

## Planning Committee

Tuesday, 14th November 2023, 6.30 pm

Council Chamber, Town Hall, Chorley and [YouTube](#)

I am now able to enclose, for consideration at the above meeting of the Planning Committee, the following reports that were unavailable when the agenda was published.

<b>Agenda No</b>	<b>Item</b>	
<b>3</b>	<b>Planning applications to be determined</b>	
	The Head of Planning and Enforcement has submitted four planning applications to be determined.	
	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 <a href="#">website</a> .	
	<b>3a) 23/00510/OUTMAJ - Babylon Lane, Heath Charnock</b>	(Pages 3 - 44)
	<b>3b) 22/00941/FULMAJ - Land North Of Gorsey Lane Mawdesley</b>	(Pages 45 - 70)
	<b>3c) 23/00402/FULMAJ - Land To The East Of Sumner House Dole Lane Chorley</b>	(Pages 71 - 82)
	<b>3d) 23/00523/FUL - Adlington Pets 52 Market Street Adlington Chorley PR7 4HF</b>	(Pages 83 - 92)
<b>4</b>	<b>Appeals Report</b>	(Pages 93 - 96)

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Chief Executive

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**APPLICATION REPORT – 23/00510/OUTMAJ****Validation Date: 16 June 2023****Ward: Chorley South East And Heath Charnock****Type of Application: Major Outline Planning****Proposal: Outline application for the proposed development of 40 dwellings, with associated new access, replacement of brass band building and associated parking, with landscaping reserved****Location: Babylon Lane Heath Charnock****Case Officer: Mike Halsall****Applicant: Adlington Land Limited****Agent: PWA Planning****Consultation expiry: 11 July 2023****Decision due by: 15 September 2023**

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**RECOMMENDATION**

1. The applicant has appealed to the Planning Inspectorate against the Council's non-determination of the planning application. As such, it is recommended that the Planning Committee be minded to resolve to grant outline planning permission, subject to conditions and a S106 legal agreement to secure the following:
  - 30% of the dwellings to be affordable with 70% (8no.) of these to be social rented and 30% (4no.) for shared ownership.
  - A contribution of £68,620 for the delivery, monitoring and management of off-site biodiversity enhancements.
  - A contribution of £151,240 for public open space. (£123,240 if privately maintained amenity greenspace)
  - A requirement that the replacement band building is built prior to the dwellings being occupied and made available for use to the local community.

**SITE DESCRIPTION**

2. The application site forms a roughly triangular section of mostly grassland located on the south eastern side of Babylon Lane on the north eastern extremity of Adlington. The site falls just outside of the defined settlement boundary and forms the majority of a site allocated in the Chorley Local Plan 2012-2026 as Safeguarded Land under policy BNE3.
3. The site is bound by Babylon Lane to the north west, Greenhalgh Lane to the south/south east, dwellings to the north / north east and open fields and scattered woodland to the east. The site is bound mostly by a stone wall and there are trees scattered across the site, mostly to the south west. There are dwellings located on the other side of both Babylon Lane and Greenhalgh Lane.
4. A private road serving the properties to the north east crosses the site towards its northern part. A further road, Whitebeam Close, cuts through the north west corner of the site. There is also a building towards the southern end of the site which is used by the Rivington and Adlington Brass Band.

5. Whilst the majority of the site is located within the parish of Heath Charnock, the south eastern site boundary is within the parish of Anderton.
6. A full planning application (ref. 21/00270/FULMAJ) has also been submitted for the exact same development as proposed by this outline application, albeit it includes details of proposed landscaping.

#### **DESCRIPTION OF PROPOSED DEVELOPMENT**

7. The application seeks outline planning permission for the proposed development of 40no. dwellings, with associated new access, replacement of brass band building and associated parking, with landscaping reserved.
8. Two vehicle access points are proposed to serve the development. The existing adopted highway at Whitebeam Close would be used to access plots 1 – 11, while a new access provided off Babylon Lane would serve plots 12-40 and a proposed new band building. The new access road has been positioned at the location of the existing private access route which crosses the site. Pedestrian and cycle access to the development would be available from these two access points and an additional point to the south which was requested by LCC Highway Services. The existing pedestrian link through the site connecting Babylon Lane with Greenhalgh Lane would be retained and upgraded as part of the proposal.
9. The twelve affordable dwellings are proposed to be split between eight social rent units and four in shared ownership, as follows:
  - 4no. 3-bed units for social rent (plots 13, 14, 15 & 16)
  - 4no. 2-bed units for social rent (plots 24, 25, 28 & 29)
  - 2no. 3-bed units for shared ownership (plots 26 & 27)
  - 2no. 4-bed units for shared ownership (plots 34 & 35)
10. The mixture of market dwellings is proposed to be 4no. 3-bed and 24no. 4-bed units. The dwellings are all proposed to be two storey with a mixture of detached and semi-detached properties. The stone wall to the site perimeter is mostly proposed for retention, although would require rebuilding near the southern most site entrance to allow for the required visibility splays. The dwellings are proposed to be laid out in a typical fashion either side of central spine roads with those at the perimeter to be faced in stone. The band rehearsal building would be replaced with a new building in the same use at the southern end of the site. There is a water main beneath the southern section of the site which would remain free of buildings.
11. The site naturally slopes downwards from north to south and so some small retaining walls are proposed within the site, the tallest of which being 1m high. The finished floor levels of the proposed buildings would vary by 5.7m from the highest on Plot 3 at the very northern end of the site, to the band building at the southern end of the site. As such, and with the retaining walls in place, the gradient of the site would be gentle.

#### **REPRESENTATIONS**

12. 214no. representations have been received, including from Adlington Town Council and Councillors Alistair Bradley, Peter Wilson, Bev Murray, Samir Khan and Kim Snape citing the following summarised grounds of objection. Some of the representations are from the same people making multiple representations:

##### *Principle of development*

- The site is Safeguarded Land
- A previous proposal for 14 dwellings was refused
- The Council has a 5-year supply of housing land
- Chorley has taken more than its fair share of housing
- The proposal is contrary to Policy BNE3

- No weight should be attributed to the emerging plan, in accordance with paragraph 48 of the NPPF
- The applicant has failed to robustly demonstrate that the perceived benefits of the proposal (in their view) outweigh the substantial disbenefits as required by paragraph 11 of the NPPF
- No CIL compliance statement appears to be submitted and should be requested and made available in the public domain, as would any viability appraisal if this is undertaken
- The band building is a private facility and as such there is no planning gain derived from it
- The benefits of the proposal do not outweigh the disbenefits and is contrary to paragraph 11 of the NPPF and BNE3 of the Local Plan
- High density/overdevelopment
- Retail and local public transport (2hr trains) could not accommodate higher population
- Overpopulated already
- Chorley has over supplied on target numbers of new homes by 1,678 up to 2019/20 and has an 11.2 year supply to the end of the current plan period of 2025

#### *Drainage and flood risk*

- Increased risk of flooding
- This area is in fact identified as red high risk on the gov.uk website
- Recently Horwich suffered severe flooding and overdevelopment was the suggested cause
- See SO23 - To manage flood risk and the impacts of flooding and Key Core Strategy Policies Policy 29: Water Management
- Surface water typically pools in the southern section of the site and the water is held-back by the stone wall – there is concern that surface water will run-off the new footpath proposed through the southern section of the site, through the new gap in the wall and off-site
- The site should be considered as a functional flood storage area
- The site was removed from the Local Plan process due to flood risk
- Inaccuracies in the submitted Flood Risk Assessment
- There are natural springs across the site, not a culverted watercourse

#### *Ecology and landscape*

- Loss of much needed green space / open space
- Loss of habitats / biodiversity
- Harm to wildlife
- The development would remove the historic green boundary between the parishes of Anderton & Heath Charnock
- 'Wildlife and Countryside Act of 1981'
- Ground excavations would favour Japanese knotweed growth
- Who will maintain the area of trees at the bottom of Greenhalgh Lane when the developers have finished, as some of the boundary walls have already fallen down
- Trees are long-evolved, replacement planting cannot compensate for this loss
- There is a tree preservation order on the site
- Against government's environmental bill to 'build back greener' after the pandemic

#### *Character and appearance of the area*

- Adverse impact on the character of the area
- Density of housing unacceptable rural infilling which will ruin character of the area
- Design of housing and band building is not in keeping with the properties in the area
- The development would remove the historic green boundary between the parishes of Anderton & Heath Charnock

- No mention of protecting the 'way marker' within the dry stone wall on Babylon Lane side
- Facing materials should match the surrounding area
- The applicant is effectively proposing too many units into a small constrained site, and fails to take account of the surrounding locality in terms of design and layout and as such is contrary to Policy BNE1

#### *Residential amenity*

- Overlooking
- Noise and disruption during building work
- Extra noise from loss of trees
- Proposed trees would block light for surrounding houses

#### *Highways and access*

- Babylon Lane is the busiest road in Adlington with general traffic, farm traffic and other vehicles going to / from Rivington
- Road is difficult to pass with cars parked
- Lack of parking
- Narrow footpaths make it unsafe for pedestrians
- Increase in traffic (more noise)
- Query regarding access to farm for owners
- Highways safety issues
- Hazard for the school
- Road wearing
- Visibility issues
- Cars forced to park on double yellows, passing places and zig zags
- Access to Appenzell and Newlands?
- Greenhalgh Lane potholes
- Few vehicles follow speed limit
- Lane is at its narrowest at site
- Double decker bus route
- Access for emergency services or parking for delivery
- Pavement access for disabled or buggies
- Significant highway safety concerns and as such should be refused in accordance with paragraph 109 and 110 of the NPPF and Policy BNE1
- Criticism of the applicant's assessment

#### *Other issues*

- Loss of band building
- Already other development in the area on Fairview, Grove Avenue, Bolton Road
- Existing infrastructure – doctors, schools, dentists etc. are struggling to cope
- The applicant's company was dissolved in May 2017
- No high school in Adlington
- Loss in property values
- This land failed a pile test that was conducted as a result of Maunders Homes wishing to build on the land in the 1970s
- Major aqueduct runs beneath the fields – building over this would make access impossible
- Previously deemed unsuitable for residential build
- Water pressure is low and may become worse. Strained water supply
- Working have an impact on residents downstream
- Slope Stability
- Walking area benefits wellbeing of the locals
- The Human Rights Act 1998- not giving older people an alternative to the internet for comments regarding the application

- Not enough playgrounds in the area for new children
  - Hedge along Springfield Mews Courtyard should remain in place
  - Material was deposited on the site when Whitebeam Close was built and spoil deposited on the application site, this should be removed prior to the housing being built
  - Air pollution from cars
  - Doesn't follow the 'Proposed Central Lancashire Local Plan Objectives'
  - General criticisms of the applicant's approach and the methods and contents of the assessments submitted in support of the application
  - Conflict with the policies and objectives of the Local Plan and Core Strategy
  - Discrepancies in the submission documents as they say full planning permission is sought, whereas the description says outline
13. Councillors Alistair Bradley, Bev Murray and Samir Khan have specifically commented as follows:
- “As ward councillors for Heath Charnock, we note and support the many valid planning reasons for refusal submitted by both the Parish Council and individual residents to this application, which in our opinion fails to evidence compliance with planning policy and the NPPF on grounds of Highways, Drainage, Loss of Amenity amongst many other failings. These houses are neither wanted or needed either in Heath Charnock or within Chorley Borough and demonstrate the absurdity of the current governments formula based approach to housing numbers and planning priorities.”*
14. One representation has been received in support of the proposal from one of the trustees of the Rivington and Adlington Band, making the following summarised comments:
- The existing band building is in a poor state of repair and is likely to fall down, it has structural and damp problems and the band does not have the funds to repair it
  - The proposal has offered a lifeline to the band
  - The current band room is too small
  - The new building would have disabled access and so will be more inclusive than the existing building
  - There is no existing on-site parking, users park on Babylon Lane and so the proposal will improve this situation
  - New band room could be insulated to reduce noise
15. Further objections were received by email with no postal addresses included. In the interests of the openness, transparency and accountability of the planning system, these representations have not been included in the number of objections or summary of responses above.

## CONSULTATIONS

16. Lancashire County Council Public Rights of Way: Have no concerns or objection.
17. Natural England: Have not responded.
18. Lancashire Police: Have responded with some information for the developer to consider in terms of security features they may wish to incorporate into the dwellings. This has been forwarded to the applicant's agent.
19. Environment Agency: Have not responded. They did however respond to the consultation on the full application at this site, which is an identical application (notwithstanding landscaping details). The EA confirmed they have no comments to make on the proposal. They also provided an explanation as to why their comments in relation to the emerging Local Plan differ to that received in relation to the planning application, as follows:

*“When the Environment Agency was consulted on the Central Lancashire Issues & Options consultation in February 2020, our comments aimed to be aspirational and we provided some strategic advice to help inform future allocations. We did not specifically object to the allocation of this site, but we identified some potential factors which might give the council reason to avoid residential development and consider alternatives.*

*We understand that the site has not been progressed as a preferred site in the emerging Preferred Option Central Lancashire Plan but that a planning application for residential development has been submitted for the site. If the information submitted as part of the application demonstrates to the satisfaction of the relevant statutory consultees and the planning authority that the issues we identified as strategic concerns can be managed or mitigated, we have no remit or evidence to challenge those conclusions. It is for this reason that we have not provided any site-specific advice as the strategic issue we identified as being of potential concern has been considered by other consultees.”*

20. Lancashire County Council Highway Services (LCC Highway Services): Have not responded. They did however respond to the consultation on the full application at this site, which is an identical application (notwithstanding landscaping details). LCC Highway Services raised no objection to the proposal, subject to conditions and a host of off-site improvement measures to be delivered via a S278 agreement. They also requested new footpaths to Greenhalgh Lane and Babylon Lane. This was implemented by the applicant in revised drawings. LCC Highway Services have requested that the submitted Construction Environmental Management Plan and Traffic Management Plan be adhered to – this can be secured by planning conditions. Further details can be found later in this report.
21. Greater Manchester Ecology Unit: Have recommended conditions relating to the protection of bats, nesting birds and the management of invasive species and a financial contribution to secure an off-site net gain in biodiversity.
22. Regulatory Services - Environmental Health Officer: Responded to the consultation on the full planning application to request that sustainable energy efficiency measures are incorporated into the dwellings, including electric vehicle charging points, and that the band building includes sufficient sound insulating measures to protect the amenity of neighbouring residents.  
  
The Council has standard conditions to ensure that new dwellings meet specific sustainability criteria, as explained later in this report. Electric vehicle charging points are a requirement of building regulations and so there is no need to repeat this under planning legislation. A condition can be attached to require details of sound insulation to be submitted to the Local Planning Authority in relation to the band building to ensure it is fit for purpose.
23. Waste & Contaminated Land Officer: Have responded to state that they have reviewed the submitted geo-environmental assessment and have recommended a condition be attached to any grant of planning permission. The condition relates to the securing of ground investigations, testing and remediation measures, where necessary, prior to the commencement of development.
24. Lead Local Flood Authority: Have responded with no objection to the proposal and have suggested that informative notes and conditions be attached to any grant of planning permission requiring detailed drainage investigations and a drainage strategy to be submitted to the Local Planning Authority for their approval prior to development commencing at the site.
25. Tree Officer: Responded to state that the proposal involves the removal of ten individual trees, eight groups of trees and two hedgerows to facilitate the development. They have requested that an Arboricultural Method Statement is submitted, approved and adhered to during construction work and a landscape plan detailing proposed replacement trees including a maintenance plan for these trees should be submitted and approved.



An Arboricultural Method Statement can be required and implemented via planning condition and a landscaping plan will be required as part of any future reserved matters application.

26. United Utilities: Responded to state that the exact location of the water main that crosses through the site will have to be identified prior to development commencing at the site. They have also requested that conditions be attached in relation to the scheme taking place in accordance with the submitted drainage strategy and for foul and surface water to be drained on separate systems. They will also require a risk assessment to be undertaken and submitted to the Local Planning Authority for approval in relation to their assets that cross the application site. As the final drainage strategy has not yet been determined, it is not appropriate to attach the conditions suggested by United Utilities in relation to surface and foul water drainage.
27. Lancashire Fire and Rescue Service: Have not responded.
28. Lancashire County Council (Education): Have not requested a contribution towards additional school places.
29. NHS: Have not responded.
30. Heath Charnock Parish Council: have responded as follows:

*"The Parish Council has considered this application and strongly objects for the following reasons which it asks the Local Planning Authority to take into account:*

- 1. The continuing strength and scale of local opposition to its development for housing as evidenced each time an application has been submitted for new homes on this site*
- 2. The site is presently designated as BNE 3.4 safeguarded land for the duration of the Local Plan 2012-26. It should not be considered for development. It is not required or wanted.*
- 3. Chorley District has consistently met and exceeded previous new build housing targets both district-wide and locally in Adlington. In the 12 years from April 2010- March 2022, the Adlington District has contributed 388 new build homes, almost 6% of the Chorley District total of 6,544.*
- 4. There is an existing application as yet undetermined and the outline application which is the subject of this objection is a clear attempt to rush through a permission in advance of a clearly changing planning policy framework in order to maximise land value and developer profit with little regard for local need.*
- 5. The Central Lancashire Local Plan (CLLP) jointly developed for the Chorley, South Ribble and Preston recognises the practicality of working across travel to work and travel to learn areas; sets more rational and practical targets determined locally while still meeting those of the outdated national formula. On approval, the Adlington District will contribute up to 285 additional homes on the 5 proposed sites. There is no current or future shortfall in the supply of land for new build homes.*
- 6. In the CLLP Preferred Options public consultation in early 2023, this site was not proposed for residential development due to the Environment Agency's concerns: - Flood risk level 1 SFRA Strategic Recommendation A which advises withdrawal of the site based on significant level of fluvial, tide or surface water flood risk (if development cannot be directed away from areas at risk) and part of the site is within medium surface water risk zone. The Environment Agency advised avoiding development at this site and retaining the existing priority habitat which is providing flood storage and carbon benefits. This advice should be respected.*
- 7. The Council needs to place greater weight on the well-developed and emerging CLLP and the impending changes in national legislation which would see this site no longer being identified as safeguarded land nor having any chance of being included in future plans for residential development given the sustained strength of local opposition to this and previous proposals. Both the emerging CLLP and the legislative changes that are at an advanced stage in parliament should be material consideration when assessing this application.*

8. In addition to the policy concerns listed above there are significant practical concerns that on their own merits justify a refusal of this opportunistic and speculative application. Ongoing local concerns about road and pedestrian safety would be significantly worsened by the impact of the additional traffic that the site would generate onto an already heavily traffic road; often restricted to single file traffic due to on-street parking and the need for access to drop and collect pupils at Anderton Primary School; immediately outside the site the northbound pavement width is restricted in places to 1.2m or less, with no southbound pavement is expected to fail a Road Safety Audit. There is no 8a bus service as stated in the application. The distance to the train station means additional commuter journeys and pressure on local roads at peak times. The developer suggests 26 two-way vehicle trips in the am and pm peak time from this site alone, which we believe to be a serious underestimate, having to negotiate onto and off the public highway. The cumulative impact of this, in additional to other potential future residential and other urban development proposals in the Adlington district has to be fully considered. Each site can't continue to be considered in isolation.

9. Pressure and strain on local services and infrastructure: with local traffic queuing to gain access to the M61 in both directions each morning; significant pressure on local schools for primary places, with children being allocated to Chorley schools and secondary school pupils potentially facing education outside of the Chorley area. The LCC Schools Planning team have warned of the potential under provision. If approved have request a contribution to fund up to 6 places in a new Chorley district secondary school. There has been no increase in the provision of Dentists, Doctors Pharmacies and Optician's to meet current local needs, let alone any additional requirements. Avoidance of significant stress in the locality which threatens the nature and character of the village; place unsustainable demands on all local education, medical, the public services which the local community is concerned about and must be taken into account.

10. Previous attempts to seek residential development on this site have been rejected for valid reasons. While the land is currently safeguarded, the CLLP has demonstrated there is no need for the site to be developed as objective housing need can be met within the CLLP area and indeed within Adlington and the surrounding parishes without recourse to this site.

11. The Parish Council strongly recommends that this opportunities application should be rejected as there is neither a local need nor a local desire to see the site developed."

31. Anderton Parish Council: responded in objection to the full application proposal, as follows:

*"The parish council has major concerns over this proposed development and its potentially detrimental impact on the greater community of Adlington, Anderton and Heath Charnock and this cannot be underestimated.*

*The proposed development is predicated mainly on sustainability grounds, being sensitive to local context, meeting local housing need and having local amenity services consistent with Adlington being designated as an urban local service centre.*

*However the council notes that this is a development proposal much along traditional housing estate practice maximizing the number of dwellings and with the potential to accommodate circa an additional 100 vehicles. The access to the site is from Babylon Lane which is not a major road and over the past few years has experienced a number of traffic problems relating to on-street parking, blockage and passing problems and congestion mainly around the primary school entrance. An influx of further vehicles would add to these problems, including potential for increased air pollution.*

*We note that the application suggests that the site is well located for walking and cycling in respect of local amenities and access to public transport. There does not appear to be any easy or safe walking and cycling routes possible from the site along Babylon Lane and it is to be noted that Adlington has not seen any improvement in public transport provision over recent years and has actually experienced reductions.*

*Similarly, although Adlington is designated a local service centre there has actually been a reduction in the availability of facilities and services with no enhancements or improvements to match existing developments. All of this tends to increase road traffic commuting which is*

*contrary to the objectives of sustainability for mitigating climate change. We would also question the need for more local.”*

## **PLANNING CONSIDERATIONS**

### Principle of development

32. 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.
33. The Development Plan comprises the adopted Central Lancashire Core Strategy (2012) and the adopted Chorley Local Plan 2012- 2026.
34. 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).
35. Core Strategy Policy 1 sets out the locations for growth and investment across Central Lancashire and identifies Adlington as an Urban Local Service Centre, where some growth and investment will be encouraged to help meet housing and employment needs.
36. Policy BNE3 is a restraint policy and states that development other than that permissible in the Green Belt or Area of Other Open Countryside (under Policy BNE2) will not be permitted on Safeguarded Land. The proposal is, therefore, contrary to Policy BNE3.
37. Located on the edge of the settlement, the site is in an accessible and sustainable location, within a reasonable walking distance of bus stops, railway station, primary school, community facilities and shops that would provide for the day to day needs of residents. The Education Authority has indicated there would be sufficient primary and secondary school places to accommodate the occupants of the development. They have indicated there would be sufficient primary school places within the catchment area of the site. There are high schools within a 10-minute drive of the application site.
38. It is noted that many neighbour representations have made comments regarding pressure on Primary Care provision and other local services. However, this is not substantiated by evidence and the providers of these services have not made representations relating to existing shortcomings or requested contributions towards additional provision. The proposed development is considered to be consistent with Policy 1 of the Core Strategy.
39. Core Strategy Policy 4 sets out the minimum housing requirements for the plan area and is assessed later within this report.

