except as may otherwise be specifically required by any other condition of the outline planning permission or this approval of reserved matters.

Reason: To define the permission and in the interests of the proper development of the site.

- 2. The proposed development must be begun not later than two years from the date of this permission.

Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3. The development hereby permitted shall be carried out in accordance with the approved plans below:

Title	Plan Ref	Received On
Site Location Plan	N/A	6 December 2021
Site Plan	04 Rev C	3 February 2022
Plot 1 Plans	05	6 December 2021
Plot 1 Elevations	06	6 December 2021
Plot 2 Plans	07	6 December 2021

Plot 2 Elevations	08	6 December 2021
Plot 3 Plans	09	6 December 2021
Plot 3 Elevations	10	6 December 2021
Plot 4 Plans	13 Rev A	3 February 2022
Plot 4 Elevations	14	6 December 2021
Single Garage	12 Rev A	3 February 2022
Double Garage	13 Rev A	3 February 2022
Materials	15	6 December 2021
General Arrangement Plan - Landscaping	SJ.NSM.01 Rev B	7 March 2022
Planting Schedule and Outline Specification	SJ.NSM.03 Rev B	7 March 2022
Boundary Treatment	SJ.NSM.02 Rev A	3 February 2022
Proposed Drainage Layout	C-0968-02 Rev A	31 March 2022

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

4. The external facing materials, detailed on the approved plan ref. 15 received on 06.12.2021, shall be used and no others substituted unless alternatives are first submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the materials used are visually appropriate to the locality.

5. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and the vehicular turning space shall be laid out and be available for use before any development commences and a suitable turning area is to be maintained thereafter.

Reason: Vehicles reversing to and from the highway are a hazard to other road users, for residents and construction vehicles.

6. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason: To prevent stones and mud being carried onto the public highway to the detriment of road safety.

7. All planting, seeding or turfing identified on approved plan refs. SJ.NSM.01 Rev B and SJ.NSM.03 Rev B shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the earlier, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All works shall be undertaken in strict accordance with the approved Landscape and Open Spaces Management Plan, dated February 2012.

Reason: In the interest of the appearance of the locality.

8. No works to trees and shrubs or vegetation clearance or demolition of buildings shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and that appropriate measures in place to protect nesting bird interests on site. Written confirmation of such shall be submitted to the Local Planning Authority.

Reason: In the interests of the visual amenity of the area and amenities of local residents.

9. Prior to the first occupation of any of the approved dwellings, a remediation methodology shall be submitted to and approved in writing by the Local Planning Authority, the remediation

measures completed and a validation report submitted to and approved in writing by the Local Planning Authority.

Reason: To properly address any land contamination issues, to ensure the site is suitable for the proposed end-use. The submitted Ground Investigation Report, dated June 2021, has indicated some ground contamination that requires attention. The report recommends remedial action by installation of a 600mm/450mm cover layer of clean soils in rear/front & side gardens/ open spaces.

10. The approved development shall be undertaken in strict accordance with the submitted Arboricultural Impact Assessment, dated April 2021, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the trees proposed for retention are adequately protected during construction work.

11. The approved development shall be carried out in strict accordance with the submitted Drainage Strategy Report, ref. C-0968, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the proper drainage of the site.

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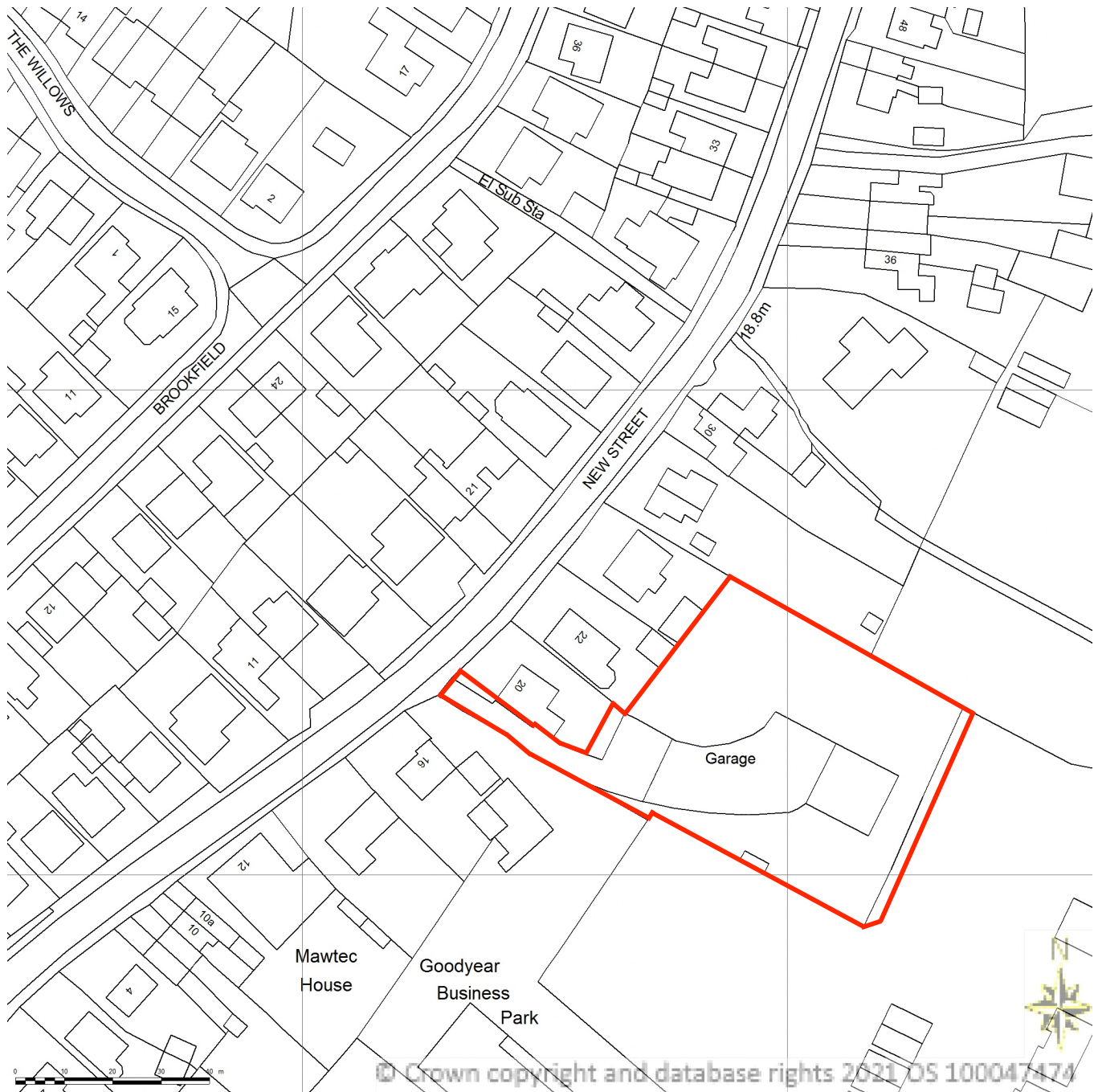


SITE LOCATION PLAN

AREA 5 HA

SCALE: 1:1250 on A4

CENTRE COORDINATES: 349251 , 414767



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Planning
Committee Meeting

24 May 2022



Item 3e

22/00034/REM

20 New Street, Mawdesley

Reserved matters application pursuant to outline planning permission ref.19/00564/OUT (Outline application for the erection of 4no. dwellings and associated garages and parking following demolition of the existing commercial building (with all matters reserved save for access)) seeking approval of details of appearance, layout, scale, landscaping, emission rates, materials, boundary treatments, site levels, broadband strategy and remediation strategy (condition nos. 1, 3, 6, 7, 9 and 12)

Location Plan



Aerial photo



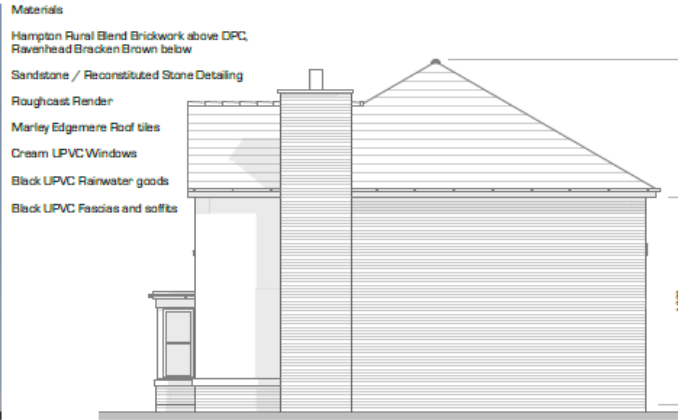
Site Layout



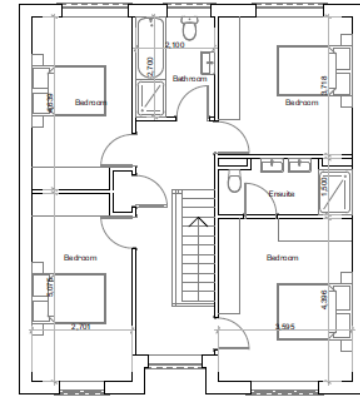
Plot 1 Elevations and Floor Plans



Front Elevation



Side Elevation



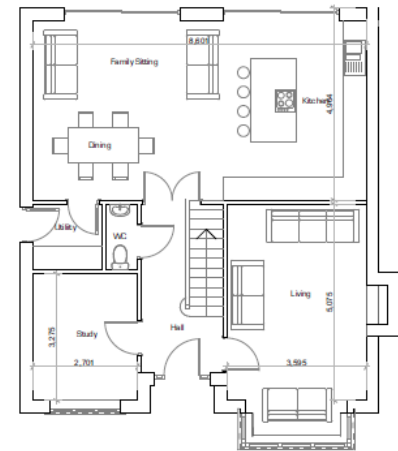
First Floor Plan



Rear Elevation



Side Elevation



Ground Floor Plan

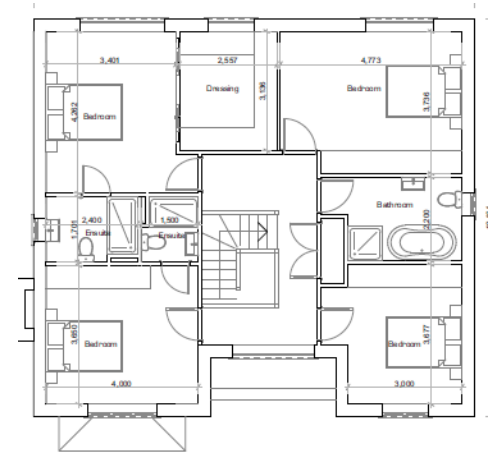
Plot 2 Elevations and Floor Plans



Front Elevation



Side Elevation



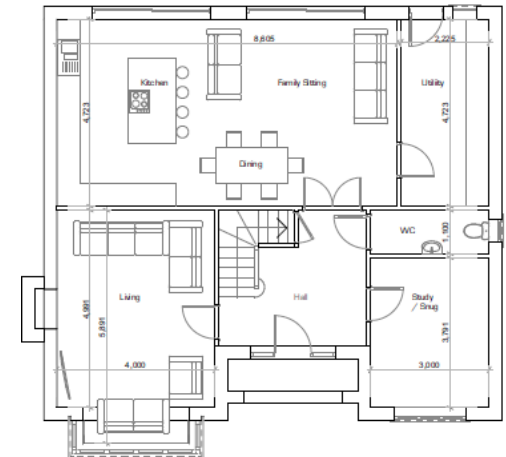
First Floor Plan



Rear Elevation



Side Elevation



Ground Floor Plan

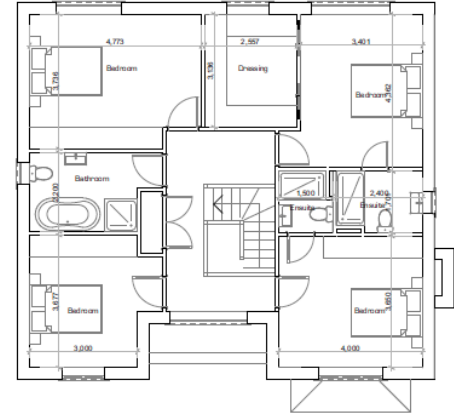
Plot 3 Elevations and Floor Plans



Front Elevation



Side Elevation



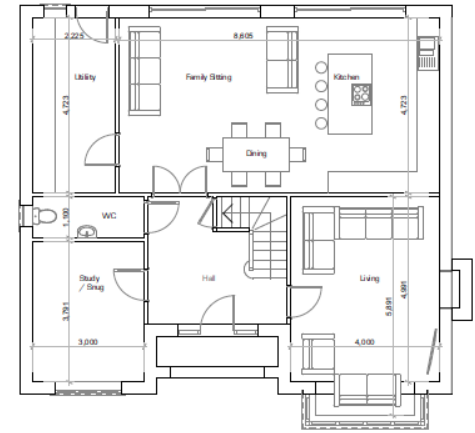
First Floor Plan



Rear Elevation



Side Elevation



Ground Floor Plan

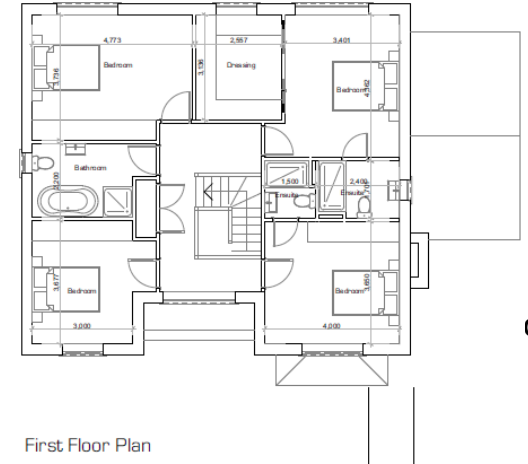
Plot 4 Elevations and Floor Plans



Front Elevation



Side Elevation



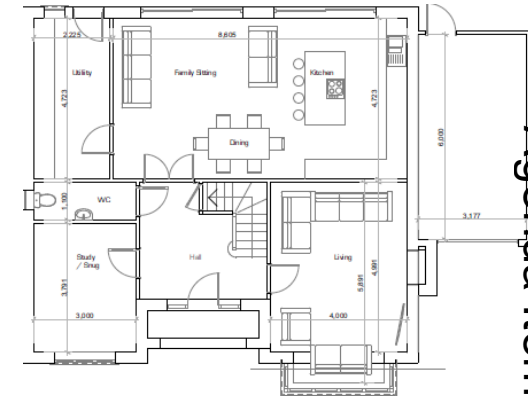
First Floor Plan



Rear Elevation



Side Elevation



Ground Floor Plan

Garage Elevations



Front Elevation



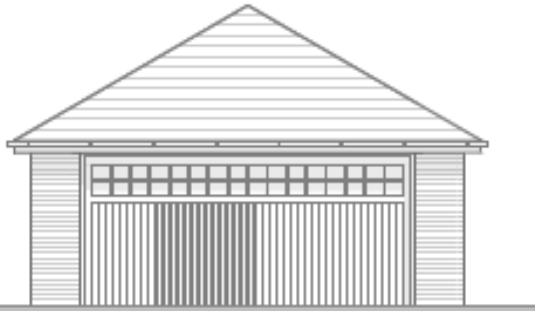
Side Elevation



Rear Elevation



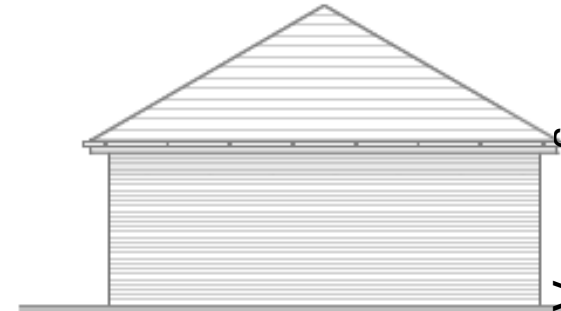
Side Elevation



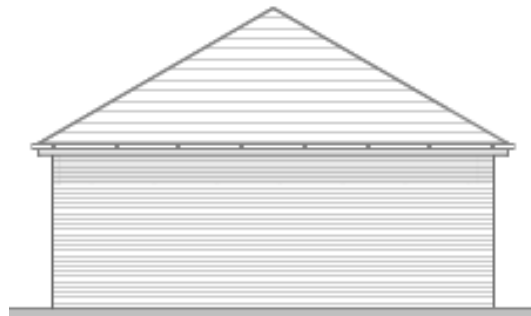
Front Elevation



Side Elevation



Rear Elevation



Side Elevation

Landscape Plan



Site photos – site access



Site photos – site access



Site photos – surrounding dwellings



Site photos – surrounding dwellings



Site photos – surrounding dwellings



Site photos – surrounding dwellings



Site photos – surrounding dwellings



Site photos – surrounding dwellings



Site photos



Site photos



Site photos



Site photos



Site photos



Site photos



Site photos



Site photos



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APPLICATION REPORT – 22/00081/FUL

Validation Date: 24 January 2022

Ward: Clayton East, Brindle And Hoghton

Type of Application: Full Planning

Proposal: Erection of two storey building containing seven self contained supported living units, staff living unit and communal areas, and one individual detached bungalow, along with associated driveway and parking following demolition of existing buildings

Location: Higher Morris Farm 595 Preston Road Clayton-Le-Woods Chorley PR6 7EB

Case Officer: Mr Iain Crossland

Applicant: Mr Mally Irving, Progress Housing Group

Agent: Ms Marlena Swiatkowska, Halsall Lloyd Partnership

Consultation expiry: 18 February 2022

Decision due by: 27 May 2022 (Extension of time agreed)

RECOMMENDATION

1. It is recommended that planning permission is granted subject to conditions and a s106 agreement to secure an off-site contribution towards public open space provision.

SITE DESCRIPTION

2. The application site is located in the settlement area of Clayton le Woods to the west side of the A6 Preston Road, which is north of Chorley. It comprises a building and land providing a residential institution, offering accommodation and training for young adults with learning disabilities (Use Class C2).
3. The site is a corner plot on the junction of Preston Road and Clayton Green Road. Preston Road is a key arterial route connecting local villages and housing to nearby motorways (M65 and M6) and Chorley town centre. Immediately surrounding the site there are a number of amenities, which are all within walking distance including; supermarkets - both ASDA and Lidl - Clayton Green Library, St Bede's Church and Clayton Green Sports Centre.
4. Currently the application site comprises a two storey building with a smaller single storey out-building to the rear, both of which are vacant. These buildings are set back from Preston Road, with parking to the front and high hedges forming the front boundary onto the street.
5. There is a mixture of traditional housing and contemporary development surrounding the site. It is noted that there are three grade II listed buildings in the vicinity of the development site; St Bede's Church, St Bede's RC Primary School and 588 Preston Road. These are also set back from the road and have high hedges as a principal boundary treatment. To the north and north west of the site the housing stock is modern and has been completed within the last ten years. The modern housing is simple in design and displays limited architectural features. There is a library of modern design immediately to the west of the site, beyond which is a two storey business village that provides office space to its tenants.

DESCRIPTION OF PROPOSED DEVELOPMENT

6. This application seeks planning permission for the erection of a two storey building containing seven self contained supported living units, staff living unit and communal areas, and one individual detached bungalow, along with associated driveway and parking following the demolition of existing buildings. The proposed buildings are of a simple modern design with the main apartment building sited in the general position of the existing buildings and the bungalow located on the land to the south.
7. The applicant has set out that the proposal is to develop the site to create two buildings. The first, fronting onto Preston Road will be a two storey building providing eight self-contained supported living units along with communal kitchen, lounge and seating area. The second building will be a 2 bedroom self-contained bungalow building, which has been specifically designed to accommodate persons with a high level of autism.

REPRESENTATIONS

8. One letter in support of the proposal has been received. This letter does refer to concerns about overlooking and scale.
9. One letter raising concerns about working hours and overhanging vegetation has been received.

CONSULTATIONS

10. Greater Manchester Ecology Unit: Have no objection subject to conditions.
11. Lancashire County Council Highway Services (LCC Highway Services): Have no objection.
12. United Utilities: Have no objection subject to condition.
13. Clayton le Woods Parish Council: No comments have been received.

PLANNING CONSIDERATIONS

Principle of development

14. The National Planning Policy Framework (The Framework) states that housing applications should be considered in the context of the presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved without delay. One of the core principles of the Framework is that development should be focussed in locations that are sustainable. It is considered that the site is located in a highly sustainable location with good access to public transport, a range of local amenities including schools, supermarkets, library, churches, sports centre and public houses amongst other things, and the means to access other nearby amenities relatively easily.
15. Policy 1(d) of the Central Lancashire Core Strategy states that some growth and investment will be encouraged in Urban Local Service Centres to help meet housing and employment needs. Clayton Green is identified as one of the Urban Local Service Centres and therefore the proposed development is in line with this policy.
16. The application site is not designated within the local plan and its lawful use is as a residential institution. The application site forms part of land designated by policy V2 of the Chorley Local Plan 2012-2026. Within these areas there is a presumption in favour of appropriate sustainable development, subject to material planning considerations and compliance with other Development Plan policies.
17. The proposed development comprises a two storey building containing seven self contained supported living units, staff living unit and communal areas, and one individual detached

bungalow in the settlement area of Clayton le Woods, which is a sustainable location where some growth and investment is encouraged. It is, therefore, considered that the 'principle' of the proposed development is acceptable in compliance with the Framework, Core Strategy policy 1 and Chorley Local Plan policy V2.

Impact on designated and non-designated heritage assets

18. The application site is located within the setting of the following heritage assets:
Church of St Bede and attached Presbytery, Preston Road, Grade II (no.1281404)
School circa 50 metres east of Church of St Bede, Preston Road, Grade II (no. 1072447)
Stable building circa 20 metres north of Church of St Bede, Preston Road, Grade II (no. 1072448) 586 AND 588, PRESTON ROAD, Grade II (no. 1204065).
19. The Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act) sets out the principal duty that a Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Great weight and importance is attached to this duty.
20. The National Planning Policy Framework 2021 (The Framework) at Chapter 16 deals with conserving and enhancing the historic environment. It recognises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. The following paragraphs contained therein are considered to be pertinent in this case:
21. The Framework at paragraph 197 states that in determining applications, local planning authorities should take account of:
 - a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.
22. At paragraph 199 the Framework provides 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
23. At paragraph 200 the Framework confirms that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
24. Paragraph 201 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
 - a) the nature of the heritage asset prevents all reasonable uses of the site; and
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and

- d) the harm or loss is outweighed by the benefit of bringing the site back into use.
25. At paragraph 202 the Framework provides 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, where appropriate, securing its optimum viable use.
26. The adopted Central Lancashire Core Strategy (2012) policy 16 (Heritage Assets) states: Protect and seek opportunities to enhance the historic environment, heritage assets and their settings by:
- a) Safeguarding heritage assets from inappropriate development that would cause harm to their significances.
 - b) Supporting development or other initiatives where they protect and enhance the local character, setting, management and historic significance of heritage assets, with particular support for initiatives that will improve any assets that are recognised as being in poor condition, or at risk.
 - c) Identifying and adopting a local list of heritage assets for each Authority.
27. Chorley Local Plan 2012 - 2026 policy BNE8 (Protection and Enhancement of Heritage Assets) states that:
- a) Applications affecting a Heritage Asset or its setting will be granted where it:
 - i. Is in accordance with the Framework and relevant Historic England guidance;
 - ii. Where appropriate, takes full account of the findings and recommendations in the Council's Conservation Area Appraisals and Management Proposals;
 - iii. Is accompanied by a satisfactory Heritage Statement (as defined by Chorley Council's advice on Heritage Statements) and;
 - b) Applications will be granted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment and where they show consideration for the following:
 - i. The conservation of features and elements that contribute to the heritage asset's significance and character. This may include: chimneys, windows and doors, boundary treatments, original roof coverings, earthworks or buried remains, shop fronts or elements of shop fronts in conservation areas, as well as internal features such as fireplaces, plaster cornices, doors, architraves, panelling and any walls in listed buildings;
 - ii. The reinstatement of features and elements that contribute to the heritage asset's significance which have been lost or damaged;
 - iii. The conservation and, where appropriate, the enhancement of the setting of heritage assets;
 - iv. The removal of additions or modifications that are considered harmful to the significance of any heritage asset. This may include the removal of pebbledash, paint from brickwork, non-original style windows, doors, satellite dishes or other equipment;
 - v. The use of the Heritage Asset should be compatible with the conservation of its significance. Whilst the original use of a building is usually the most appropriate one it is recognised that continuance of this use is not always possible. Sensitive and creative adaptation to enable an alternative use can be achieved and innovative design solutions will be positively encouraged;
 - vi. Historical information discovered during the application process shall be submitted to the Lancashire Historic Environment Record.
28. The policy also states that development involving the demolition or removal of significant heritage assets or parts thereof will be granted only in exceptional circumstances which have been clearly and convincingly demonstrated to be in accordance with the requirements of the Framework.
29. The Framework Glossary defines the setting of a heritage asset as "the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset

and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral”.