### Other material considerations

40. 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
41. 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).

42. 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.
43. 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.
44. Paragraph 59 of the Framework confirms the Government's objective of significantly boosting the supply of homes.
45. Paragraph 60 of the Framework reinforces that requirements represent the minimum number of homes needed.
46. 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

47. The following planning appeal decisions are of relevance.

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

48. 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.
49. 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.
50. In respect of the Housing Requirement in Chorley:
51. 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).

52. 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.
53. 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.
54. 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**

55. 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.
56. 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.
57. In respect of housing land supply:
58. 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.
59. 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.
60. 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.

61. 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.
62. 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)
63. 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."*
64. 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, Ecclestone  
Decision APP/D2320/W/21/3284702**

65. On the 17 March 2022 a decision was issued for the appeal for Land south of Parr Lane, Ecclestone. The appeal was allowed and outline planning permission was granted for up to 34 dwellings and associated infrastructure on land south of Parr Lane, Ecclestone, 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.
66. 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.
67. 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**

68. 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.
69. 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.
70. 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.”*

**Land east of Charter Lane, Charnock Richard  
Decision APP/D2320/W/22/3313413**

71. On the 5 May 2023 a decision was issued for the appeal on Land east of Charter Lane, Charnock Richard. The appeal was allowed and full planning permission was granted for the erection of 76 affordable dwellings and associated infrastructure at the site in accordance with the terms of the application, ref 21/00327/FULMAJ, dated 11 March 2021, and the plans submitted with it, subject to conditions.
72. Following the LPAs withdrawal of the reasons for refusal of the application, based upon the LPA not having a 5-year housing land supply, the main issue in the appeal was whether the site is suitable for development, in the light of the locational policies in the development plan, highway safety and other material considerations.
73. The Inspector concluded the following with regards to housing land supply:

*“Paragraph 74 of the Framework requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5-years worth of housing against their local housing need where the strategic policies are more than 5 years old.*

*The Council can currently only demonstrate a 3.3 year supply of deliverable housing. That position is agreed between the Council and appellant.*

*While this is disputed by a number of interested parties, this position has been extensively tested at appeal, including most recently in a decision dated December 2022. Accordingly, I am satisfied that there is a critical housing need across the Borough.”*

**Land at Blackburn Road, Wheelton  
Decision APP/D2320/W/22/3312908**

74. On the 30 May 2023 a decision was issued for the appeal on Land at Blackburn Road, Wheelton. The appeal was allowed and outline planning permission was granted for the residential development of up to 40 dwellings with access from Blackburn Road and all other matters reserved, subject to conditions.
75. The main issue in the appeal was whether the proposal is consistent with the objectives of local and national planning policies relating to the location of housing, and if there are any adverse effects of the development proposed, including conflict with the development plan as a whole, whether they would be outweighed by any other material considerations.
76. The Inspector concluded the following with regards to housing land supply:

*“the evidence before me has drawn my attention to recent appeal decisions in Chorley, including those where planning permission previously has been granted for up to 123 dwellings at Land adjacent to Blainscough Hall, Blainscough Lane, Coppull1, for up to 80 dwellings at Land to the East of Tincklers Lane, Eccleston2, for up to 34 dwellings at Land south of Parr Lane, Eccleston and for up to 25 dwellings at Land off Carrington Road, Adlington. Following those appeal decisions including the developments subject of Inquiries at Blainscough Lane, Coppull and Tincklers Lane, Eccleston, it is not a matter of dispute between the main parties that Policy 4 of the CS is more than five years old and is out of date due to changes to national policy since its adoption including a different method for calculating local housing need. I have no reason to take a different view. Furthermore, even if I were to accept the stated Council position of a 3.3 year deliverable supply of housing based on a local housing need calculation of 569 dwellings per annum (following the standard method set out in paragraph 74 of the Framework and Planning Practice Guidance) rather than the deliverable supply of between 2.4 and 2.56 years identified by previous Inspectors, the shortfall in supply remains significant and clearly below five years. It follows that as I have found Policy 4 of the CS to be out of date and that the Council*



*cannot demonstrate a five-year supply of deliverable housing sites that the 'tilted balance' in the Framework is to be applied which I necessarily return to later in my decision."*

Summary - the tilted balance

77. 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.
78. As was the case with the aforementioned appeal cases, the most important policies for determining this application are policies 1 and 4 of the Central Lancashire Core Strategy and policy BNE3 of the Chorley Local Plan. Whilst the proposal would be consistent with Policy 1 of the Core Strategy, it would conflict with Policy BNE3 of the Local Plan, safeguarding land for future development.
79. At 1st April 2023 there was a total supply of 1,717 (net) deliverable dwellings which is a 3.2 year deliverable housing supply over the period 2023 – 2028 based on the annual requirement of 530 dwellings which includes a 5% buffer.
80. Chorley Council is working with Preston and South Ribble Councils to produce a Central Lancashire Local Plan (CLLP). Once adopted, this will replace the existing joint Core Strategy and Chorley Local Plan. The CLLP is at the Preferred Options Stage and public consultation on Preferred Options Part 1 closed in February 2023.
81. In light of the above, policy 4 of the Central Lancashire Core Strategy and policy BNE3 of the Chorley Local Plan are out of date and the tilted balance is, therefore, engaged.
82. 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.
83. 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.
84. Whilst policy BNE3 of the Local Plan 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. As such, limited weight should be attached to the conflict of the scheme with policy BNE3.
85. 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

86. Chorley Council is working with Preston and South Ribble Councils to produce a Central Lancashire Local Plan (CLLP). Once adopted, this will replace the existing joint Core Strategy and Chorley Local Plan. The CLLP is at the Preferred Options Stage and public consultation on Preferred Options Part 1 closed in February 2023.
87. The site, known as 'Land off Babylon Lane, Adlington', was submitted for consideration through the emerging Central Lancashire Local Plan Call for Sites (SHELAA REF 19C103, 19C272x). The site was discounted at the Part One Preferred Options stage (consultation from December 2022 – February 2023) in accordance with the SHELAA methodology due to the outcomes of the Flood risk - Level 1 SFRA Strategic Recommendation. However, representations were received as part of the Part One Preferred Options consultation regarding the exclusion of this site on flood risk grounds. A refreshed SFRA is being undertaken and will inform the decision on sites to be allocated in the Part Two Preferred Options.
88. The flood risk and ecological considerations of the proposal are addressed later in this report.

### Impact on ecological interests

89. 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.
90. The sections below provide a summary of the applicant's assessment which has been agreed as acceptable by the Council's ecological advisors and recommended mitigation measures should be secured by planning conditions.

#### Habitats

91. The site mainly comprises neutral semi-improved grassland fields with limited ecological value. The hedgerows, drystone wall and scattered trees are habitats of highest value, potentially providing suitable resources for birds, bats, badgers, invertebrates and common amphibians.
92. Both hedgerows proposed for removal are considered to be species poor but as they are listed in the Local Biodiversity Action Plan (LBAP) for Lancashire, it is recommended that compensatory planting is provided as part of the final landscaping proposals. Hedgerows and trees to be retained should be protected during construction work. Native compensatory tree planting at a ratio of 1:3 is also suggested. Drystone walls should be maintained and restored to maximise their ecological benefits from providing damp, sheltered areas for insects, songbird nests and small mammals.

#### Badger

93. No evidence of badger was observed on site, however, it is recommended that mitigation measures are still employed as badgers are a highly mobile species that could become established on-site between the survey having been undertaken and site work commencing. Such measures include an updated badger survey prior to work commencing and protection measures put in place should any badger setts be discovered.

Bats

94. No bat roosts were identified on site but it is recommended that trees to be felled are completed using the soft-fell technique and lowered to the ground and left for 24 hours before chipping. It is recommended that bat boxes are provided on-site as part of the proposals. Other mitigation is also proposed during construction work.

Birds

95. Vegetation removal should take place outside of bird nesting season unless a nesting bird check has first been completed by an experienced ecologist.

Newts

96. It is considered very unlikely that great crested newts are present on the site, however, reasonable avoidance measures are still recommended.

Other ecological issues

97. Mitigation is also proposed for the protection of common toad, hedgehog and notable invertebrates. Measures should also be put in place for the safe removal of any invasive plant species.

Ecology summary

98. The proposal is considered to be acceptable in terms of its impacts upon ecological receptors, subject to conditions to safeguard protected species. The applicant has also volunteered to provide a financial contribution to be directed towards securing a 10% net gain in biodiversity enhancement measures. It should be stressed that this is not required to make the scheme acceptable and is not yet a statutory requirement in planning law until the contents of the Environment Act 2021 being transposed into planning law.

Impacts upon designated heritage assets

99. Greenhalgh Farmhouse is a grade II listed building located approximately 28m to the south east of the application site.
100. 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.
101. 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:
102. 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.
103. 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.

104. 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.
105. 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.
106. 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.
107. 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.
108. 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.

109. 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

110. The Council's heritage advisors, Growth Lancashire, have reviewed the proposal and have commented as follows:

*“The issue from a heritage viewpoint is whether the proposal would harm the significance of the grade II listed ‘Greenhalgh Farmhouse’, which in my view is of high significance. The property's significance is in its aesthetic, historic and evidential context, primarily evidenced in the buildings fabric, architectural form/appearance, vernacular construction methods and its relationship to the original farmstead.*

*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.*

*Greenhalgh Farmhouse was constructed in the early 18th century of coursed sandstone rubble and squared stone, with quoins; designed with Tudor style features. The property sits adjacent to an associated barn (of later construction) that has since been converted into residential use.*

*The first edition OS map evidences that the proposal sites land was wooded during the mid-19th century and surrounded by open farmland, with Greenhalgh Farm to the east and Babylon Farm to the west. During this period, Greenhalgh Lane was a track leading to Greenhalgh Farm. In addition, map regression identifies a structure on the site of the existing brass building, on the 1894 OS Map; suggesting this building formed part of the farmstead.*

*Throughout the 19th century, the surrounding grounds were developed with the existing stone terraced cottages located on Babylon Lane and Greenhalgh Lane, with later modern housing throughout the 20th century, some of which lie on the western boundary of the farmhouse; leaving only the proposal site undeveloped.*

*These cumulative changes have overtime contributed to the gradual erosion of the historic ‘rural’ setting and to some degree has impacted on how the listed building, has in more recent times, been experienced. This has reduced the contribution made by the wider setting to the significance of the Listed Building. However, Historic England in its Planning Note on the Setting of Heritage Assets, identifies that when a heritage asset has been compromised in the past by unsympathetic development affecting its setting, consideration still needs to be given to whether additional change will further detract from, the significance of the asset.*

*Having viewed the site I have no doubt that the proposed site at one time had a historical connection to the listed farmhouse. The historic maps shows access across the land and the small stone building currently used for band practice related to the former farmhouse. The submitted Heritage statement confirms this association. However, whilst the remnants of that historic setting is still visible in the landscape, we have to acknowledge that it has been significantly weakened by more recent residential developments and the modern enclosure of the farmhouse and barn, which largely separates them from site.*

*The proposal site lies directly to the front of the listed building, spreading out to the north, south and west. The site, however, is largely screened by a combination of hedgerows and trees, which restricts the visual connection between the two. I do however note that the farmhouse is still glimpsed at along Greenhalgh Lane in the same context of the site.*

*In this context, I agree to a certain extent to the comments contained in the Heritage Statement that the site is not a significant contributor to the significance of the Listed Building and whilst we need to consider that its setting is not just confined to its immediate enclosed garden curtilage the contribution made by the land within the wider setting is I think low.*

*In a similar way the brass band practice building (a former farm building) and the retained stone boundary walls also possess some degree of heritage value and form part of the altered wider setting. Their contribution for the basis of this assessment, should also be considered to be low.*

*In summary I have no doubt that the new residential development will be noticeable in the same context as the listed building, even with the listed buildings being largely screened and therefore would conclude that some impact will occur. Section 5.3 of the applicants Heritage Statement concludes that the proposal will alter the historic context of the surroundings and result in less than substantial harm (minor harm).*

*The proposed development would undoubtedly cause some further erosion of the historic setting to Greenhalgh Farm, which I have identified as being of low value. Subsequently, I feel the proposal will cause some harm to the contribution made by the setting on the significance of the heritage asset. I would regard this harm to be slight/low.*

*On this basis, the scheme causes 'less than substantial harm' and should be assessed under p.196 of the NPPF. It is for the LPA to consider the level of harm in its planning balance considering also any public benefits which relate to or are generated by the scheme. More information on public benefits is included in the Planning Practice Guidance and can be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8).*

*Lower levels of harm should not be seen as a lesser objection and any harm to designated heritage should be given 'great weight' in the planning judgement and requires clear and convincing justification.*

*As I am required to do so, I have given the duty's imposed by s.66(1) of the P(LBCA) Act 1990 considerable weight in my comments.*

*As indicated in the assessment above I have identified that the proposal will cause some low level harm to the setting of the adjacent heritage assets. As such the proposal would fail to meet the statutory test 'to preserve'. It will be for the LPA to consider whether the benefits generated by the scheme outweigh that harm and whether as such, the proposal would meet with the objectives of Chapter 16 NPPF, Policy 16 of the Core Strategy and Policy BNE 8 of the Local Plan."*

111. It is considered that the identified low level harm to the contribution made by the setting on the significance of the heritage asset is outweighed by the public benefits of the proposal through the supply of housing, as identified later in this report. The proposal therefore meets the objectives of the aforementioned policies.

Impact on trees

112. Policy BNE10 (Trees) of the Chorley Local Plan 2012 -2026 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.
113. A relatively small number of trees and hedgerows are to be removed as part of the proposal. The scheme has been revised following comments received from the Council's Tree Officer for two additional trees to be retained which are considered to be of high value. Mitigation measures in the form of protective fencing and tree, shrub and hedges is proposed and would be controlled by planning condition. A landscaping scheme would also be required to meet the requirements of a planning condition which will require compensatory planting throughout the site. The proposal is considered to be acceptable in this regard and complies with policy BNE10 of the Local Plan.

Highway safety, access and parking

114. 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.
115. Policy ST1 (New provision of Footpaths, Cycleways, Bridleways and their associated facilities in existing networks and new development) of the Chorley Local Plan 2012 -2026 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.
116. Highway safety and access issues have been one of the main concerns 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 related to the full planning application, but are equally as applicable to this proposal.

Access

117. The northern part of the development would be accessed off Whitebeam Close. Sightlines of 2.4m x 43m are proposed onto Babylon Lane. The remaining part of the site will be accessed off a new access onto Babylon Lane, where 2.4m x 43m sightlines will be provided.
118. A new pedestrian access is proposed at the junction of Babylon Lane and Greenhalgh Lane. This is to overcome the lack of footway along the Babylon Lane frontage of the site.

119. All these access points are acceptable however, the pedestrian access is likely to require a minor modification in order to achieve the necessary sightlines. This has been accepted by the developer and the final details can be dealt with by way of a planning condition.

#### *Internal Layout*

120. The internal layout is generally acceptable, however the footpath to the junction of Babylon Lane and Greenhalgh Lane should be widened to 3.5m shared use footway / cycleway. Although relevant guidance recommends segregating footways and cycleways it is considered acceptable to depart from this advice as the path is in isolation. It is also recommended that this link be lit and offered for adoption with the other internal roads that comply with LCC adoption standards.

#### *Sustainable Travel*

121. In the previous LCC Highways response it was suggested that a contribution towards improving public transport services may be required. The 8a bus service has ceased passing the development site. The level of funding required to keep this service would be out of proportion with the scale of the development and would be unlikely to be sufficient to maintain it as a viable service beyond the 5 years over which support is generally sought. It is likely that funding through s106 contributions would not meet the necessary tests.

122. Previously upgrading the bus stops on Babylon Lane was considered necessary, however, with the loss of the bus service it is now considered appropriate to upgrade the two bus stops nearest to the traffic signals on Bolton Road. The upgrades will include a replacement shelter for the southbound stop.

#### *S278 Highway (off-site) works*

123. The s278 works shall include the following:

1. New site access to Babylon Lane
2. Existing site access at Whitebeam Close and upgrading of verges to footway
3. Pedestrian / Cycle access to Babylon Lane at its junction with Greenhalgh Lane.
4. Upgrading of existing northbound bus stop on Bolton Road, including raised boarding area and bus stop markings.
5. Upgrading of existing southbound bus stop on Bolton Road, including replacement shelter, raised boarding area and road markings.

#### Conclusion

124. LCC Highway Services raise no objection to the proposed development, which is considered to be in a sustainable location, close to local amenities. The level of parking proposed meets with the Council's standards. There have been comments made by neighbour representations stating that the level of parking proposed for the band building is not sufficient. The existing band building has no dedicated on-site parking with users having to park on Babylon Lane. The proposal therefore represents an improvement to the current situation.

125. The increase in car movements in the area as a result of the proposed development would not result in a significant increase in traffic or highway safety issues. There seems to be a common fear / misconception amongst existing residents situated close to proposed new housing sites whereby one imagines all residents of a new development leaving their houses at the same time during rush hour for commuting and school runs. Whilst there may be a peak in movements at such times, not all occupants will have children of school age, will drive, will need to leave home to work, will need to travel to work for 9am (flexible working) or indeed will work at all. In reality the movements from a new housing site will largely be staggered throughout a day and with only 40 houses proposed for this site, it is likely that the increase in movements will be imperceptible at most times of day.



126. The proposal is considered to be acceptable with regards to highway safety, access and parking, subject to conditions and the above referenced improvements to be delivered via a s278 agreement.

Impact on the character and appearance of the area

127. 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.
128. 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.
129. The surrounding housing stock close to the development site are generally of natural or reconstituted stone facades facing the application site, with brick facades more prominent beyond that initial building line. There is a range of terraced, semi-detached and detached dwellings surrounding the application site.
130. 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.
131. 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.
132. The site area is 2.13 hectares so the scheme is the equivalent to approximately 19 dwellings per hectare, which is quite low terms of layout. Although it is not considered that the density could be said to be out of keeping with the density of development on the outskirts of Adlington. The low density is partly a result of accommodating the new band building, and car parking area, the retention of trees in the southern section of the site and the location of a water main along the south eastern of the site boundary.
133. The proposal includes main spine roads through the site with secondary roads branching off and the proposed units arranged in parcels of development with interspersed landscaping areas, mainly in the southern section of the site and to site boundaries.
134. All units will be two storeys in height and of a contemporary design with the houses to the perimeter of the site being faced in reconstituted stone and dwellings within the site being red brick. All dwellings would have grey roof tiles. There would be a mixture of detached and semi-detached dwellings with some integrated and some detached single garages.
135. The existing dry-stone wall located to the perimeter of the site contributes positively to the character of the area and also has ecological benefits from providing habitat for mammals and other species. The landscaping condition which would be attached to any planning permission for the proposed development will include a requirement for the wall to be protected during construction work, repaired and maintained following the completion of the development.

136. 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 the above referenced policies in this regard.

#### Impact on amenity

137. 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.
138. 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.
139. All interface distances between the existing surrounding dwellings are considered to be 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, although it is considered appropriate to attach a planning condition requiring that all first floor side windows that serve WCs, bathrooms or shower rooms be obscurely glazed to protect privacy. There would be an adequate degree of screening around the plots.
140. 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 policy BNE1 of the Chorley Local Plan in this regard.

#### Drainage and flood risk

141. As noted earlier in this report, the site was submitted for consideration through the emerging Central Lancashire Local Plan and was discounted due to the outcomes of the Flood risk - Level 1 SFRA Strategic Recommendation A which advised withdrawal of the site based on a significant level of fluvial/tidal or surface water flood risk (if development cannot be directed away from areas at risk). Part of the site is within medium surface water risk zone. The Environment Agency advised avoiding development at this site and retaining the existing priority habitat which is providing flood storage and carbon benefits.
142. 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.
143. 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.
144. A Flood Risk Assessment and Drainage Strategy was submitted with the application and reviewed by United Utilities and Lancashire County Council as Lead Local Flood Authority (LLFA). The site is in Flood Zone 1 (the lowest risk) as identified by the Environment Agency. This was later updated by the applicant to address the removal of the site from the Local Plan process.
145. 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.

146. The flood risk assessment identifies that the risk of flooding from surface water flows and all other sources has been assessed as having a low probability of flooding.