30. The key heritage issue for the Local Planning Authority to consider is the impact of the proposal on the setting of the adjacent heritage assets. Shown on the first OS map of 1846, the existing farmhouse is part of an early 19th century small rural settlement comprising the grade II listed St Bede's church and the cottages opposite, including the listed No.586 and 588 to the south west. The buildings themselves have been little altered, but their setting has significantly changed. Indeed, with the modern Clayton Green Road to the south and development on all sides of the large junction, today the area has a suburban residential character.
31. The farmhouse itself has a plain or simple architectural style, with little detailing apart from its corbelled brick chimneys, as modern render may have obscured any wall detailing. It is however of the *Longhouse* type, common in northern England, and is likely a late example. It is not known whether there are any internal features of interest. Notwithstanding the lack of information, whilst the building retains some sense of historic character, it is unlikely that the building could be considered, of special interest, on its own merit.
32. The outbuilding to the rear of the farmhouse is of the 20th century and does not appear to have any particular heritage value. However, the current property reflects the former agricultural function of the area, and is perhaps one of the few remaining vestiges of the rural origins of the settlement. The former farmhouse and those stone cottages opposite, St Bedes Church and the school behind have a collective 'group' value. This setting is further enhanced by the enclosure provided by the mature trees and hedges. In this context the existing building contributes positively to the wider setting of those surrounding designated heritage assets and its demolition would result in some (low level) harm occurring. However, the intervisibility between the heritage assets is somewhat limited and that as such the value that can be attributed to this collective or group value is low. In this context, given that the existing setting has already been heavily degraded by modern development, the loss of the farmhouse from the group would cause only a negligible level of harm to those designated assets.
33. The proposed new two storey building is of a larger scale and massing than the existing farmhouse and would be taller/larger than the modern housing, which lies immediately to the north of the site. In this respect the building would be more noticeable, within the streetscene, than the existing on to be demolished.
34. It is noted that St Bede's Church is relatively modest as are the adjacent stone cottages on the south side. The visual relationship between the buildings is, however, greatly reduced by the landscaping across the frontage of the Church site and this is reinforced by the mature trees on the southern portion/boundary of the application site, which limits views travelling northwards along Preston Road.
35. The proposed design with two front bays and hipped roof attempts to reduce the massing. In this sub-urban context the impact on the setting is somewhat limited. The proposed bungalow, due its small scale and being set back, would have no visual impact on the immediate setting. The proposed materials, whilst modern, would have a restrained palette within the tones of the local stone used in the heritage assets and as such are considered acceptable.
36. Therefore, it can be concluded that the proposal would cause only negligible levels of harm to those designated heritage assets highlighted. The very limited impact to the contribution made by the setting to the significance of those heritage assets is as a direct result of the proposed demolition of the existing building and the erection of the larger more bulky new replacement building.
37. Under the duty imposed by s.66(1) of the P(LBCA) Act 1990 it is considered that the proposed development would have a negligible or very low impact on the contribution made

by the setting to the significance of the grade II Listed St Bede's Church and to a lesser extent the presbytery, adjacent stable, St Bede's School as well as Nos. 586 and 588 Preston Road.

38. Under the Framework the negligible level of harm is '*less than substantial*' and as such should be assessed under P.202 of the Framework. It is for the Local Planning Authority to consider the very low level of harm in its planning balance considering also any public benefits generated by the scheme. In this instance there is a significant social benefit in providing supported living units to a part of the community with particular housing needs, whilst the applicant justifies the demolition of the existing farmhouse due to the accessibility and service requirements of the target residential population making the reuse of the building impractical. This is considered to outweigh the limited harm identified and therefore meets the statutory test to 'preserve' and be in conformity with Chapter 16 of the Framework, policy 16 of the Central Lancashire Core Strategy and policy BNE8 of the Chorley Local Plan 2012 - 2026.

Impact on character and appearance of locality

39. The application site is fairly prominent in nature occupying a frontage position adjacent to the A6 Preston Road and Clayton Green Road, although it is noted that much of the frontage is characterised by mature landscaping and is separated from the highway by an area of public open space comprising mature trees and vegetation to the southern portion. The main building is of a simple traditional design typical of an agrarian farmhouse and is now somewhat at odds with the development that has evolved around it. The building has also suffered from more recent physical decline and detracts from the appearance of the site.
40. The proposed development would introduce two buildings. The main and most prominent building would be a two storey building containing seven self contained supported living units, a staff living unit and communal areas. It would be positioned generally on the footprint of the existing building though it would have a larger footprint, would be taller and of greater mass and scale. It would be of a fairly simple modern design though would include a Dutch hipped roof, and two story gable bays to front and rear adding a degree of interest. It would be taller than the dwellings to the north, however, it would be set in line with them to carry through the prevailing building line and given that the building occupies a corner plot and is visually separate from surrounding development it would not appear at odds with the surroundings and would provide an element of presence that is appropriate in this position. The modern design style would reflect that of the dwellings immediately to the north and the library and commercial buildings to the west and is appropriate in this context.
41. The inclusion of hedges and landscaping to the frontage would soften the appearance of the development, which reflects the current soft frontage and would allow the development to blend more harmoniously with the streetscene. The trees to the south would be retained though some trees on site would be lost in order to facilitate the two storey building. However, given the degree of retention and the fact that the trees are not protected this would not be unacceptably harmful to the character of the area.
42. The proposed bungalow would be of modest scale and simple modern design. It would be set within the southern part of the site at least 20m from the highway and would be surrounded by retained trees and vegetation, which would heavily filter views. Given the scale of this building, its positioning and surrounding features it would be largely screened from view and would have little impact on the character of the area. Its design would share similar materials and features with the proposed two storey building and would be a subservient part of the development that is appropriately designed.
43. Overall, it is considered that the proposed buildings would result in an acceptable relationship with the streetscene, would be an appropriate design response to the site and would have no unacceptably detrimental impact on the character of the locality. This complies with policy BNE1 of the Chorley Local Plan 2012 - 2026.

Impact on neighbour amenity

44. Policy BNE1 of the Chorley Local Plan 2012-2026 states that new development must not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact.
45. The nearest dwellings to the application site are situated to the north at 597 Preston Road and 6 Lime Tree Close, which share a boundary with the site. The two storey building would be positioned adjacent to the dwelling and rear garden at 597 Preston Road. This dwelling would have a blank gable end facing the application site and would be located approximately 7m from the proposed building. As a result there would be no impact on privacy or outlook from the dwelling. There would be a limited impact on light to the rear elevation, however, this would not be so severe that it would result in an unacceptable impact. The building would be offset from the rear garden to this dwelling by approximately 6m. It would be visible from the garden and would have some impact on light during the late mornings. The impact would not, however, be so severe that it would result in an unacceptable impact. There would be windows to habitable rooms at first and ground floor in the proposed building facing towards the garden at 597 Preston Road. Although the ground floor windows would be screened by boundary fencing those at first floor would provide views over the garden area that would be harmful to privacy given the degree of separation. It is, therefore, recommended that a condition be attached to any grant of planning permission to require that these windows are obscurely glazed. The impact on the amenity of the occupiers of 597 Preston Road is considered to be acceptable on this basis.
46. The proposed two storey building would be offset from 6 Lime Tree Close, which has a rear elevation facing the site. There would be no parallel facing windows between the two and no windows overlooking the garden area to this dwelling in the proposed building. The building would not be in the direct line of sight from the dwelling at 6 Lime Tree Close and would have no unacceptable impact on outlook as a result. There may be some impact on light to the rear garden and rear facing windows during the mornings, however, this would not be so severe that it would result in an unacceptable impact, given existing light levels and the light levels that would be maintained. As a result there would be no unacceptably detrimental impact on the occupiers of 6 Lime Tree Close.
47. Other dwellings are sited further away and those on the opposite side of Preston Road are over 28m distant. As a result there are no other dwellings that would be impacted.
48. The internal accommodation proposed would be of an appropriate scale so as to provide adequate amenity to future occupiers and the relationship between the proposed buildings themselves would comply with the Council's interface standards.

Highway safety

49. The proposed development would result in the construction of a building comprising seven one bedroomed self contained supported living units, a one bedroomed staff living unit and communal areas, and one individual two bedroomed detached bungalow. There would be on-site parking provision for 10 cars, which complies with the parking standards specified for dwellings in policy ST4 of the Chorley Local Plan 2012 – 2026, whilst the site is located in a sustainable location with good access to a high frequency bus network.
50. Vehicular access would be taken from Preston Road as it is currently and this arrangement would not alter. LCC Highway Services have considered the proposal and have confirmed that they do not have any objections and it is, therefore, considered that the proposed development would not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Ecology

51. The application is accompanied by an ecology report (Extended Phase 1 Habitat Survey and Daytime Bat Survey, Rachel Hacking Ecology. 2020) and a bat survey results report (Bat Emergence Surveys, Rachel Hacking Ecology 2021). These have been reviewed by the Council's ecology advisors (Greater Manchester Ecology Unit) who advise that the ecological consultants appear to have undertaken a detailed survey of the site and carried

out an appropriate level of survey, subject to the provision of a further survey of the garage building. This was subsequently provided and found no evidence of bats and negligible potential for the garage to support bats. No further survey work in relation to this building was, therefore, required and satisfied the point made in relation to the garage.

52. Initial survey work in 2020 to assess the suitability of the buildings to support roosting bats judged the main building to have moderate potential to support roosting bats. Two activity surveys were subsequently undertaken in June and July 2021. The surveys were undertaken within the optimal season and spaced appropriately through the months, therefore, sufficient survey effort appears to have been undertaken on the main dwelling building on the site. None of the trees surveyed had any potential to support roosting bats.
53. The activity surveys confirmed the presence of an individual roosting common pipistrelle bat located in a gap on the northern gable of the dwelling. It is, therefore, considered that the main dwelling supports a bat roost for one species of bat (common pipistrelle) under the definition of the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.
54. Given the low number of bats observed emerging (1 bat) the roost is judged to be a day roost and of low conservation significance. An indicative mitigation plan to undertake the works to preserve the conservation status of the species is provided, which would need to take place under a Natural England licence (either a low impact class licence or full EPS licence).
55. Although the mitigation provided is not a full detailed mitigation statement, GMEU consider that the mitigation proposed in the ecology report would be sufficient to maintain the conservation status of common pipistrelle bats in Chorley, as it proposes alternate roost provision in the form of a bat box to be located in a retained tree prior to building demolition, supervised removal of the roof by an ecologist and provision of a bat box on one of the newly constructed buildings.
56. It is, therefore, recommended that a condition is attached to any grant of planning permission requiring a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations (Amendments) (EU Exit) 2019 authorizing the specified activity/development to go ahead; or a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence, in which can a Reasonable Avoidance Method Statement for bats will be required.
57. Works (building works and any tree felling) must be timed to avoid the main bird nesting season (March – August inclusive) unless it can otherwise be demonstrated that no active bird nests are present, and it is recommended that a condition be attached to any grant of planning permission to secure this.
58. The plans for the site indicate that a number of existing trees are proposed for removal to accommodate the scheme. Only limited landscape plans have been submitted at this stage and it is, therefore, recommended that a condition is attached to any grant of planning permission requiring a fully detailed landscaping scheme that seeks to compensate for the loss of these trees. Without adequate compensatory planting there is likely to be a net loss in the biodiversity value of this site as a result of the proposals. Additionally all retained trees should be protected from adverse impacts of the proposals, in line with best practice planting arboricultural guidelines and, therefore, a condition is recommended to ensure this.
59. In addition to the mitigation and compensation recommendations, enhancements for biodiversity should be encouraged within the development, in line with best practice guidelines and policies of the Framework. Measures are suggested in section 5.4 of the ecology report such as the provision of bats and bird boxes and the use of nectar rich and wildlife friendly species in the landscape scheme. As such it is recommended that a biodiversity enhancement plan should be secured via a condition as part of the landscaping scheme.

60. On the basis of the above assessment and recommended conditions it is considered that on balance the proposed development would be acceptable within the terms of policies BNE9 and BNE10 given the social benefit of providing supported living units through the scheme.

Flood risk and drainage

61. The application site is not located in an area that is at risk of flooding from pluvial or fluvial sources, according to Environment Agency mapping data. In accordance with the Framework and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.
62. A Drainage Strategy has been submitted in support of the application, which has been reviewed by United Utilities, who confirm that the proposals are acceptable in principle subject to a condition being attached to the grant of planning permission to ensure that the development be carried out in accordance with principles set out in the submitted Foul and Surface Water Drainage Design. The only option is to drain surface water to the sewer in this particular case, however, the discharge rate will be limited by the provision of attenuation water storage to be installed beneath the driveway.

Sustainability

63. Policy 27 of the Core Strategy requires all new dwellings to be constructed to Level 4 of the Code for Sustainable Homes or Level 6 if they are commenced from 1st January 2016. It also requires sites of five or more dwellings to have either additional building fabric insulation measures or reduce the carbon dioxide emissions of predicted energy use by at least 15% through decentralised, renewable or low carbon energy sources. The 2015 Deregulation Bill received Royal Assent on Thursday 26th March 2015, which effectively removes Code for Sustainable Homes. The Bill does include transitional provisions which include:
64. *“For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015. This is expected to happen alongside the introduction of zero carbon homes policy in late 2016. The government has stated that, from then, the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the government’s intention into account in applying existing policies and not set conditions with requirements above a Code Level 4 equivalent.”*
65. *“Where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard, or in the case of energy a standard consistent with the policy set out in the earlier paragraph in this statement, concerning energy performance.”*
66. Given this change, instead of meeting the code level, the bungalow dwelling should achieve a minimum dwelling emission rate of 19% above 2013 Building Regulations in accordance with the above provisions. This can be controlled by a condition.

Public open space (POS)

67. Policy HS4 of the Chorley Local Plan 2012 – 2026 requires public open space contributions for new dwellings to be provided in order to overcome the harm of developments being implemented without facilities being provided.
68. Until recently the National Planning Practice Guidance (NPPG) previously set out a threshold for tariff-style contributions, stating that planning obligations should not be sought from developments of 10 or less dwellings and which have a maximum combined floorspace of no more than 1000 square metres. This guidance has been removed from the latest

NPPG and has been replaced with a requirement that planning obligations for affordable housing should only be sought for residential developments that are major developments.

69. Specifically the guidance was derived from the order of the Court of Appeal dated 13 May 2016, which gave legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 which has not been withdrawn and which should, therefore, clearly still be taken into account as a material consideration in the assessment of planning applications
70. To this end whilst it would normally be inappropriate to require any affordable housing or social infrastructure contributions on sites below the thresholds stated, local circumstances may justify lower (or no) thresholds as an exception to the national policy. It would then be a matter for the decision-maker to decide how much weight to give to lower thresholds justified by local circumstances.
71. Consequently, the Council must determine what lower thresholds are appropriate based on local circumstances as an exception to national policies. The Council has agreed to only seek contributions towards provision for children/young people on developments of 10 dwellings or less. There is currently a deficit of provision in Clayton East, Brindle & Hoghton in relation to this standard. A contribution towards new provision in the ward is, therefore, required from this development. The amount required is £134 per dwelling. The Chorley Open Space, Sports and Recreation Strategy (OSSR) Action Plan 2020 to 2036 identifies KKP ref 1339.2 Gough Lane as an appropriate and available site for new provision and a s106 agreement is required to secure this.

Community Infrastructure Levy

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

CONCLUSION

73. It is considered that the proposed development would have no detrimental impact on the character of the area and accords with the aims of policies within the Framework, Central Lancashire Core Strategy and Chorley Local Plan 2012 – 2026 that seek to achieve sustainable development. It is also considered that the proposed development would not give rise to undue harm to the amenities of neighbouring residents or result in any unacceptable impact on ecology, heritage assets, highway safety or drainage.

RELEVANT HISTORY OF THE SITE

Ref: 89/00066/COU **Decision:** PERFPP **Decision Date:** 14 March 1989
Description: Change of use to private garden

Ref: 20/00228/CLEUD **Decision:** PEREUD **Decision Date:** 22 October 2020
Description: Application for a certificate of lawfulness for an existing use as a residential institution, offering accommodation and training for young adults with learning disabilities (Use Class C2).

RELEVANT POLICIES: In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.

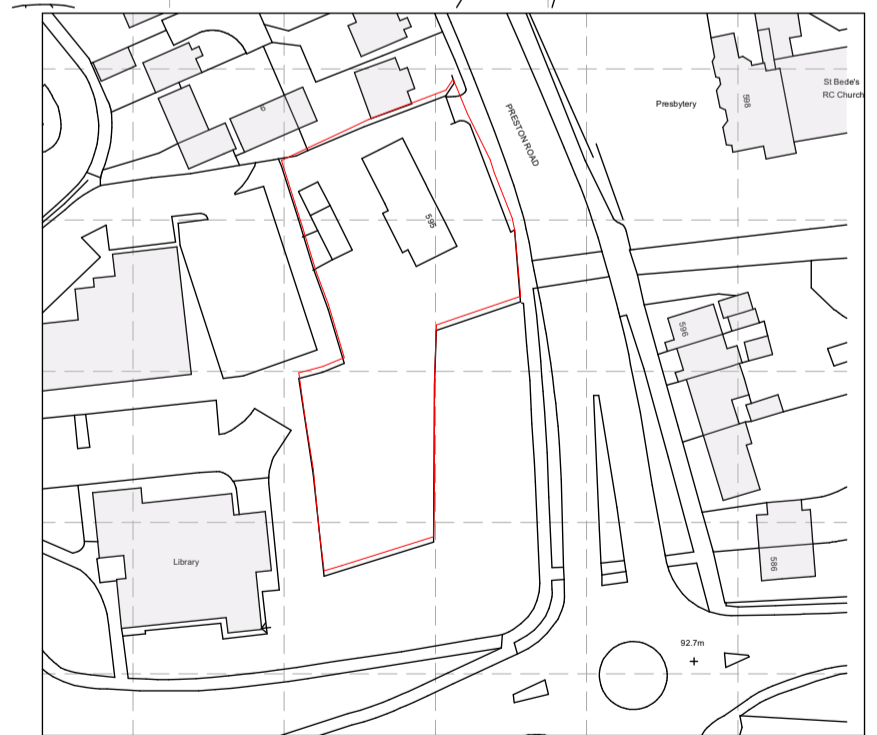
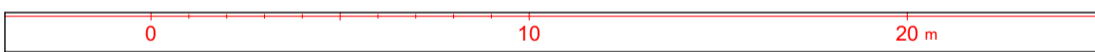
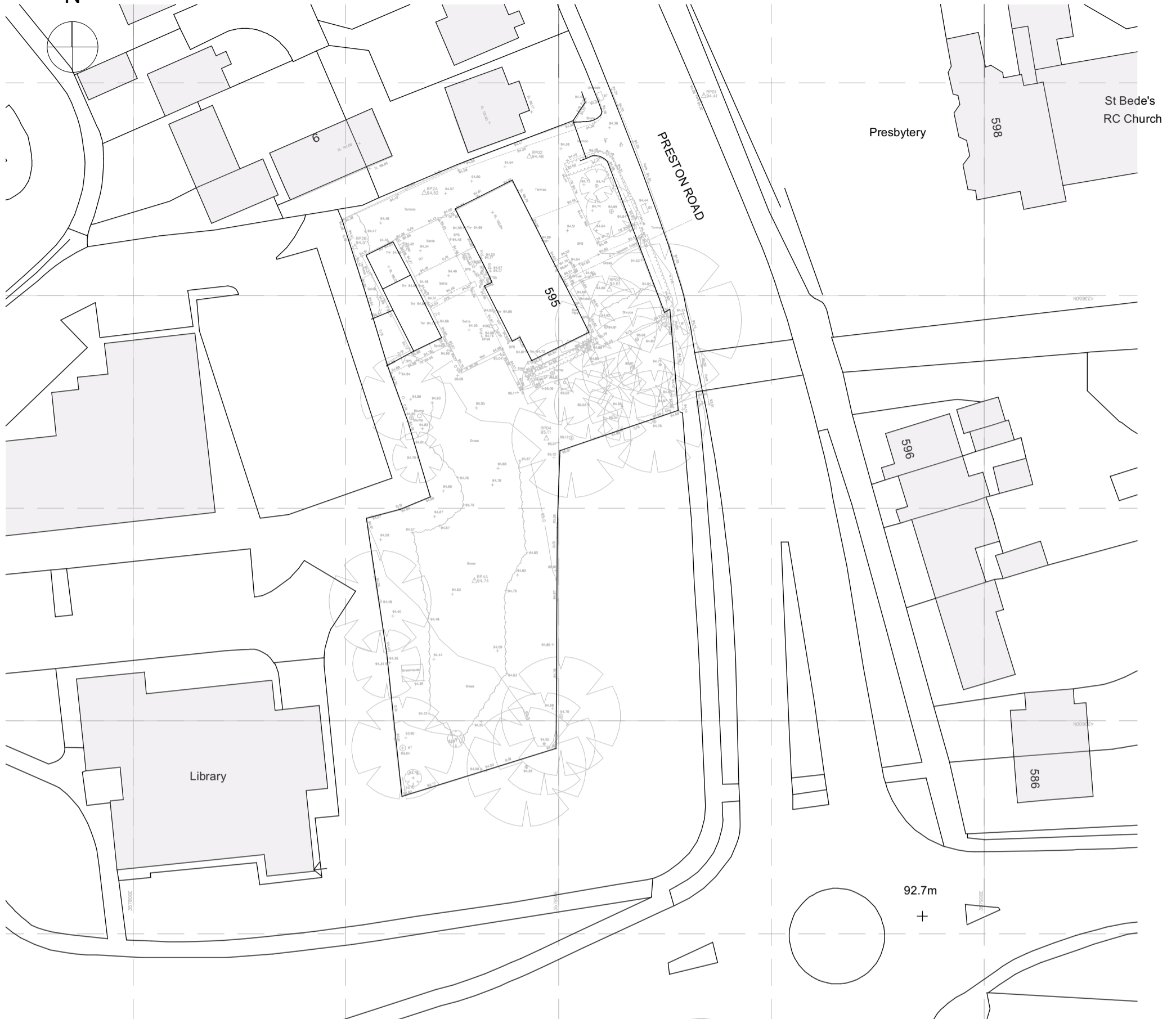
Suggested conditions

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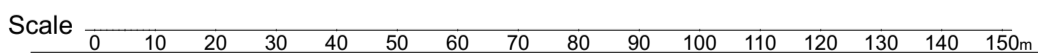
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Location Plan

1:1250



Office	Liverpool Nottingham Newcastle Preston	Drawing Title	
	Liverpool	Project	Location Plan
Address		Client	Higher Morris Farm 595 Preston Road
	98-100 Duke Street	RIBA Stage	3
Post Code		Drawn	BB
	L1 5AG	Check	BY
Tel	0151 708 8944	Job Number	1:500, 1:1250, 1:2003 November 2021
Website	www.hlpdesign.com	Drg. No - Revision	L2919_GA_101_A

Project	Location Plan
Client	Higher Morris Farm 595 Preston Road
RIBA Stage	3
Drawn	BB
Check	BY
Job Number	1:500, 1:1250, 1:2003 November 2021
Drg. No - Revision	L2919_GA_101_A



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Planning

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Planning
Committee Meeting

24 April 2022



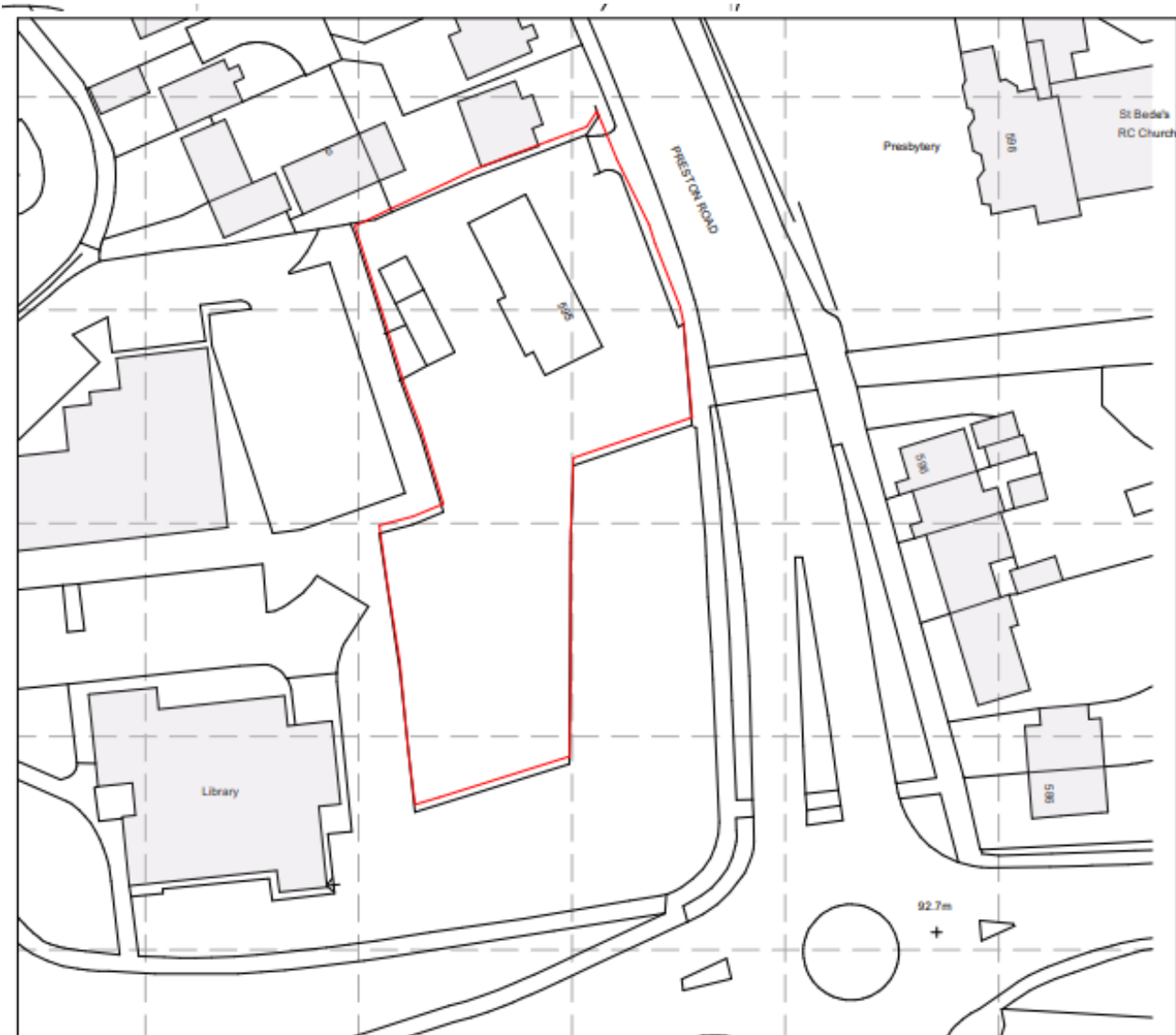
Item 3f

22/00081/FUL

Higher Morris Farm, 595 Preston Road, Clayton-Le-Woods, Chorley

Erection of two storey building containing seven self contained supported living units, staff living unit and communal areas, and one individual detached bungalow, along with associated driveway and parking following demolition of existing buildings

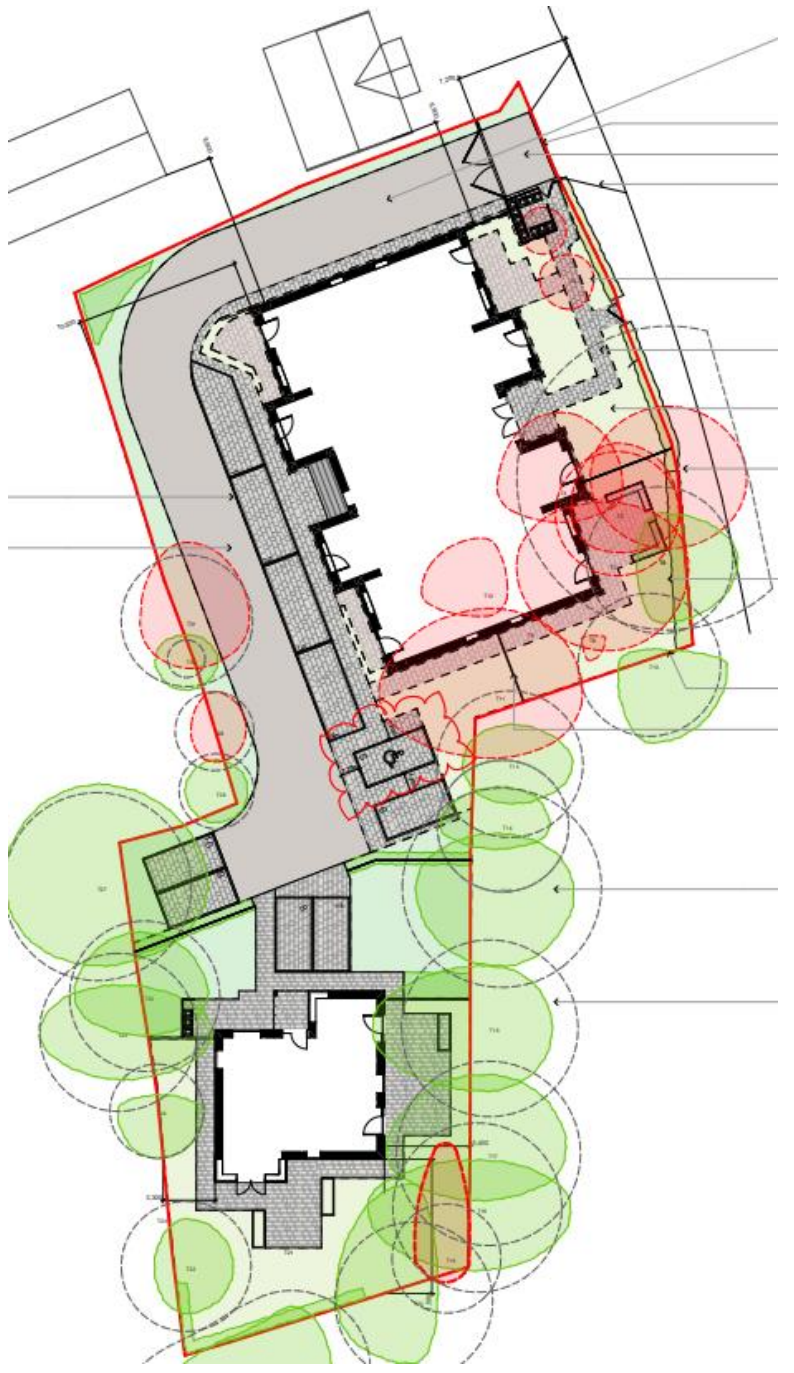
Location plan



Aerial image



Site layout plan



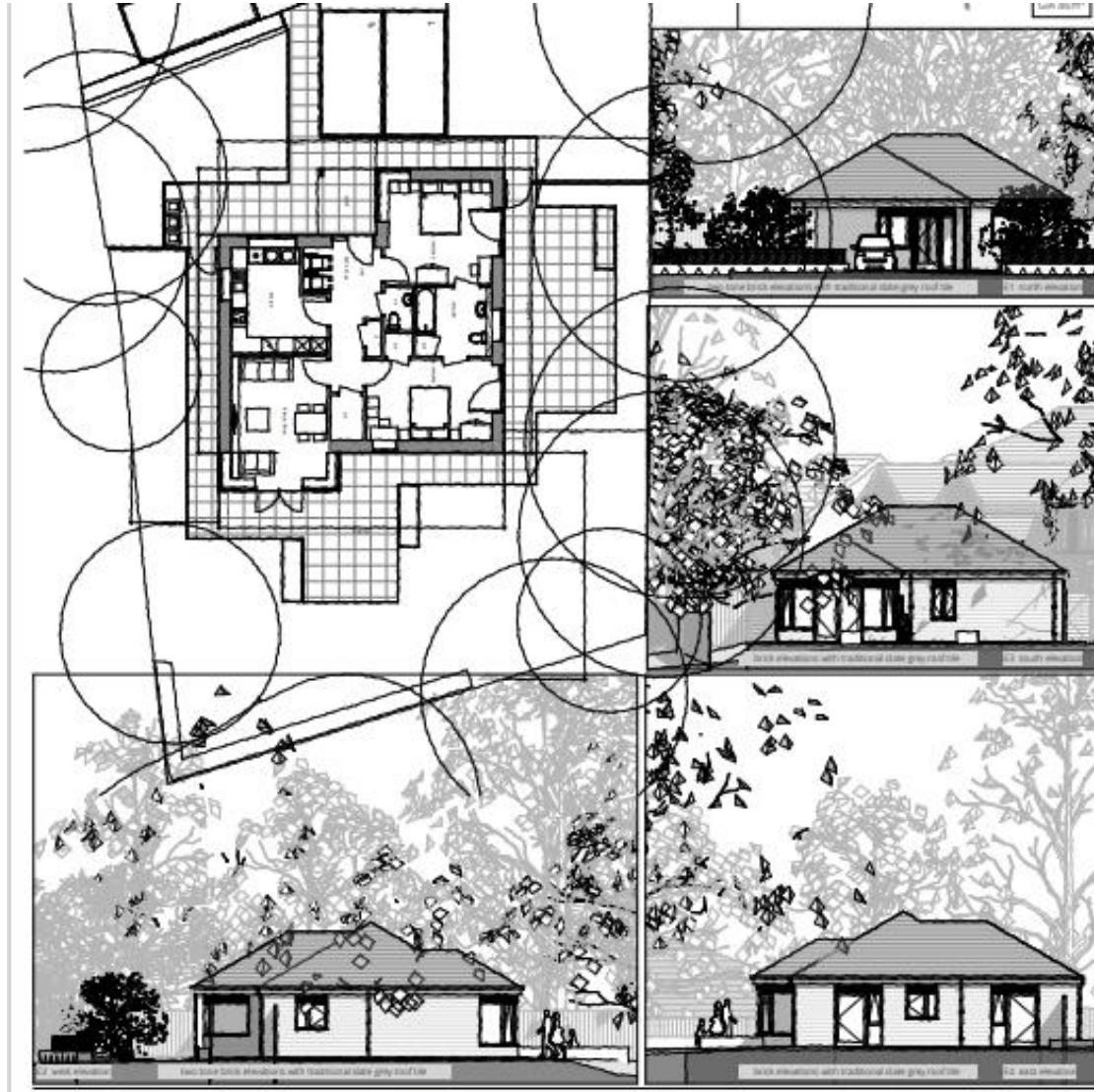
Street scene and visuals



Apartment building



Bungalow building



Site frontage



Site frontage



Site entrance



Site photo



Site photo



Site photo



ITEM 3f – 22/00081/FUL – Higher Morris Farm, 595 Preston Road, Clayton-Le-Woods, Chorley, PR6 7EB.

The recommendation remains as per the original report

The following conditions are recommended:

No.	Condition																					
1.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p><i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>																					
2.	<p>The development shall be carried out in accordance with the following plans:</p> <table border="1" data-bbox="320 792 1305 1032"> <thead> <tr> <th data-bbox="320 792 724 824">Title</th> <th data-bbox="724 792 1007 824">Drawing Reference</th> <th data-bbox="1007 792 1305 824">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="320 824 724 855">Location Plan</td> <td data-bbox="724 824 1007 855">L2919_GA_101_A</td> <td data-bbox="1007 824 1305 855">24 January 2022</td> </tr> <tr> <td data-bbox="320 855 724 887">Proposed Site Plan</td> <td data-bbox="724 855 1007 887">L2919_GA_104_C</td> <td data-bbox="1007 855 1305 887">14 March 2022</td> </tr> <tr> <td data-bbox="320 887 724 918">Proposed Street Elevation</td> <td data-bbox="724 887 1007 918">L2919_GA_105_B</td> <td data-bbox="1007 887 1305 918">24 January 2022</td> </tr> <tr> <td data-bbox="320 918 724 949">Apartment Elevations</td> <td data-bbox="724 918 1007 949">L2919_GA_108_B</td> <td data-bbox="1007 918 1305 949">24 January 2022</td> </tr> <tr> <td data-bbox="320 949 724 981">Contextual Apartment Plans</td> <td data-bbox="724 949 1007 981">L2919_GA_107_B</td> <td data-bbox="1007 949 1305 981">24 January 2022</td> </tr> <tr> <td data-bbox="320 981 724 1012">Contextual Bungalow Layout</td> <td data-bbox="724 981 1007 1012">L2919_GA_109_A</td> <td data-bbox="1007 981 1305 1012">24 January 2022</td> </tr> </tbody> </table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning.</i></p>	Title	Drawing Reference	Received date	Location Plan	L2919_GA_101_A	24 January 2022	Proposed Site Plan	L2919_GA_104_C	14 March 2022	Proposed Street Elevation	L2919_GA_105_B	24 January 2022	Apartment Elevations	L2919_GA_108_B	24 January 2022	Contextual Apartment Plans	L2919_GA_107_B	24 January 2022	Contextual Bungalow Layout	L2919_GA_109_A	24 January 2022
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3.	<p>Prior to the erection of the superstructure of the buildings hereby approved samples of all external facing and roofing materials, and boundary treatment materials, (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>																					
4.	<p>Prior to the erection of the superstructure of the buildings hereby approved full details of the alignment, height and appearance of all fences and walls to be erected to the site boundaries (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.</p> <p><i>Reason: To ensure a visually satisfactory form of development and to protect the amenities of occupiers of nearby property.</i></p>																					
5.	<p>Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out strictly in conformity with the approved details.</p>																					

	<p><i>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</i></p>
6.	<p>Prior to the first occupation of the buildings hereby approved full details of any cycling and bin store facilities to be provided shall be submitted to and approved in writing by the Local Planning Authority. The cycle store and bin stores shall thereafter be provided in accordance with the approved plans and details prior to occupation, and permanently maintained thereafter.</p> <p><i>Reason: To allow for the effective use of the parking areas, the promotion of sustainable forms of transport and to aid social inclusion in consideration of the appearance of the development.</i></p>
7.	<p>A scheme for the landscaping of the development and its surroundings shall be submitted prior to the erection of the superstructure of the buildings hereby approved. These details shall include all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform, proposed finished levels, means of enclosure, minor artefacts and structures. The scheme shall include a biodiversity enhancement plan comprising the provision of bats and bird boxes and the use of nectar rich and wildlife friendly species. Landscaping proposals should comprise only native plant communities appropriate to the natural area.</p> <p>All hard and soft landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.</p> <p><i>Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design.</i></p>
8.	<p>No building demolition nor works to trees and shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.</p> <p><i>Reason: Nesting birds are a protected species.</i></p>
9.	<p>No demolition of buildings that support roosting common pipistrelle shall commence unless the Local Planning Authority has been provided with either:</p> <ol style="list-style-type: none"> a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations (Amendments) (EU Exit) 2019 authorizing the specified activity/development to go ahead; or a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence, in which can a Reasonable Avoidance Method Statement for bats will be required. <p>Demolition of such buildings shall not commence until this is agreed in writing by the LPA.</p>

	<i>Reason: Due to the presence of protected species.</i>
10.	<p>The development hereby approved shall be carried out in strict accordance with the Tree Protection Plan (ref. 20/AIA/Chorley/10-03) and Tree Protective Measures/Method Statement received 24 January 2022 unless otherwise agreed in writing.</p> <p><i>Reason: To protected against damage to trees to be retained.</i></p>
11.	<p>The communal car parking and manoeuvring areas shall be marked out in accordance with the approved plan before the first occupation of the development hereby approved and shall be permanently maintained thereafter for communal use only and no spaces shall be reserved for individual dwellings.</p> <p><i>Reason: To allow for the effective use of the parking and turning areas.</i></p>
12.	<p>The development hereby approved, shall be carried out in accordance with the principles set out in the submitted Foul & Surface Water Drainage Design Drawing 100.21058-ACE-XX-00-DR-C-1000, Rev P1 – Dated 20.12.21, which was prepared by ADEPT. For the avoidance of doubt surface water must drain at the restricted rate of 3.5 l/s. Prior to the first occupation of the proposed development, the drainage scheme shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.</p> <p><i>Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.</i></p>
13.	<p>All windows in the first floor of the north facing side elevation of the apartment building hereby permitted shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the local planning authority.</p> <p><i>Reason: In the interests of the privacy of occupiers of neighbouring property.</i></p>
14.	<p>The bungalow hereby approved is required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.</p> <p><i>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.</i></p>
15.	<p>Prior to the erection of the superstructures of the bungalow hereby approved details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.</p> <p><i>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy</i></p>

	<p><i>27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so is can be assured that the design meets the required dwelling emission rate.</i></p>
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APPLICATION REPORT – 22/00198/PIP

Validation Date: 24 February 2022

Ward: Buckshaw And Whittle

Type of Application: Permission In Principle

Proposal: Permission in principle application for the erection of up to 2no. dwellings (resubmission of 20/01202/PIP)

Location: Vacant Land Off Hill Top Lane Whittle-Le-Woods

Case Officer: Mike Halsall

Applicant: Mr James Berry

Agent: De Pol Associates Limited

Consultation expiry: 15 March 2022

Decision due by: 27 May 2022 (Extension of time agreed)

RECOMMENDATION

1. It is recommended that permission in principle is granted subject to conditions.

SITE DESCRIPTION

2. The application site forms part of a much larger designation covered by policy BNE3 of the Chorley Local Plan, as land 'West of M61, Whittle-le-Woods' to be safeguarded for future development needs beyond the plan period, which runs to 2026. The site is located to the south east of Whittle Hill Quarry, Hill Top Lane, where the gradient of the site slopes down steeply towards Hill Top Lane. The site is open land with grasses, some well-established trees and other wild plants.
3. The northern part of the site is characterised by mature trees and steep slopes, together with post and wire fencing. The southern part of the site is more level and a stone wall extends along the southern and eastern boundaries, separating the site from the highway and adjacent domestic garden area to the east. There is agricultural land to the north, and an embankment is located along the western boundary, demarcating the site from the quarry land to the west.
4. There is an existing vehicular access to the site from Hill Top Lane, with a metal gate.
5. Planning permission was refused on 10 March 2021 for the same development as currently proposed for the following reason:

The proposed development would be located within an area of Safeguarded Land as defined by the Chorley Local Plan 2012 - 2026 and, therefore, conflicts with policy BNE3 of the Chorley Local Plan 2012 - 2026. It is not considered that any material considerations in favour of the development are sufficient to outweigh the presumption against it.

DESCRIPTION OF PROPOSED DEVELOPMENT

6. The applicant seeks permission in principle for the erection of up to 2no. dwellings at the site.

REPRESENTATIONS

7. Three representations have been received citing the following grounds of objection:
 - Hill Top Lane is a single track road with no footpaths and is therefore not a suitable access
 - The land is not identified for building in the Local Plan
 - The proposal seeks to remove the current status of the site as Safeguarded Land
 - There are no main services and nowhere for any septic tank drainage waters to go
 - Three previous applications to build have been refused
 - The difficult topography of this site does not lend itself to this type of development
 - The traffic access to Hill Top Lane from either end is problematic and congested so more traffic would make that worse
 - The north west corner of the proposed site was known as the Companies Hole. This was a source of water to top up the Lancaster canal across the road. Some years ago a large tree was uprooted in front of the listed canal tunnel. This uncovered the stone water race which was used to convey the water from the Companies Hole to the canal. Consequently a listed building application is required.
 - Flooding would increase
 - There are several mature trees on this site which need protection
 - Although not strictly a planning matter, other land owners have stated that they will not give permission for the surface water and treated foul water to be discharged into the disused canal which is under their ownership.

CONSULTATIONS

8. United Utilities: Have responded to provide advice to the applicant to assist them should they gain permission in principle and wish to then apply for technical details consent.
9. Whittle-le-Woods Parish Council: Have responded to object to the proposal for the following reasons:
 - The route to the site is a narrow single-track road with no pedestrian footpath and is therefore not safe
 - Traffic access to Hill top Lane from either end is problematic and the proposal will make this worse
 - The land is not identified for building in the Local Plan and should therefore be refused until such time as the land is included in the Local Plan
 - Three previous applications to build have been refused
 - The difficult topography of this site does not lend itself to this type of development
 - The north west corner of the proposed site was known as the 'Companies Hole'. This was a source of water to top up the Lancaster canal across the road. Some years ago a large tree was uprooted in front of the Listed canal tunnel. This uncovered the stone water race which was used to convey the water from the 'Companies Hole' to the canal. This would therefore require a Listed building application.
 - There are approximately 20 mature trees on this site which need protection and should be the subject of TPO's

PLANNING CONSIDERATIONS

10. Paragraph 012 of the National Planning Practice Guidance (NPPG) on Permission in Principle, states that *“the scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these ‘in principle’ matters should be considered at the permission in principle stage. Other matters should be considered at the technical*

details consent stage. In addition, local authorities cannot list the information they require for applications for permission in principle in the same way they can for applications for planning permission.”

11. The previous refusal of planning permission at this site is a material consideration in the determination of this application, but there has been a significant change in policy considerations since the refusal of the application, as explained below.

The Development Plan

12. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that if regard is to be had to the development plan for any determination then that determination must be made in accordance with the plan unless material considerations indicate otherwise.
13. The Development Plan comprises the adopted Central Lancashire Core Strategy (2012) and the adopted Chorley Local Plan 2012- 2026.
14. The Central Lancashire Core Strategy was adopted in July 2012 and covers the three neighbouring authorities of Chorley, South Ribble and Preston. The three authorities are a single Housing Market Area (HMA).
15. Core Strategy Policy 4 sets out the minimum housing requirements for the plan area and is assessed later within this report.
16. The site forms a very small section of a vastly larger area of safeguarded land, protected by policy BNE3 of the Chorley Local Plan 2012-2026, known as BNE3.10 'West of M61, Whittle-le-Woods' which covers land between Whittle-Le-Woods and the M61. Policy BNE3 indicates that development other than that permitted in the countryside whether Green Belt or Area of Other Open Countryside will not be permitted as shown on the policies map.

Other Material Considerations

17. The National Planning Policy Framework (the Framework) is a key material consideration. The purpose of the planning system is to contribute to the achievement of sustainable development. There are three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). There are three objectives to sustainable development set out at paragraph 8 and it is fundamental that development strikes the correct balance between:
 - Environmental - the protection of our natural, built and historic environment
 - Economic - the contribution to building a strong and competitive economy
 - Social - supporting strong, vibrant and healthy communities
18. Paragraph 10 of the Framework states that; so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).
19. Paragraph 11 of the Framework states for decision-taking this means:
 - c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - a. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - b. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
20. The Footnote (6) to paragraph 11 sets out examples of the type of policies that may indicate development should be refused. Footnote 7 makes clear that the tilted presumption

in favour of sustainable development will apply where a Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites.