147. In addressing the removal of the site from the Local Plan process, the updated Flood Risk Assessment states:

*“An updated Level 1 Strategic Flood Risk Assessment (SFRA) was completed in February 2021 by JBA Consulting which is a key document that has informed the new local plan (CLLP) currently being prepared. The site was a suggested housing allocation in the Issues and Options consultation undertaken in 2020 (site ref. 19C272x), however as part of the Preferred Options consultation, it is no longer a suggested housing allocation. The following reasons are cited:*

*“Flood risk - Level 1 SFRA Strategic Recommendation A which advises withdrawal of the site based on significant level of fluvial/tidal or surface water flood risk (if development cannot be directed away from areas at risk). Part of site within medium surface water risk zone. The Environment Agency advised avoiding development at this site and retaining the existing priority habitat which is providing flood storage and carbon benefits.”*

*As such a detailed review of the updated Level 1 SFRA has been undertaken to further understand the evidence provided to remove the site’s allocation status.*

*The Level 1 SFRA is focused on collecting readily available flood risk information from a number of key stakeholders, the aim being to help identify the number and spatial distribution of flood risk sources present throughout the Central Lancashire Authorities’ (CLA) authority areas of Chorley, South Ribble and Preston to inform the application of the Sequential Test.*

*The CLA require this Level 1 SFRA to initiate the sequential risk-based approach to the allocation of land for development and to identify whether application of the Exception Test is likely to be necessary. This will help to inform and provide the evidence base for the Central Lancashire Authorities’ (CLA) Local Plan.*

*The three LPAs provided their latest potential development sites data and information to undergo an assessment of flood risk. Development consideration for all potential development sites are summarised through a number of strategic recommendations summarised as follows:*

- *Strategic Recommendation A – consider withdrawal based on significant level of Fluvial/tidal or surface water flood risk (if development cannot be directed away from areas at risk)’*
- *Strategic Recommendation B – Exception Test required, if site passed the Sequential Test;*
- *Strategic Recommendation C – consider detailed site layout and design around identified flood risk if site passes the Sequential Test i.e. redrawing of development boundaries to remove risk or incorporation of risk through appropriate mitigation techniques;*
- *Strategic Recommendation D – site-specific FRA required as a minimum; and*
- *Strategic Recommendation E – subject to consultation with the LPA and LLFA, the site could be allocated or permitted for development on flood risk grounds due to little perceived risk.*

Appendix E of the Level 1 SFRA, 'Site Assessment Recommendations' provides a strategic assessment of the suitability, relative to flood risk, of the site to be considered for allocation in the CLA Local Plan.

The subject site (19C272x) is considered under Strategic Recommendation A (see definition above). The subject site and 5 others have been included within Strategic Recommendation A not on grounds of flood risk as per its definition, but due to maintaining environmental habitats. The document also states:

*"Another Chorley preferred site 19C272x corresponds to an allocation site 19C103 which the EA recommended for development avoidance and the site retained as the existing priority habitat which is providing flood storage and carbon storage benefits."*

Appendix C of the Level 1 SFRA, 'Development Site Assessment Spreadsheet' indicate the level of flood risk to each site following a strategic assessment of risk. Table 2 below replicates the information provided regarding the subject site.

Table 2 SFRA Site Assessment

Site Area	Flood Zone Coverage								Risk of Flooding from Surface Water					
	FZ1		FZ2		FZ3a		FZ3b		Low Risk		Medium Risk		High Risk	
Ha	Area (ha)	%	Area (ha)	%	Area (ha)	%	Area (ha)	%	Area (ha)	%	Area (ha)	%	Area (ha)	%
2.50	2.50	100	0.00	0.0	0.00	0.0	0.00	0.0	0.20	8.18	0.06	2.39	0.03	1.15

Further discussion of Table 2 above is provided with Section 3 of this report, however it is noted that within Appendix C it is stated that the flood storage area identified by the EA is not shown on any available mapping. Given that the flood risk associated with the site is negligible, provision of flood storage, if any is present (over and above the fact that it is a predominantly undeveloped greenfield site) is irrelevant if the site is not at material risk of flooding (as shown in Table 2). [Their emphasis].

The hydrological survey conducted by an experienced Chartered Hydrologist in February 2023 confirms that the site is undulating and has a general fall southwards / south-westwards.

As such, during heavy rainfall events runoff would readily shed off site (uncontrolled) onto Babylon Lane and Greenhalgh Lane, therefore there is currently no 'flood storage' provided by the site which correlates with available EA mapping.

*In any case and as standard practice, the development of the site would include a bespoke Sustainable Drainage Scheme (SuDS) which would limit the rate of runoff to greenfield runoff rates, and therefore would not result in any net increase in off-site flood risk. Indeed, there appears to be opportunity to provide 'additional' runoff attenuation on site to provide a local flood risk reduction."*

- 148. The Environment Agency's reasoning for their comments to the Local Plan process are provided earlier in this report and essentially explain that they were made with regards to the future aspirations for the site, but now an application has been submitted, it is for the statutory consultees on drainage to comment. Should those consultees have no objection the proposal, then the EA have no remit or evidence to challenge those conclusions.
- 149. An intrusive ground investigation has not yet been completed but British Geological Survey maps indicate the underlying strata to be Glacial Till superficial deposits which are underlain by Pennine Lower Coal Measures Formation bedrock, comprising of mudstone, siltstone and sandstone. As these materials are impermeable, infiltration as a measure for managing surface water is likely to be unfeasible. Intrusive ground investigations are recommended in order for this to be confirmed.

150. The nearest watercourse is the culverted ordinary watercourse which is proposed to be diverted around the application site. As such, it is envisaged that the surface water runoff from the site will discharge into the proposed culverted watercourse diversion at a restricted greenfield runoff rate. This is subject to Ordinary Watercourse Consent from the Lead Local Flood Authority.
151. The connections to the existing drainage network along with flow rates will require separate consent from the Lead Local Flood Authority and United Utilities.
152. The Lead Local Flood Authority have recommended 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 other associated conditions. This will require intrusive ground investigations to be undertaken.
153. United Utilities state that, according to their records there is a water main within the site boundary and the applicant will be required to submit evidence that trial holes have been undertaken to confirm the precise location of their infrastructure. United Utilities will require unrestricted access to operate and maintain the main. This can be attached as an informative note to any grant of planning permission. They also suggest conditions be attached to any grant of planning permission in relation to securing sustainable foul and surface water drainage at the site.
154. Although the Environment Agency suggested the removal of the site from the Local Plan Process, they have stated they have no comments to make on this planning application.
155. Given local concerns in relation to the drainage and flood risk implications of the proposal, the Council commissioned an independent review of such issues by a drainage consultant. The conclusions of the report are as follows:

*“The Environment Agency and the Lead Local Flood Authority have not objected to this development taking place on flood risk grounds. The LLFA's approval of development is based on the satisfaction of the conditions stated. United Utilities have approved the development of the Babylon Lane site, subject to the conditions stated being met. Were planning permission to be granted by the LPA, there are a number of conditions that must be attached to a subsequent decision notice. Based on the evidence made available, JBA sees no reason to disagree these findings.*

*The objections from a local resident are concerned with the surface water drainage within the site. United Utilities has approved the FRA and Preliminary Drainage Strategy. In addition, the LLFA have deemed that development remains appropriate at this site, assuming development is in accordance with the FRA and Surface Water Sustainable Drainage Strategy.”*

156. In light of the above, the proposal is considered to be acceptable in terms of surface and foul water drainage, subject to conditions, and complies with the aforementioned policies in this regard.

#### Minerals safeguarding

157. Much of the northern part of the application site forms part of a designated Mineral Safeguarding Area within the development plan. Policy M2 of the Joint Lancashire Minerals and Waste Local Plan (JLMWLP) – Site Allocation and Development Management Policies - Part One 2013 seeks to protect mineral resources in Lancashire from needless sterilisation.
158. The applicant's Mineral Assessment Review submitted in support of the application identifies that, from a review of geological mapping, it is likely that the safeguarding area relates to the presence of coal measures underlying the site.

159. Given the close proximity of the site to existing residential development it is not considered that mineral extraction at this site would be acceptable due to the associated impacts upon residential amenity. The noise, dust, vibration and highway related impacts of quarrying the land in this location would be significant. As such, any mineral resource beneath the site would not be needlessly sterilised as a result of the proposed development and there is no conflict with policy M2 of the JLMWLP.

#### Affordable housing

160. Policy 7 of the Central Lancashire Core Strategy requires 30% affordable housing to be provided on sites of 15 or more dwellings, or 0.5 hectares in size. The proposal would provide a policy compliant level of affordable housing which would be secured by a s106 legal agreement.

161. 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.

#### Public open space

##### *Amenity Greenspace*

162. Policy HS4A of the Chorley Local Plan 2012 - 2026 sets a standard of 0.73 hectares per 1,000 population.

163. There is currently a deficit of provision in Heath Charnock and Rivington in relation to this standard, a contribution towards new provision in the settlement 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 0.07 hectares. A maintenance cost of £28,000 is also required for a 10 year period if private maintenance is not proposed.

##### *Provision for children/young people*

164. Policy HS4A of the Chorley Local Plan 2012 - 2026 sets a standard of 0.08 hectares per 1,000 population.

165. There is currently a surplus of provision in Chorley South East and Heath Charnock 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 Assessment Report (February 2019)/Open Space Study Paper (February 2019). A contribution towards improvements is therefore also not required from this development.

##### *Parks and Gardens*

166. There is no requirement to provide a new park or garden on-site within this development.

167. 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 (sites ref 1744 War Memorial Garden, Railway Road), a contribution towards improving these sites is therefore required. The amount required is £1,467 per dwelling.

##### *Natural and Semi-Natural Greenspace*

168. There is no requirement to provide new natural/semi natural greenspace on-site within this development.

169. 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 Assessment Report (February 2019)/Open Space Study Paper (February 2019) therefore a contribution towards improving existing provision is not required.

#### *Allotments*

170. There is no requirement to provide allotment provision on site within this development.

171. The site is within the accessibility catchment (10 minutes' drive time) of a proposed new allotment site HW5.3 – Harrison Road, Adlington. A contribution towards new allotment provision is therefore required from this development. The amount required is £15 per dwelling.

#### *Playing Pitches*

172. 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.

173. The total public open space financial contribution required from this development is as follows:

Amenity greenspace	= £28,000 (if private maintenance not proposed)
Equipped play area	= £0
Parks/Gardens	= £58,680
Natural/semi-natural	= £0
Allotments	= £600
Playing Pitches	= £63,960
<b>Total</b>	<b>= £151,240 (£123,240 if privately maintained amenity greenspace)</b>

#### Sustainability

174. 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 1<sup>st</sup> 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.”*

175. Given this change, instead of meeting the code level, the Local Planning Authority required that dwellings should achieve a minimum dwelling emission rate of 19% above 2013 Building Regulations in accordance with the transitional provisions. Building Regulations 2022 have now been brought into force and under Part L require a 31% improvement above 2013 Building Regulations. This exceeds the Council's previous requirement and now supersedes the requirement for a planning condition.

#### Employment skills provision

176. 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

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

#### Education

178. 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.

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.

The assessment shows the level of impact on primary and secondary school places relevant to the development and provides details on the level of contribution required to mitigate the development impact.

The latest information available at this time was based upon the latest School Census available and resulting projections.

Based upon the latest assessment, taking into account all approved applications, LCC will not be seeking a contribution for primary school places or secondary school places.



Community Infrastructure Levy (CIL)

179. 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. This development will be CIL Liable on approval of the final reserved matters application.

Other issues

180. A previous application, ref. 12/00895/FULMAJ was refused by Chorley Council (and dismissed on appeal) on part of the application site in 2013 for the erection of 14 dwellings. The application only related to 0.8 hectares of the current 2.13 hectare site and related to the area of land around Whitebeam Close. The refusal of the previous proposal is a material consideration in the determination of the current application. The reasons for refusal were as follows:

1. The size of the site is over the threshold of 0.5 hectares that requires 30% affordable housing to be provided, as no affordable housing has been proposed the proposal is contrary to Policy 7 of the Core Strategy.
2. The application site is a greenfield site and the proposed density of 17.5 dwellings per hectare is not considered to represent the efficient use of this land. The layout shows 14 large detached properties and it is not considered that there are material considerations that require the density to be this low. The proposal is therefore considered to be contrary to Policy 5 of the Core Strategy in that it does not make efficient use of the land.
3. The application is contrary to Policy BNE3.4 of the submitted Chorley Local Plan 2012 – 2026 and it is not considered that there are other material considerations that outweigh this.

181. Each of the reasons for refusal are addressed below.

182. Firstly, the proposal offers a policy compliant 30% affordable dwelling scheme in this instance. The proposal therefore complies with Policy 7 of the Core Strategy.

183. Secondly, the current proposal identifies 20 houses on the same parcel of land previously proposed for 14, and so the density on this part of the site has been substantially increased. Whilst the overall density of the site is similar to the previously refused proposal, as explained earlier in this report, this is due to accommodating the new band building, and car parking area, the retention of trees in the southern section of the site and the location of a water main along the site's south eastern boundary. The density is therefore considered to be acceptable in this instance.

184. Finally, and most importantly, the housing land supply situation in Chorley has changed significantly since the refusal of the above referenced application. As identified earlier in this report, the Council no longer has a 5 year supply of housing land and policy BNE3 of the Local Plan is out-of-date. The housing supplied by this proposal therefore weighs heavily in the planning balance in favour of the proposal.

Planning balance

185. 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.

186. The adverse impacts of the development relate primarily to its conflict with policy BNE3, safeguarding land for future development. However, as the Local Planning Authority cannot show a 5-year housing land supply policy BNE3 is out-of-date and can only be attributed limited weight. There would also be some low-level harm caused by the proposed development to the contribution made by the setting on the significance of the grade II listed

Greenhalgh Farmhouse. This must be given great weight in the planning balance, in accordance with the Framework. The Framework indicates that the planning system should be genuinely plan-led. There are no other identified negative impacts of the proposal which cannot be sufficiently mitigated by the imposition of planning conditions.

187. 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.
188. The scheme would deliver a policy compliant level of affordable homes to the area of which there is a significant shortfall across the Borough. The new affordable dwellings would provide homes for real people in real need.
189. The application site is considered to be in a sustainable location close to the existing amenities in Adlington.
190. 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 and significant weight to the social benefits.
191. The provision of open space and its ongoing management and maintenance and sustainable transport improvements are neutral considerations because they are needed to make the development acceptable.
192. The applicant has volunteered to provide a financial contribution towards securing a 10% net gain in biodiversity value which would be directed to a scheme outside of the application site. Providing a 10% net gain in biodiversity is not yet a legal requirement in planning legislation but the applicant has nonetheless agreed to achieve this. This is not required to make the scheme acceptable and so is an additional environmental benefit of the proposal.
193. The proposal would deliver a replacement band building. One may consider this as necessary as the proposal would involve the demolition of the existing building. Given the state of the existing building however and upgraded facilities that would be included with the replacement band building, this is also considered to be an additional social benefit of the proposal should be attributed moderate weight in the planning balance.
194. The adverse impacts of the proposed development relating to its conflict with policy BNE3 and the low-level harm associated with the grade II listed building would not significantly and demonstrably outweigh the economic, social and environmental benefits the proposal would deliver.

## **CONCLUSION**

195. The application site is located in a sustainable location on the edge of a settlement identified in the Central Lancashire Core Strategy as a place where growth and investment is encouraged to help meet housing and employment needs. Whilst the proposal would conflict with policy BNE3 of the Chorley Local Plan 2012-2026 and cause harm to the setting of a grade II listed building, these adverse impacts do not significantly and demonstrably outweigh the economic, social and environmental benefits it would deliver, as identified above. As such, it is recommended that the Planning Committee be minded to resolve grant outline planning permission, subject to conditions and a legal agreement as set out earlier in this report.

## **RELEVANT HISTORY OF THE SITE**

**Ref:** 5/5/10667

**Decision:** PERFPP

**Decision Date:** 25 May 1974

**Description:** Site for bungalows

**Ref:** 74/00705/OUT                      **Decision:** REFOPP                      **Decision Date:** 6 November 1974  
**Description:** Outline application for 20 dwellings

**Ref:** 75/00292/OUT                      **Decision:** REFOPP                      **Decision Date:** 9 June 1975  
**Description:** Outline application for 25 houses

**Ref:** 12/00895/FULMAJ                      **Decision:** REFFPP                      **Decision Date:** 28 March 2013  
**Description:** Residential development of 14no. two-storey 4 and 5 bedroom detached houses

**Ref:** 21/00270/FULMAJ                      **Decision:** PDE                      **Decision Date:** Pending  
**Description:** Full application for the proposed development of 40 dwellings together with associated new access, open space and landscaping, replacement of brass band building and associated parking.

**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. An application for approval of the reserved matter, landscaping, must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

*Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended 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	1073-M-LP01 Rev A	16 June 2023
Planning Layout	1073-M-PL01 Rev M	16 June 2023
Affordable Housing	1073-M-AH01	16 June 2023
"Charnock" House Type Planning Drawing	1073-M-HT-C	16 June 2023
"Enfield" House Type Planning Drawing	1073-M-HT-E	16 June 2023
"CharnockV2" House Type Planning Drawing	1073-M-HT-C2	16 June 2023
"Stanbury" House Type Planning Drawing	1073-M-HT-E	16 June 2023
"Jamesville" House Type Semi Variant Planning Drawing	1073-M-HT-Js	16 June 2023
"Jamesville" House Type Planning Drawing	1073-M-HT-J	16 June 2023
"Martland" House Type Planning Drawing	1073-M-HT-M	16 June 2023
"Newton" House Type Planning Drawing	1073-M-HT-N	16 June 2023

"Newton" House Type Corner Variant Planning Drawing	1073-M-HT-Nc	16 June 2023
Single Garage Planning Drawing	1073-M-GAR	16 June 2023
Materials & Boundary Treatment	1073-M-MB01 Rev E	16 June 2023
Refuse Strategy Layout	1073-M-RF01 Rev C	16 June 2023
Rivington & Adlington Brass Band Rehearsal Building Planning Drawing	1073-M-BRB-01 Rev A	16 June 2023
Preliminary Drainage Strategy	BLA-AJP-XX-00-DR-C-0900 Rev P4	16 June 2023
Visibility Plan	2443-F03 Rev C	16 June 2023
FINISHED LEVELS & RETAINING WALLS LAYOUT	BLA-AJP-XX-00-DR-C-1400 Rev P2	16 June 2023
Proposed Drainage Layout	001 Rev 00	2 November 2023

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

3. The external facing materials, detailed on plan ref. 1073-M-MB01 Rev E entitled 'Materials and Boundary Treatment' 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. No part of the development hereby approved shall commence until a scheme for the construction of the site accesses 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.

*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.*

5. None of the approved dwellings shall be occupied until the approved scheme referred to in the above condition has been constructed and completed in accordance with the scheme details.

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

6. No part of the development shall commence until the visibility splays shown on drawing 2443-F03 Rev C have been provided. The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures.

*Reason: To ensure adequate visibility at the site access in the interest of highway safety.*

7. Prior to the commencement of development a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority (in conjunction with the highway authority). The CMP shall include and specify the provisions to be made for the following -

- a. Vehicle routing for vehicles carrying plant and materials and the parking of vehicles of site operatives and visitors;
- b. hours of operation (including deliveries) during construction;
- c. loading and unloading of plant and materials;
- d. storage of plant and materials used in constructing the development;
- e. siting of cabins, site compounds and material storage area;
- f. the erection of security hoarding where appropriate;
- g. wheel washing facilities;

- h. measures to control the emission of dust and dirt during construction;
- i. a scheme for recycling/disposing of waste resulting from demolition and construction works;
- j. measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

*Reason: To protect existing road users, to maintain the operation and safety of the local highway network, to minimise the impact of the construction works on the local highway network and upon neighbouring residents.*

8. 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 highway infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway.*

9. No dwelling within each phase shall be occupied until the estate street(s) affording access to those dwelling(s) has been completed in accordance with the Estate Street Development Plan.

*Reason: To ensure that the estate streets serving the development are completed and maintained to the approved standard, and are available for use by the occupants, and other users of the development, in the interest of highway safety; to ensure a satisfactory appearance to the highway infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.*

10. 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: To ensure that the estate streets serving the development are completed and maintained to the approved standard, and are available for use by the occupants, and other users of the development, in the interest of highway safety; to ensure a satisfactory appearance to the highway infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.*

11. 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 highway infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.*

12. The erection of the approved replacement band building identified on approved drawing ref. 1073-M-BRB-01 Rev A, entitled 'Rivington & Adlington Brass Band Rehearsal Building' shall not be commenced until details of the sound attenuation measures against internally generated noise has been submitted to and approved by the Local Planning Authority.

*Reason: To protect the amenities of occupiers of nearby premises.*

13. All bathroom, WC and shower room windows in the first floor side elevations of the approved dwellings 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.

*Reason: In the interests of the privacy of occupiers of neighbouring property.*

14. All ecological measures and/or works shall be carried out in strict accordance with the details contained in the Bat Method Statement produced by Urban Green dated September 2020.

*Reason: To safeguard a protected species.*

15. Prior to any earthworks a method statement detailing eradication and/or biosecurity measures for Japanese knotweed, montbretia and cotoneaster shall be supplied to and agreed in writing to the Local Planning Authority. The agreed method statement shall be adhered to and implemented in full unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To avoid the spreading of an invasive species.*

16. 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.*

17. The development shall be carried out in strict accordance with the recommendations and enhancement opportunities specified in the submitted Preliminary Ecological Appraisal, produced by Urban Green and dated September 2020.

*Reason: For the safeguarding of protected species and other ecological receptors.*

18. Due to the proposed sensitive end-use (housing with gardens), no development shall take place until:

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 '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;

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;

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 completion of remediation works a validation report containing any validation sampling results shall be submitted to the Local Authority.