21. Paragraph 59 of the Framework confirms the Government's objective of significantly boosting the supply of homes.
22. Paragraph 60 of the Framework reinforces that requirements represent the minimum number of homes needed.
23. Paragraph 73 of the Framework requires Local Planning Authorities to maintain a supply of deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategies or against their local housing need where the strategic policies are more than five years old. Footnote 37 states in circumstances where strategic policies are more than five years old, five year housing land supply should be calculated against Local Housing Need calculated using the Government standard methodology, unless those strategic policies have been reviewed and found not to need updating.

Housing land supply

24. The following planning appeal decisions are of relevance.

Land adjacent to Blainscough Hall, Blainscough Lane, Coppull Decision APP/D2320/W/21/3275691

25. On the 3 February 2022 a decision was issued for the appeal for Land adjacent to Blainscough Hall, Blainscough Lane, Coppull. The appeal was allowed and outline planning permission was granted for the erection of up to 123 dwellings (including 30% affordable housing) with public open space provision, structural planting and landscaping and vehicular access points from Grange Drive.
26. The main issues in the appeal were:
 - Whether or not the Council can demonstrate a 5 year supply of deliverable housing land, having particular regard to the development plan, relevant national policy and guidance, the housing need or requirement in Chorley and the deliverability of the housing land supply;
 - Whether or not the most important policies of the development plan for determining the appeal are out of date, having particular regard to the 5 year housing land supply position and relevant national policy;
 - Whether this, or any other material consideration, would justify the proposed development on safeguarded land at this time.
 - Whether or not there are adequate secondary school places to serve the development.
27. In respect of the Housing Requirement in Chorley:
28. The Decision Letter includes an assessment of Core Strategy policy 4 (which sets out the minimum housing requirements for the plan area) in the context of Paragraph 74 of the Framework, and whether the policy has been reviewed and found not to require updating. It also considers whether the introduction of the standard method in itself represents a significant change in circumstances that renders Core Strategy policy 4 out of date with reference to the PPG (paragraph 062).
29. The Decision Letter concludes that it is appropriate to calculate the housing requirement against local housing need using the standard method due to the significant difference between the local housing need figure and the housing requirement in policy 4 amounting to a significant change in circumstances which renders Policy 4 out of date.
30. With regards to the appropriate housing requirement figure to use when calculating the housing land supply position of the authority, the Blainscough Hall Inspector, therefore, sets

out that the standard method should be used. Applying this to the Council's current supply results in a housing land supply position between 2.4 and 2.6 years.

31. The Inspector concluded that as such the Council can no longer demonstrate a 5-year supply of housing land meaning that the tilted balance, and presumption in favour of sustainable development was, therefore, engaged under paragraph 11(d) of the Framework.

Land to the East of Tincklers Lane, Tincklers Lane, Ecclestone PR7 5QY Appeal A Ref: APP/D2320/W/21/3272310

Land to the North of Town Lane, Town Lane, Whittle-Le-Woods PR6 8AG Appeal B Ref: APP/D2320/W/21/3272314

32. On the 18 February 2022 decisions were issued for the above appeals. Appeal A was allowed and outline planning permission was granted for the construction of up to 80 dwellings with all matters reserved aside from vehicular access from Doctors Lane. Appeal B was dismissed on grounds of highway safety.
33. The main issues in the appeals were:
- Appeal A: Whether or not the proposal integrates satisfactorily with the surrounding area with particular regard to patterns of movement and connectivity Appeal B: The effect of the proposal on highway safety including accessibility of the appeal site.
 - Whether or not the Council is able to demonstrate a five-year supply of housing land;
 - Whether or not the most important policies of the development plan are out of date; and,
 - Whether any adverse effects, including conflict with the development plan as a whole, would be outweighed by other material considerations.
34. In respect of housing land supply:
35. The Inspector for the conjoined appeals assessed Core Strategy Policy 4 against Paragraph 74 of the Framework which requires the local planning authority to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5 years' worth of housing against their requirement as set out in adopted strategic policies, or against their local housing need when strategic policies are more than five years old. The Core Strategy is more than five years old.
36. The Inspector considered MOU1 to have constituted a review of Core Strategy Policy 4 and was an up-to-date assessment of need at that point in time but that the situation moved on considerably since it was signed.
37. Paragraph 44 of the Inspector's report notes that national guidance indicates local housing need will have considered to have changed significantly where a plan was adopted prior to the standard method being implemented based on a number that is significantly below the number generated by the standard method. The implications for Chorley would result in an annual requirement of 564 dwellings and the CS figure would be significantly below this. In this instance, Chorley's local housing need has changed significantly.
38. The Inspector noted that the standard method figure is particularly influenced by the level of development in the area between 2009 and 2014 but considers that this does not necessarily render the standard method itself as invalid. Any proposed redistribution of standard method figures for the Central Lancashire authorities, such as MOU2, would need to be considered at an examination.
39. The Inspector considered oversupply and the delivery rates of housing, which was weighted towards the early years of the plan period. However, the requirement in Policy 4 itself is not expressed as an overall amount to be met over the plan period. Policy 4 does not refer to any potential oversupply despite the known potential of Buckshaw Village contributing to

growth in Chorley and it clearly states that it is a minimum annual requirement. (paragraph 49)

40. Paragraph 50 of the Inspector's report states: *"the inclusion of oversupply against Policy 4 would reduce the requirement for Chorley to just over 100 dwellings per annum. This would be considerably below anything which has been permitted in previous years in the area and would even be below the redistributed standard method figures for Chorley in MOU2. I consider it would be artificially low and would in greater probability, lead to significantly reducing not only the supply of market housing but also affordable housing within the area. It would thus run counter to the objective of the Framework to boost the supply of housing and to paragraph 74 of the same, which seeks to maintain the supply and delivery of new homes."*
41. The Inspector concludes at paragraph 51 of the report that; *"in the circumstances before me having regard to both MOU1 and MOU2, I conclude that the situation has changed significantly for Chorley in respect of local housing need and that Policy 4 is out of date. The standard method is the appropriate method for calculating housing need in Chorley. It is agreed between the parties that a 5% buffer should be applied. In terms of sites which contribute to the housing land supply within Chorley, there is a very narrow area of dispute between the two main parties which relates to only 2 sites and amounts to 116 dwellings. This is a marginal number that has little effect on the result in respect of the requirement. Accordingly, against the application of the standard method there would be less than three years supply of housing land in Chorley, and I conclude that the Council is unable to demonstrate a five-year supply of deliverable housing sites."*

**Land south of Parr Lane, Eccleston
Decision APP/D2320/W/21/3284702**

42. On the 17 March 2022 a decision was issued for the appeal for Land south of Parr Lane, Eccleston. The appeal was allowed and outline planning permission was granted for up to 34 dwellings and associated infrastructure on land south of Parr Lane, Eccleston, Lancashire in accordance with the terms of the application, Ref 20/01193/OUTMAJ, dated 4 November 2020, and the plans submitted with it, subject to the conditions.
43. Following the LPAs withdrawal of the reasons for refusal of the application, based upon the LPA not having a 5-year housing land supply as born out through recent appeal decisions, the main issue in the appeal was whether there were any material considerations that would justify dismissing the appeal.
44. The Inspector concluded the following with regards to housing land supply:

"Framework paragraph 11d indicates that where the most important policies for the determination of a proposal are out-of-date, (which includes applications for housing, where the LPA cannot show a 5-year HLS), permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole; the tilted balance.

The most important policies for determining this appeal are CS Policies 1 and 4 and LP Policy BNE3. Whilst the proposal would be consistent with CS Policy 1, it would conflict with LP Policy BNE3, safeguarding land for future development. The LPA accepts that it cannot show a 5-year HLS and as such CS Policy 4 and LP Policy BNE3 are out-of-date. Taking the development plan as a whole, the most important policies for determining this appeal are out-of-date and the tilted balance applies.

The proposal would provide for up to 34 dwellings of which 35%, would be affordable homes (CS Policy 7). Given the absence of a 5-year HLS, the proposal would make, albeit a modest one, a material contribution to meeting local housing needs. As a benefit this attracts significant weight. The development would secure economic benefits through construction investment and the contribution future occupants would make to the local economy. These benefits attract moderate weight. The site has limited biodiversity value

and the development has the potential to provide biodiversity net gain. This is a benefit of limited weight. Given my assessment above, the harm arising from the conflict with LP Policy BNE3 is significantly and demonstrably outweighed by the benefits when assessed against the policies of the Framework as a whole.”

**Land off Carrington Road, Adlington
Decision APP/D2320/W/21/3284692**

45. On the 17 March 2022 a decision was issued on the above referenced appeal. The appeal was allowed and outline planning permission was granted for residential development of up to 25 dwellings on land off Carrington Road, Adlington, Lancashire PR7 4JE in accordance with the terms of the application, Ref 20/01200/OUTMAJ, dated 5 November 2020, and the plans submitted with it.
46. Following the LPAs withdrawal of the reasons for refusal of the application, based upon the LPA not having a 5-year housing land supply as born out through recent appeal decisions, the main issue in the appeal was whether there were any material considerations that would justify dismissing the appeal.
47. The Inspector concluded the following with regards to housing land supply:

“Framework paragraph 11d indicates that where the most important policies for the determination of a proposal are out-of-date, (which includes applications for housing, where the LPA cannot show a 5-year HLS), permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole, the tilted balance.

The most important policies for determining this appeal are CS Policies 1 and 4 and LP Policy BNE3. Whilst the proposal would be consistent with CS Policy 1, it would conflict with LP Policy BNE3, safeguarding land for future development. The LPA accepts that it cannot show a 5-year HLS and as such CS Policy 4 and LP Policy BNE3 are out-of-date. Taking the development plan as a whole, the most important policies for determining this appeal are out-of-date and the tilted balance applies.

The proposal would provide for up to 25 dwellings of which 30%, would be affordable homes (CS Policy 7). Given the absence of a 5-year HLS, the proposal would make, albeit a modest one, a material contribution to meeting local housing needs. As a benefit this attracts significant weight. The development would secure economic benefits through construction investment and the contribution future occupants would make to the local economy. These benefits attract moderate weight. The site has limited biodiversity value and the development has the potential to provide biodiversity net gain. This is a benefit of limited weight. Given my assessment above, the harm arising from the conflict with LP Policy BNE3 is significantly and demonstrably outweighed by the benefits when assessed against the policies of the Framework as a whole.”

Summary - the tilted balance

48. Paragraph 11 d (ii) of The Framework essentially comes into play whereby the most important policies for determining an application are out of date, then planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
49. Policy 4 of the Central Lancashire Core Strategy and policy BNE3 of the Chorley Council Local Plan are the most important policies for determining the planning application.
50. At 1 April 2021 there was a total supply of 1,504 (net) deliverable dwellings which is a 2.7 year deliverable housing supply over the period 2021 – 2026 based on the annual housing requirement of 547 dwellings which includes a 5% buffer. Chorley does not have a five-year deliverable supply of housing plus 5% buffer and the shortfall is significant. Significant

weight should therefore be attached to the delivery of housing provided by this proposal and that it is proposed to be a 100% affordable housing scheme.

51. The Borough cannot show a 5-year HLS and as such Core Strategy Policy 4 is out-of-date.
52. Paragraph 143(d) of the Framework sets out that when defining Green Belt boundaries, plans should make clear that safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development. Policy BNE3 is consistent with the Framework in this respect. However, the boundaries of the settlements and safeguarded land to which they relate were established based on meeting the housing requirement in Policy 4 of the CS, which is out of date. This means that Policy BNE3 is also out of date.
53. Taking the development plan as a whole, the most important policies for determining this appeal are out-of-date and the tilted balance applies.
54. In accordance with the Framework, planning permission should be granted for the proposal, unless:
 - c. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - d. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Emerging Central Lancashire Local Plan

55. Once adopted, the Central Lancashire Local Plan (CLLP) will replace the existing joint Core Strategy and Chorley Local Plan. The CLLP is at an early stage of preparation and consultation on Issues and Options closed in February 2020.
56. The emerging CLLP will look at the distribution of new homes and the CLLP will be informed by an evidence base including a Housing Need and Demand Study, the results of which will also help to inform the future distribution of housing across the Plan area.

Central Lancashire Local Plan: Site Assessment work

57. Three call for sites exercises have been completed to date for the CLLP. The results from Call for sites 1 and 2 were consulted on as part of the Issues and Options Consultation which ran between November 2019 and Feb 2020, during this time, a further window was opened for addition site suggestions (Call for sites 3).
58. Work to assess the sites commenced in February 2021 following completion of Level 1 Strategic Flood Risk Assessment (SFRA). This was undertaken in line with Strategic Housing and Economic Land Availability Assessment (SHELAA) methodology.
59. Officers in Chorley, South Ribble and Preston Councils finished their initial assessment of the sites in January 2021, and their findings were collated by the CLLP Team into the SHELAA database. This work will also include undertaking Integrated Assessment (IA) and Habitats Regulation assessment (HRA) and viability assessment of the sites, and will bring in findings of the SFRA as well as consultation responses on the specific sites from Statutory Consultees and local residents.
60. The direction of growth and development of a spatial strategy for the area is also in early development, with the Councils starting to look at the level of growth likely to be needed over the plan period and how the plan should look to direct this. There is still work to be done on this, including testing the emerging options in terms of transport and other infrastructure needs as they develop.
61. It is important to note that until all these stages of work have been completed, no decision on sites to be taken forward through the CLLP can be made.

Other issues

62. Issues such as heritage, tree loss, flood risk, site topography, highway safety and traffic congestion raised within the representations and by the Parish Council are technical matters that could only be assessed as part of any future detailed consent application. They fall outside of what the Council can assess as part of this current application, as set out in the above paragraph from the NPPG.

Applying the tilted balance

63. Paragraph 11. d) ii. of the Framework indicates that, where the most important development plan policies for determining the application are out-of-date, planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; the tilted balance.
64. As previously noted in this report, the scope of a permission in principle application is limited to location, land use and amount of development. Other matters such as highway safety, potential harm to amenity, heritage assets, trees etc. can only be considered at the technical details consent stage.
65. With regards to the amount of development, whilst some changes would be required to ground levels to form a development platform, it is considered that it is possible that two dwellings of relatively modest scale could be adequately located on the application site with space for vehicle manoeuvring / parking, gardens and landscaping. The scale and type of any such dwelling would however be constrained by the site levels, trees and landscape characteristics.
66. The adverse impacts of the development relate solely to its conflict with policy BNE3 in locational and land use terms. Whilst BNE3 is broadly consistent with the Framework it is also out of date as it safeguards land based on the housing requirement in Policy 4 which is also out of date. The conflict with policy BNE3 is therefore only afforded limited weight in the planning balance.
67. In terms of benefits, the applicant has identified economic benefits from the creation of work in the construction industry, estate agencies and furniture sales and increasing the local population which will increase the expenditure available to local businesses and tax income for the local authority from Council Tax.
68. Social benefits identified by the applicant cover aspects of contributing towards the shortfall in housing land supply in the Borough.
69. The applicant is of the view that the site is in a sustainable location between an allocated housing site to the east and existing dwellings to the west. They identify that the site is located approximately 100m to the east of the built up area of Whittle-Le-Woods, identified as an Urban Local Service Centre in the Central Lancashire Local Plan, containing a variety of services including food store, village hall, doctor surgery, pharmacy, primary school etc. Proximity to the M6 and M61 motorways is also noted, along with bus stops within 200m of the site providing access to Chorley Town Centre and other settlements. Reference is also made to Outline planning permission ref. 12/01134/OUTMAJ for 85 dwellings on adjacent land.
70. The proposal would boost the supply of housing, albeit on a small scale, in a situation where there is no five-year supply and, as a result, moderate weight can be given to the social benefits of the proposal. It is considered that the economic benefits for proposal would be minimal and so can be afforded limited weight.
71. It is not considered that the adverse impacts of the proposed development relating to the conflict with policy BNE3 of the Local Plan would significantly and demonstrably outweigh the economic and social benefits of the proposal. As such, the proposal is recommended for approval.

Community Infrastructure Levy

72. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. CIL Liability is not calculated on applications for Permission in Principle but will be CIL Liable on approval of the technical details (if approved).

CONCLUSION

73. The proposal is recommended for approval as the adverse impacts of the proposal do not significantly and demonstrably outweigh the economic and social benefits it would deliver.

RELEVANT HISTORY OF THE SITE

Ref: 20/01202/PIP **Decision:** REFPIP **Decision Date:** 9 March 2021
Description: Permission in principle application for the erection of up to 2no. dwellings

RELEVANT POLICIES: In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.

Suggested conditions

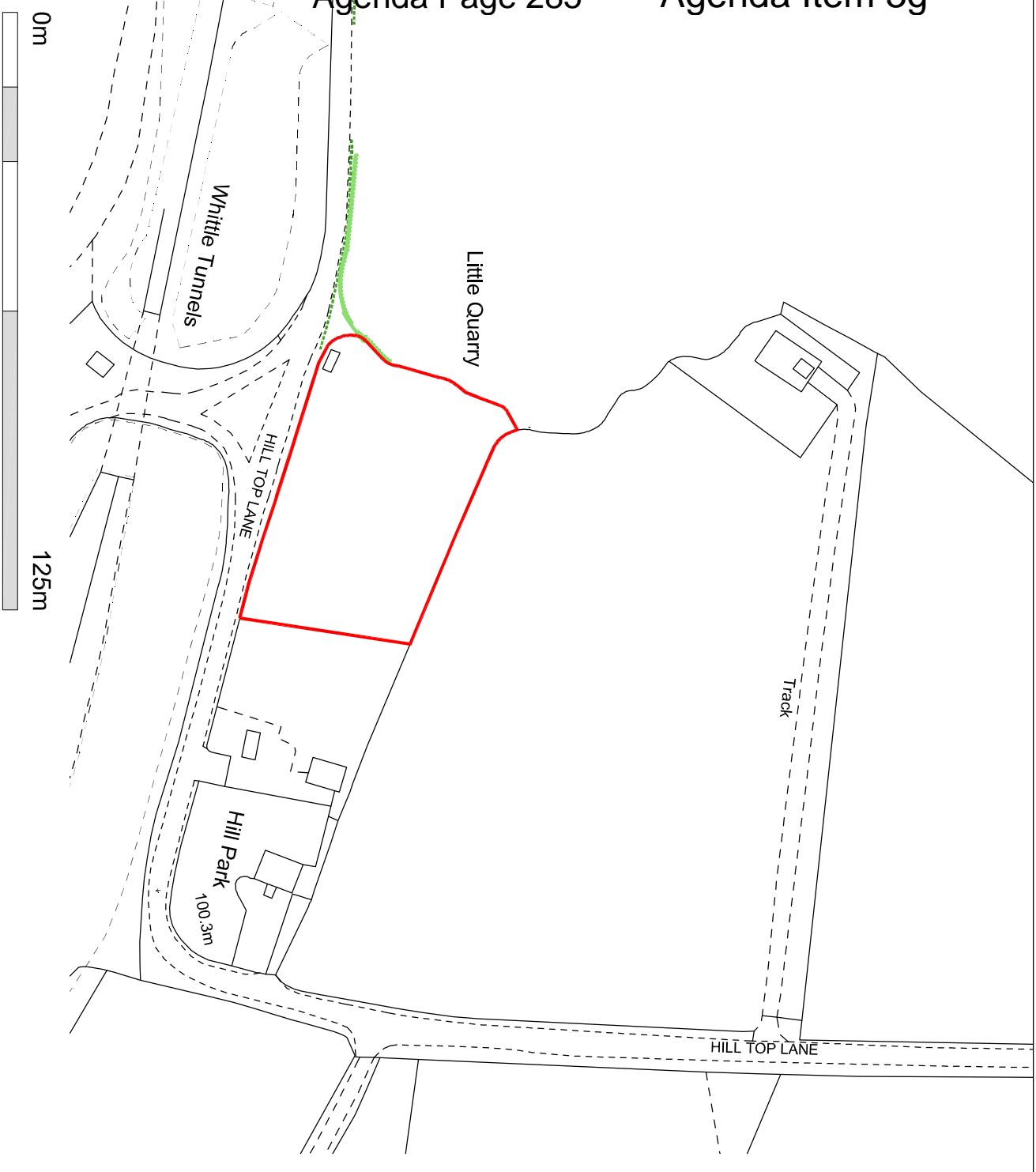
1. The proposed development must be begun not later than three years from the date of this permission.

Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved plans below:

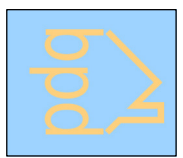
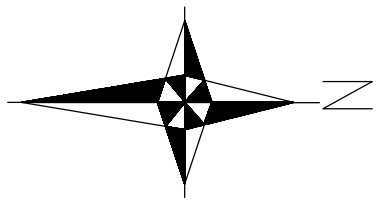
Title	Plan Ref	Received On
Site Location Plan	1000/HTW/LP	21 February 2022

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

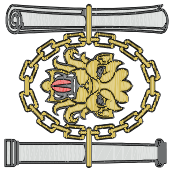


Scale: 1:1250

Site Location Plan - Scale 1:1250



bpd Architecture
 CIAT Registered practice
 Stichstone, Brown House Lane, Higher Wharfedale,
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Tel: 01257 220510
 web: www.betterplan.co.uk
 email: info@betterplan.co.uk



Chartered Institute of
 Architectural Technologists
 Registered Practice

Project
 Hill Top Lane, Whittle Le Woods,
 Chorley PR6 7QS

Title
 Housing Site Planning in Principle app
 SITE LOCATION PLAN

Scale @ A4	Date	Ref	Drawn
1:1250	Oct 2020	Job 1000	MDB
Dwg No	1000/HTW/LP		Rev
			-

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Planning
Committee Meeting

24 May 2022



Item 3g

22/00198/PIP

Vacant Land Off Hill Top Lane, Whittle-Le-Woods

Permission in principle application for the erection of up to 2no. dwellings (resubmission of 20/01202/PIP)

Location Plan



Aerial photo



Site photos



Site photos



Site photos



Site photos



Site photos



Site photos



APPLICATION REPORT – 22/00213/CB3

Validation Date: 24 March 2022

Ward: Chorley South East And Heath Charnock

Type of Application: Chorley Regulation 3

Proposal: Erection of an archery pavilion with associated car park and new vehicle access point from Wigan Lane, following the removal of the existing building

Location: Land Adjacent To Londonderry Cottage Wigan Lane Heath Charnock

Case Officer: Mike Halsall

Applicant: Chorley Borough Council

Agent: Steve Wells Associates

Consultation expiry: 2 April 2022

Decision due by: 27 May 2022 (Extension of time agreed)

RECOMMENDATION

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

SITE DESCRIPTION

2. The application site is located on the north western side of Wigan Lane, Heath Charnock, in the Green Belt, approximately half-way between the settlements of Chorley and Adlington. The site forms a large grassed area of public open space that contains a playing field, small area of hardstanding used for car parking and some site cabins / shipping containers. The site surrounds the residential curtilage of Londonderry Cottage on three sides.
3. Site access is currently gained via a narrow track, Shade Lane, that leads from Wigan Lane, between the dwellings of Londonderry Cottage and Hoole Cottage to the car park and also provides access to the dwellings. The existing buildings which are in a poor state of repair is located to the west of the existing car park, parallel to the north western boundary of Londonderry Cottage which is lined by a substantial row of conifers. The site is owned by Chorley Council and is used by Chorley Bowmen Club and Adlington Football Club.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. Whilst there are existing buildings on site for equipment storage, there are no toilet facilities, facilities to make refreshments for visiting teams, or any opportunities for indoor archery which the applicant explains is limiting the club's growth.
5. The application seeks planning permission to replace the existing buildings with a new purpose-built pavilion, install a new site access from Wigan Lane, to the south west of Londonderry Cottage, and create a new car parking area off the new site access. The proposal also includes boundary fencing, new access gates, footpaths and other infrastructure.
6. The proposed building would measure approximately 29.6m long x 5.7m wide, with a roof height of 4.4m, with a single pitch falling to the south. The building would be timber clad to

the front with red brick to the sides and rear. All external doors and windows would be secured by steel roller shutters housed in the soffits. Solar panels would be incorporated into the south facing aspect of the single pitch metal profile roof.