Thereafter, the development shall only be carried out in full accordance with the approved remediation proposals.

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.

*Reason: It is the applicant's 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).*

19. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the site-specific flood risk assessment (GON.0147.0096 Version 1, Gondolin, 23/02/2023).

The measures shall be fully implemented prior to occupation of the development 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 163 and 165 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.*

20. No development shall commence in any phase 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 surface water sustainable drainage strategy shall be based upon the sitespecific flood risk assessment (GON.0147.0096 Version 1, Gondolin, 23/02/2023) and indicative Drainage Strategy (BLA-AJP-XX-00-DR-C-0900 P4, Alan Johnston Partnership, Dec. 2020) 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. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly. The peak flow rate for the whole development site shall be limited to no greater than 13.5l/s as outlined in the Preliminary Drainage Strategy (BLA-AJP-XX-00-DR-C-0900 P4, Alan Johnston Partnership, Dec. 2020).

The details of the drainage strategy to be submitted for approval shall include, as a minimum;

- a) Sustainable drainage calculations for peak flow control and volume control for the:
  - i. 100% (1 in 1-year) annual exceedance probability event;
  - ii. 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep;
  - iii. 1% (1 in 100-year) annual exceedance probability event + 45% climate change allowance, with an allowance for urban creep
- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
  - i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
  - ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels; to include all proposed surface water drainage systems up to and including the final outfall;
  - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
  - iv. Drainage plan showing 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 building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;
  - vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
  - vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;
- c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with BRE 365.

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

*Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 163 and 165 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.*

21. No development shall commence until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority.

The details of the plan to be submitted for approval shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include for each phase, as a minimum:

- a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.
- b) Measures taken to prevent siltation and pollutants from the site entering any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

*Reason: 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.*

22. The occupation of the development shall not be permitted until a site-specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The details of the manual to be submitted for approval shall include, as a minimum:

- a) A timetable for its implementation;
- b) Details of the maintenance, operational and access requirement for all SuDS components and connecting drainage structures;
- c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
- d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
- e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
- f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- g) Means of access for maintenance and easements.

Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

*Reason: To ensure that surface water 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 sustainable drainage system is subsequently maintained pursuant to the requirements of Paragraph 169 of the National Planning Policy Framework.*

23. The occupation of the development shall not be permitted until a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.



The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

*Reason: To ensure that surface water 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 the requirements of Paragraphs 167 and 169 of the National Planning Policy Framework.*

24. No development shall commence (including any earthworks) until details of the means of ensuring the water main/s laid within the site boundary are protected from damage as a result of the development have been submitted to and approved by the Local Planning Authority in writing. The details shall include a survey of the exact location of the water main/s and outline the potential impacts on the water main/s from construction activities and the impacts post completion of the development and identify mitigation measures to protect and prevent any damage to the water mains both during construction and post completion of the development. Any mitigation measures shall be implemented in full in accordance with the approved details.

*Reason: In the interest of public health and to ensure protection of the public water supply.*

25. No dwelling shall be occupied until any fences, walls and gates shown on the approved details to bound its plot have been erected in conformity with the approved details. Other fences shown in the approved details shall be erected in conformity with the approved details prior to substantial completion of the development.

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

26. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan(s) or as may otherwise be agreed in writing with the Local Planning Authority before any development is first commenced.

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

27. Prior to the commencement of development, an Arboricultural Method Statement (AMS) shall be submitted to and approved by the Local Planning Authority to identify the measures that will be employed to protect the existing trees identified for retention on the submitted landscaping plans ref. UG\_11950\_LAN\_SL\_DRW\_04 Rev P03 entitled 'Soft Landscape Plan 1/2' and ref. UG\_11950\_LAN\_SL\_DRW\_05 Rev P03 entitled 'Soft Landscape Plan 2/2' during construction work. The approved works shall thereafter be undertaken in strict accordance with the approved AMS.

*Reason: To define the consent and to safeguard the appearance and health of the trees proposed to be retained.*

28. 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.*

29. The landscaping scheme to be submitted as part of a reserved matters application shall include the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform. The scheme should include a landscaping/habitat creation and management plan which should aim to contribute to targets specified in the UK and Lancashire Biodiversity Action Plans. Landscaping proposals should comprise only native plant communities appropriate to the natural area. The content of the plan should include elements to mitigate for loss of trees, shrubs and bird nesting habitat.

The scheme shall also include details of how the perimeter dry stone wall will be protected during construction work, repaired and maintained following completion of the development.

All hard and soft landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

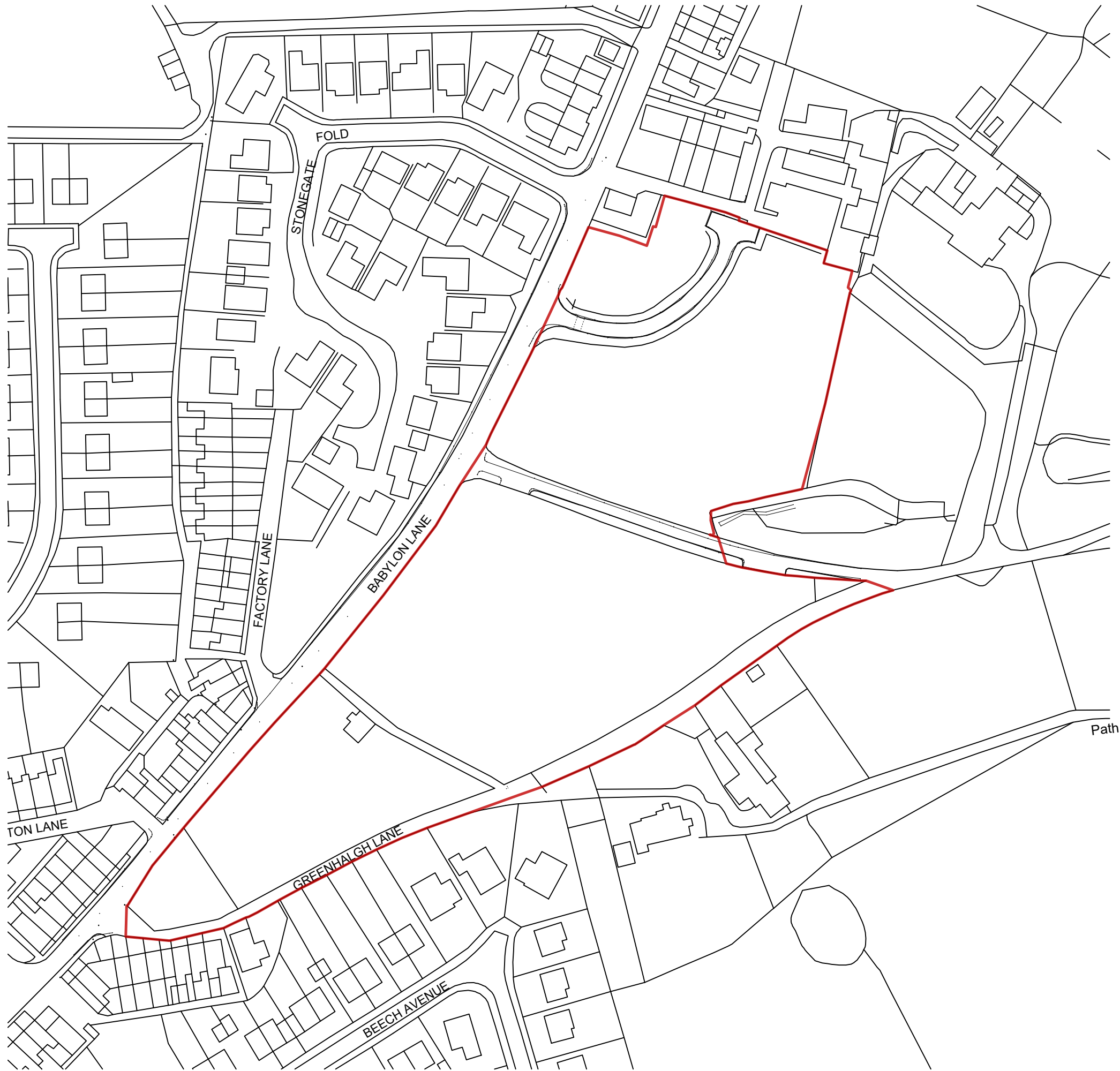
30. As part of the submission of the first reserved matters application, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- (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 in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the Local Planning Authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

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

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

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



1:1250 0 12.5 25 37.5 62.5m



Rev.	Description	By	Date
A	Boundary amended. Drg sheet replaced.	GTD	2020.10

Project Title: <b>Babylon Lane Adlington</b>
Drawing Title: <b>Location Plan</b>

Drawing Number: <b>1073-M-LP01</b>	Drawing Status: <b>PLANNING</b>
Drawn: GTD	Checked: GTD
Date: OCT 20	Sheet Size: A3
Scale: 1:1250	Revision: <b>A</b>

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**APPLICATION REPORT – 22/00941/FULMAJ**

**Validation Date: 1 September 2022**

**Ward: Croston, Mawdesley And Euxton South**

**Type of Application: Major Full Planning**

**Proposal: Erection of 55no. dwellings (including 35% affordable) with associated access, landscaping, parking, demolition and other works**

**Location: Land North Of Gorsey Lane, Mawdesley**

**Case Officer: Mike Halsall**

**Applicant: Jones Homes (Lancashire) Ltd**

**Agent: Pegasus Group**

**Consultation expiry: 6 July 2023**

**Decision due by: 30 November 2023 (Extension of time agreed)**

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**RECOMMENDATION**

1. It is recommended that planning permission is granted, subject to conditions and a S106 legal agreement to require the following:
  - A Public Open Space contribution of £133,815 (£95,315 if to be privately maintained)
  - 35% of the dwellings are required to be affordable. This equates to 20 dwellings. 70% (14) of these should be social rented and 30% (6) should be shared ownership.
  - An education contribution of £198,024 for 8 secondary school places.
  - £15,000 per annum for improved bus services, for 5 years
  - A Biodiversity Net Gain contribution of £90,000

**SITE DESCRIPTION**

2. The application site is located within the defined settlement area of Mawdesley as identified on the Chorley Local Plan 2012-2026 Policies Map. The site is located to the north of a recently constructed housing estate (St Peter's Park), accessed from Gorsey Lane to the south. The site covers approximately 2.7 hectares of greenfield land, which contains some trees, shrubs, hedgerows and sheds. There is existing housing to the north, south and west, with land to the east forming open fields in the Green Belt. There is a Public Right of Way (PRoW) that passes through the northern part of the site and which connects New Street to Tarnbeck Drive and the wider PRoW network to the north and east.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

3. The application seeks full planning permission for 'Phase II' of the St Peter's Park development with the erection of 55 dwellings including landscaping, parking, demolition of existing buildings and other works, and with associated access taken through the recent housing development to the south.

4. The proposal has been revised since its original submission at officers request to reduce the number of dwellings proposed from 58 to 55 in order to reduce tree loss and to amend the alignment of the Public Right of Way that passes through the site.

## REPRESENTATIONS

5. 137 objections to the proposal have been received, some of which are multiple responses from the same individuals, raising the following issues:

### Principle of development

- Mawdesley will no longer be a village if these houses are built
- The land is Green Belt land and will be lost forever
- Turning greenfield into a housing development
- Chorley has turned down development of the former brown field site of Camelot with its excellent transport links and infrastructure and so should not approve this greenfield development
- Too many houses for the size of the settlement

### Traffic, Highway Safety and Parking

- More traffic and only one access road would be unacceptable and dangerous, especially with building traffic
- Average of 116 more vehicles on local, village roads
- Compromise highway safety
- Village not designed for heavy traffic
- As it is the traffic situation in the village is getting worse with many vehicle's ignoring the 20-m.p.h. speed limit
- Narrow and windy roads and some places can't be widened
- Having Cedar Farm already puts a lot of pressure on the local roads making them dangerous for pedestrians, as there are few footpaths. More houses will increase the number of cars on the road
- Ridely Lane is one of the main exits to Mawdesley, what was once a quiet thoroughfare is now a busy road and will be even busier if the development goes ahead
- Increased traffic will pose serious risk to pedestrians and cyclists
- Ongoing traffic works
- Surrounding roads becoming rat runs
- Lack of suitable pavement space on the roads around the development site making it dangerous for pedestrians and even worse if more cars introduced
- Impaired visibility when leaving proposed development site
- The Transport Statement accessibility assessment is based on Gorsey Lane being 6m wide with 2.5m wide footways on both sides. 50m to the west and east of the main site access, the width of Gorsey Lane reduces to under 5m and the footway provision is either only on one side of the road or not present at all. This assessment is therefore flawed

### Character, Landscape and Visual Impact

- Mawdesley is known for its rural character, small population, beautiful countryside and close-knit community and all of these factors as well as concerns mentioned above will be compromised if phase 2 receives permission to build
- Lots of housebuilding over the last few years effecting the character of the village
- The whole character of the village moving away from a rural society
- The scale of the development is not in keeping with the local village character and what makes it a nice place to live
- Over development of Mawdesley
- The vacant land acts as a buffer between two existing housing estates, giving quietness and space

- Proposed development is not sympathetic to its surroundings
- 15% increase in homes in Mawdesley if phase 1 and 2 are combined
- A well used public footpath passing through the proposed development will be lost
- The current public footpath is shown as being retained, but it would no longer be a pleasant country walk but just a path through a housing estate
- Matured trees exist on the site
- The increase in introduced predators, particularly cats, that is bound to come with increased housing will also diminish the birdlife and prey for raptors
- Natural England's stated aim that planning should 'conserve, enhance or restore the diversity of England's wildlife' not being met
- Trees being removed are roosting sites for birds of prey and bats and are protected by law
- LVIA report recommends to retain existing ponds and add new ones, not get rid of ponds and enlarge others like Jones Homes suggest to do
- The LVIA (Table 2) summarises the visual impacts, with a year 1 Major Adverse effect on the 'Tarnbeck Drive (s)' receptor reducing to Moderate/Minor Adverse at year 15. The impact reduction relies on mitigation planting along the northern boundary of the site outside of the red line boundary (Figure 10). However, the DAS has no proposals for tree planting along the northern boundary and no provision for securing this mitigation outside the site boundary. No mitigation is proposed and the impact on receptors to the north of the site will remain as Major Adverse in both the short and long term. The LVIA is therefore flawed.

#### Ecology

- The building of these homes would disturb the local environment
- The land is a natural environment for a number of animals
- Disruption to and loss of wildlife and their habitats
- Development of this land includes the removal of ponds
- Must reflect the damage it will do to the natural habitats on this proposed greenbelt site - Running approximately 40m from the perimeter of Tarnbeck Dr there is an area home to an abundance of wildlife (particularly in the spring and summer months). This small woodland, which includes a pond, is home to Badgers, Tawny Owls, 2 species of Bats, Sparrowhawks, Woodpeckers, Chaffinches, Tits, etc. Below the tree canopy lives an array of smaller creatures: Toads, Frogs, Voles, Shrews, etc. Additionally, within the proposed site there are two other large ponds and many other mature trees

#### Amenities / Services

- Will put pressure on local infrastructure
- Lack of services such as doctors and the provision of school places
- Only one shop
- No doctors or dentist
- No high school close by – closest is in Leyland or Burscough
- Insufficient public transport networks
- Only 5 car parking bays at the small shop
- States Rufford station is 3km away which is ambitious, plus definitely isn't walkable because of the unlit country lanes and lack of pavements

#### Drainage / Flood risk

- The village already has significant drainage issues and has had since Tarnbeck was built and has never been resolved
- Further installation of culverts to remove the natural drainage from the site
- Village has flooding history
- The development proposes to build on an existing watercourse, this will have an impact on local drainage, there have been past issues with flooding and the watercourse running under High Street towards Ashtrees has still not been repaired

- The development of green field to housing and tarmac will put huge pressure on the drainage and could be a flooding risk for residents
- The current land provides valuable soakaway land for excess water. There are two ponds, which are not included in the plans and a ditch along the back of the houses on Tarnbeck Drive. Even with these in place the gardens on Tarnbeck are prone to becoming water-logged and the brook frequently floods. Without these measures, and with reduced general soakaway land the village is liable to flooding
- Sewage problems, can the sewerage system cope with the new houses

#### Residential Amenity

- Residents will be disturbed when the homes are being built
- This development will result in disruption and noise for the local neighbours for a prolonged period of time whilst under construction
- The height of the land in relation to some houses is much higher (because of the slope) which will result in a loss of privacy at ground level as they will be overlooked. To partly alleviate this, the hedgerow at 49H on the TPP should not be trimmed on the top or on the west side of the hedge

#### Other

- Jones Homes are also renowned for poor workmanship and have little regard for the local residents and state of the development/local area whilst the development is under construction.
- The use of more cars would have an adverse effect on air quality
- Light pollution will result from street and house security lights
- No actual logical reason for this to be approved without substantial improvements beyond building houses for a capital return
- There is a high number of horses and riders in the village with no access to any bridleways
- Issues of noise pollution, visual impacts, stress factors
- No benefit. Mawdesley is a small rural Lancashire village, and I fail to see how further development could possibly enhance the area
- The application was validated on 1st September, the letters of notification dated 15th September, letters delivered 21st September, comments to be submitted October 6th. Submission date should be extended to allow residents to comment
- An independent ecological appraisal should be commissioned across the entire site. The one prepared by 'Jones Homes' is already 12 months out of date and in our view is a superficial and insufficient assessment. For example, we know that there are badgers on the site... yet the report states that there are 'no signs of badgers'!
- Phase 1 did not adhere start and finish times with construction so noise extended from early morning before 7am
- Land previously used as a horticultural site having greenhouses, boiler house and an irrigation pit. This site could still be used for horticultural purposes
- At the end of Asland Drive where the proposed access is planned there is a wide footpath already in place to the right of the existing path that leads to a farm gate, if this access is accepted then the second gate would open up future development along the whole of the back of existing houses to the north of Gorsey Lane Up to here
- Should concentrate on at least 60% affordable housing on any development if any further housing is needed
- The boundary at the west perimeter of the site is inaccurate, it is shown as extending onto a residents property. Permission has not been sought from them by Jones Homes, therefore the plans do not represent an agreed boundary (see drawing Ref. BET C101 Rev.E).
- After phase 1 signs for the development were rejected and then replaced however, the original signs were put back up resulting in lorries missing the signs and having to reverse – if the new build goes ahead the signs will be there for another 2 years
- The stretch of woodland bordering Tarnbeck should act as a natural barrier (and potential wildlife corridor) to any further development. Removing it would result in



further concrete sprawl and intrude on the privacy of several properties (particularly those with a steep gradient in the back gardens; meaning they would have a substantial loss of privacy from being overlooked by the new properties). As well as potential loss of light

- Residents not informed of any future development of St Peters Park although the developers now refer to it as phase 2 it was never mentioned
- The low-cost social housing is still expensive and does not meet local young residents need
- Extension to the existing St Peter's Park site. A cumulative impact assessment should be undertaken to fully understand the combined impacts on traffic, road safety, infrastructure and loss of habitat.
- The proposals encroach upon the Root Protection Zones for TPO 14, contradicting the advice given in Preliminary Ecological Appraisal which requires RPZs to be fenced off to prevent tree failure from compaction
- Previous affordable housing not taken up within the village
- Development not in line with Chorley Local Plan and the National Planning Policy Framework – i.e. Policy BNE1: Design Criteria for New Development; states that permission will only be granted if the proposal does not have a significantly detrimental impact on the surrounding area
- Jones Homes misleading in their environmental assessments e.g. visual impact on the northern boundary demands extensive tree planting to minimise the impact on Tarnbeck Drive
- States site was only visited in August so therefore trees were in full leaf, when they aren't the proposed buildings will be very visible
- This can't be phase 2 because phase 1 wasn't advertised as such, the scheme should have been submitted as a whole and viewed as a whole
- Morals and motives of the developer
- Hold off / refuse permission until after the Neighbourhood Plan is produced.

## CONSULTATIONS

6. Lancashire County Council Highway Services (LCC Highway Services): no objection, subject to condition, highway improvement works and financial contributions, as set out later in this report.
7. Lancashire County Council Archaeology Service: have responded as follows:
 

*“The Historic Environment Team is in agreement with the conclusions reached in Pegasus Group's Heritage Desk-Based Assessment that the site can be characterised as having to have a low-nil archaeological potential. Consequently no further archaeological investigation of the proposed development site is considered necessary.”*
8. Environment Agency: have no comments. They are not a statutory consultee as the site is not located within Flood Zone 2 or 3.
9. Greater Manchester Ecology Unit: initially responded to request a calculation of post-development biodiversity value of the site. Following receipt of the biodiversity details, responded to identify that the development would result in a loss of 4.85 biodiversity units and so between just over 4.85 units is required to achieve a biodiversity net gain, with 6.77 units delivering a 10% net gain. The applicant has agreed to deliver a slight net gain by providing 5 units off-site through a financial contribution of £90,000.
10. Lancashire County Council (Education): responded to identify that a financial contribution of £198,024 for 8 secondary school places. Further details are provided later in this report.
11. Regulatory Services - Environmental Health Officer: responded with no objection to the proposal and requested a Construction Management Plan be required by condition to control the construction impacts of the proposal upon neighbouring residents.
12. Lancashire Fire and Rescue Service: have not responded.