7. The primary purpose of the new building is to provide accommodation for the Chorley Bowmen Archery Club including an 18m indoor archery range to GB Archery design recommendations. The toilet and kitchen facilities have been designed so that they can be accessed by the football club on matchdays without compromising the security of the Archery Club's range and store. The proposed facility would be fully accessible for disabled users.
8. Through occasional managed community use, and when not used for indoor archery, the applicant states that the indoor range area can also be used for other 'passive' community activities such as Weightwatchers, yoga, and Pilates.
9. The proposal includes the provision of a new vehicular access off Wigan Lane leading to a new car park on what is currently land used as an open hayfield. The parking bays would be a cellular paved material providing a sustainable solution to surface water drainage (SuDS). Low level 850mm high LED bollard lighting with frosted diffusers and timers to shut off at 10.00pm would be included in the car park layout along with bollard illumination to the footpaths leading to the pavilion. Parking would be provided for 31no. cars, including two spaces for electric vehicle charging and three for disabled users. Provision would also be made for a further 16no. 'overspill' places in a grass reinforced parking area. Six 'Sheffield' hoops would also be provided for the parking of 12no. bicycles.
10. The proposal would not affect the maintained grass playing field and would be available for use for the archery club, football club and any other managed community use.
11. The site is owned by Chorley Council who are part funding the scheme and the Archery Club has made a successful application to Sport England for additional funding. Both the Archery Club and Football Club have annual licences to use the site. Should planning permission be granted and the development implemented, the Archery Club would be offered a 25 year lease on the building which they would then manage and maintain.

REPRESENTATIONS

12. No neighbour representations have been received.
13. Whilst the application site is not located within the Parish boundary of Heath Charnock, which is located on the opposite side of Wigan Lane, the Parish Council have commented in support of the proposal identifying that the new vehicle access and car parking would enable multiple usage of sports and active recreation to be developed at this local facility beyond the archery proposal. The Parish Council is supportive of this initiative.
14. The occupants of Londonderry Cottage have been in discussion with the Council, as applicant, to move the proposed package sewage treatment plant further from their property. The applicant revised the proposed drainage plan accordingly.

CONSULTATIONS

15. Greater Manchester Ecology Unit: Have responded with no objection to the proposal and have suggested that an informative note and planning conditions be attached to any grant of planning permission that seek to safeguard protected species during construction work and deliver biodiversity enhancements.
16. Lancashire County Council Highway Services (LCC Highway Services): Initially responded to request that vehicle access on Shade Lane is closed and only available for pedestrians and cycles. They also requested a Stage 1 Road Safety Audit to ensure the removal of chevrons on Wigan Lane to install the new site access is not detrimental to road safety.

Additional information on the use of the site was also requested to ensure the level of proposed car parking is adequate and to ensure pedestrian safety from stray arrows.

The applicant has submitted a Transport Statement in response to the comments from LCC Highway Services which is currently being reviewed by them and they have verbally informed the case officer that they have no objection to the proposal, subject to conditions. It is anticipated that the formal response from LCC Highway Services will be received prior to planning committee and will be detailed within the committee report addendum.

17. Waste & Contaminated Land Officer: Have responded with no comments on the proposal.
18. Regulatory Services - Environmental Health Officer: Have responded with no objection to the proposal.
19. United Utilities: Have responded with information for the applicant should they wish to receive water and / or waste services from them and steps to take should the proposal be located close to one of their assets.
20. Sport England: Originally responded in objection to the proposal and requested further information from the applicant to demonstrate that the proposal would not prejudice the use of the sports field. The applicant responded accordingly to the queries from Sport England and they have subsequently withdrawn their objection to the proposal. Sport England are of the opinion that the proposal will support and enhance the playing field's archery use, making it a more attractive proposition for its potential new users. Additionally, the provision of toilets, kitchen and parking facilities could also be to the benefit to the users of the football pitch on matchdays. Adlington Juniors FC, the Football Foundation and the County FA have all responded via Sport England raising no objection to the proposal.

PLANNING CONSIDERATIONS

Principle of development

21. The application site is located wholly within the Green Belt. National guidance on Green Belt is contained in Chapter 13 of the Framework which states:

137. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

138. Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

147. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

148. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

149. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. There are a number of exceptions to this including the following:

b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

22. The proposal would provide a new pavilion, site access and car park to support the existing use of the site for archery and other sports, the same as the existing buildings that are proposed to be replaced. The proposal is therefore considered to be appropriate facilities for outdoor sport and recreation. To fall under the above exception there are two considerations in respect of the appropriateness of the development in the Green Belt as follows:

1) Will the proposal preserve the openness of the Green Belt?

Whilst the test for sites such as this relates to preserving openness it is important to note that the Framework contains no specific definition of 'openness'. Whether the proposed building, car park and new site access would preserve the openness of the Green Belt is a subjective judgment which is considered further below. Objective criteria could include the volume of existing buildings although it is important to note that the Framework does not include such an allowance or capacity test. The openness of an area is clearly affected by the erection or positioning of any object within it no matter whether the object is clearly visible or not. The openness test relates to the whole of the application site and it is important to note that merely the presence of an existing building on the application site currently does not justify any new buildings.

As noted above, openness is not defined in the Framework but is generally seen to mean freedom from development. It is largely therefore seen as a spatial designation and whilst it is not a landscape designation in terms of landscape impact, there is a visual component to it.

The existing buildings consist of separate cabins/containers, they sit side-by-side and at approximately 17m in total length are a substantial size. They have also been in situ for a considerable amount of time. These structures are therefore considered to be buildings due to their size and degree of permanence.

It is considered that in respect of the Framework that the existing buildings have an impact on the openness of the Green Belt. Although the buildings have no visibility from the main vantage points in the area due to their position in the site there is an impact to openness simply because the building exists. That said, the proposed building would represent an increase in built volume at the site of 483 cubic metres (270%) and would be approximately 2m taller than the existing buildings at its highest point. As such, it would be unreasonable to suggest that this element of the proposal would preserve the openness of the Green Belt, even given the limited visibility of the proposed building location.

The proposed site access and car park would be at ground level and so it is considered these would preserve the openness of the Green Belt.

2) Will the proposal conflict with the purposes of including land in the Green Belt?
Paragraph 134 of the Framework sets out the five Green Belt purposes, which the scheme is assessed against as below:

Purpose 1 (to check the unrestricted sprawl of large built-up areas).

The proposal is not located within or on the edge of a large built up area and so there would be no conflict with this purpose.

Purpose 2 (to prevent neighbouring towns merging into one another)

Development of the site would not lead to the coalescence of neighbouring towns as the proposal is well separated from Chorley and Adlington.

Purpose 3 (to assist in safeguarding the countryside from encroachment;).

It is considered that the proposed car park would result in encroachment into the countryside as it would introduce an area of hardstanding to an undeveloped part of the Green Belt, extending the built form of development in this location.

Purpose 4 (to preserve the setting and special character of historic towns;).

This does not apply as the site is not located near a historical town.

Purpose 5 (to assist in urban regeneration, by encouraging the recycling of derelict and other urban land).

It is not considered that the proposal conflicts with this purpose.

23. In light of the above, the proposal is considered to be inappropriate development in the Green Belt for which very special circumstances are required to overcome the definitional harm to the Green Belt, harm to the openness of the Green Belt, harm from encroachment of the countryside and any 'other harm'.
24. The following sections of this report assess whether there is any 'other harm' from the proposal that could not be adequately mitigated through the imposition of planning conditions.
25. Policy HW1 of the Chorley Local Plan 2012 – 2026 states that ancillary development for an existing open space, sport or recreational facility will be permitted if all of the following criteria are met:
 - i. It is in connection with and will enhance the recreational and/or amenity value of the open space.
 - ii. It is of a size and scale which does not detract from the character of the open space.
 - iii. It will not have a detrimental effect on any site of nature conservation value.
 - iv. It does not result in the loss of any other sporting facility on the site.
26. The proposal would demonstrably meet the above criteria, as outlined later in this report.

Design, amenity and access

27. Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development, including extensions, conversions and free-standing structures, provided that (amongst other things):
 - a) *The proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials;*
 - b) *The development would not cause harm to any neighbouring property by virtue of overlooking, overshadowing or overbearing;*
 - c) *The layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area;*
 - d) *The residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction;*
 - g) *The proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses;"*
28. The proposed single storey pavilion has been sympathetically designed to have the appearance of a large stable block using timber cladding to its main visible elevation and red brick to the rear and end elevations. The existing hedge to the Wigan Lane frontage to the parcel of land identified for the new access and parking would need to be breached only sufficient to create the new access which would be secured by a lockable double leaf

vehicle access gate. The proposal is considered to be acceptable in terms of design and appearance.

29. The proposed replacement building would be substantially larger than the existing buildings but would still only be single storey and would be well screened from view from Londonderry Cottage and Hoole Cottage by existing vegetation. No windows are proposed in the rear elevation of the building that would face Londonderry Cottage.
30. Whilst the application site surrounds the residential property of Londonderry Cottage on three sides, the dwelling itself is located approximately 55m to the south of the proposed location of the new building. Hoole Cottage is located slightly further at 60m the south east. The proposed car park would be located approximately 70m and 100m from the dwellings, respectively. A close-boarded timber fence is proposed to be erected along the shared boundary of Londonderry Cottage and the car parking area for security and privacy purposes. This would also assist in reducing the potential for noise disturbance to be experienced by the occupiers of the dwelling.
31. It is proposed that access to the site via Shade Lane is closed with access for residents only which would have a positive upon the residential amenity of the aforementioned dwellings due to previous issues in relation to inconsiderate parking and turning on the lane. This can be secured by planning condition.
32. As noted above, LCC Highway Services have provided verbal confirmation that they have no objection to the proposal and confirmation of their formal response will be provided in the addendum to the committee report.
33. The proposed location for the package sewage treatment plant has been relocated at the request of the occupier of Londonderry Cottage, to be further from their property. The Council's Environmental Health Officer has reviewed the proposal and has raised on objection. It is not considered that the proposal would result in any notable increase in noise disturbance to surrounding land uses and is considered to be acceptable in this regard.
34. The proposal is considered to be acceptable in terms of its design, appearance, landscaping, impacts upon residential amenity and safe access. The proposal therefore complies with policy BNE1 of the Local Plan.

Flood risk and drainage

35. The application site is not located in an area that is at risk of flooding from pluvial or fluvial sources, according to Environment Agency mapping data. In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.
36. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. As such the developer should consider the following drainage options in the following order of priority:
 1. into the ground (infiltration);
 2. to a surface water body;
 3. to a surface water sewer, highway drain, or another drainage system;
 4. to a combined sewer.
37. It is proposed that foul water is managed via a purpose built below-ground package sewage treatment plant and surface water is managed by infiltration to ground via a network of soakaways. The application documents confirm that this method of drainage has been confirmed as achievable via historic borehole information undertaken of the site. This is considered to comply with the aforementioned policies and can be controlled by planning condition.

Ecology

38. Policy BNE9 (Biodiversity and Nature Conservation) of the Chorley Local Plan 2012 – 2026 stipulates that Biodiversity and Ecological Network resources will be protected, conserved, restored and enhanced; and that priority will be given to, among other things, protecting, safeguarding and enhancing habitats for European, nationally and locally important species.
39. The Council's ecological advisors have responded with no objection to the proposal and have recommended conditions and an informative note for safeguarding protected species and the provision of biodiversity enhancement measure. It is, therefore, not considered that any further assessment is required of the proposed ecological impacts of the proposal and it is considered acceptable in this regard. The proposal is considered to comply with policy BNE9 of the Chorley Local Plan (2012-2016).

Parking

40. Policy ST4 of the Chorley Local Plan 2012-2026 requires that proposals for development will need to make parking provision in accordance with the standards set out in Appendix A of the Local Plan. Appendix A identifies the Council's minimum parking standards for new development.
41. The proposal would provide an enhanced car park with a level of parking spaces that meets the Council's parking standards and LCC Highway Services have raised no objection to the proposal. The proposed parking arrangement is considered to be acceptable and an improvement on the current situation at the site.

Green Belt balancing exercise

42. As the proposal represents inappropriate development in the Green Belt, there would have to be very special circumstances to justify the grant of planning permission that would outweigh the harm. It has been demonstrated that there is no 'other harm' and so the benefits of the proposal would have to outweigh the definitional harm to the Green Belt, harm to the openness of the Green Belt and harm from encroachment of the countryside.
43. The applicant has put forward a case for the proposal to demonstrate that very special circumstances exist, which includes the following:

'Chorley Council has aspirations to provide healthy lifestyle opportunities for its residents. The largest participation sport both nationally and locally is football and this project seeks to improve facilities to play football on this site.

The Chorley Bowmen have used the site for archery for many years but it has poor quality amenities currently. The proposed scheme provides an appropriate level of amenities that a modern sports club should expect in the twenty first century to allow the sport to develop and flourish on this site.

The new archery range is designed for use by archers with disabilities. They can access both the indoor range and then when the doors are opened, they can fire from inside the building to external targets. This approach allows archers in wheelchairs to use the indoor and outdoor ranges in the same manner as their able-bodied colleagues.

Accessible toilet facilities are provided on site within the building along with appropriate car parking provision and associated circulation paths. For the first time disabled archers are able to participate in the sport on this site which explains why there is an essential need of this development. There are no other accessible archery ranges in the district for a sport which is particularly suited to wheelchair users.

The current lack of good quality toilet facilities and the lack of a small kitchen on site has been identified by Adlington JFC as restricting growth of the club. This particularly applies to the clubs aim of increasing participation by girls and women where the current facilities

do not encourage this. The current facilities are sub-standard, and the development is required to meet modern standards.

As discussed in the previous section the site is developed as a publicly accessible sports facility to meet the needs of the local residents. The scheme helps the Council deliver its healthy community aspirations and policies. The scheme is not dominated by a specific group and it serves to deliver participation opportunities to men and women, boys and girls along with a range of disability groups.

The proposed facility developments are solely for community benefit; while they are 'archery led' and will benefit the footballers, they will occasionally be available for other small scale daytime managed community use for example, small Pilates classes, yoga, weight-watchers and other similar 'passive' activities.

The new facilities will be managed by Chorley Bowmen. The project is a non-profit making scheme built around serving the needs of the local community. The scheme is the definition of a project that provides wider community benefits.

Summary

- *The scale of the development has been minimised to the point that it is the smallest size possible to meet the design guidance.*
- *The facility delivers an amenity that is not provided for within the Chorley Council area;*
- *The proposed development provides much needed facilities to achieve Chorley Council's healthy living objectives;*
- *The scheme is designed to deliver wider community benefits that can be realistically achieved within the next 12 months;*
- *The project has national and local support.'*

44. It is clear that the proposal would result in substantial benefits to the local and wider community in the Borough by introducing a vastly improved facility at this site so it can be enjoyed by a wider range of the population, most notably, disabled users.
45. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. On the other hand, the Framework aims to increase opportunities for access to outdoor recreation.
46. Policy 24 of the Central Lancashire Core Strategy seeks to ensure that everyone has the opportunity to access good sport, physical activity and recreation facilities.
47. Paragraph 145 of the Framework states that once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.
48. The material considerations put forward provide sufficient weight in favour of the proposal and in terms of the Framework in this case it is considered the social benefits outweigh the environmental dimension from Green Belt harm. Very special circumstances exist sufficient to clearly outweigh the harm that would be caused by reason of inappropriateness, harm to the openness of the Green Belt and harm from encroachment of the countryside. The proposal is therefore considered to be acceptable.

Community Infrastructure Levy

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

CONCLUSION

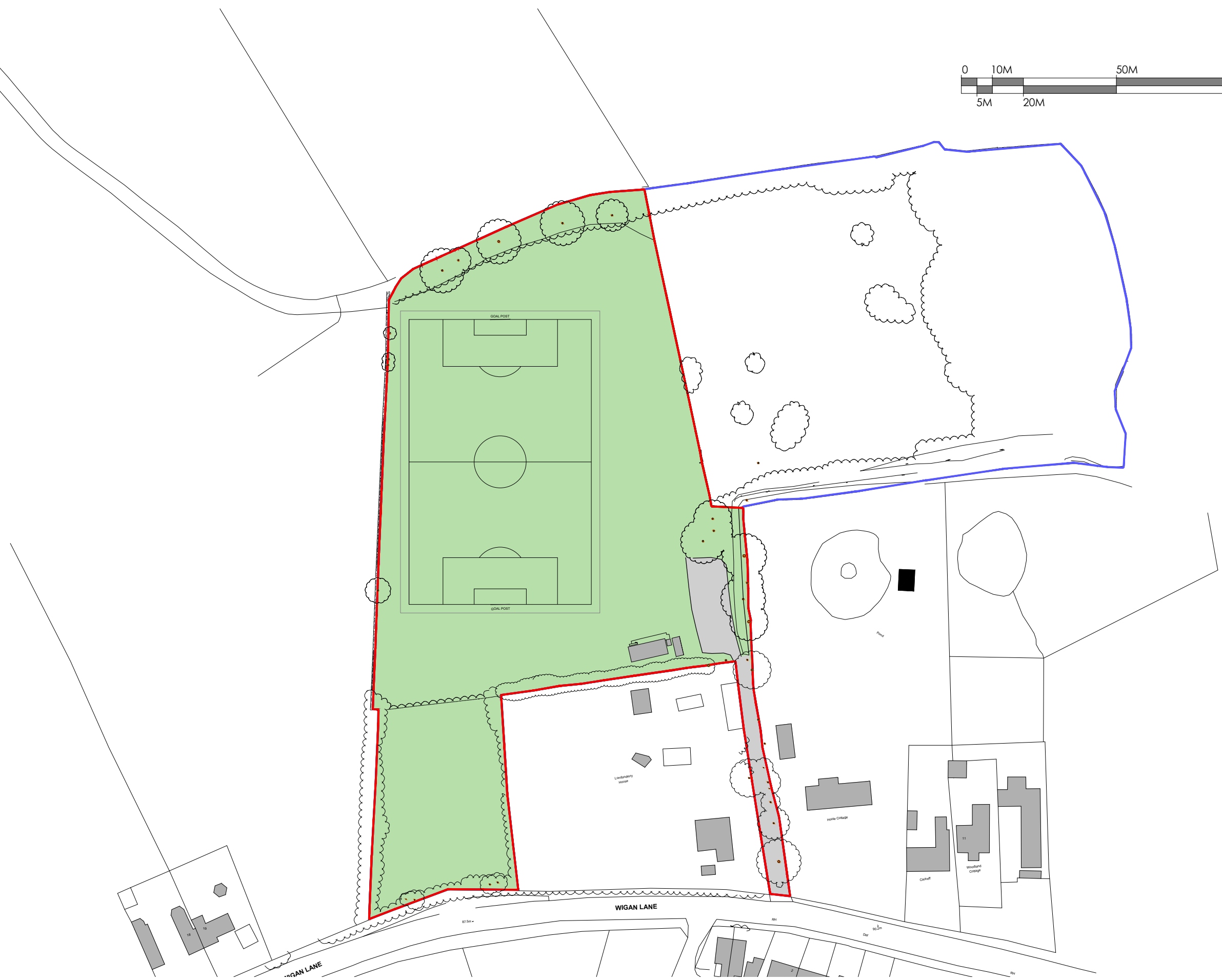
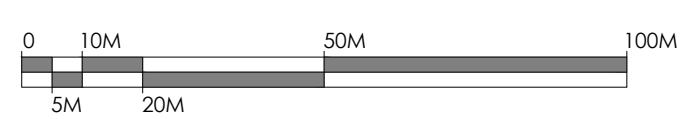
50. The proposed development is inappropriate development in the Green Belt and, therefore, harmful by definition. The factors put forward as very special circumstances are considered to outweigh the harm to the Green Belt by reason of its inappropriateness, harm to the openness of the Green Belt and harm from encroachment into the countryside. The proposal therefore complies with the National Planning Policy Framework with regards to Green Belt policy. The local planning authority is confident that issues identified by LCC Highway Services will be overcome prior to planning committee and any further response from them will be detailed in the committee report addendum. There are no other material considerations weighing against the proposal and the application is recommended for approval.

RELEVANT POLICIES: In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.

Suggested conditions

To follow.

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Dwg. Purpose **Planning**

No.	Revision / Issue	Date

Project
**Proposed Archery Facility
Wigan Lane
Chorley**

Client
Chorley Council

Dwg. Title
Site Location Plan

STEVE WELLS ASSOCIATES
making sport happen

Churchill House, Mill Hill, Pontefract, West Yorkshire,
WF8 4HY t: 01977 797258 e: mail@stevewells-associates.com

Dwg. No. 205-076-1001	Rev.
Scale 1:1250 @ A3	Date November 2021
Drawn by JLR	Checked DKW

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Planning
Committee Meeting

24 May 2022



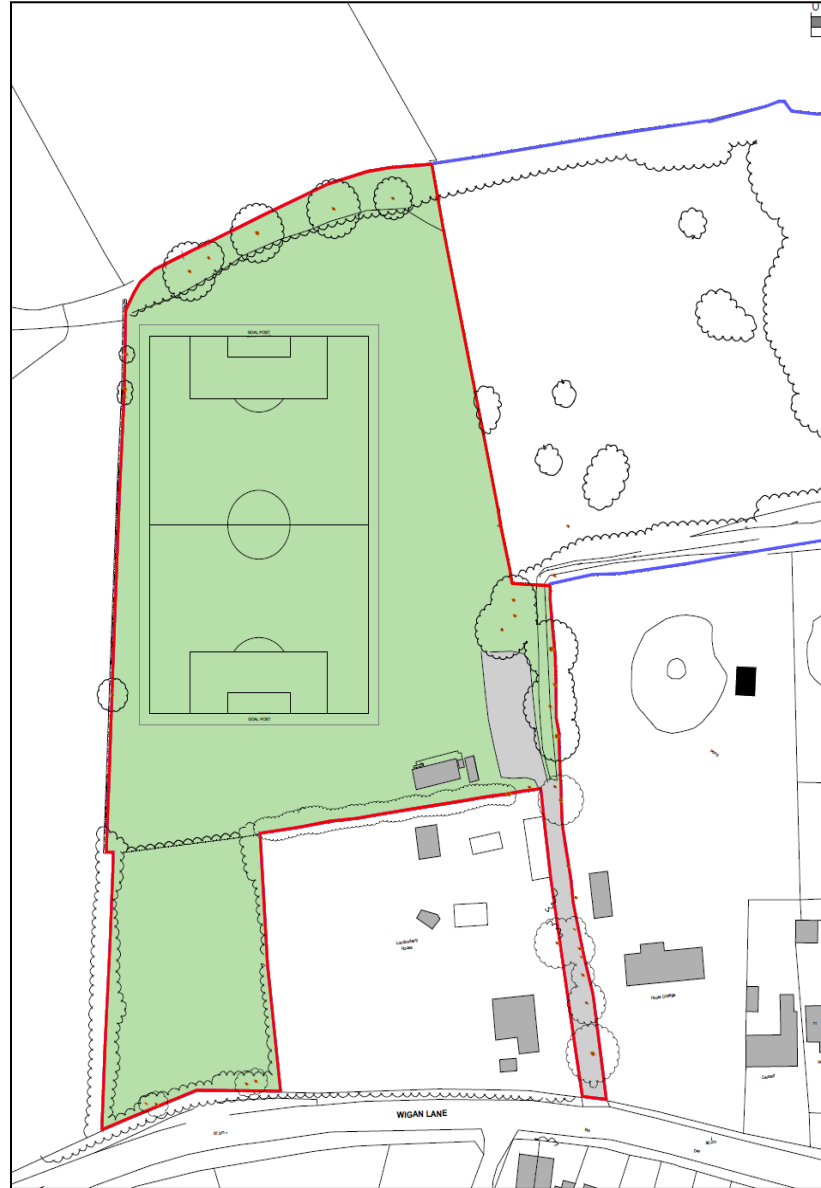
Item 3h

22/00213/CB3

Land Adjacent To Londonderry Cottage, Wigan Lane, Heath Charnock

Erection of an archery pavilion with associated car park and new vehicle access point from Wigan Lane, following the removal of the existing building