13. Waste & Contaminated Land Officer: initially responded to request a condition be attached requiring an intrusive (Phase II) site investigation prior to development commencing. The applicant subsequently submitted a Phase II investigation report. The Council's Contaminated Land Officer raised questions which have not yet been answered by the applicant. As such, it is reasonable to include a planning condition requiring the submission of the Phase II report so it can include the answers to the officer's queries.
14. Lead Local Flood Authority: no objection subject to conditions.
15. Natural England: no objection.
16. NHS: have not responded.
17. Lancashire Police: have responded with advice for the applicant on measures which can be incorporated in the scheme to reduce crime.
18. Tree Officer: initially responded with concerns due to the loss of high value trees. The scheme was subsequently amended by the applicant by removing three of the proposed dwellings to avoid the loss of some trees. The tree officer has responded to the revised proposal to state that, overall, the tree loss is substantial, and will change the character of the area. The replacement tree planting is not a direct substitution for the tree loss but will go some way to mitigating the tree loss.
19. United Utilities: no objection subject to conditions.

## **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. 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).
22. The majority of the application site is located within the defined settlement boundary of Mawdesley 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 the Plan.
23. A small section of the site to the south east is located within the Green Belt, however, no development is to take place within this area of land. The land is woodland and is proposed to be the focus of biodiversity enhancement measures, i.e. tree planting etc. As such, there is no conflict with National or Local Green Belt policy in relation to the proposed development.
24. Core Strategy Policy 1 sets out the locations for growth and investment across Central Lancashire. Mawdesley is not identified as a Rural Local Service Centre, and 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 55 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, Ecclestone**  
**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, Ecclestone. The appeal was allowed and outline planning permission was granted for up to 34 dwellings and associated infrastructure on land south of Parr Lane, Ecclestone, 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:

*“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**

55. 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.
56. 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.
57. 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.”*

**Land east of Charter Lane, Charnock Richard  
Decision APP/D2320/W/22/3313413**

58. On the 5 May 2023 a decision was issued for the appeal on Land east of Charter Lane, Charnock Richard. The appeal was allowed and full planning permission was granted for the erection of 76 affordable dwellings and associated infrastructure at the site in accordance with the terms of the application, ref 21/00327/FULMAJ, dated 11 March 2021, and the plans submitted with it, subject to conditions.
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, the main issue in the appeal was whether the site is suitable for development, in the light of the locational policies in the development plan, highway safety and other material considerations.
60. The Inspector concluded the following with regards to housing land supply:

*“Paragraph 74 of the Framework requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5-years worth of housing against their local housing need where the strategic policies are more than 5 years old.*

*The Council can currently only demonstrate a 3.3 year supply of deliverable housing. That position is agreed between the Council and appellant.*

*While this is disputed by a number of interested parties, this position has been extensively tested at appeal, including most recently in a decision dated December 2022. Accordingly, I am satisfied that there is a critical housing need across the Borough.”*

**Land at Blackburn Road, Wheelton  
Decision APP/D2320/W/22/3312908**

61. On the 30 May 2023 a decision was issued for the appeal on Land at Blackburn Road, Wheelton. The appeal was allowed and outline planning permission was granted for the residential development of up to 40 dwellings with access from Blackburn Road and all other matters reserved, subject to conditions.
62. The main issue in the appeal was whether the proposal is consistent with the objectives of local and national planning policies relating to the location of housing, and if there are any

adverse effects of the development proposed, including conflict with the development plan as a whole, whether they would be outweighed by any other material considerations.

63. The Inspector concluded the following with regards to housing land supply:

*“the evidence before me has drawn my attention to recent appeal decisions in Chorley, including those where planning permission previously has been granted for up to 123 dwellings at Land adjacent to Blainscough Hall, Blainscough Lane, Coppull1, for up to 80 dwellings at Land to the East of Tincklers Lane, Eccleston2, for up to 34 dwellings at Land south of Parr Lane, Eccleston3 and for up to 25 dwellings at Land off Carrington Road, Adlington. Following those appeal decisions including the developments subject of Inquiries at Blainscough Lane, Coppull and Tincklers Lane, Eccleston, it is not a matter of dispute between the main parties that Policy 4 of the CS is more than five years old and is out of date due to changes to national policy since its adoption including a different method for calculating local housing need. I have no reason to take a different view. Furthermore, even if I were to accept the stated Council position of a 3.3 year deliverable supply of housing based on a local housing need calculation of 569 dwellings per annum (following the standard method set out in paragraph 74 of the Framework and Planning Practice Guidance) rather than the deliverable supply of between 2.4 and 2.56 years identified by previous Inspectors, the shortfall in supply remains significant and clearly below five years. It follows that as I have found Policy 4 of the CS to be out of date and that the Council cannot demonstrate a five-year supply of deliverable housing sites that the ‘tilted balance’ in the Framework is to be applied which I necessarily return to later in my decision.”*

#### 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 1st April 2023 there was a total supply of 1,717 (net) deliverable dwellings which is a 3.2 year deliverable housing supply over the period 2023 – 2028 based on the annual requirement of 530 dwellings which includes a 5% buffer.
67. 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 30% of the of the dwellings would be affordable houses.
68. In light of the above, policy 4 of the Central Lancashire Core Strategy is out of date and the tilted balance is, therefore, engaged.
69. 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.
70. 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.

71. 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

72. Chorley Council is working with Preston and South Ribble Councils to produce a Central Lancashire Local Plan (CLLP). Once adopted, this will replace the existing joint Core Strategy and Chorley Local Plan. The CLLP is at the Preferred Options Stage and public consultation on Preferred Options Part 1 closed in February 2023.
73. A large part of the proposed site was consulted on as part of the Preferred Options Part 1 consultation, site ref CH/HS1.46 'Land off Gorse Lane'. Responses to this consultation are being reviewed and will inform Preferred Options Part 2. In addition, a number of assessments are ongoing and will inform decisions made on sites to be taken forward as part of the development of the CLLP. The Part 2 consultation document will comprise a full suite of draft policies, both strategic and development management (non-strategic) policies, in addition to proposed allocations for all land uses. It will also set out the infrastructure that will be required to support the growth that is planned for Central Lancashire.

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

74. 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; 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.
75. Policy BNE10 (Trees) of the Chorley Local Plan 2012 -2026 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.
76. Core Strategy policy 17 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.
77. When considering any development proposal, the Council must be mindful of the National Planning Policy Framework (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.

78. 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.
79. The application site covers 2.7 hectares and comprises greenfield land. It is bordered by residential development to the north (properties at Tarnbeck Drive) and south (Jones Homes' Phase 1 development – St Peter's Park). To the east the site is bordered by a thick tree buffer, beyond which lies agricultural land. To the west the site is bordered by the gardens of residential properties which lie along New Street. The prevailing character of the immediate area is residential in nature.
80. The layout has been designed with an interconnected hierarchy of transport routes that are effectively integrated into the network. It maintains a green and semi-rural character within the site that features a variety of green infrastructure and respects its rural setting. A range of house sizes and tenures are proposed that reflects the housing demands of the local population and would attract a diversity of residents.
81. The building to plot ratios would be in-keeping with the surrounding area and the overall density of the development is 20 dwellings per hectare, although this varies across the site to assimilate with neighbouring development, with higher densities to the north and lower to the south. In this regard, it is considered that the proposed development makes the most efficient use of the developable area of land and makes good use of site constraints by incorporating green infrastructure and ecological enhancements within the scheme. In addition, the green infrastructure also serves to provide separation to neighbouring properties.
82. The proposed development provides a mix of 1 bed, 2 bed, 3 bed and 4 bedroomed properties which would achieve a well-mixed and balanced community. The scale of the development is reflective of the predominantly two storey scale found within the surrounding area, and prominent corner plots are well designed within the use of dual fronted properties to add visual interest to the streetscene. The proposed materials are appropriate to the locality with a mixture of brickwork and roof tile colours, which would assimilate well with the surrounding dwellings.
83. A variety of boundary treatments are included as part of the design proposals. These will help to create a clear demarcation between public and private space, contributing towards a well-defined public realm and street scene.
84. The proposal would involve the removal of fourteen individual trees, eight groups of trees, two partial removals and one hedge to be removed. Some of these trees are subject of Tree Protection Orders. There will also be an impact on nineteen retained trees, ranging from root disturbance to pruning of branches trees. As noted earlier in this report, the Council's Tree Officer has expressed concern in relation to the loss of these trees, stating that the tree loss is substantial, and will change the character of the area. The loss of these trees would be detrimental to the amenity of the area, and this is a shortfall of the scheme. Consideration does, however, need to be given to the wider benefits of the scheme and that replacement planting could mitigate this impact to some extent in the longer term. The applicant has also noted that nine of the trees proposed for removal are of low quality. It is proposed to plant over 60 new trees, in addition to hedgerow planting.
85. Overall, it is considered that the proposal would be acceptable in terms of its impacts upon the character and appearance of the site and the wider area and complies with policies BNE1 of the Chorley Local Plan and Core Strategy policy 17 in this regard. The proposal would conflict with policy BNE10 of the Local Plan with regards to the loss of trees, but this is outweighed by the benefits of the proposal, as outlined later in this report.

Impact on neighbouring amenity

86. 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.
87. The application proposes a residential development of 55no.dwellings adjacent to existing residential areas.
88. All interface distances between the existing surrounding dwellings and the proposed dwellings meet 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 upon the occupiers of adjacent plots. There would be an adequate degree of screening around the plots.
89. With regards to noise, dust and other potential 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.
90. Having regard to the above, the proposed development is considered to accord with Chorley Local Plan policy BNE1 in respect of amenity.

Impact on ecological interests

91. 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.
92. The application is accompanied by an ecological survey and assessment. The Council's ecological advisors have raised no objection to the proposal, requesting a financial contribution towards off-site biodiversity net gain is secured, and stating the following;

*“Great crested newts*

*Confirmation has been provided that the site had been accepted by Natural England as suitable to be dealt with under district level licensing (DLL). The LPA can therefore be satisfied that gcn are not regarded as a constraint and that the conservation status of this protected species will be maintained via the DLL process. No further survey information on gcn is therefore required.*

*Technically no condition is also required as the process is now in the hands of Natural England and their agent for delivery of the new ponds unless the LPA would want mitigation beyond the requirements of DLL. In addition however, as noted by ECUS, the developer may decide to change their approach and not enter in to DLL at which point further survey would be required. Given gcn have been recorded in the wider landscape, I therefore recommend a condition along the following lines.*

*The development has the potential to cause harm to great crested newts as identified in the Ecological Appraisal - ECUS ref. 16474 section 4.4.2 and entered into District Level Licensing.*

*Prior to development confirmation that:*

- *no changes to this mitigation approach have occurred or;*
- *if changes have occurred further information on the new mitigation approach to gcn.*

*should be provided to and agreed in writing by the LPA.”*

93. Whilst the southeastern section of the application site is proposed for ecological enhancement works, this would not be sufficient to deliver a net-gain in biodiversity at the site. The applicant has therefore agreed to deliver a financial contribution of £90,000 to deliver an off-site net gain in biodiversity.
94. The application is considered to be acceptable in terms of its potential impacts upon ecological receptors, subject to conditions. It is considered that the proposal complies with policy BNE9 of the Chorley Local Plan 2012-2026.

#### Impact on highway safety

95. 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.
96. Policy ST1 (New provision of Footpaths, Cycleways, Bridleways and their associated facilities in existing networks and new development) of the Chorley Local Plan 2012 -2026 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.
97. Lancashire County Council (LCC) as the Local Highway Authority (LHA) is responsible for providing and maintaining a safe and reliable highway network and their initial comments on the application were as follows:

*“I refer to the above planning application and would like to thank you for the opportunity to provide comments. Lancashire County Council (LCC) as the Local Highway Authority (LHA) is responsible for providing and maintaining a safe and reliable highway network. With this in mind, the present and proposed highway systems have been considered and areas of concern that potentially could cause problems for the public, cyclists, public transport, motorists and other vehicles in and around the area have been identified.*

*LCC embraces appropriate development within Lancashire in line with local and national policies / frameworks and that which is emerging. This involves working closely with planning authorities, in this case officers of Chorley Council, developers and their representatives and also with National Highways. This approach supports the delivery of high quality, sustainable development and an appropriate scale of development that can be accommodated both locally and strategically.*

#### **Summary**

*No highway objections are raised to the proposal subject to the developer entering into a s106 agreement for sustainable transport improvements and a number of planning conditions being imposed.*

**Development Proposal**

*The development proposal is for 55 dwellings on land to the north of Gorsey Lane, Mawdesley. The development is accessed from the development currently under construction to the south and will be accessed through the existing development. In addition, pedestrian accesses will be provided to the public rights of way network along FP0919026 which links New Street to Tarnbreck Drive.*

**Transport Assessment**

*The developer has produced Transport Statement (TS) in support of the development proposal.*

**Trip Rates**

*The trip rates used by the developer to estimate the number of vehicle movements that the proposal would generate are considered to be on the low side. LCC Highways recommend the use of robust NW Preston trip rates for residential developments across the county. However, the difference in the number of trips would be relatively low in 32 trips in the peak hour as compared to the developers 26. As there are no highway capacity issues in the area the difference in trip rates will not lead to any highway capacity issues.*

**Road Safety**

*The TS identifies 3 injury accidents in the vicinity of the site and concludes that traffic from the development is unlikely to have a detrimental impact on road safety.*

*Any development that increases vehicle movements on the highway has the potential to impact on road safety, however, an appropriate level of highway mitigation is required from Phase 1 which would also mitigate the impact of this development. As such no additional highway mitigation is required.*

**Sustainable Travel**

*The TS identifies a number of local amenities which are within an acceptable walking distance from the site, however, employment opportunities are limited and as such other forms of travel need to be considered.*

*Whilst bus stops are close to the site the number and frequency of bus services at these stops means that travel by public transport would be extremely limited. To encourage public transport the frequency of bus services needs to be increased together with upgrading of local bus stops.*

**Access**

*The main means of access would be through the existing development (phase 1) and then onto Gorsey Lane. The standard of access at the junction of phase 1 and Gorsey Lane is acceptable to accommodate the additional traffic generated by this development (phase 2) without modification.*

*Pedestrian access to the site can be obtained via FP0919026, which links New Street to Tarnbreck Drive. There are sections of this route which need to be upgraded to ensure that is a safe and attractive route for pedestrians.*

**Layout**

*The internal layout of the site is generally acceptable and suitable for adoption under a s38 agreement. The proposed level of car parking is acceptable.*

**Highway improvements**

*In order for the development to be acceptable in highway terms the following should be delivered through a s278*

- *resurfacing of FP0919026 between New Street and Tambreck Drive*
- *upgrading the south bound bus stop on New Street outside the Red Lion PH.*

**S106 Contributions**

*Paragraph 57 of the National Planning Policy Framework (NPPF) and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended) set tests in respect of planning obligations. Obligations should only be sought where they are:*

- *necessary to make the development acceptable in planning terms;*
- *directly related to the development; and*
- *fairly and reasonably related in scale and kind to the development.*

*In order to make this development acceptable to LCC Highways a number of mitigation measures are required. These measures are to be delivered through a combination of S278 highway improvement works (secured through appropriate planning conditions) and s106 contributions (secured through an agreement or Unilateral Undertaking).*

*LCC Highways requests that the following monies be secured*

- *Sustainable Travel Contribution of £50,000 per annum for 5 years (total £250,000)*

*The following sets out how each contribution meets the tests.*

*A contribution of £50,000 per annum for 5 years (total contribution £250,000) is sought to provide improved bus services along the New Street linking the development site with Chorley. The current service 337/347 operates hourly Monday to Saturday but lacks Sunday and evening services. Any monies would be used to increase frequency (particularly peak hour), extend the hours of operation into the evenings and provide Sunday services.*

*necessary to make the development acceptable in planning terms:*

*The provision of a financial contribution in respect of sustainable transport is necessary to promote and encourage the use of sustainable modes of travel and conform with Chapter 9 (Promoting Sustainable Transport) of the NPPF.*

*Applications for development should facilitate access to high quality public transport (para 112).*

*As such the Sustainable Travel Contribution is considered to meet the test.*

*directly related to the development:*

*The occupants of the development would be in an area where the walking distances to the nearest amenities, are not in line with widely accepted standards and as such there will be a greater demand on public transport. Without improving public transport provision there will be a greater reliance on the private car limits the attractiveness and accessibility to sustainable transport.*

*As such the Sustainable Travel Contribution is considered to meet the test.*

*fairly and reasonably related in scale and kind to the development.*

*Lancashire County Council (LCC) Highways' Bus Service Contributions requests are determined on a case-by-case basis having regard to;*

- i. LCC Public Transport comments, which consider recent tenders for similar services;*
- ii. Previous requests for contributions to ensure reasonableness and consistency*

*As such the Sustainable Travel Contribution is considered to meet the test.*

**Highway Comments**

*An independent review of the development proposal was undertaken by Tetra Tech in January 2023, which concluded that the cumulative impact of car traffic generated by the development proposals would not be severe and supports the need to increase evening and weekend bus services.*

*Consultants for the developer provided a technical note in response to the independent review in which no issues other than the contribution towards public transport is not agreed. LCC Highway still contend that the contribution towards public transport is still necessary and meets the cil tests (detailed above). Without adequate public transport in the area any development of significant scale would be car orientated and fail to meet the requirements of the NPPF.*

**Conclusion**

*The development proposal is acceptable to LCC Highways subject to the developer entering into a s106 for Sustainable Transport Improvements (Bus Service improvements) and planning conditions."*

98. After the above response was received, the applicant entered into protracted negotiations with LCC Highway Services and agreed to a lower sum for bus service improvements of £15,000 per annum for 5 years. In summary, the highways mitigation measures agreed with the applicant are as follows:
- £15,000 per annum for improved bus services, for 5 years
  - resurfacing of FP0919026 between New Street and Tarnbreck Drive
  - upgrading the south bound bus stop on New Street outside the Red Lion PH.
99. 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 contribution. The other measures would be delivered by a S278 agreement under the Highways Act 1980.

Public open space

100. Policy HS4A and HS4B of the Chorley Local Plan 2012 – 2026 - Open Space Requirements in New Housing Developments explains that all new housing developments will be required to make provision for open space and recreation facilities, where there are identified local deficiencies in the quantity, accessibility or quality and/or value of open space and recreation facilities. The requirements for the proposed development are as follows:

*Amenity Greenspace:*

101. There is currently a deficit of provision in Croston, Mawdesley & Euxton South 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 0.09636 hectares. A maintenance cost of £38,500 is also required for a 10 year period if private maintenance is not proposed.

*Provision for children/young people:*

102. Local Plan Policy HS4A sets a standard of 0.08 hectares per 1,000 population.
103. There is currently a deficit of provision in Croston, Mawdesley & Euxton South 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.

*Parks and Gardens:*

104. There is no requirement to provide a new park or garden on-site within this development.
105. There are no parks/gardens within the accessibility catchment (1,000m) of this site identified as being low quality and/or low value in the Open Space Assessment Report (February 2019)/Open Space Study Paper (February 2019) therefore a contribution towards improving existing provision is not required.

*Natural and Semi-Natural Greenspace:*

106. There is no requirement to provide new natural/semi natural greenspace on-site within this development.
107. 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 Assessment Report (February 2019)/Open Space Study Paper (February 2019) therefore a contribution towards improving existing provision is not required.

*Allotments:*

108. There is no requirement to provide allotment provision on site within this development.
109. 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:*

110. 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.

111. The total financial contribution required from this development is as follows:

Amenity greenspace	= £38,500 (if not privately maintained)
Equipped Play Area	= £7,370
Parks/Gardens	= £0
Natural/semi-natural	= £0
Allotments	= £0
Playing Pitches	= £87,945
<b>Total</b>	<b>= £133,815 (£95,315 if greenspace is privately maintained)</b>

112. The on-site amenity greenspace provision and the financial contributions have been agreed by the applicant and could be secured by way of a s106 legal agreement. Subject to securing the above, the proposed development would accord with Chorley Local Plan policy HS4 A and B.

Drainage and flood risk

113. Core Strategy Policy 29 (Water Management) 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.



114. The site lies in Flood Zone 1, as defined by the Environment Agency Flood Maps for Planning. Flood Zone 1 has the lowest probability of flooding (from rivers or sea) and residential development is appropriate in flood zone 1 in terms of the flood risk vulnerability classification as set out in the Planning Practice Guidance at Table 3.
115. The application is accompanied by a Flood Risk Assessment and Drainage Management Strategy and United Utilities and the Lead Local Flood Authority (Lancashire County Council) have been consulted on the proposals. Neither consultee has raised any objection to the proposed development and have recommended drainage conditions.
116. The primary potential flood risk source to the site is from surface water. The risk associated with surface water would be reduced and sustainably managed post-development, following the implementation of mitigation measures proposed.
117. Due to the relatively low flood risks identified, the principal focus is on the sustainable management of surface water run-off to ensure no increased flood risk results from the development. The surface water discharge options have been assessed in accordance with the sustainable drainage hierarchy. Based on the online datasets, soil characteristics, and the surface water management method implemented for Phase 1, infiltration will not offer a possible means of managing surface water run-off generated by the site.
118. The next method in the sustainable drainage hierarchy is discharge surface water run-off generated by the proposals to a nearby watercourse. The nearest watercourse is an unnamed Ordinary Watercourse located adjacent to the southern boundary of Phase 2. The proposals are therefore to mimic the existing situation and discharge surface water run-off from site post-development into the Ordinary Watercourse located adjacent to the southern boundary of the site. Detailed design would need to be carried out to confirm whether a site wide gravity solution can be achieved., with an attenuation basin located in the south east corner of the site. This would be dealt with by pre-commencement planning conditions suggested by the technical consultees for drainage.
119. Having regard to the advice obtained from the United Utilities and the Lead Local Flood Authority, it is considered that satisfactory drainage of the proposed development could be secured by way of conditions.