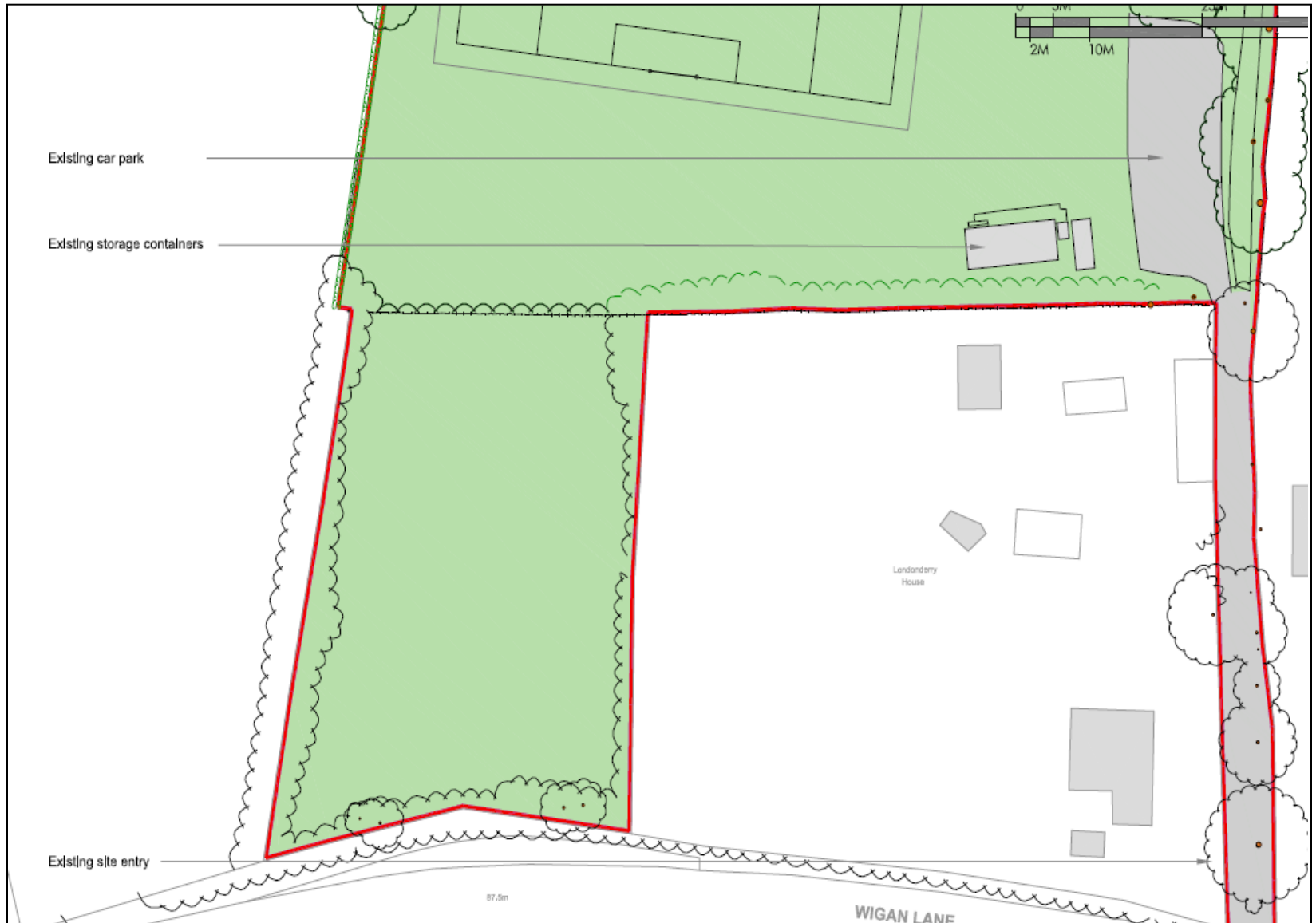
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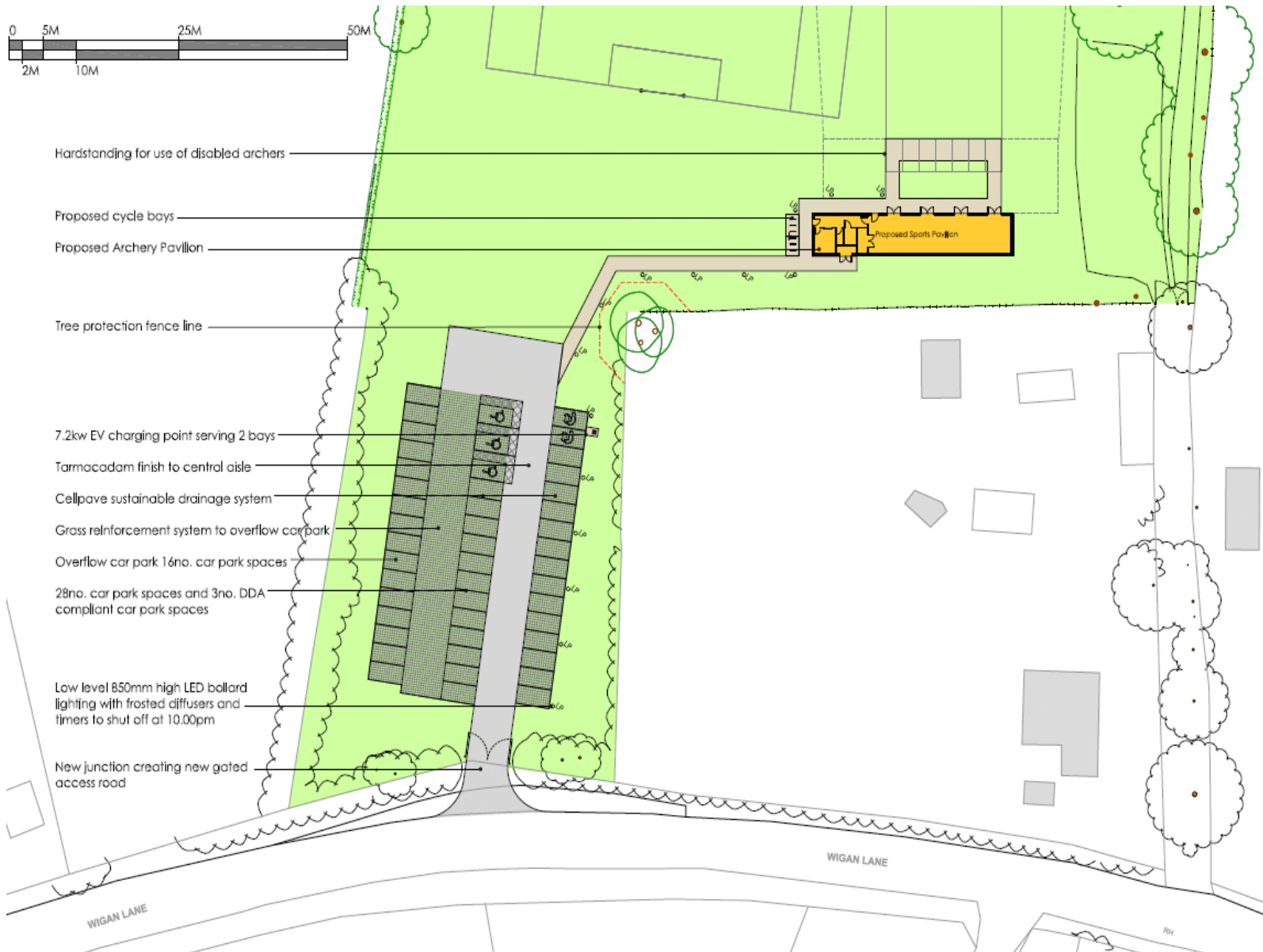
Aerial photo



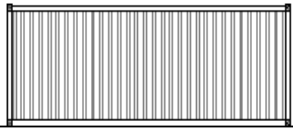
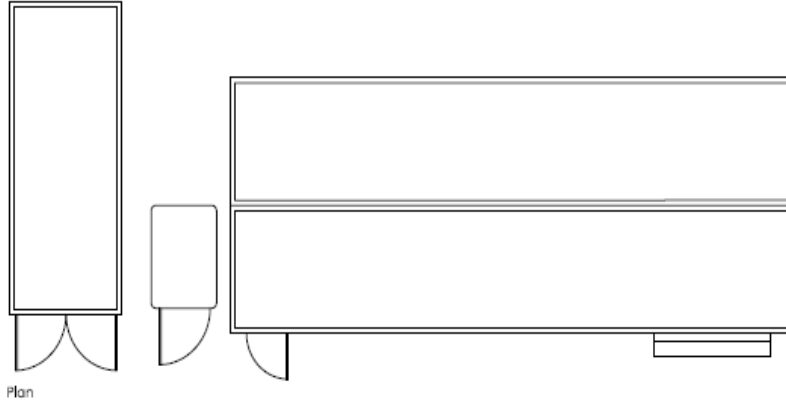
Existing Site Plan



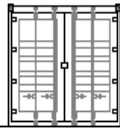
Proposed Site Plan



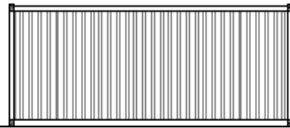
Existing Buildings



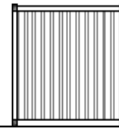
Side Elevation



Front Elevation



Side Elevation



Rear Elevation



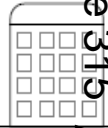
Front Elevation



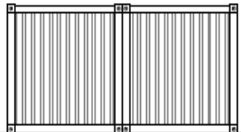
Side Elevation



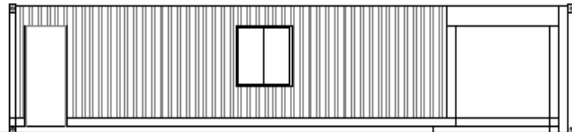
Rear Elevation



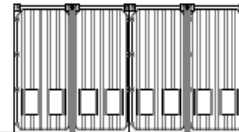
Side Elevation



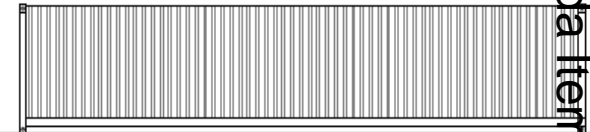
Rear Elevation



Side Elevation

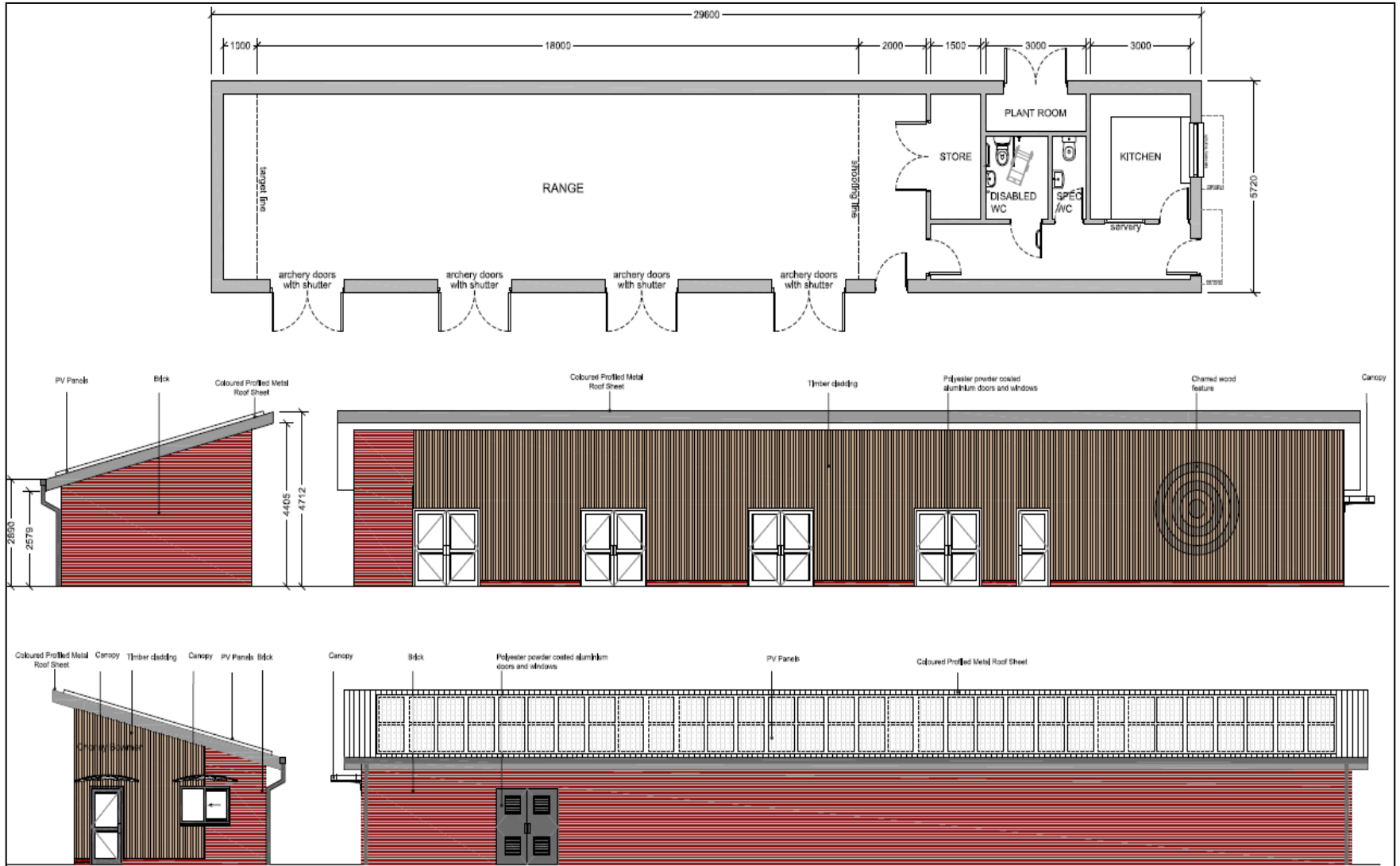


Front Elevation



Side Elevation

Proposed Building



Site photo – proposed new access point on Wigan Lane



Site photos – existing buildings



Site photos – existing building, shooting range and football pitch



Site photos – existing car park and football pitch



Site photos – proposed new car park location



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**ITEM 3h – 22/00213/CB3 – Erection of an archery pavilion with associated car park and new vehicle access point from Wigan Lane, following the removal of the existing building –
Land Adjacent To Londonderry Cottage, Wigan Lane, Heath Charnock**

The recommendation remains as per the original report

Lancashire County Council Highway Services have responded with no objection to the proposal, subject to conditions relating to the implementation of works to the highway and parking and manoeuvring areas within the site.

The following conditions are recommended:

No.	Condition																					
1.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p><i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>																					
2.	<p>The development hereby permitted shall be carried out in accordance with the approved plans below:</p> <table border="1" data-bbox="336 958 1289 1279"> <thead> <tr> <th data-bbox="336 958 826 990">Title</th> <th data-bbox="826 958 1050 990">Plan Ref</th> <th data-bbox="1050 958 1289 990">Received On</th> </tr> </thead> <tbody> <tr> <td data-bbox="336 990 826 1021">Proposed Building</td> <td data-bbox="826 990 1050 1021">205-076-1008</td> <td data-bbox="1050 990 1289 1021">24 February 2022</td> </tr> <tr> <td data-bbox="336 1021 826 1084">Proposed Tree Protection and Boundary Details</td> <td data-bbox="826 1021 1050 1084">205-076-1012</td> <td data-bbox="1050 1021 1289 1084">5 May 2022</td> </tr> <tr> <td data-bbox="336 1084 826 1146">Proposed Building Drainage Plan</td> <td data-bbox="826 1084 1050 1146">205-076-11-5 Rev A</td> <td data-bbox="1050 1084 1289 1146">23 March 2022</td> </tr> <tr> <td data-bbox="336 1146 826 1178">Site Location Plan</td> <td data-bbox="826 1146 1050 1178">205-076-1001</td> <td data-bbox="1050 1146 1289 1178">24 February 2022</td> </tr> <tr> <td data-bbox="336 1178 826 1240">Proposed Site Plan</td> <td data-bbox="826 1178 1050 1240">205-076-1003 Rev A</td> <td data-bbox="1050 1178 1289 1240">11 May 2022</td> </tr> <tr> <td data-bbox="336 1240 826 1272">Proposed Junction Access Design</td> <td data-bbox="826 1240 1050 1272">205-076-1010</td> <td data-bbox="1050 1240 1289 1272">24 February 2022</td> </tr> </tbody> </table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning.</i></p>	Title	Plan Ref	Received On	Proposed Building	205-076-1008	24 February 2022	Proposed Tree Protection and Boundary Details	205-076-1012	5 May 2022	Proposed Building Drainage Plan	205-076-11-5 Rev A	23 March 2022	Site Location Plan	205-076-1001	24 February 2022	Proposed Site Plan	205-076-1003 Rev A	11 May 2022	Proposed Junction Access Design	205-076-1010	24 February 2022
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3.	<p>The external facing materials, detailed on the approved plans, shall be used and no others substituted unless alternatives are first submitted to and agreed in writing by the Local Planning Authority, when the development shall then be carried out in accordance with the alternatives approved.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>																					
4.	<p>During the construction period, all trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standards and all works will be undertaken in accordance with the details of tree protection measures received on 5th May 2022.</p> <p><i>Reason: To safeguard the trees to be retained.</i></p>																					
5.	<p>Prior to the first use of the approved building, four bird boxes shall be installed in the trees to the south and of the approved building and retained as such thereafter.</p> <p><i>Reason: To create biodiversity enhancements, in accordance with the National Planning Policy Framework.</i></p>																					

6.	<p>No works to trees and shrubs or vegetation clearance or demolition of buildings shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present.</p> <p><i>Reason: All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981 (as amended).</i></p>
7.	<p>Foul and surface water shall be drained on separate systems. Surface water shall be drained in accordance with the hierarchy of drainage options in national planning practice guidance. In the event of surface water discharging to public sewer, the rate of discharge shall be restricted to the lowest possible rate which shall be agreed with the statutory undertaker prior to connection to the public sewer.</p> <p><i>Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.</i></p>
8.	<p>Prior to the first use of the approved facility, the vehicular access to the site from Shade Lane shall be closed to vehicles and only available for pedestrians and cyclists.</p> <p><i>Reason: To ensure the safe and proper access of the facility and to protect the amenity of neighbouring residents.</i></p>
9.	<p>No part of the development shall be commenced, other than site preparatory works and removal of the existing buildings, until all the highway works within the adopted highway have been constructed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority as part of a section 278 agreement, under the Highways Act 1980.</p> <p><i>Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.</i></p>
10.	<p>The private car parking and manoeuvring areas to be marked out in accordance with the approved plans, before the use of the premises hereby permitted becomes operative dwelling and permanently maintained thereafter.</p> <p><i>Reason: To allow for the effective use of the parking areas.</i></p>

APPLICATION REPORT – 22/00131/FULHH

Validation Date: 4 February 2022

Ward: Chorley North West

Type of Application: Householder Application

Proposal: Part two storey/part single storey side/rear extension (following demolition of garage) and elevational alterations

Location: 35 Warton Place Chorley PR7 2RQ

Case Officer: Chris Smith

Applicant: Mr & Mrs Ratcliffe

Agent: Mr Alex Karanikolas

Consultation expiry: 8 March 2022

Decision due by: 27 May 2022

RECOMMENDATION

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

SITE DESCRIPTION

2. The application site is located in the settlement area of Chorley on the eastern side of the residential cul-de-sac Warton Place. The existing property is a semi-detached dwelling of simple modern appearance with front and rear gardens, set within an open plan estate of suburban residential character.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. The application seeks planning permission for a part two storey/part single storey side/rear along with elevational alterations including the application of render to the front elevation of the existing property and the insertion of a new rear first floor window to the rear elevation.
4. Planning permission is also sought for the demolition of a detached garage located to the rear side of the existing property.
5. Amended plans were sought and have been received. The original scheme would have conflicted with the guidance set out in the Council's Householder Design Guidance SPD, which states that two storey rear extensions should not project beyond a '45-degree' guideline drawn from the near edge of the closest ground floor habitable room on an adjoining/affected property. The width of the first floor rear element of the proposed extension has been reduced, whilst the depth of the ground floor has been reduced so that the extension complies with this guidance.

REPRESENTATIONS

6. 2no. representations have been received citing the following grounds of objection:

- The proposed development would be contrary to the Council's Householder Design Guidance SPD which states that side extensions should be subservient and must avoid upsetting the balance between neighbours and should be set back from the front elevation of the existing property and set down from the ridge.
- Rear part of the extension would project beyond a 45-degree line drawn on plan from the near edge of the ground floor rear facing window to a habitable room in the neighbouring property 37 Warton Place.
- Overbearing impacts.
- Loss of light.
- Loss of outlook.
- Surface water run-off, drainage, and flooding.
- Asbestos.
- There is no precedent for this style of extension in the immediate locality.

CONSULTATIONS

7. N/A

PLANNING CONSIDERATIONS

Design and impact on the dwelling and streetscene

8. *Policy HS5 of the Chorley Local Plan 2012 – 2026 stipulates that permission will be granted for the extension of dwellings provided that the proposed extension respects the existing house and the surrounding buildings in terms of scale, size, design and facing materials, without innovative and original design features being stifled.*
9. *The Householder Design Guidance SPD requires that extensions are subservient to the existing dwelling and respect the scale, character, proportions of the existing dwelling and surrounding area. In particular, it states that in order to avoid terracing, side extensions should leave a reasonable gap (at least 1m) between an extension and the boundary with the adjacent property, or incorporate in some circumstances a substantial set back from the front elevation which creates a clear visual break between properties.*
10. The proposed extension would be in line with the front elevation of the existing property and it would also match the existing ridge height, whilst it would be of modest width. It is considered that this would represent a continuation of the style, form and design of the existing property, which would not appear out of place within the residential context of the immediate locality where a variety of property types are evident including detached properties, semi-detached properties and a number of properties that exhibit various extensions and alterations.
11. Whilst the proposed extension would be visible within the streetscene, it would be set back from the adjacent public highway by approximately 7.5m and would not appear as an unduly prominent or noticeably incongruous feature from the public vantage points located there, particularly given the modest width and matching form.
12. There would be a gap of approximately 0.9m between the extension and the common boundary with the neighbouring property to the north at no. 33 Warton Place and a gap of approximately 3.2m to the property itself. This would prevent the emergence of a resultant terracing effect. The rear element of the extension would be screened from public vantage points by the existing property.
13. Proposed elevational alterations would involve the application of render to the front elevation of the existing property. It is not considered that this would appear out of place within the context of the immediate locality where the existing property and neighbouring properties are already part rendered. Notwithstanding this planning permission is not required for this element of the development.

14. Overall it is considered that the proposed development would have no unacceptable impact on the character of the area and complies with Policy HS5 of the Chorley Local Plan 2012 – 2026 and the Householder Design Guidance SPD.