#### Affordable housing

120. Core Strategy policy 7 (Affordable and Special Needs Housing) sets down the approach to the delivery of affordable and special needs housing:
- “Subject to such site and development considerations as financial viability and contributions to community services, to achieve a target from market housing schemes of 30% in the urban parts of Preston, South Ribble and Chorley and of 35% in rural areas on sites in or adjoining villages.....”*
121. The proposed development includes 35% affordable on-site provision which is in accordance with Core Strategy policy 7. This equates to 19 affordable housing units in total, of which 70% (13 units) would be social rented and the remaining 30% (6 units) would be intermediate affordable housing. The breakdown is as follows:
- Social Rented:
- 7 x 2-bed house  
6 x 3-bed house
- Shared Ownership (Intermediate affordable housing):
- 6 x 3-bed house

122. Whilst the above identified house type mix does not accord with Council's usual requirements, the applicant has forwarded correspondence from a Register Provider of affordable housing stating they would be happy to take on the proposed dwellings. Therefore, subject to the affordable housing provision being secured by way of a s106 legal agreement, the proposal accords with Core Strategy policy 7.
123. 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 is afforded significant weight in the planning balance, as identified in recent appeal decisions.

#### Sustainability

124. 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 1<sup>st</sup> 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.”*

125. Given this change, instead of meeting the code level, the Local Planning Authority required that dwellings should achieve a minimum dwelling emission rate of 19% above 2013 Building Regulations in accordance with the transitional provisions. Building Regulations 2022 have now been brought into force and under Part L require a 31% improvement above 2013 Building Regulations. This exceeds the Council's previous requirement and now supersedes the requirement for a planning condition.

#### Employment skills provision

126. 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

127. For housing developments which exceed 30 units, 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

128. An employment and skills plan could be secured by way of a planning condition.

#### Community Infrastructure Levy

129. 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.

#### Planning balance

130. 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.

131. The adverse impacts of the development relate to conflict with Policy BNE10 of the Chorley Local Plan due to tree loss and conflict with the development plan strategy for the area, born out through Policy 1 of the Central Lancashire Core Strategy. Mawdesley is not identified as a Rural Local Service Centre, and therefore criterion (f) of Policy 1 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. The proposed development of 55 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. Despite this, it is not considered that the site is located in an unsustainable location as Mawdesley benefits from a range of local services.

132. 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.

133. The scheme would deliver a policy compliant level of affordable homes to the area of which there is a significant shortfall across the Borough. The new affordable dwellings would provide homes for real people in real need, and therefore significant weight should be attached to this benefit.
134. 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, significant weight can be given to the social benefits the proposal would deliver.
135. The provision of open space and its ongoing management and maintenance, the contributions to school places and delivery of a net-gain in biodiversity are neutral considerations because they are needed to make the development acceptable.
136. Although Mawdesley has limited facilities reflecting its lowly position in the settlement hierarchy, there are shops, a pub, post office, a Primary School and other amenities within walking distance of the site. Mawdesley is also served by public transport with bus connections on Gorse Lane, New Street, Smithy Lane and High Street. The proposal would deliver improvements to the local highways network which would be secured by a S278 agreement and bus service improvements via a S106 agreement.
137. Whilst, the private vehicle would likely be used for many journeys to supermarkets, doctor appointments etc, alternatives exist and journeys to access services would not be long. The proposal includes some enhancements to sustainable transport options.
138. 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.

## **CONCLUSION**

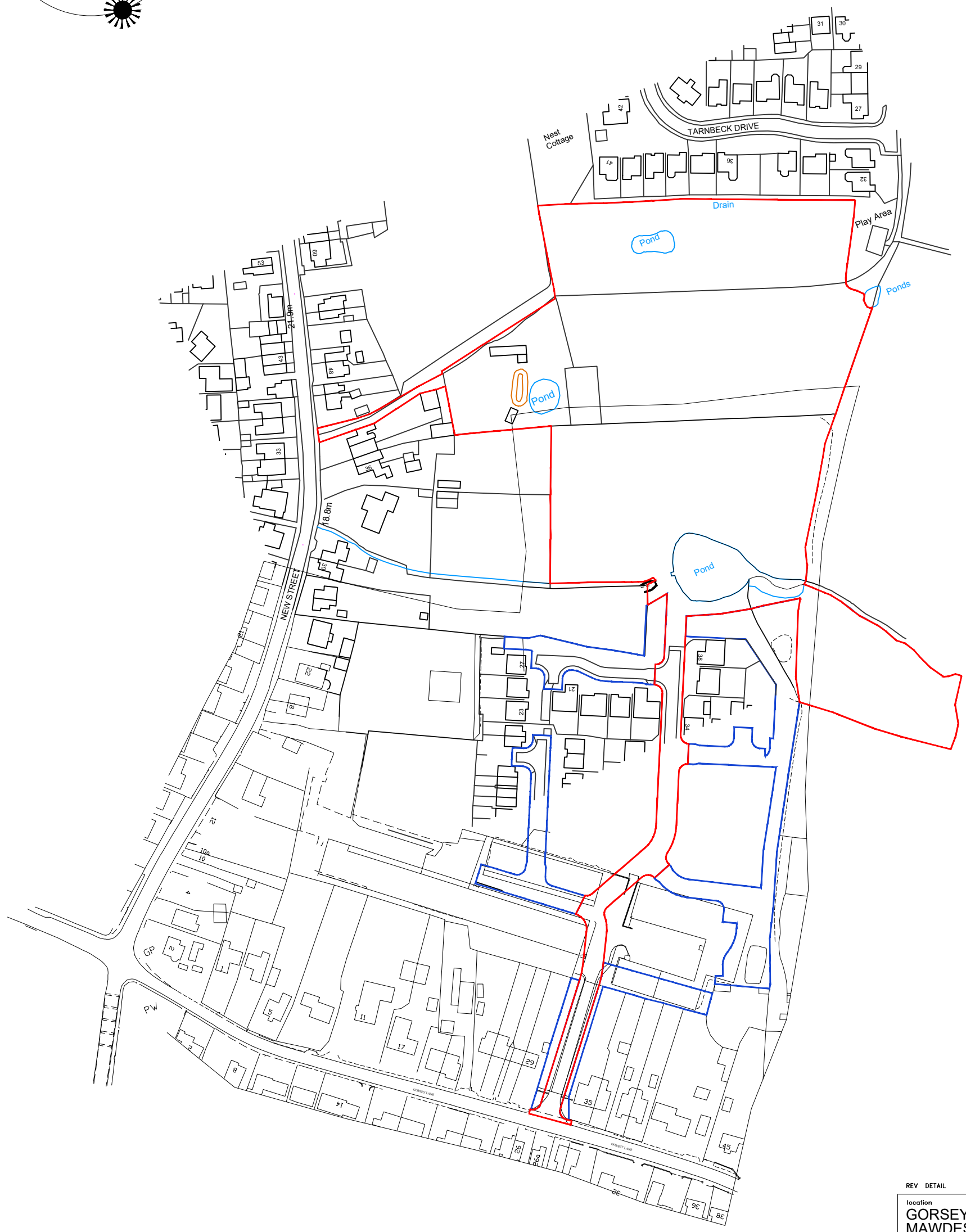
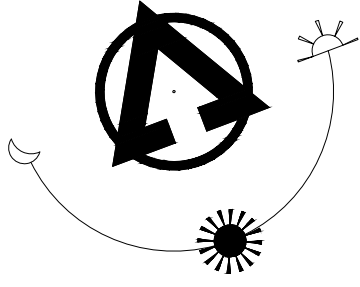
139. The adverse impacts of the proposed development relating to the conflict with policies BNE10 of the Chorley Local Plan and policy 1 of the Core Strategy would not significantly and demonstrably outweigh the moderate economic and significant social benefits that the scheme would deliver.
140. It is, therefore, recommended that the application is approved subject to conditions and a S106 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.

## Suggested conditions

To follow.

# GORSEY LANE, MAWDESLEY - PHASE 2



REV	DETAIL	DATE
location <b>GORSEY LANE, MAWDESLEY</b>		
title <b>PHASE 2 - LOCATION PLAN</b>		
scale 1:2000	size A3	drawn by JHL
checked by --	date 19/07/2022	
drawing no. <b>GORSEY-PH2 -LP01</b>		rev -



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**APPLICATION REPORT – 23/00402/FULMAJ****Validation Date: 18 May 2023****Ward: Chorley North West****Type of Application: Major Full Planning****Proposal: Erection of five storey building comprising 24no. apartments (Class C3) with ancillary accommodation including refuse and cycle storage, plant rooms and enclosures, and car parking****Location: Land To The East Of Sumner House Dole Lane Chorley****Case Officer: Mr Iain Crossland****Applicant: Mr Paul Preston Bare Capital Ltd****Agent: Nick Moss Architects****Consultation expiry: 11 September 2023****Decision due by: 17 November 2023 (Extension of time agreed)**

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**RECOMMENDATION**

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

**SITE DESCRIPTION**

2. The application site is a vacant plot of land that has been used for the parking of cars on an informal basis. The site is surfaced in loose material and is a level featureless area of open ground located in Chorley Town Centre. The locality itself is characterful with a range of different design styles and scales of development from traditional terraced buildings to relatively tall blocks of development.
3. The site is positioned on the opposite side of the highway from an open square, beyond which is the magistrates' courts building with the police station and town hall either side of the square. The sandstone faced town hall is of a traditional design style and is of significant scale, whilst the seven storey police station and magistrates' courts buildings are of a modern brutalist style faced in concrete. Either side of the application site are the sandstone faced Rose and Crown public house to the east, which is a three storey building and the red brick Sumner House to the west, which is a more recent development displaying a palette of both traditional and more contemporary design details and is a taller building of 5 storeys. To the south of the site is a small terrace of traditional design properties faced in red brick. Opposite the row of terraces on Dole Lane is the Edwardian Chorley Little Theatre Company. The application site occupies a prominent position within this context sharing a frontage with St Thomas's Road and also Dole Lane.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

4. This application seeks full planning permission for the erection of a five storey building comprising 24no. apartments (Class C3) with ancillary accommodation including refuse and cycle storage, plant rooms and enclosures, and car parking. The proposed building is of a modern design style and would be faced in light grey and dark grey brick with windows displaying a vertical emphasis. There would be parking spaces for 17 vehicles to the rear of

the site accessed from Foundry Street and a loading bay and landscaping to the east side of the building adjacent to Dole Lane.

## REPRESENTATIONS

5. One letter of objection has been received raising the following issues:
  - The impacts of noise and traffic movements on the operations of Chorley Little Theatre.
  - Potential for noise complaints from the occupiers of the proposed flats, which may then impact on the operations of Chorley Little Theatre.
  - The development will block lights to the windows of the theatre studio.
  - Negative effects from the development could impact on the viability of the theatre.
  - The design is out of character with the surrounding area.

## CONSULTATIONS

6. The Coal Authority: has no objection to the proposed development subject to the imposition of conditions.
7. Waste & Contaminated Land: is satisfied with the waste storage arrangements.
8. Lancashire County Council Highway Services: No highway objections are raised subject to the imposing of appropriate planning conditions.
9. Lead Local Flood Authority: The application will be acceptable subject to the inclusion of conditions.
10. Local Education Authority: An education contribution is not required at this stage in regards to this development.
11. United Utilities: No objections.
12. Regulatory Services - Environmental Health: I have considered the supporting acoustic assessment (Project Reference No: NP-009191) prepared by Nova Acoustics. I approve the methodology and findings of the report and recommend that the recommended action plan / noise mitigation measures are implemented. A construction method statement is recommended.

## PLANNING CONSIDERATIONS

### Principle of the development

13. 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 National Planning Policy Framework (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 and a wide range of amenities.
14. Chorley town is identified as a key service centre and the focus of growth and investments under Central Lancashire Core Strategy policy 1(b). Policy 11 of the Core Strategy focuses on retail and town centre uses and business based tourism. This states that retail and town centre uses will be delivered in the following ways that relate to Chorley:
  - c) *Maintaining and improving the vitality and viability of Chorley town centre by building on the success of the Market Walk shopping centre, through investing in further retail development, supporting a range of other retailers and services, as well as improving the centre's appearance and accessibility.*
  - f) *focusing main town centre uses in the defined town centres.*



15. The application site is within the core settlement area of Chorley 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.
16. Although the application site is within the town centre boundary, it is not within a primary or secondary shopping frontage and as such there are no specific policies that relate directly to the site itself. The Local Plan states at paragraph 6.30 that;  
*Chorley Town Centre will be the focus for new retail development. This will maintain and improve the vitality and viability of the town centre to fulfil its Key Service role. [...] The types of uses considered appropriate for town centres are set out in the Framework and include retailing, leisure, entertainment, office, arts, cultural and tourist facilities including hotels, all of which are sustained by good accessibility by a choice of means of transport.*
17. The role of town centres and their vitality levels have altered since the Local Plan was adopted in 2015, and it is widely recognised that town centres need to diversify away from a binary retail focus in order to maintain vitality. In order to support this the Government have legislated to allow for changes of use from various town centre uses to residential within the Town and Country Planning (General Permitted Development) (England) Order 2015 and have updated the Town and Country Planning (Use Classes) Order 1987 for the first time since 1987 to include a new class covering commercial, business and service uses to reflect these changes.
18. Alongside this the NPPG (Paragraph: 001 Reference ID: 2b-001-20190722) provides further information on maintaining town centre vitality, stating that:  
*A wide range of complementary uses can, if suitably located, help to support the vitality of town centres, including residential. [...] Residential development in particular can play an important role in ensuring the vitality of town centres, giving communities easier access to a range of services.*
19. This clearly demonstrates that opportunities to increase the immediate catchment of consumers within a town centre through residential development should be considered where appropriate. Although the application site occupies a prominent position within the street scene along St Thomas's Road the site itself is peripheral to Chorley town centre and is not an area in which retail use would be anticipated. The site detracts from the appearance of the locality in its current state and the proposed development provides an opportunity to improve the appearance of what is a key gateway to the town centre, whilst a residential development has the potential to increase the immediate catchment of consumers within the centre itself and thereby help to support vitality in the area, whilst also introducing greater natural surveillance to the benefit of town centre users.
20. On this basis, it is considered that the 'principle' of a residential development of the site is acceptable in compliance with the general thrust of the Chorley Local Plan 2012-2026, the Central Lancashire Core Strategy and the Framework.

#### Impact on heritage assets

21. The application site is not within a Conservation Area although it is relatively close to listed buildings, the closest being the grade II listed 35 St Thomas's Road to the west and The George public house to the east. The listed buildings are clearly separated from the application site by other buildings and are not set within the context of the application site.
22. The principle statutory duty under the P(LBCA) Act 1990 is to preserve the special character of heritage assets, which includes their setting. Local Planning Authorities (LPA's) should in coming to decisions consider the principal act which states the following;

Listed Buildings - Section 66(1) in considering whether to grant planning permission for development which affects a listed building or its setting, the 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. In this instance the key

heritage issue for the LPA to consider, in relation to proposed development is the impact of the proposal on the significance of the setting to the nearby designated heritage assets.

In determining planning applications LPA's 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.

23. The National Planning Policy Framework states the following:

P.199 states that when considering the impact of proposals on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be applied. This is irrespective of whether any harm is identified as being substantial, total loss or less than substantial harm to its significance.

P.200 states that any harm or loss of significance to a designated heritage asset (from alteration or destruction or from development within its setting) should require clear and convincing justification.

P.202 states that where a development will lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal.

24. The Central Lancashire Core Strategy policy 16 and Chorley Local Plan 2012-2026 policy BNE8 reflect this approach and support the protection of designated heritage assets.

25. To the north west of the site on the opposite side of St Thomas's Road is Chorley Town hall, which is locally listed and therefore a non designated heritage asset. The frontage to the Town Hall faces onto Market Street, whilst the rear of the building faces St Thomas's Square around which the Police Station and Magistrates Court are positioned. The setting of the Town Hall is already impacted by the brutalist Police Station in particular. The proposed building is not as tall as the Police Station or Sumner House and the scale and positioning of the proposed building is such that it would not adversely impact on the setting of Chorley Town Hall in this context.

26. It is considered that the proposed development is acceptable as it will preserve the appearance of the St Laurence's Conservation Area and the associated listed buildings and will therefore sustain the significance of these designated heritage assets.

27. In this regard the proposed scheme would meet the duty to 'preserve' as laid down by s.66 of the P(LBCA) Act 1990 and meet the objectives of Chapter 16 of the NPPF and Policy 16 of the Lancashire Core Strategy and Policy BNE8 of the Local Plan.

#### Design and impact on the character of the area

28. The application site is an open area of hard surfacing that is used for the parking of vehicles. Directly opposite the site is a public square, St Thomas's Square, with the edges of the square formed by the Town Hall to the east, the former Magistrates Court to the north and the Police Station to the west. The Magistrates Court and Police Station were completed in 1968 in a modernist / brutalist style. The Police Station has a dominating impact on the setting of the area as an imposing and uncompromising seven storey structure with cantilevered floors, an expressed concrete frame, light grey concrete facing blockwork, ribbon windows and dark grey window spandrels and cladding panels. On the opposite side of the Square is the sandstone Victorian Town Hall in an Italianate style with a rusticated base, and ashlar dressings around windows and entrances.

29. Directly to the west of the site is Sumner House, a five storey office building with brick facades constructed in 1990. This displays a mixture of traditional and contemporary details and was converted to residential use under permitted development rights in 2017.
30. Facing the site to the east, on the opposite side of Dole Lane is the Rose and Crown public house, which is a two to three storey building with rusticated sandstone facades and provides a traditional design style.
31. To the south of the site is a row of three properties in a two storey brick terrace. All three properties have now been converted from houses to alternative uses. No. 6 Dole Lane, the property adjacent to the site, is now an office. The middle property has been converted to a dental surgery and the property at the southern end of the terrace has been converted to hotel use.
32. Opposite the row of terraces on Dole Lane is the Edwardian Chorley Little Theatre Company, which is faced in red brick and tile with an attractive gable frontage. There are more functional elements either side of this frontage. Further away from the site the mixture of building styles, age and materials continues, but materials are predominantly red brick, interspersed with rendered masonry and a smaller number of stone buildings and stone terraces.
33. The proposal is for the erection of a five storey building that would contain 24no. apartments. The proposed building would be of a contemporary modern design style and would be of a simple angular design with a flat roof and features floor to ceiling window openings with a vertical emphasis, recessed windows from the outer face of the brickwork, dark grey facing brick to the ground floor with light grey brick to the upper floors, whilst the top floor would be recessed to provide penthouse apartments with open balconies, all of which help to break up the overall mass. The material finish would be generally reflective of the Police Station and Magistrates Court and would provide a contrast with the sandstone public house to the east and red brick Sumner House to the west, which would be a suitable approach providing a very clear distinction between the buildings rather than attempting to replicate a material finish.
34. The proposal is for a five storey block, the massing of which has been conceived in order to provide a height that is midway between that of the neighbouring buildings, which would achieve a graduation in building heights along St Thomas's Road and is a logical design response that would result in a harmonious scale of development. To the opposite side of St Thomas's Road is the public square of St Thomas's Square.
35. The proposed scale and massing of the St Thomas's Road elevation would provide an enclosure to this space at a scale that is fitting for the civic setting, which would provide a positive relationship with this space and would provide natural surveillance over the space. In contrast, the massing of the Foundry Street and Dole Lane elevations is fragmented into lower elements of contrasting materials and forms in response to the reduced scale of the buildings to the south of the site. This provides a sympathetic response in the context of the scheme and is well thought through.
36. The building entrance would be located on Dole Lane, which is a narrow street, and the building would be set back away from the highway boundary making space for the drop off area, footway, steps, paths, raised planting beds and other landscape works around the building entrance. Setting the building line back from the highway edge allows for a greater degree of separation from the characterful Rose and Crown public house, whilst there are also windows in this side elevation, which provide interest and natural surveillance. The gap between the building and highway provides the opportunity to include two raised planting beds, which would be formed in brickwork and a surface level bed adjacent to the main entrance on Dole Lane. These would be filled with planting consisting of a mixture of ornamental grasses with complementary herbaceous perennials and shrubs and would introduce greenery at street level, which would help to form a defensible space by the building entrance, whilst softening the development and improving the degree of liveability for future residents.

37. Overall, the scale and design of the proposed development would complement the scale of development in the area and would provide a suitable contrast that would not harm the character of the area and would be a contemporary addition that would support the ambitions for the continued development of the Town Centre. The development has the potential to support the more extensive use of St Thomas's Square as a public space and would provide patronage to the Town Centre adding to the vitality of the area. It is therefore considered that the proposed development would comply with policy BNE1 of the Chorley Local Plan 2012-2026.

#### Impact on neighbour amenity

38. The proposed building would be located immediately adjacent to the residential apartment building at Sumner House to the west. There are no windows in Sumner House facing the application site and the two buildings would be parallel. As such there would be no impact on outlook, privacy or light to the occupiers of these dwellings. Other surrounding properties are commercial, civic or non residential. As such there would be no impact on any residential occupiers.
39. It is noted that concerns have been raised on behalf of Chorley Little Theatre, in relation to impacts of noise from the apartments and its construction on the activities of the theatre and the potential impact of noise from the activities of the theatre on the amenity of the future occupiers of the proposed apartments. The applicant has provided a noise assessment in support of the application, which has carried out an assessment of likely impacts of noise on the amenity of future occupiers based on external noise from the theatre and public house amongst other sources.
40. The assessment found that external noise levels exceeded the guidance for use of windows that are 'Rarely Open' which means that windows cannot be used for the primary means of ventilation on any façade and an alternate ventilation strategy is required that is capable of a higher rate of ventilation. It is advised that a mechanical extract ventilation system should be installed to provide 'Whole Dwelling Ventilation' in accordance with Building Regulations Approved Document F. It is understood that continuous MEV extract fans installed in accordance with the specified trickle ventilators to allow the ingress of fresh air will be adequate. The Council's Environmental Health Officer has reviewed the report and accepts the methodology and findings. The EHO recommends that the action plan / noise mitigation measures identified are implemented, and it is recommended that this is secured by condition.
41. As regards noise from the apartments, it is not anticipated that these would result in undue noise as residential development are inherently quiet and low impact. The construction activities themselves do of course have the potential to generate noise and disturbance that could affect the operations of the theatre and others therefore it is recommended that a construction management plan and method statement be secured by condition. In terms of light impacts on the studio used by the theatre the proposed building would be positioned to the north west of the studio and this relative positioning and the degree of separation are such that it is not considered any undue loss of light would occur.
42. Finally the proposed development would provide accommodation that meets the nationally described space standard set out in the Technical housing standards document published by the government in 2015.
43. Overall it is considered that the proposed development would comply with policy BNE1 of the Chorley Local Plan 2012-2026 as regards the impact on neighbouring property.

#### Impact on highways/access

44. Lancashire County Council (LCC) as the Local Highway Authority (LHA) is responsible for providing and maintaining a safe and reliable highway network. With this in mind, the present and proposed highway systems have been considered by LCC and areas of

concern that potentially could cause problems for the public, cyclists, public transport, motorists and other vehicles in and around the area have been identified.

45. The proposed development seeks full planning permission for the erection of a five storey building comprising 24 apartments (17 one bed and 7 two bed) with ancillary accommodation including refuse and cycle storage, plant rooms and enclosures, and car parking (17 spaces).
46. The main access to the building is from Dole Lane. The proposed car parking spaces are accessed off Foundary Street, with 24 cycle spaces to be provided inside the building and 8 adjacent to the building on Dole Lane. It is also proposed to create a loading bay on Dole Lane.
47. A Transport Statement has been produced in support of the application, which has been assessed by LCC. The site is within Chorley town centre and as such it is regarded as a highly sustainable location where residents would not be dependent upon car borne transport. As such LCC Highways do not raise any objections to the proposed level of car parking.
48. Given that it is a highly sustainable location vehicle trips to and from the site would be relatively low and would not have an impact on highway capacity. Dole Lane was closed when Covid restrictions were in place allowing the Rose and Crown public house to utilise the area as an outdoor seating area. Now that Covid restrictions have been lifted there is no highway reason as to why Dole Lane cannot be re-opened to vehicular traffic.
49. The creation of a loading bay on Dole Lane can be supported as both the proposed development and the Rose and Crown could benefit from its establishment should Dole Lane re-open. In creating a loading bay the limits of the adopted highway will need to be increased to provide safe pedestrian access between the loading bay and the development. The exact limits as to what will become highway will need to be agreed, however, the site plan shows that there is sufficient land available to meet with LCC's requirements. The amendments to the highway would need to be carried out under a s278 agreement.

#### Drainage

50. The application site is not 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.
51. 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.
52. A flood risk assessment and drainage strategy has been submitted in support of the proposed development and sets out that surface water runoff from the development site will be captured and managed wholly within the development. The proposed surface water drainage strategy will deal with rainfall falling on the site and therefore the site is not deemed to be in surface water flood risk.
53. Currently, surface water runoff is understood to be collected by gullies and drains within the surrounding highways, and discharges from the site via the combined sewer at unrestricted rates. A proposed drainage strategy will seek to employ SuDS features to provide attenuation and introduce flow controls. The Lancashire Sustainable Drainage Systems (SuDS) Pro-forma advises that for previously developed sites, the peak runoff rate from the

development to any drain, sewer or surface water body must be as close as reasonably practicable to the greenfield runoff rate for 1 in 1 year and 1 in 100 year rainfall events. Due to the low greenfield runoff rate resulting from the small size of the site, it is proposed the surface water is discharged at a minimum of 2l/s.

54. The proposed drainage strategy would comprise permeable (or pervious) pavements in the car park to the south of the building to provide attenuation storage. Rain gardens will also be considered as part of the strategy as a receptor for surface water runoff and rainwater pipes from the building, though their proposed use is subject to feasibility and detailed design. It is proposed that surface water is discharged into the existing combined sewer, as the higher priority options set out in the NPPG have been discounted as it is not possible to achieve any of options 1 to 3.
55. Storage requirements for the proposed development have been preliminarily calculated based on the parameters of the design details outlined in Section 5.5 of the report, for a 1 in 100 Year Critical Storm with allowance for 45% climate change; using FSR rainfall methodology. Using the quick storage estimate tool in Source Control, it was calculated that a storage between 32m<sup>3</sup> and 51m<sup>3</sup> is required. Therefore at this stage, an average attenuation requirement of 41m<sup>3</sup> has been assumed. Attenuation storage would be provided within the subbase of the permeable carpark. The average estimate is used to inform the preliminary drainage strategy proposals and is subject to detailed design.
56. Overall, the development is not expected to have a detrimental impact on flood risk in the area. Furthermore, the proposed development provides a betterment on the existing brownfield runoff rates and is expected to reduce the probability of flooding post-development both on-site and in the immediate vicinity through the use of SuDS to attenuate surface water runoff and flow control measures. This strategy has been verified by the LLFA who raise no objection subject to the provision of a Final Surface Water Sustainable Drainage Strategy, which is recommended be required by condition.

#### Archaeology

57. The proposed development lies within the limits of the medieval town of Chorley as depicted in the Chorley Historic Town Assessment Report (2006) Figures 10a + b. The Borough was founded in 1253 and by 1287 there were 90 burgages recorded in the town. The town, although a planned one, was however not a success, and medieval settlement is therefore considered likely to have centred round the Church and market. The former market cross extant in 1653 (Lancashire Historic Environment Record PRN 882), once stood directly across the road from the development site in St Thomas Square, until its destruction in 1874. No.'s 35 & 37 St Thomas's Road, a grade II listed cruck-framed building (PRN 8659), shows settlement in the area by the late 17th century, whilst a building can be clearly seen on the site's St Thomas's Road street frontage on "Chorley in 1769 from a map in the possession of John Stanton, Esq." <https://www3.lancashire.gov.uk/environment/oldmap/others/chorboth.gif>. The 1st Edition 1:10560 Ordnance Survey (Lancashire Sheet 77, surveyed 1844-7) shows the whole of the site built over, possibly by buildings associated with the adjacent Foundry (PRN 19554), but more probably a number of domestic properties as shown on the 1st Edition 1:2500 Ordnance Survey (Lancashire Sheet 77.12, surveyed 1889).
58. The site is therefore considered to have the potential to contain surviving archaeological deposits associated with the medieval, Post-medieval and/or later periods. Later development of the site is considered likely to have caused damage to, or the destruction of, earlier deposits. It is therefore advised that pre-determination archaeological evaluation of the site is not necessary, but rather that the applicants be required to undertake a programme of archaeological investigation and recording, and that such work should be secured by means of a condition.

Affordable housing and public open space requirements

59. Policy 7 of the Core Strategy requires 30% affordable housing to be provided on sites of 15 or more dwellings, or 0.5 hectares in size (which this is), in urban areas such as this. No on-site provision has been identified by the applicant.
60. The proposed development would generate a requirement for the provision of public open space in line with policies HS4a and HS4b of the Chorley Local Plan 2012 – 2026 and the Open Space and Playing Pitch SPD.
61. However, some critical viability issues affecting the deliverability of the development have been identified. A viability assessment has been submitted by the applicant demonstrating that no contributions are possible as the profit margin to the developer would be limited to the point where the possibility of obtaining development finance would be severely restricted. As a result there would be no incentive to deliver the scheme. The viability case has been considered by the Council's viability consultant. They have confirmed that the proposed development would not be capable of supporting any of the necessary planning obligations required by local policies. It is therefore recommended that the viability case is accepted and that no contributions can be supported in this instance. The development is therefore considered acceptable without such contributions under the circumstances, when balanced against the benefits of the proposed development on the site in question.

**CONCLUSION**

62. It is considered that the proposed development accords with the aims of policies within the Framework Central Lancashire Core Strategy and the Chorley Local Plan 2012 – 2026 that seek to achieve sustainable development and support the vitality of the town centre. There would be no unacceptable detrimental impact on the amenity of neighbouring occupiers or the appearance and character of the area as a result of the proposed development. In addition the development is located in a sustainable location and would not have an unacceptable impact on highway safety. On the basis of the above, it is recommended that planning permission be granted.

**RELEVANT HISTORY OF THE SITE**

**Ref:** 88/00718/FUL **Decision:** PERFPP **Decision Date:** 18 October 1988

**Description:** Erection of a Portakabin for Temporary Period

**Ref:** 84/00225/FUL **Decision:** REFFPP **Decision Date:** 6 August 1984

**Description:** Application for renewal of temporary permission for rifle range and erection of toilet block and store

**Ref:** 18/01050/FUL **Decision:** PERFPP **Decision Date:** 17 January 2019

**Description:** Installation of camera and column, camera cabinet, pay and display machine, signage poles, fixed hoop barriers and traffic poles to facilitate the provision of a car park management system.

**Ref:** 18/01051/ADV **Decision:** PERFPP **Decision Date:** 17 January 2019

**Description:** Application for advertisement consent for the display of 7no. non-illuminated pole mounted signs.

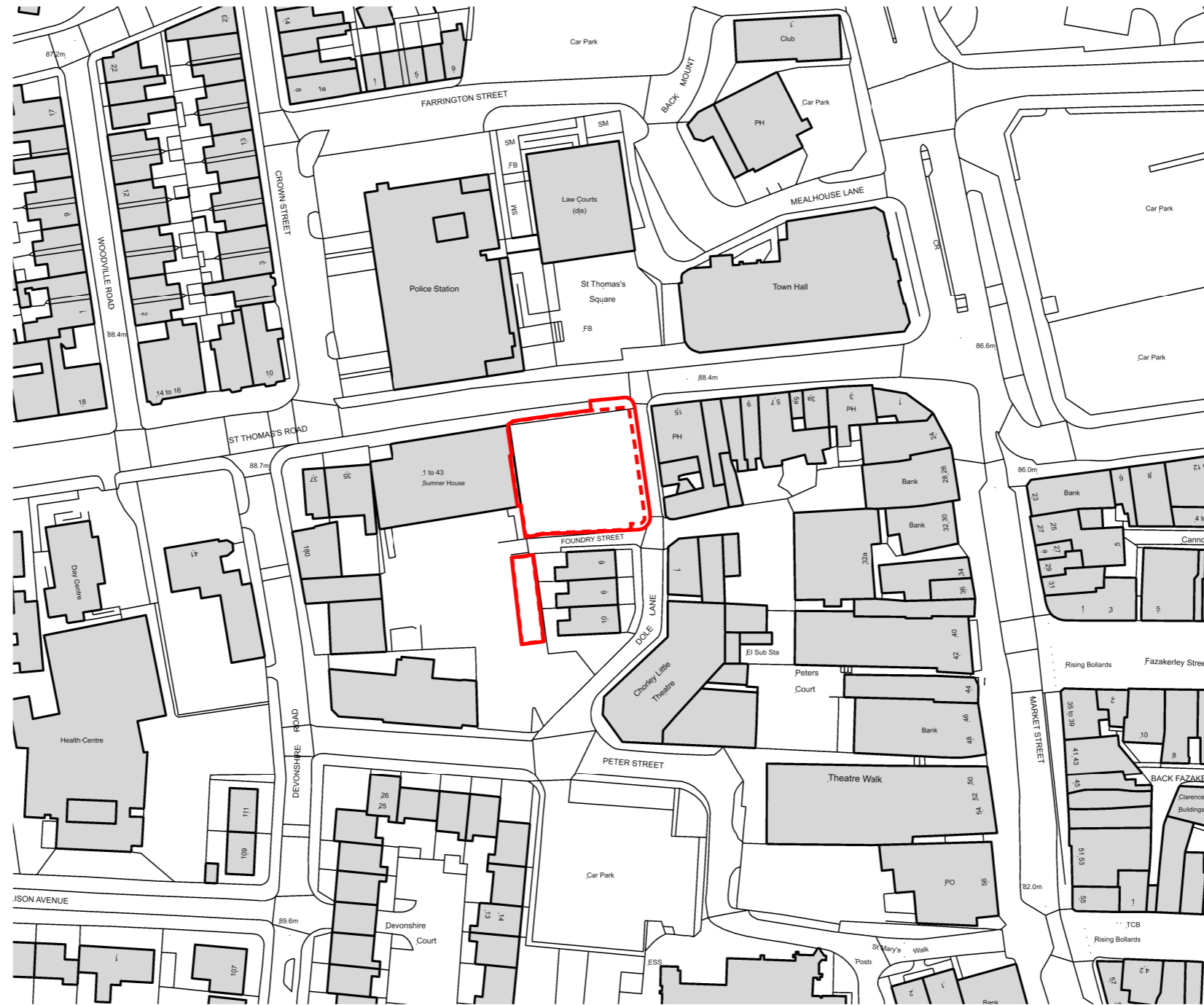
**Ref:** 20/01259/OUT **Decision:** PERFPP **Decision Date:** 1 February 2021

**Description:** Outline application for residential development (with all matters reserved)

**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.





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revisions + notes:  
 Rev P1 02.05.2023 Planning application issue

— Planning application boundary  
 - - - Applicant title boundary



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**APPLICATION REPORT – 23/00523/FUL**

**Validation Date: 30 June 2023**

**Ward: Adlington And Anderton**

**Type of Application: Full Planning**

**Proposal: Erection of first floor extension to main pet shop, erection of first floor extension to existing flat roofed portion at no 52, demolition of outbuildings and erection of single storey food store along with parking provisions**

**Location: Adlington Pets 52 Market Street Adlington Chorley PR7 4HF**

**Case Officer: Mrs Hannah Roper**

**Applicant: Mr Anthony Brown**

**Agent: PCE Designs Ltd**

**Consultation expiry: 31 October 2023**

**Decision due by: 16 November 2023 (Extension of time agreed)**

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**RECOMMENDATION**

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

**SITE DESCRIPTION**

2. The application relates to Adlington Pet Centre, an established commercial business on Market Street, Adlington. The property comprises a terraced unit at 52 Market Street which has a single storey flat roofed extension to the rear used for shop storage and a single storey flat roof structure located to the southwest of the terraced unit and accessed via gas street and with parking to its frontage. To the eastern boundary are two small storage units.
3. The property is located within the settlement area of Adlington, but outside the defined district centre. It is a mixed-use area with residential units directly to the south and eastern boundary, Adlington South Business Park on the opposite side of Market Street and Jubilee Playing Fields directly to the west.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

4. The application seeks planning permission for the following:
  - i. First floor extension above an existing single storey extension to the rear of no. 52 Market Street. This would measure approximately 5.7m in width, 10.3m in depth, with a maximum ridge height of 7m with a hipped roof and is proposed for storage.
  - ii. First floor extension to the existing main shop building along the western boundary of the site, measuring approximately 25m in width at its frontage and 26m at the rear, due to the irregular shape of the building. The extension would have a dual pitched roof with an eaves height of approximately 5m and a ridge height of approximately 7m. A pitched roof with a maximum height of 3.6m would be added to a small remaining single storey element of the building at the southern end.

- iii. The existing storage buildings to the rear of the properties at 54-58 Market Street would be demolished and replaced with a single building. This would be located in a similar location and would have a footprint of approximately 10m x 4m with a mono pitched roof of approximately 2.3m in height at the rear, nearest the dwellings, and 3m at the front.
  - iv. Amendments to the car park would see it laid out formally to provide 13 spaces and 1 disabled space.
5. The application has been amended since its initial submission at the request of the case officer to pull the first floor back slightly so to comply with the Council's recommended minimum interface distance with the dwellings on Oxford Street and to change the parking layout.

## REPRESENTATIONS

6. Seven letters of objection have been received from three addresses (three to the original plans and four to the amendments) raising the following issues:
- Big impact to properties on Oxford Street and Market Street.
  - Privacy and views would be impacted.
  - Increase in height of the building would overlook garden and give views directly into properties.
  - Loss of view of the green space to the rear.
  - Increased noise levels during the construction period and then during operation hours.
  - Loss of light to homes and gardens.
  - Decrease of property values is significant.
  - Negative impacts on mental health.
  - There would be insufficient space to park.
  - This is a residential area. Businesses should be redirected elsewhere.
  - Increase in vermin with more food storage.
  - Previous application rejected.
  - Objections to the length of the re-consultation period.
  - The application form is incorrect as it has been declared that there are no trees on any neighbouring sites.
  - There is a purpose-built business park opposite.

## CONSULTATIONS

7. Lancashire Highway Services – no objection subject to the removal of two parking spaces proposed.
8. Adlington Parish Council – no objection
9. CIL Officers – proposal is CIL liable.
10. Canal & River Trust – no comments received.

## PLANNING CONSIDERATIONS

### Principle of development

11. The application seeks planning permission to add first floors to the existing shop unit and the existing storage area to the rear of number 52 Market Street and to replace the existing food storage buildings with a new building.
12. Retail units fall within the definition of a 'main town centre use' at Annex 2 of the National Planning Policy Framework. Paragraph 87 of the Framework states that: '*Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town*

*centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.'*

13. Paragraph 90 of the Framework, however, states that *'When assessing applications for retail and leisure developments outside town centres, which are not in accordance with an up to date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default is 2,500m<sup>2</sup> of gross floorspace).'*
14. Chorley Local Plan policy EP9 (Development in Edge of Centre and Out-of-Centre locations) provides that outside the town, district and local centres, change of use and development for small-scale shopping and town centre uses will be permitted where:
  - a) The proposal meets a local need and can be accessed in its catchment by walking, cycling and public transport; and
  - b) Does not harm the amenity of an adjacent area; and
  - c) The Sequential Test and Impact Assessment are satisfied setting out how proposals do not detract from the function, vitality and viability of the borough's hierarchy of centres.
15. The provision of retail space would be considered a main town centre use. Where they are proposed outside of the main town centres but below 2,500m<sup>2</sup> in floor space, a sequential test should be submitted to support the application.
16. The supporting text to policy EP9, however, provides that there will be instances where small local shops and other town centre uses will be desirable outside the borough's identified centres and retail hierarchy. Such proposals will be necessary to meet a local need which cannot be provided for in Town, District or Local Centres and generally be accessible to local communities by walking, cycling or public transport.
17. The original application for a pet shop on the site was granted in 1986. The use of the site as a pet shop is therefore clearly well established and has evolved and expanded over time, now requiring further space for expansion.
18. The use of the site, which includes the sale of animals has adapted to accommodate this which requires significant space, specialist conditions and parking which would perhaps not be best suited to a town centre environment. Whilst not in the town centre, the unit is surrounded by a mix of development including commercial uses, a café, car wash and petrol filling station as well as the purpose-built business park on the opposite side of Market Street.
19. The site is in a sustainable location, with parking available within the yard to the frontage and bus services available along Market Street directly to the front of the site. The application also seeks to regularise the parking layout at the system including the provision of a disabled bay.
20. Overall, whilst the site is outside of the defined centre, the current proposal is relatively small-scale and would not harm the function, vitality and viability of the defined centres due to its specialist nature and complies with the aforementioned policy.

#### Siting, scale and design on the character and appearance of the area

21. Policy BNE1 of the adopted Chorley Local Plan 2012 – 2026 considers that planning permission should be granted for proposals which do not have a significantly detrimental impact on the surrounding area by virtue of its density, layout, height, scale, massing, design, orientation and use of materials.
22. The proposed extensions would all be located within the site and set back from the main road frontage along Market Street. Glimpses of the buildings could be achieved along Gas Street, however the addition of the first-floor elements with pitched roofs are considered to

represent an improvement on the existing flat roofed buildings which appear to have evolved organically over time.

23. The first floor to the main pet shop would be viewed from the recreation space to the rear. At the current time the rear elevation is constructed of breeze blocks. The proposed first floor would be finished in composite cladding which would represent an improvement on the existing choice of materials. Given that views from the recreational area are currently of the rear elevations of the properties along this stretch of Mark Street it is not considered that the addition of the first floor, including pitched roof, would be detrimental to the surrounding area.
24. The proposed food storage unit would be located in the southeastern corner of the site and as such would be screened by the surrounding buildings and would not result in any detrimental impact on the locality.
25. On this basis it is considered that the proposal accords with Policy BNE1 of the Chorley Local plan and is acceptable in terms of the proposed design and appearance which is consistent with the character of the locality.

#### Impact on the amenity of neighbouring occupiers

26. Policy BNE1 of the Chorley Local Plan 2012-2026 states that planning permission will be granted for new development provided that, the development would not cause harm to any neighbouring property by virtue of overlooking, overshadowing or by creating overbearing impacts.
27. The site is surrounded by a variety of uses, including residential properties to the south, east and north. The impacts of each element of the proposal are considered below.
28. Considering the first-floor extension to the storage area at the rear of the terraced property of no. 52 Market Street. No.50 Market Street, the adjoining terraced dwelling to the north, has rear facing habitable room windows. The application property has a large existing two-storey projection to the rear with a blank 9m high wall along the common boundary with no.50, extending over 10m. This projection already extends over 8m beyond a 45-degree line drawn from the nearest habitable room window of no.50 and extends well beyond the small courtyard garden to the rear of No.50. The neighbouring property is also surrounded to the west and north with buildings associated with the neighbouring carwash.
29. The proposed extension would extend an additional 5m and would have a hipped roof 7m in height. Given the existing relationship between the two properties, it is not considered that the proposed development of the first floor at number 52 would result in a worsening of this relationship such that a refusal could be justified. On this basis the proposal is considered to be acceptable in relation to its potential impacts upon the residential amenity of the occupants of this property.
30. The proposed food store building would be located along the eastern boundary of the site, separated from the rear boundaries of the residential dwellings at 54 to 58 Market Street by a small alleyway. Two existing storage units are located in a similar position to the proposed building, currently extending a combined length of 14m with a gap of 0.9m separating them. They have a maximum eaves height of 2.4m along the common boundary. The proposed store would have a mono-pitched roof of height of 2.3m at the rear closest to the common boundary. Whilst the proposed roof raises to 3m in maximum height, this projects away from these dwellings and therefore the difference in terms of any impacts upon the occupants of these dwellings compared to the existing situation is negligible.
31. It should be noted that the separation distance between the existing units and the surrounding residential properties are already substandard, and the proposal would not worsen the existing situation, albeit it would unify the storage provision into one modern unit. On this basis, the relationship is considered to be acceptable.