Impact on the amenity of neighbouring occupiers

15. *Policy HS5 of the Chorley Local Plan 2012 – 2026 states that there should be no unacceptable adverse effect on the amenity of neighbouring properties through overlooking, loss of privacy or reduction of daylight.*
16. *The Householder Design Guidance SPD seeks to ensure that property extensions have a satisfactory relationship with existing neighbouring buildings, do not have overbearing impacts on adjacent properties and amenity areas and do not lead to the excessive loss of daylight or overshadowing of habitable rooms and amenity spaces of adjacent properties. Furthermore, it asserts that extensions should be located, and windows orientated, to prevent direct overlooking of habitable rooms or private amenity space that belongs to nearby properties. In particular, it states that single storey rear extensions should not project more than 3m beyond a 45-degree line drawn from the near edge of any ground floor rear facing window to a habitable room in a neighbouring house. Where the extension has more than one storey, it must be a minimum 7 metres away from any boundary of its curtilage which is opposite the rear wall of the house being enlarged.*
17. *It also states that two storey rear extensions should not project beyond a 45-degree line drawn from the near edge of the closest ground floor rear facing window to a habitable room in a neighbouring house.*
18. It is acknowledged that the proposed extension would be located to the south of the neighbouring property no. 33 Warton Place and that there is a land level difference between the application site and this property (the driveway of the application property is approximately 0.3m higher than the neighbouring property). It is also noted that there are several windows within the side elevation of the neighbouring property. At first floor there is an obscurely glazed landing window. At ground floor there is a kitchen window that is an addition rather than a standard original feature and is not typical of neighbouring properties in the immediate locality.
19. Whilst there would be some light loss as a result of the proposed development, the relationship between the two properties is such that existing light levels are already compromised as a result of the juxtaposition between the two properties given that the window to the kitchen already faces the gable end of the application property. As such any additional light loss caused by the proposed development would be relatively limited and is not considered to be so severe as to warrant refusal of the application. In addition, any additional impact on outlook would be minimal given that the kitchen window already faces directly towards the side elevation of the application property.
20. The two storey rear element of the extension would not project beyond a 45-degree line drawn from the near edge of any ground floor rear facing window to a habitable room in either of the neighbouring properties at nos. 33 and 37 Warton Place and the single storey rear element would not project more than 3 metres beyond this guideline.
21. There would be a window at first floor level within the side (north) elevation of the extension. However, this would serve an en-suite bathroom and would be obscurely glazed. There would also be a Juliet balcony at first floor level within the rear elevation and a new replacement window be installed in this elevation. However, these windows would be approximately 44m away from the rear site boundary, and result in standard relationship between adjacent properties.
22. On the basis of the above it is not considered that there would be any unacceptably adverse impact on the amenity of neighbouring occupiers and that the proposed development complies with Policy HS5 of the Chorley Local Plan 2012 – 2026 and the Householder Design Guidance SPD.

Highway safety

23. *Policy HS5 of the Chorley Local Plan 2012 – 2026 states that permission will be granted provided that the proposal does not have an unacceptable adverse effect on highway safety and policy ST4 of the Chorley Local Plan 2012-2026 and its associated appendix sets out parking standards based on bedroom numbers of a property.*
24. *The Householder Design Guidance SPD states that off-street parking should be provided at a ratio of 2 spaces for a two or three bed dwelling, and 3 spaces for a larger property, including garages. It also states that car parking spaces occupy a space of 2.5 metres by 5.5 metres but spaces in front of a garage should be 2.5 metres by 6 metres to allow for opening/closing doors and if a garage is to be classified as a parking space the size must be 6m by 3m.*
25. The resultant dwelling would contain 3no. bedrooms and the site would provide off road parking spaces for 2no. cars. This is in accordance with the Householder Design Guidance SPD.

Other matters

26. A representation has been received objecting to the proposed development on the basis that the application property contains asbestos. However, this is not a material planning consideration that can be considered when assessing the application as this would be dealt with under other legislation. The representation also states that there would be an increase in surface water run-off, which could increase the risk of flooding. However, the extension would be built on an existing area of hardstanding and it is not considered, therefore, that there would be any overall difference with regards to surface water run-off rates.

CONCLUSION

27. The proposed development would not have an unacceptable adverse impact on the character and appearance of the existing dwelling or the surrounding area, nor would it cause any significant harm to the amenity of neighbouring residents or result in any adverse highway safety impacts. It is, therefore, considered that the development accords with policy HS5 of the Chorley Local Plan 2012 – 2026 and the Householder Design Guidance SPD. Consequently, it is recommended that the application is approved.

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: 74/00562/FUL **Decision:** PERFPF **Decision Date:** 28 August 1974
Description: Garage

Suggested Conditions

1. The proposed development must be begun not later than three years from the date of this permission.

Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The external facing materials, detailed on the approved plans, shall be used and no others substituted unless alternatives are first submitted to and agreed in writing by the Local Planning Authority, when the development shall then be carried out in accordance with the alternatives approved.

Reason: To ensure that the materials used are visually appropriate to the locality.

3. The development hereby permitted shall be carried out in accordance with the approved plans below:

Title	Plan Ref	Received On
Location Plan	0100031673	4 February 2022
Proposed Ground + First Floor Plans	ratcliffe/03 A	4 April 2022
Proposed Elevations	ratcliffe/04 A	4 April 2022

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

4. The flat roof of the single storey part of the extension as shown on plan ref. ratcliffe/03 rev.A shall not be used as a balcony.

Reason: To protect the amenities and privacy of the adjoining property.

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location plan of 35 warton place, chorley, pr7 2rq



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Planning
Committee Meeting

24 May 2022



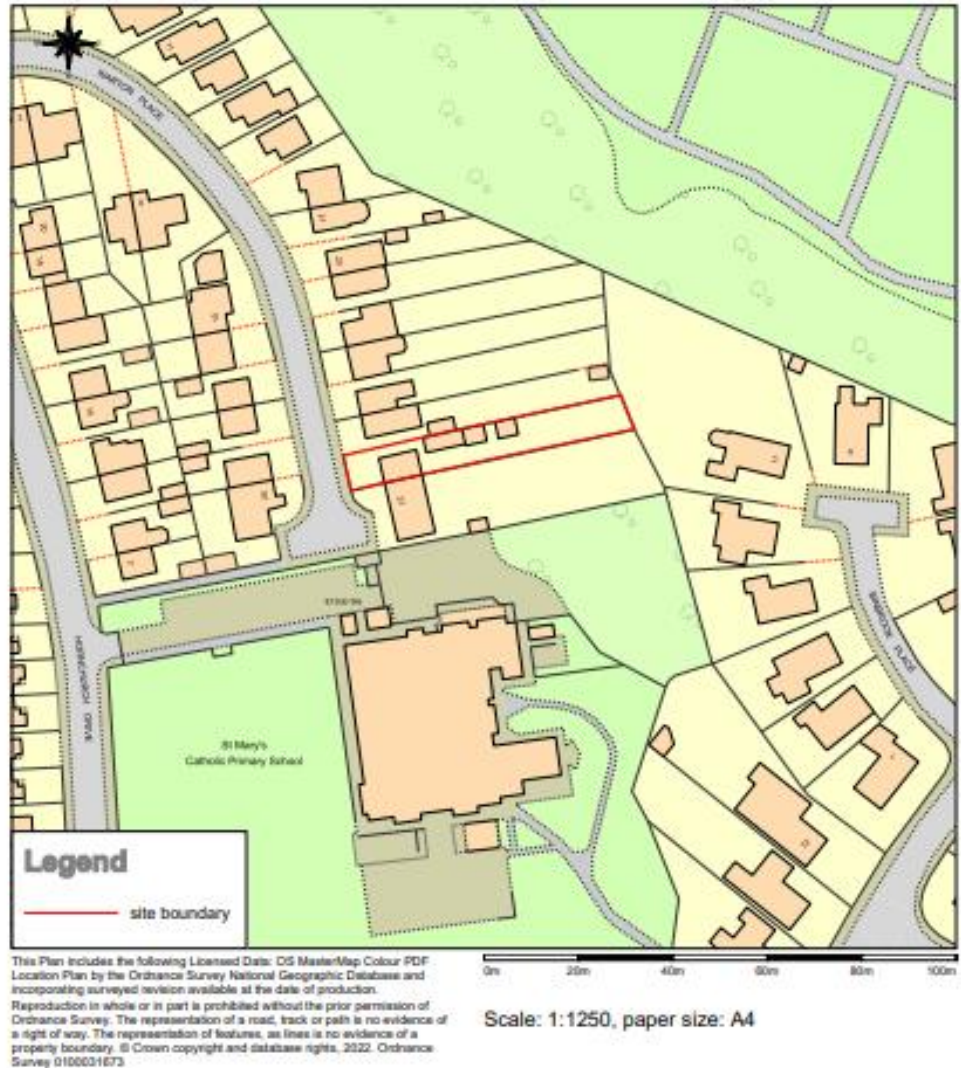
Item 3i

22/00131/FULHH

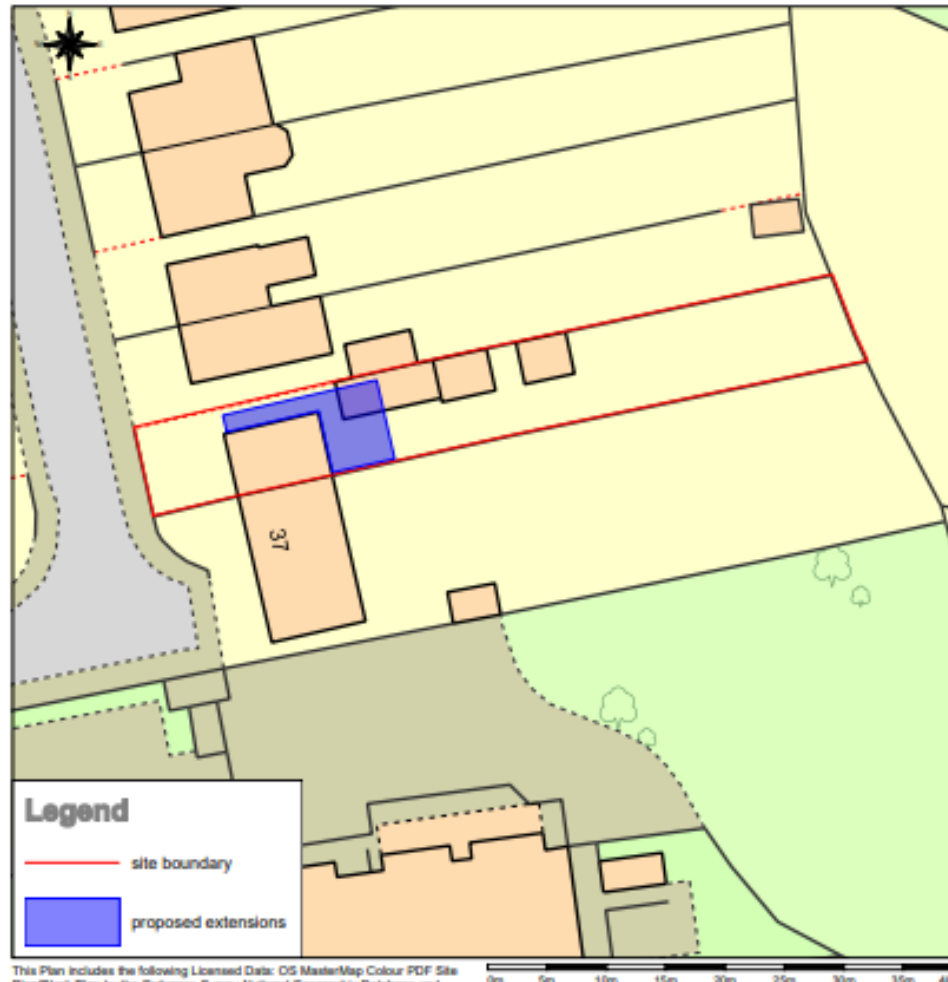
35 Warton Place, Chorley, PR7 2RQ

Part two storey/part single storey side/rear extension
(following demolition of garage) and elevational alterations

Location Plan



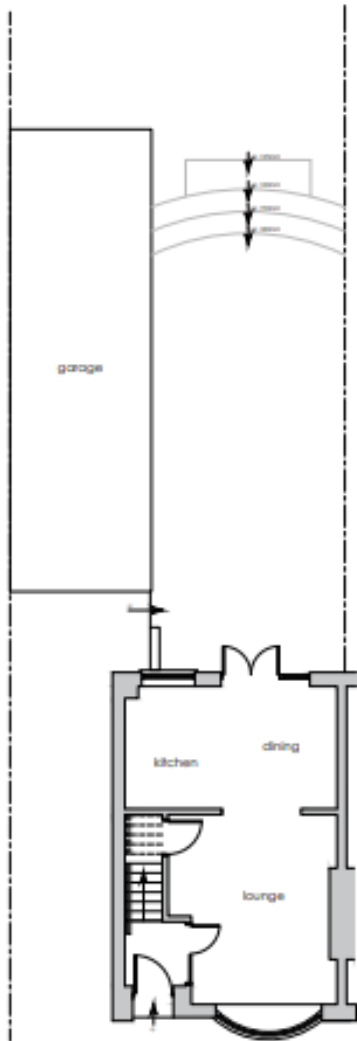
Proposed Site Plan



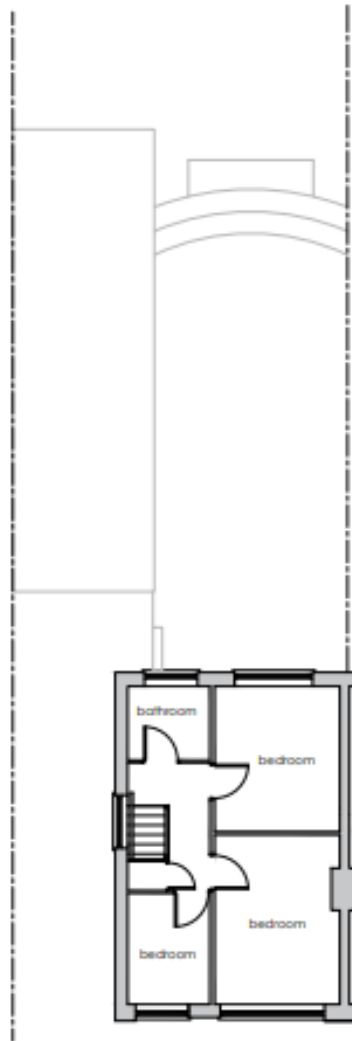
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Scale: 1:500, paper size: A4

Existing Floorplans



existing ground floor plan



existing first floor plan

dimensions indicated to be followed in preference to scale.

all dimensions to be checked on site prior to the commencement of any work being carried out. any discrepancies to be reported & resolved prior to work commencing.

drafter
david + steph ratcliffe

project
35 warton place,
cholley,
pk7 2rq

drawings for
existing ground + first floor plans

drawn by
ratcliffe/d

checked by
d.r. / s.b.a. / j.m.
date
1-2024 / jan 2024

35 the studio limited
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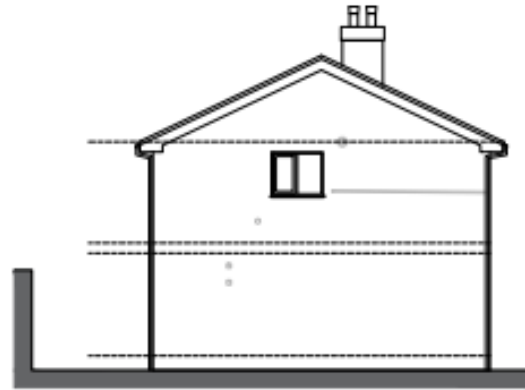


35 the studio

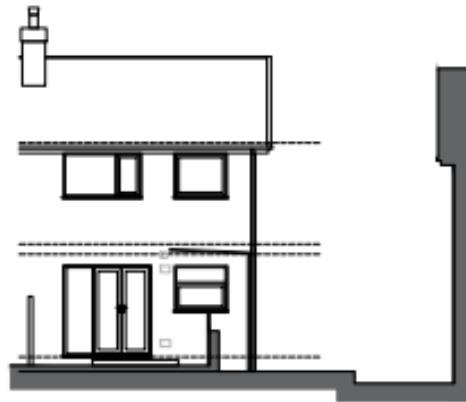
Existing Elevations



existing front elevation



existing side elevation



existing rear elevation

dimensions indicated to be followed in preference to scale.
 all dimensions to be checked on site prior to the commencement of any work being carried out, any discrepancies to be reported & resolved prior to work commencing.

dra David + daph ratcliffe

proj 35 warton place, cholley, pt7 2iq

drawn by existing elevations

drawn by ratcliffe/02

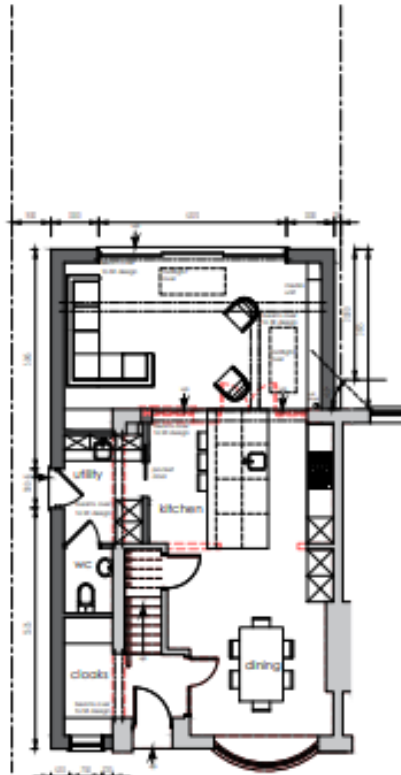
drawn by ratcliffe/02
 date 1-10-2021
 date 1-10-2021
 date 1-10-2021

35 the studio limited
 30 mayfield avenue,
 edlington, cholley,
 pt8 1qj

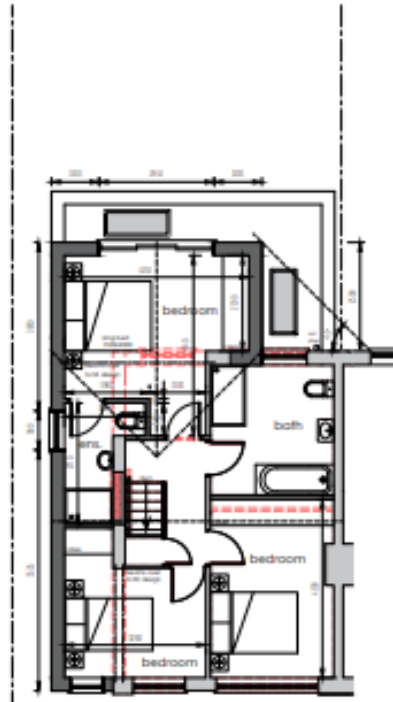
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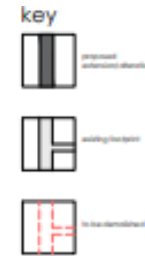
Proposed Floorplans



proposed ground floor plan



proposed first floor plan



followed in preference to scale.
 all dimensions to be checked on site prior to the commencement of any work being called out. any discrepancies to be reported & resolved prior to work commencing.

ref: 15/0103/01/00000000 - march 2022

dra: david + steph ratcliffe

proj: 35 warton place, cholley, p17 2iq

drawn by: proposed ground + first floor plans

drawn by: ratcliffe/03

date: 1-5/2021

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Proposed Elevations



design ideas + styles



dimensions indicated to be followed in preference to scale.
all dimensions to be checked on site prior to the commencement of any work being carried out, any discrepancies to be reported & resolved prior to work commencing.

35 the studio limited
35 water place, cholley, nr7 2qs
proposed elevations
drawing scale: A
drawing no: 1-3026A
date: 17/03/2020

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Site photo



Site photo



Site photo



Site photo



Site photo



Site photo



Site photo



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Report of	Meeting	Date
Director of Planning and Development	Planning Committee	24 May 2022

PLANNING APPEALS AND DECISIONS RECEIVED BETWEEN 22 MARCH 2022 AND 16 MAY 2022

PLANNING APPEALS LODGED AND VALIDATED

Local Planning Authority Reference: 21/00999/PIP - Inspectorate Reference: APP/D2320/W/22/3293422

Appeal by Mr Max Halsall against the delegated decision to refuse an application for permission in principle for the erection of one dwelling.

Mayfield, Blue Stone Lane, Mawdesley, Ormskirk, L40 2RH.

Inspectorate letter confirming appeal valid received 22 March 2022.

Local Planning Authority Reference: 21/01028/OUTMAJ - Inspectorate Reference: APP/D2320/W/22/3295556

Appeal by Ministry of Justice against the Planning Committee decision to refuse, contrary to officer recommendation, outline planning permission for a new prison (up to 74,531.71 sqm GEA) (Class C2A) within a secure perimeter fence following demolition of existing buildings and structures and together with associated engineering works with all matters reserved except for means of access, parking and landscaping); outline planning permission for a replacement boiler house (with all matters reserved except for access); and full planning permission for a replacement bowling green and club house (Class F2(c)).

Land adjacent to HMP Garth and HMP Wymott, Leyland at HM Prison Wymott, Moss Lane, Ulnes Walton, Leyland, PR26 8LW.

Inspectorate letter confirming appeal valid received 4 April 2022.

Local Planning Authority Reference: 21/01416/FUL - Inspectorate Reference: APP/D2320/W/22/3296378

Appeal by Mr E Joynt against the Planning Committee decision to refuse planning permission for the erection of six buildings comprising 12no. light industrial business units (resubmission of 20/01053/FULMAJ).

Land south of Mercer Court and east of Westthoughton Road, Adlington.

Inspectorate letter confirming appeal valid received 9 May 2022.

PLANNING APPEAL DECISIONS

Local Planning Authority Reference: 21/00476/CLPUD - Inspectorate Reference: APP/D2320/X/21/3287938

Appeal by Mr Mark Dean against the delegated decision to refuse an application for a certificate of lawfulness for a proposed detached outbuilding to accommodate a swimming pool and home gymnasium.

Silcock Farm, Windmill Lane, Brindle, Chorley, PR6 8NX.

Appeal dismissed 23 March 2022.

Local Planning Authority Reference: 21/00744/PIP - Inspectorate Reference: APP/D2320/W/21/3283978

Appeal by Mr Keith Knott against the delegated decision to refuse permission in principle for the erection of 1no. dwelling.

Land Adjacent Garwick, Chapel Lane, Heapey.

Appeal allowed 28 March 2022.

Local Planning Authority Reference: 21/00756/ADV - Inspectorate Reference: APP/D2320/Z/21/3284148

Appeal by Mr John Evans against the delegated decision to refuse advertising consent for the display of 1no. digitally illuminated gable mounted advertisement display unit.

Ar-Rahmah Academy, 142 Lyons Lane, Chorley, PR6 0PJ.

Appeal allowed 31 March 2022.

Local Planning Authority Reference: 21/00557/PIP - Inspectorate Reference: APP/D2320/W/21/3282134

Appeal by Mr M Shah against the delegated decision to refuse permission in principle for the erection of up to two dwellings.

Land opposite Hampton Grove, Wigan Road, Clayton-Le-Woods.

Appeal allowed 5 April 2022.

Local Planning Authority Reference: 21/01255/FULMAJ - Inspectorate Reference: APP/D2320/W/21/3284743

Appeal by Mr Rhenden Pillay against the Planning Committee decision to refuse planning permission for the erection of an inflatable multi-sport airdome, including a concrete ring beam for anchoring, resurfacing of tennis courts and other associated infrastructure and ancillary facilities (contrary to officer recommendation).

Parklands High School, Southport Road, Chorley, PR7 1LL.

Appeal dismissed 8 April 2022.

Local Planning Authority Reference: 21/00702/OUT - Inspectorate Reference: APP/D2320/W/21/3283369

Appeal by Mr Douglas McMahon against the delegated decision to refuse outline planning permission for the erection of a 4 bedroom detached dwelling with double garage (with all matters reserved).

Land Opposite Woodland Nursery, Highfield Road, Croston

Appeal dismissed 12 April 2022.

PLANNING APPEALS WITHDRAWN

None

ENFORCEMENT APPEALS LODGED

None

ENFORCEMENT APPEAL DECISIONS

None

ENFORCEMENT APPEALS WITHDRAWN

None

Report Author	Ext	Date	Doc ID
Adele Hayes	5228	16 May 2022	***

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C O M M I T T E E R E P O R T		
REPORT OF	MEETING	DATE
Director of Planning and Development	Planning Committee	24 May 2022

ADDENDUM

ITEM 3a - 21/00327/FULMAJ - Erection of 76no. affordable dwellings with access, parking, landscaping and all other associated works (including pumping station) - Land 120M East Of 27 Charter Lane, Charnock Richard

The recommendation remains as per the original report

The applicant has submitted a formal response to the report issued by Charnock Richard Residents Association (RA) to Members of the Planning Committee on 29th March, as follows:

“The representation was not made available to the applicant to view until after the Planning Committee meeting. From review of the representation, there are a number of points of clarification or update that Officers and Members should be aware of.