32. Finally, considering the relationship between the proposed first floor shop element and the residential properties along Oxford Street. The dwellings are terraced properties separated from the application site by a rear alley.
33. The proposed first floor shop element would be squared off resulting in the closest point of the building, the southeast corner, being 2.8m away from the boundary of the nearest dwelling on Oxford Street and the southwest corner being 4.3m away.
34. Whilst no. 18 Oxford Street sits beyond the rear elevation of the shop and so would not be impacted by the proposal, the rear of nos. 14 and 16 face (at least partially and at an angle) the southern (side) elevation of the shop.
35. No. 16 has facing habitable room windows in a small ground floor extension and in that of the main dwelling. The window in the extension of the dwelling would maintain a distance of 12m to the side elevation of the proposed first floor shop extension, with the window in the main dwelling being further away. No. 14 has no rear facing windows in its ground floor extension. Given the angle between the first-floor element and these properties and the location to the north it is not considered that any impact on the occupants of these properties would be sufficient to substantiate a recommendation for refusal in this instance.
36. Concerns have been raised by local residents regarding loss of privacy as a result of the proposal. The nearest first floor window would be located in close proximity to the common boundary. To ensure there is no loss of privacy to neighbouring residents, a suitably worded condition could be utilised to ensure that this window is obscurely glazed.
37. With regard to issues of outlook and loss of views of the park from dwellings, it is acknowledged that there would be a change in the outlook of the surrounding properties however the loss of a view is not a material planning consideration.
38. Similarly, it is not the purpose of the Planning System to protect private interests such as property values. As such these are also not a material planning consideration and weight cannot be given to this in the assessment of the proposal.
39. In light of the above, it is not considered that the proposed development would result in any unacceptable impacts to the amenity to the occupants of surrounding dwellings and the proposal accords with Policy BNE1 of the Chorley Local Plan in this regard.

#### Highway safety

40. Policy BNE1 of the Chorley Local Plan 2012-2026 states that planning permission will be granted where the residual, cumulative highways impact of the development is not severe and would not prejudice highway safety, pedestrian safety, the free flow of traffic and would not reduce the number of parking spaces. It is noted that LCC Highway Services have raised no objection to the proposed development.
41. The proposal seeks permission for an extension to the existing retail unit. Lancashire County Council Highways have been consulted on the proposal and have raised no concerns in relation to highway safety, amenity or capacity, subject to the removal of parking initially proposed alongside no. 54 Market Street. This raised concerns that such parking would obstruct entry to the carpark and pedestrians entering the site. The submitted plans were amended accordingly.
42. No concerns are raised regarding the potential for cars to park on Market Street, should the carpark be full, as parking on Market Street would not obstruct the safe and free flow of all highway users and large vehicles and, as a result, highway safety. The highway offers good visibility for crossing the road to access the site on foot.
43. As such, and subject to a condition to require the carparking to be laid out prior to first use of the extensions, the proposal is therefore considered to accord with Policy BNE1.

**CONCLUSION**

44. The proposed development would not adversely affect neighbouring residential amenity, highway safety or the function, vitality and viability of the borough's hierarchy of centres. The proposal is therefore recommended for conditional 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

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:

<b>Title</b>	<b>Plan Ref</b>	<b>Received On</b>
Site Location	PCE-Brown-1-May-23 Ex Site Location	13 October 2023
Main Shop Proposal	PCE-Brown-1-May-23-Main Shop Pro	19 September 2023
Number 52	PCE-Brown-1-May-23-Number52,Pro	20 June 2023
Proposed Food Store	PCE-Brown-1-May-23-Pro Food Store	20 June 2023

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

3. The external facing materials, detailed on the submitted application form, shall be used, including brickwork and roof materials of the extension to number 52 Market Street that match in colour, form and texture to those on the existing building, with no others across the proposal, 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 parking spaces/hard surfacing shown on the site plan forming part of Plan PCE-Brown-1-May-23-Ex Site Location, received by the Local Planning Authority on 13.10.2023, shall be surfaced or paved, drained and made available in accordance with the approved plan prior to the first occupation of the extensions, hereby approved and shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 2015).

*Reason: To ensure that adequate off-street parking in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).*

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no additional windows or doors, other than those expressly authorised by this permission, shall be inserted or constructed at any time in the extended property.



*Reason: To protect the amenities and privacy of the adjoining property.*

6. The first-floor window, located above the door shown on plan reference PCE-Brown-1-May-23-Main Shop Pro, and closest to the common boundary with the properties at 14 to 18 Oxford Street, shall be fitted with obscure glass and the obscure glazing shall be retained at all times thereafter. The obscure glazing shall be to at least Level 5 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the local planning authority.

*Reason: To protect the privacy of the adjoining property.*

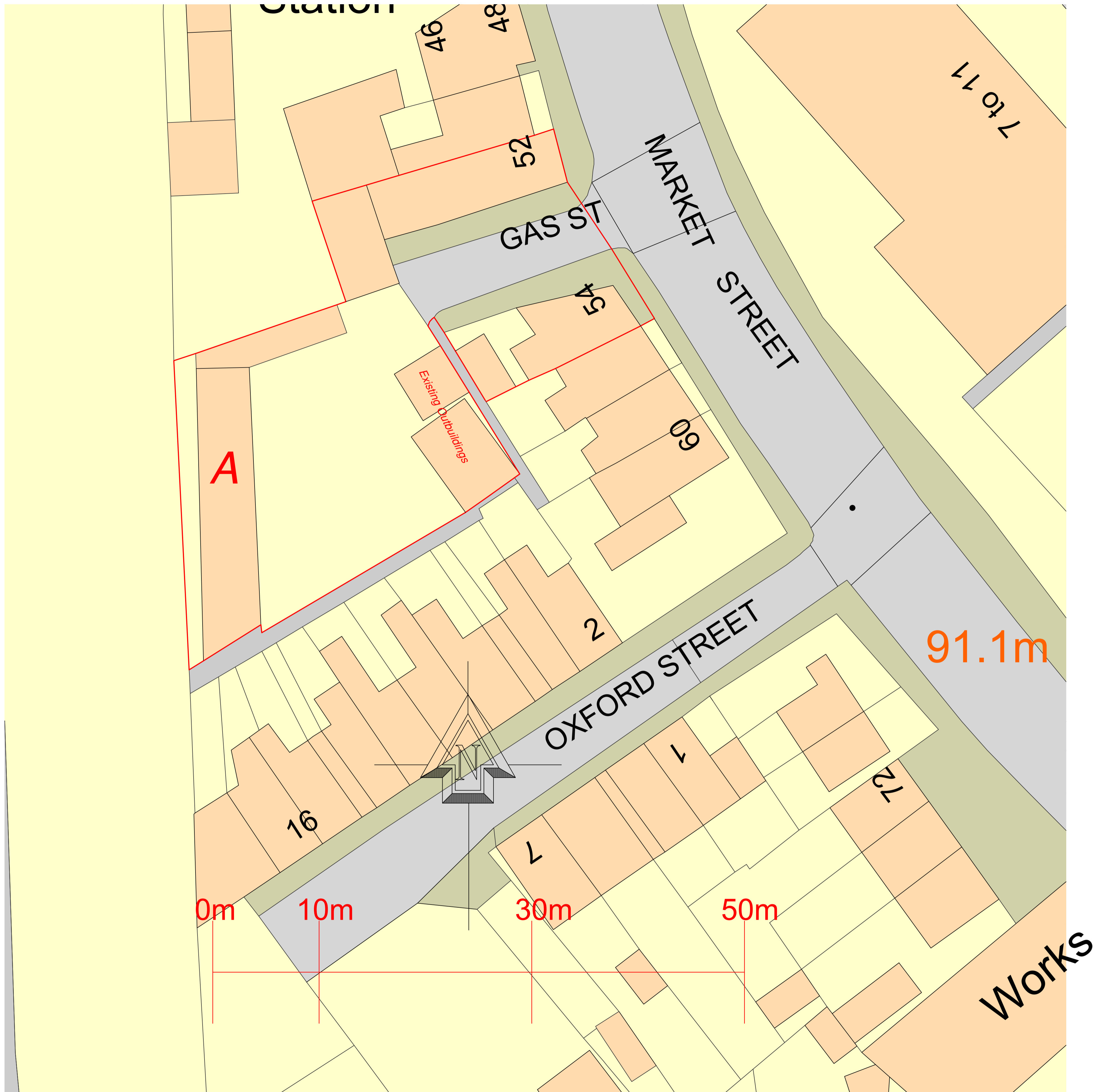
#### **RELEVANT HISTORY OF THE SITE**

**Ref:** 12/00163/ADV **Decision:** PERADV **Decision Date:** 12 June 2012  
**Description:** Installation of wall mounted advertisement, measuring 1.8 x 3m with external illumination

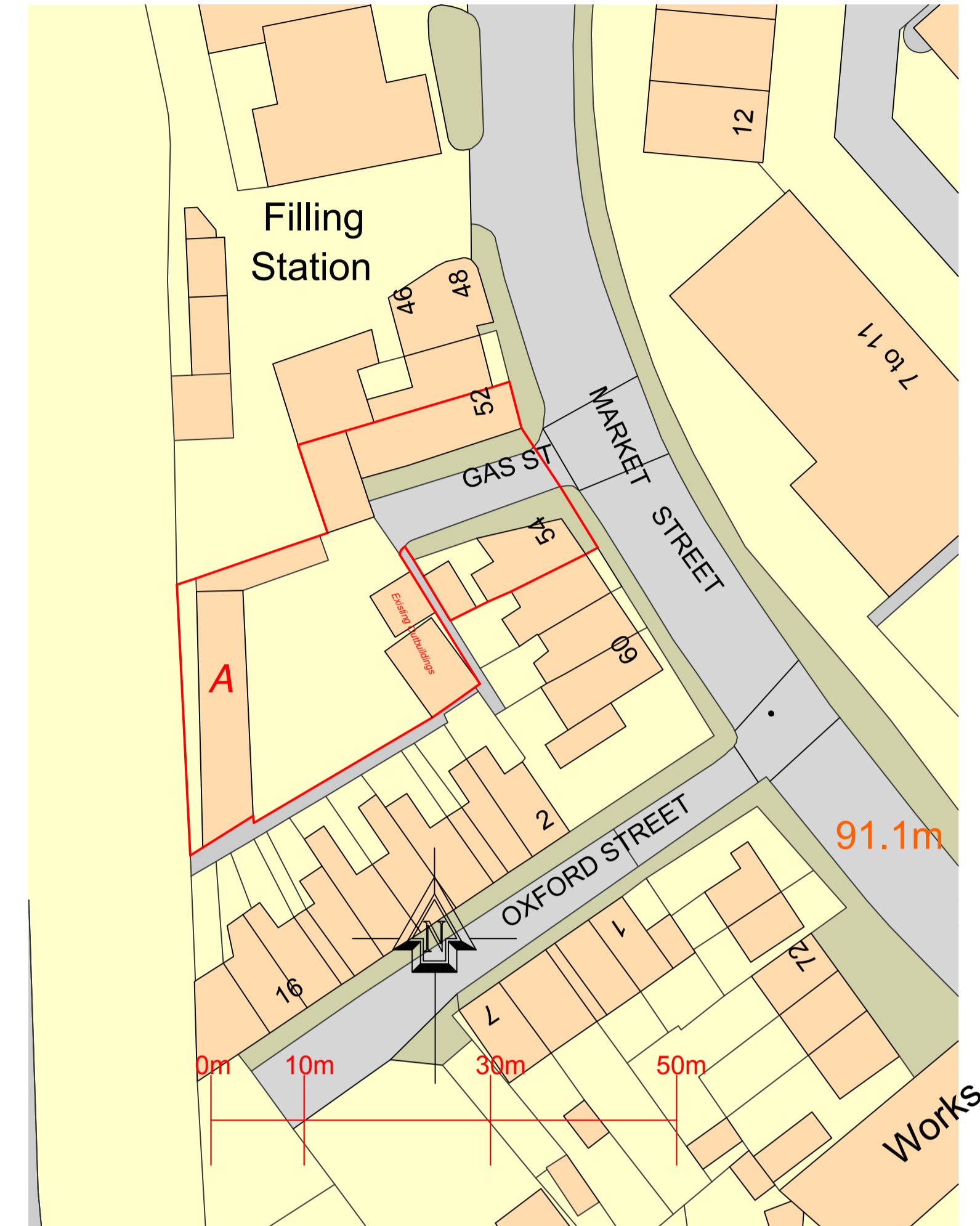
**Ref:** 86/00627/FUL **Decision:** PERFPP **Decision Date:** 30 September 1986  
**Description:** Change of use to a pet shop

**Ref:** 75/00151/FUL **Decision:** PERFPP **Decision Date:** 9 June 1975  
**Description:** Extension (workshop/store)

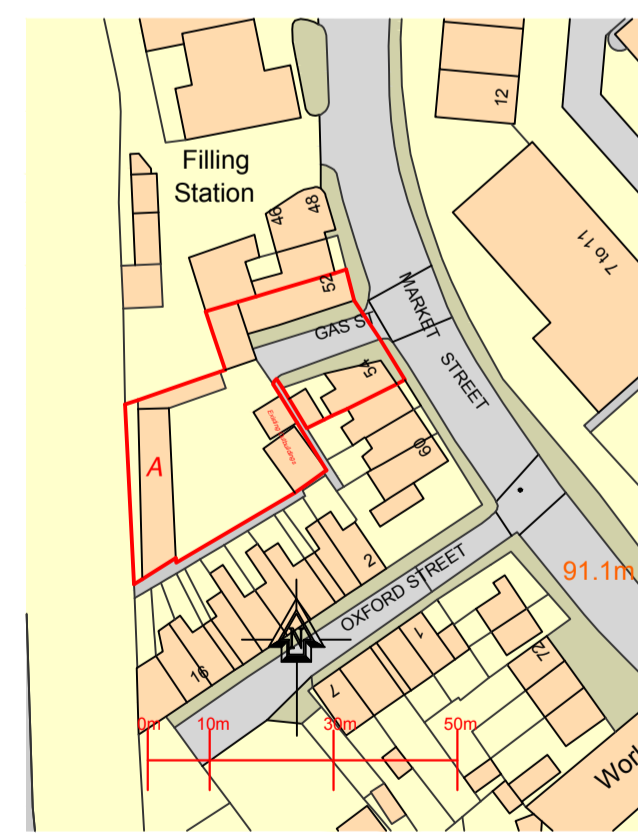
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Proposed alterations & extensions at :	
<b>Adlington Pet Shop</b> <b>52 Market Street</b> <b>Adlington</b> <b>Chorley</b> <b>PR7 4HF</b>	
CLIENT:	Mr Anthony Brown
CONTRACT No:	PCE-Brown-1-May-23
DATE:	24th May 2023
SCALE:	1:500, 1:200, 1:1250 @ A1
DWG No:	PCE-Brown-1-May-23-Ex Site Location
L.A.:	Chorley Borough Council
AMENDMENTS:	DATE:
 <b>PCE DESIGNS LTD</b>	
40 Queensway Euxton Chorley Lancashire PR7 6PW www.pcedesigns.co.uk info@pcedesigns.co.uk pcedesigns@aol.com 01257 233850: Office 07515878823: Mobile	

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Report of	Meeting	Date
Head of Planning & Enforcement	Planning Committee	14 November 2023

## **PLANNING APPEALS AND DECISIONS RECEIVED BETWEEN 5 AUGUST 2023 AND 31 OCTOBER 2023**

### **PLANNING APPEALS LODGED AND VALIDATED**

Local Planning Authority Reference: 22/01213/FUL - Inspectorate Reference: APP/D2320/W/23/3322008

Appeal by Colette Edwards against the delegated decision to refuse planning permission for the erection of stables and manege, including the widening of an existing access.

Land 55 Metres West of Stopes Farm, Bury Lane, Withnell.

Inspectorate letter confirming appeal valid received 15 August 2023.

Local Planning Authority Reference: 23/00457/FULHH - Inspectorate Reference: APP/D2320/D/23/3328326

Appeal by Mr Geoffrey Hurst against the delegated decision to refuse planning permission for the erection of a galvanised metal shed to front of property.

16 Maplewood Close, Chorley, PR7 3BZ.

Inspectorate letter confirming appeal valid received 7 September 2023.

Local Planning Authority Reference: 22/01094/FUL - Inspectorate Reference: APP/D2320/W/23/3323509

Appeal by Mrs Helen Khan against the delegated decision to refuse planning permission for the change of use of a field from agricultural land to secure dog walking and training field, and erection of 1.8m high fencing along with associated car parking (retrospective).

Land at Holker Lane, Ulnes Walton.

Inspectorate letter confirming appeal valid received 17 September 2023.

Local Planning Authority Reference: 22/00983/OUTMAJ - Inspectorate Reference: APP/D2320/W/23/3324581

Appeal by Metacre Ltd against the Planning Committee decision to refuse outline planning permission for the erection of 11no. self-build / custom-build houses and associated development (with all matters reserved save for access).

Land To The West Of Gleadhill House Gardens, Dawbers Lane, Euxton.

Inspectorate letter confirming appeal valid received 3 October 2023.

Local Planning Authority Reference: 23/00510/OUTMAJ - Inspectorate Reference: APP/D2320/W/23/3329702

Appeal by Adlington Land Limited against the non-determination within 13 weeks of an outline planning application for the proposed development of 40 dwellings, with associated new access, replacement of brass band building and associated parking, with landscaping reserved.

Babylon Lane, Heath Charnock.

Inspectorate letter confirming appeal valid received 10 October 2023.

Local Planning Authority Reference: 23/00310/FULHH - Inspectorate Reference: APP/D2320/D/23/3328823

Appeal by Mr Robert Fairhurst against the delegated decision to refuse planning permission for replacement windows and doors to the front, side and rear elevations (retrospective).

9 Withnell Fold, Withnell, Chorley, PR6 8BA.

Inspectorate letter confirming appeal valid received 7 November 2023.

### **PLANNING APPEAL DECISIONS**

Local Planning Authority Reference: 23/00031/FULHH - Inspectorate Reference: APP/D2320/D/23/3322723

Appeal by Mr Clive Nightingale against the delegated decision to refuse planning permission for the use of rear flat roof as a balcony with privacy screens of 1.1m to 1.8m in height (retrospective).

83 Clayton Gate, Coppull, Chorley, PR7 4PR.

Appeal dismissed 6 October 2023.

Local Planning Authority Reference: 23/00005/FULHH - Inspectorate Reference: APP/D2320/D/23/3320330

Appeal by Ms Danielle Wilkinson against the delegated decision to refuse planning permission for a single storey side/rear extension (following demolition of existing conservatory).

7 Rothwell Road, Anderton, Chorley, PR6 9LZ.

Appeal dismissed 9 August 2023.

Local Planning Authority Reference: 22/00987/FULHH- Inspectorate Reference: APP/D2320/D/23/3317609

Appeal by Mr V Harris and Ms S Berry against the delegated decision to refuse planning permission for a single storey side/rear extension (following demolition of existing conservatory).

39 Grape Lane, Croston, Leyland, PR26 9HB.

Appeal dismissed 11 September 2023.

Local Planning Authority Reference: 22/01227/FULHH- Inspectorate Reference: APP/D2320/D/23/3318484

Appeal by Mr S. Morris against the delegated decision to refuse planning permission for a first floor rear extension.

The Oaks, Preston Road, Charnock Richard, Chorley, PR7 5LH.

Appeal dismissed 19 October 2023.

### **PLANNING APPEALS WITHDRAWN**

None

**ENFORCEMENT APPEALS LODGED**

Local Planning Authority Reference: ENF722 - Inspectorate Reference: APP/D2320/C/23/3329972

Appeal by Christian William Pearson against an Enforcement Notice served in respect of the erection of one detached dwelling approved under 17/01124/FUL and 19/00445/FUL but not built in accordance with the approved plans.

Springwood, 68A Blackburn Road, Whittle-Le-Woods, Chorley, PR6 8LH.

Inspectorate letter confirming appeal valid received 20 October 2023.

Local Planning Authority Reference: ENF722 - Inspectorate Reference: APP/D2320/C/23/3329972

Appeal by Lisa Anne Green against an Enforcement Notice served in respect of the erection of one detached dwelling approved under 17/01124/FUL and 19/00445/FUL but not built in accordance with the approved plans.

Springwood, 68A Blackburn Road, Whittle-Le-Woods, Chorley, PR6 8LH.

Inspectorate letter confirming appeal valid received 20 October 2023.

**ENFORCEMENT APPEAL DECISIONS**

Local Planning Authority Reference: EN709 - Inspectorate Reference: APP/D2320/C/22/3313751

Appeal by Mr David Wrennall against an Enforcement Notice served in respect of the unauthorised material change of use of the land and associated unauthorised operational development consisting of raised land levels and installation of hardstanding to facilitate that material change of use to a use for parking and storage purposes.

Land at Culshaws Farm Holker Lane, Ulmes Walton, Leyland PR26 8LL

Appeal dismissed and the enforcement notice upheld 5 October 2023.

**ENFORCEMENT APPEALS WITHDRAWN**

None

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
Adele Hayes	5228	6 November 2023	***

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