Policy- The previous application on the site was refused for conflict with policy 1(f), on the basis of the scale of development, at a time when the Borough had a 5 year housing land supply. The current 5 year housing land supply position now engages the tilted balance as outlined in NPPF, and for policies of the development plan that relate to housing numbers to be deemed out of date, or of more limited weight as outlined in the Officers Report to the planning application.

The planning balance and consideration of the current application is therefore of significant difference to previously.

Highways – The RA claim that the speed survey was undertaken in school holidays. The surveys were carried out from 16th to 23rd July. It is noted on Charnock Richard Primary School Term Dates on their website that the school closed for summer holidays on the 22nd July; the survey was undertaken in term time, other than the 23rd July which was a Saturday (all of which is set out in the Highways Statement).

The date of the parking survey was also questioned. This was undertaken on Wed 14th July from 8am-9.10 am (as noted on the survey results sheet in the Highway Report), aligning with school opening time.

The survey determined that the maximum parking occurred for 5 minutes and the main phase of parking (around 15 cars) occurred for only 20 minutes. This is a normal short term parking experience that occurs around schools, as is referenced by the Inspector in the appeal decision at Carrington Road, Adlington (APP/D2320/W/21/3284692) (that decision being allowed and permission granted).

It is also relevant that the Highway Statement to the application also demonstrates that the proposal will generate very limited traffic in the morning peak period, the traffic assessment determining that there would be likely only c8 trips from the development site1, therefore potentially 3 trips in the 20 minute period, concluded to be of negligible impact to the operation of the highway. It is also noted that as most drivers from the local area are aware of the school location, amendments to travel habits can be made in such periods.

Improvements proposed to the junctions of Charter Lane are in line with discussions with Lancashire County Council (LCC) Highways Authority, and improvements to the existing footway on Charter Lane, including widening in areas and improvements to lighting has been agreed to negate provision of a further footpath along the road.

Ecology - It is referenced by RA that a recent on-site ecological assessment has not been undertaken, only desktop. This is incorrect as a full Phase 1 Habitat survey (site walkover) and pond review was undertaken in July 2020, with a further pond survey review in June 2021 for further clarity.

Current guidelines for protected species are listed in table 3.2 of the Ecology Assessment Report and does not include Roe Deer. It is relevant that GMEU has no objection to the proposals, has confirmed the assessment acceptable and that relevant planning conditions can be utilised.

Education/ Children Numbers – It is referenced in the RA submission that the school place assessment is based on September 2021 information, prior to other decisions in the Borough. We would draw attention to the Officers Report to the March Committee that an updated Education Assessment from LCC was received by Chorley Council in March 2022 and the recommendation on the relevant education contribution is based upon this up to date review. We also see from the website details for the application that a further Assessment from April 2022 has also been received.

The consideration of the Common Allocation Policy and the number of children the site could theoretically house is considered excessive. It is noted as maximum, with 4 bed units assigned 6 children and 3 bed units 4 children, which is very unlikely to occur to all units. The Chorley Council Allocations document for housing available on the website references 3 bed units at 2 or 3 children and 4 bed units at 3 children, thus more likely towards half the number of children that was referenced in the RA submission. LCC Education pupil yield assessment is also significantly lower than the level suggested by the RA.

The concern to over subscription of the school resulting in significant traffic movements out of the village for children to access wider schools is also considered unlikely. Over time, school applications and allocations account for local families (i.e. numbers accepted from out of the village requiring travel to access the school would reduce) such that it would be more likely local children would walk to the school with resulting alleviation of traffic and parking issues.”

Charnock Richard Residents Association (RA) submitted further comments on 24th May 2022 to Members of the Planning Committee and the Local Planning Authority, which is summarised as follows:

- Photographs are provided which the RA states shows the treacherous nature of the roads
- Reference is made to the application of paragraph 11d(ii) and the ‘tilted balance’ of the National Planning Policy Framework, stating that it should only be applied in favour of sustainable development

- Reference is made to the conflict of the scheme with policy 1 of the Core Strategy
- Criticisms of the age and timeframes of the traffic assessments and surveys
- Questions are raised in relation to the financial contribution towards enhanced bus services
- Claim that basic services cannot be accessed via public transport without a substantial walk
- Claim that the proposal will result in a greater requirement of school places than calculated by LCC Education
- States that the shop noted in the Committee Report is not open every day and not open in the evenings and is not considered to be a convenience store
- Reference is made to potential future government planning reforms

The RA's assertion that paragraph 11d(ii) of the Framework should only be applied to sustainable development is a misinterpretation of the relevant section of the Framework. Paragraph 11 clearly states that "*Plans and decisions should apply a presumption in favour of sustainable development...for decision-taking this means:...b(ii)*". Paragraph 11 therefore sets out the criteria which a proposed development must meet to be considered a sustainable development, rather than criteria to be applied to development that has already been determined to be sustainable.

With regards to the financial contribution to enhance bus services, the RA has asked three questions which the case officer has answered below in italicised text:

a) how an hourly bus service and one which ceases in the evenings is considered a reasonable alternative to the private car;

It is acknowledged that the private car will be the main form of transport for the proposed development. Bus services will provide an alternative form of transport for some journeys. Existing residents of Charnock Richard will already be managing to live in the village under similar circumstances, albeit the proposal offers an opportunity to improve this situation.

b) why the contribution has more than halved compared to the 13th October 2021 letter? and

This relates to the financial contribution towards additional bus services. It is usual for negotiations to take place between the Council and other relevant bodies with regards to mitigation measures and scheme enhancements.

c) what will happen after 5 years.

This relates to the fixed 5 year timeframe during which the developer will pay a contribution towards enhanced bus services. It is understood that the 5 years will enable the additional service to become established and then a decision will need to be made by the service provider as to whether it would be feasible to continue the service without the subsidy.

The applicant submitted a response to the above comments from the RA on 24th May 2022, which is summarised as follows:

- Reference is made to sustainable development forming three elements – social, economic and environmental
- Reiterates that the speed survey was not undertaken in school holidays
- Using traffic data from previous applications is a normal provision within Transport Assessments and is accepted and agreed with LCC Highways
- The 2016 survey information has been re-based using nationally accepted growth rates

- The accepted allocation of likely trips from the development demonstrates low movements and the level of traffic generation is therefore within acceptable levels
- Bus service improvements would result in a doubling of the services through the village and is a viable alternative to the private car
- The contribution level has been accepted by LCC Highways and the bus team
- As the bus service becomes established it will likely become more self-funding
- Mixed-mode journeys may be required to access some services, but this must already occur for existing residents living in Charnock Richard
- Reference is made to the RA's assertions in relation to pupil numbers and the applicant is concerned about the submission not acknowledging the forward planning for school allocation will be undertaken by LCC Education and in time there will be a transition to more local pupils. Also expresses concern there is an implication to potential pupil numbers based on the housing being social housing
- There will be a lag whilst units are built and occupied which will enable the Education authority to plan for future levels and consider places going forward
- The scheme will provide customers for the local shop which may then extend opening hours
- Residents from the application site will not add to parking in the village – they will walk to school, football club and shop.

Lancashire County Council Education

An updated consultation response has been received from Lancashire County Council Education which provides an updated assessment of projected school places as of 20th April 2022. The assessment concludes the same requirements as outlined in the original committee report and addendum, of no contribution being required for primary school places and £92,247 for four additional secondary school places.

ITEM 3b – 20/01141/FULMAJ – Erection of 80no. dwellings, including houses and apartments (including 30% affordable) with associated infrastructure and school pick-up/drop-off car park

- Former BAE Site Group 1 Parcel C1 And C2 Central Avenue Buckshaw Village

The recommendation remains as per the original report

Euxton Parish Council has requested that the Council adopts all trees referred to in the Arboricultural Impact Assessment. This comment has been clarified with the Parish Council clerk as to mean that the trees proposed for retention are protected by a Tree Preservation Order.

As identified at paragraph 96 of the committee report, there is a very small pocket of broadleaved woodland in the south east corner of the site consisting of three mature oak trees and a few young willows and ash samplings. The woodland is proposed to be retained as part of the proposal. Further, proposed planning condition 19 requires the trees to be protected during construction work. The future safeguarding of the trees with a Tree Protection Order is being progressed by the Council's Tree Officer but this cannot be secured via this planning application as it follows a separate legislative process. Other trees adjacent to the site are already protected by Chorley BC TPO 8 (Euxton) 2010.

**ITEM 3c – 21/00779/FULMAJ – 1) Extension of car park 2) Erection of storage building, following the demolition of the existing glasshouse
- Birkacre Nurseries Ltd, Birkacre Road, Chorley**

The recommendation remains as per the original report

Impact on ecological interests:

The Council's appointed ecologists at Greater Manchester Ecology Unit have assessed the submitted Construction Environmental Management Plan and Biodiversity Enhancement Measures and advise that these are satisfactory. The measures would ensure that the adjacent Biological Heritage Site would not be harmed as a result of the development and would secure biodiversity enhancements of the site. A planning condition would ensure that the development and construction activities are carried out in accordance with these details.

The following conditions are recommended:

24. The proposed development must be begun not later than three years from the date of this permission.

Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved plans below:

Title	Plan Ref	Received On
Proposed Site Plan	20 144 P01 REV B	16 February 2022
Location Plan	20 144 L01	16 July 2021
Proposed Floor Plans and Elevations	20 144 P02	18 June 2021

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

3. The external facing materials, detailed on the approved plans, shall be used and no others substituted unless alternatives are first submitted to and agreed in writing by the Local Planning Authority, when the development shall then be carried out in accordance with the alternatives approved.

Reason: To ensure that the materials used are visually appropriate to the locality.

4. The development hereby permitted, and construction works shall be carried out in full accordance with the Construction Environment Management Plan For Biodiversity and the Biodiversity Enhancement Measures Plan ERAP Ltd 2021-359b (dated March 2022). The bird nest boxes shall be installed on the building hereby permitted prior to its first use and permanently retained thereafter.

Reason: To ensure that construction activities do not adversely affect the Biological Heritage Site and to secure biodiversity enhancement of the site.

5. The construction of the building hereby permitted shall not be commenced until:

- a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity and;
b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: The site is situated within a Development High Risk Area for coal mining features and hazards and the condition is necessary to ensure that adequate information pertaining to ground

conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site, in the interests of the safety and stability of the development.

6. Prior to first use of the building hereby permitted, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: In the interests of the safety and stability of the development as the site is situated within a Development High Risk Area for coal mining features and hazards.

ITEM 3d 21/00793/FUL – 1) Erection of 5no. detached dwellinghouses, including associated new accesses to Sandy Lane 2) Demolition of existing buildings - Springfields Sandy Lane Mawdesley

The recommendation remains as per the original report

The following conditions are recommended:

24. The proposed development must be begun not later than three years from the date of this permission.

Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved plans below:

Title	Plan Ref	Received On
Proposed Layout	MW27/21EL1 REV D	12 May 2022
House Type 4	P4/21 REV B	17 March 2022
House Type 3	P2/21 REV A	16 July 2021
House Type 1	P2/21 REV A	25 June 2021
House Type 2	P2/21 REV A	25 June 2021
House Type 5	P5/21 REV A	25 June 2021

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

3. Prior to the commencement of the construction of each dwellinghouse hereby permitted, full details of all external facing and roofing materials of the respective dwellinghouse (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.

Reason: In the interests of the appearance of the development and to ensure that the materials used are visually appropriate to the locality.

4. No dwelling hereby permitted shall be commenced until all existing buildings on the site are demolished in full and all resultant materials removed from the site.

Reason: The demolition of the existing buildings is necessary to make the development acceptable in the Green Belt as an exception to inappropriate development in the Green Belt as listed in paragraph 149 (g) of the National Planning Policy Framework (2021) and also in accordance with Chorley Local Plan 2012 – 2026 policy BNE5.

5. No removal of or works to any hedgerows, trees, shrubs, or other vegetation or works to or demolition of buildings or structures that may be used by breeding birds shall take place during the

main bird breeding season 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation and structures for active birds' nests immediately before the vegetation is cleared or works commenced and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.

Reason: All wild birds, their nest and eggs are protected under the Wildlife and Countryside Act 1981 (as amended).

6. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- (ii) A restricted rate of discharge of surface water (if it is agreed that infiltration is discounted by the investigations); and
- (iii) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

7. Prior to their erection or installation, full details of the alignment, height and appearance of all fences, walls, gates or other boundary treatments to be erected (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. Any boundary treatments shall only be installed or erected in accordance with the approved details.

Reason: To ensure a visually satisfactory form of development in the locality and to provide reasonable standards of privacy to residents.

8. Prior to the commencement of the development, full details of the existing and proposed ground levels and proposed dwelling finished floor levels (all relative to ground levels adjoining the site) to be submitted to and approved in writing by the Local Planning Authority, notwithstanding any such details shown on previously submitted plans(s). The development shall be carried out only in conformity with the approved details.

Reason: In the interests of the appearance of the development in the locality and the amenity of neighbouring properties.

9. Prior to the laying of any hard landscaping (ground surfacing materials) full details of their colour, form and texture for that phase shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details and shall be completed in all respects before occupation of the respective dwellinghouse.

Reason: In the interests of the appearance of the development and the visual amenities of the area.

10. No development shall commence until the Local Planning Authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations (Amendments) (EU Exit) 2019. Authorizing the specified activity/development to go ahead; or
- b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: Bats are a protected species and are present on site.

11. The development shall be carried out in accordance with the details contained in the Biodiversity Strategy & Mitigations for Bats V1.0 (as received by the Local Planning Authority on 19 November 2021), unless where modified by any condition of this permission.

The bat receptor boxes shall be installed on site prior to any demolition taking place.

The bat barn shall be installed on site prior to final occupation of the development and shall be located in either location identified on approved drawing number MW27/21EL1 REV D, unless otherwise approved in writing by the Local Planning Authority.

Reason: To provide satisfactory mitigation for bats and in the interests of nature conservation and biodiversity of the site.

12. Prior to the commencement of the development, a detailed landscaping scheme shall be submitted to and approved in writing by the local planning authority.

This shall include:

Details of those existing trees and hedgerows to be retained or removed, and the provision of any compensatory planting should any trees or hedgerows be identified for removal.

ii) Retained landscape and habitat features and proposals for restoration (hedges and trees)

iii) Planting plans.

iv) Written specifications (including cultivation and other operations associated with plant and grass establishment).

v) Schedules of plants, noting species, planting sizes and proposed numbers /densities where appropriate.

vi) Implementation timetables.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any dwellings or in accordance with an agreed timetable. Any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the landscaping of the site is high quality in the interests of the appearance of the development in the locality.

13. A landscape and ecological management plan (LEMP) of the site and the area to north (edged in blue) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the occupation of the development. The content of the LEMP shall also include the following.

a) Description and evaluation of features to be managed.

b) Ecological trends and constraints on site that might influence management.

c) Aims and objectives of management.

d) Appropriate management options for achieving aims and objectives.

e) Prescriptions for management actions.

f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).

g) Details of the body or organization responsible for implementation of the plan.

h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanisms by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

Reason: To ensure that the landscaping of the site is high quality in the interests of the appearance of the development in the locality and in the interests of nature conservation to secure biodiversity enhancements.

14. All new dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However, as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.

15. Prior to the commencement of the development, excluding the erection of the detached garage, details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However, as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so is can be assured that the design meets the required dwelling emission rate.

16. No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However, as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.

ITEM 3f – 22/00081/FUL – Higher Morris Farm, 595 Preston Road, Clayton-Le-Woods, Chorley, PR6 7EB.

The recommendation remains as per the original report

The following conditions are recommended:

No.	Condition
1.	The proposed development must be begun not later than three years from the date of this permission. <i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>
2.	The development shall be carried out in accordance with the following plans:

	Title	Drawing Reference	Received date
	Location Plan	L2919_GA_101_A	24 January 2022
	Proposed Site Plan	L2919_GA_104_C	14 March 2022
	Proposed Street Elevation	L2919_GA_105_B	24 January 2022
	Apartment Elevations	L2919_GA_108_B	24 January 2022
	Contextual Apartment Plans	L2919_GA_107_B	24 January 2022
	Contextual Bungalow Layout	L2919_GA_109_A	24 January 2022
<p><i>Reason: For the avoidance of doubt and in the interests of proper planning.</i></p>			
3.	<p>Prior to the erection of the superstructure of the buildings hereby approved samples of all external facing and roofing materials, and boundary treatment materials, (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>		
4.	<p>Prior to the erection of the superstructure of the buildings hereby approved full details of the alignment, height and appearance of all fences and walls to be erected to the site boundaries (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.</p> <p><i>Reason: To ensure a visually satisfactory form of development and to protect the amenities of occupiers of nearby property.</i></p>		
5.	<p>Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out strictly in conformity with the approved details.</p> <p><i>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</i></p>		
6.	<p>Prior to the first occupation of the buildings hereby approved full details of any cycling and bin store facilities to be provided shall be submitted to and approved in writing by the Local Planning Authority. The cycle store and bin stores shall thereafter be provided in accordance with the approved plans and details prior to occupation, and permanently maintained thereafter.</p> <p><i>Reason: To allow for the effective use of the parking areas, the promotion of sustainable forms of transport and to aid social inclusion in consideration of the appearance of the development.</i></p>		
7.	<p>A scheme for the landscaping of the development and its surroundings shall be submitted prior to the erection of the superstructure of the buildings hereby approved. These details shall include all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform, proposed finished levels, means of enclosure, minor artefacts and structures. The scheme shall include a biodiversity enhancement plan comprising the provision of bats and bird boxes and the use of</p>		

	<p>nectar rich and wildlife friendly species. Landscaping proposals should comprise only native plant communities appropriate to the natural area.</p> <p>All hard and soft landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.</p> <p><i>Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design.</i></p>
8.	<p>No building demolition nor works to trees and shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.</p> <p><i>Reason: Nesting birds are a protected species.</i></p>
9.	<p>No demolition of buildings that support roosting common pipistrelle shall commence unless the Local Planning Authority has been provided with either:</p> <p>a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations (Amendments) (EU Exit) 2019 authorizing the specified activity/development to go ahead; or</p> <p>b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence, in which can a Reasonable Avoidance Method Statement for bats will be required.</p> <p>Demolition of such buildings shall not commence until this is agreed in writing by the LPA.</p> <p><i>Reason: Due to the presence of protected species.</i></p>
10.	<p>The development hereby approved shall be carried out in strict accordance with the Tree Protection Plan (ref. 20/AIA/Chorley/10-03) and Tree Protective Measures/Method Statement received 24 January 2022 unless otherwise agreed in writing.</p> <p><i>Reason: To protected against damage to trees to be retained.</i></p>
11.	<p>The communal car parking and manoeuvring areas shall be marked out in accordance with the approved plan before the first occupation of the development hereby approved and shall be permanently maintained thereafter for communal use only and no spaces shall be reserved for individual dwellings.</p> <p><i>Reason: To allow for the effective use of the parking and turning areas.</i></p>
12.	<p>The development hereby approved, shall be carried out in accordance with the principles set out in the submitted Foul & Surface Water Drainage Design Drawing 100.21058-ACE-XX-00-DR-C-1000, Rev P1 – Dated 20.12.21, which was prepared by ADEPT. For the avoidance of doubt surface water must drain at the restricted rate of 3.5 l/s. Prior to the first occupation of the proposed development, the drainage scheme shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.</p> <p><i>Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.</i></p>

13.	<p>All windows in the first floor of the north facing side elevation of the apartment building hereby permitted shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the local planning authority.</p> <p><i>Reason: In the interests of the privacy of occupiers of neighbouring property.</i></p>
14.	<p>The bungalow hereby approved is required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.</p> <p><i>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.</i></p>
15.	<p>Prior to the erection of the superstructures of the bungalow hereby approved details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.</p> <p><i>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so it can be assured that the design meets the required dwelling emission rate.</i></p>

ITEM 3h – 22/00213/CB3 – Erection of an archery pavilion with associated car park and new vehicle access point from Wigan Lane, following the removal of the existing building –

Land Adjacent To Londonderry Cottage, Wigan Lane, Heath Charnock

The recommendation remains as per the original report

Lancashire County Council Highway Services have responded with no objection to the proposal, subject to conditions relating to the implementation of works to the highway and parking and manoeuvring areas within the site.

The following conditions are recommended:

No.	Condition
1.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p><i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>

<p>2.</p>	<p>The development hereby permitted shall be carried out in accordance with the approved plans below:</p> <table border="1" data-bbox="336 286 1289 602"> <thead> <tr> <th>Title</th> <th>Plan Ref</th> <th>Received On</th> </tr> </thead> <tbody> <tr> <td>Proposed Building</td> <td>205-076-1008</td> <td>24 February 2022</td> </tr> <tr> <td>Proposed Tree Protection and Boundary Details</td> <td>205-076-1012</td> <td>5 May 2022</td> </tr> <tr> <td>Proposed Building Drainage Plan</td> <td>205-076-11-5 Rev A</td> <td>23 March 2022</td> </tr> <tr> <td>Site Location Plan</td> <td>205-076-1001</td> <td>24 February 2022</td> </tr> <tr> <td>Proposed Site Plan</td> <td>205-076-1003 Rev A</td> <td>11 May 2022</td> </tr> <tr> <td>Proposed Junction Access Design</td> <td>205-076-1010</td> <td>24 February 2022</td> </tr> </tbody> </table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning.</i></p>	Title	Plan Ref	Received On	Proposed Building	205-076-1008	24 February 2022	Proposed Tree Protection and Boundary Details	205-076-1012	5 May 2022	Proposed Building Drainage Plan	205-076-11-5 Rev A	23 March 2022	Site Location Plan	205-076-1001	24 February 2022	Proposed Site Plan	205-076-1003 Rev A	11 May 2022	Proposed Junction Access Design	205-076-1010	24 February 2022
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<p>3.</p>	<p>The external facing materials, detailed on the approved plans, shall be used and no others substituted unless alternatives are first submitted to and agreed in writing by the Local Planning Authority, when the development shall then be carried out in accordance with the alternatives approved.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>																					
<p>4.</p>	<p>During the construction period, all trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standards and all works will be undertaken in accordance with the details of tree protection measures received on 5th May 2022.</p> <p><i>Reason: To safeguard the trees to be retained.</i></p>																					
<p>5.</p>	<p>Prior to the first use of the approved building, four bird boxes shall be installed in the trees to the south and of the approved building and retained as such thereafter.</p> <p><i>Reason: To create biodiversity enhancements, in accordance with the National Planning Policy Framework.</i></p>																					
<p>6.</p>	<p>No works to trees and shrubs or vegetation clearance or demolition of buildings shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present.</p> <p><i>Reason: All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981 (as amended).</i></p>																					
<p>7.</p>	<p>Foul and surface water shall be drained on separate systems. Surface water shall be drained in accordance with the hierarchy of drainage options in national planning practice guidance. In the event of surface water discharging to public sewer, the rate of discharge shall be restricted to the lowest possible rate which shall be agreed with the statutory undertaker prior to connection to the public sewer.</p> <p><i>Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.</i></p>																					
<p>8.</p>	<p>Prior to the first use of the approved facility, the vehicular access to the site from Shade Lane shall be closed to vehicles and only available for pedestrians and cyclists.</p>																					

	<p><i>Reason: To ensure the safe and proper access of the facility and to protect the amenity of neighbouring residents.</i></p>
9.	<p>No part of the development shall be commenced, other than site preparatory works and removal of the existing buildings, until all the highway works within the adopted highway have been constructed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority as part of a section 278 agreement, under the Highways Act 1980.</p> <p><i>Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.</i></p>
10.	<p>The private car parking and manoeuvring areas to be marked out in accordance with the approved plans, before the use of the premises hereby permitted becomes operative dwelling and permanently maintained thereafter.</p> <p><i>Reason: To allow for the effective use of the parking areas.</i></p>
