

Planning COMMITTEE

Tuesday, 5th December 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.

Agenda No	Item	
3	Planning applications to be determined	
	The Head of Planning and Enforcement has submitted five planning applications to be determined (enclosed).	
	Plans to be considered will be displayed at the meeting or may be viewed in advance by following the links to the current planning applications on our website .	
A	22/01243/FULMAJ - Land To The West Side Of Blackburn Road, Chorley	(Pages 9 - 38)
B	22/00407/OUTMAJ - Land At Tincklers Lane Tincklers Lane Eccleston	(Pages 39 - 72)
C	23/00530/OUTMAJ - Chorley Rugby Union Club, Chancery Road, Astley Village	(Pages 73 - 90)
D	22/00132/FUL - 81 Wood Lane, Heskin	(Pages 91 - 104)
E	22/00888/FULMAJ - Armlee Nurseries, Apline View, Wigan Road, Clayton-Le-Woods	(Pages 105 - 112)

Chris Sinnott
Chief Executive

Electronic agendas sent to Members of the Planning Committee

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APPLICATION REPORT – 22/01243/FULMAJ

Validation Date: 15 December 2022

Ward: Chorley North And Astley

Type of Application: Major Full Planning

Proposal: Detailed planning application for an employment development (comprising a range of buildings in Use Classes E(g), B2 and B8), including new access of A674, internal circulation, parking, servicing, landscaping and ancillary works

Location: Land To The West Side Of Blackburn Road Chorley

Case Officer: Mr Iain Crossland

Applicant: FI Real Estate Management Ltd

Agent: Mr John Francis Plan Red Ltd

Consultation expiry: 28 August 2023

Decision due by: 30 November 2023 (Extension of time requested - TBC)

RECOMMENDATION

1. It is recommended that planning permission is granted subject to conditions and a s106 agreement to secure a public transport contribution and a travel plan support contribution the final details of which to be delegated to the Director of Planning and Development in consultation with the Planning Committee Chair and Vice Chair.

SITE DESCRIPTION

2. The application site is located within the settlement area of Chorley and forms part of a wider site allocated for either housing or employment use in the Chorley Local Plan 2012 – 2026.
3. The application site comprises 7.05ha of agricultural land, which lies to the north east of J8 of the M61. It is bounded by the A674 Millennium Way and the Leeds and Liverpool Canal to the west and Blackburn Road to the east. Agricultural land lies both to the north and south of the site. A public right of way runs east to west adjacent to the southern boundary of the site.
4. The application site comprises undeveloped agricultural grazing land, which is bisected by two drainage ditches running from east to west close to the centre of the site, which drain into the Leeds and Liverpool Canal. The site slopes gently up from the Leeds and Liverpool Canal towards the east, where it rises steeply on the eastern side of the site towards Blackburn Road resulting in a distinct change in levels.
5. There is currently a vehicular access to the site from Blackburn Road but no access from the A674 Millennium Way. There are hedgerows and trees to the periphery of the site. More recently the land has been scraped back and the levels altered in preparation for the installation of subterranean electricity cables and services that would serve any potential development of the land.
6. Outline planning permission was granted (ref: 17/00714/OUTMAJ) in October 2019 for 188 houses on this site and again in September 2021 (ref: 19/01113/OUTMAJ) for 233 houses.

Planning permission was also granted in January 2023 in respect of land to the south west of the application site either side of Canal Mill at Botany Bay for the development of Botany Bay Business Park comprising development of Blocks A to J (37,661 sqm GIA) as follows: detailed planning permission is sought for Blocks C to J (36,996 sqm GIA) for Use Classes E (light industry only), B2 and B8; retention and improvements to existing vehicular access into site off A674; retention of closed access into site from the south (for emergency vehicle access only); new main and secondary circulation roads; servicing and circulation yards and HGV parking; car parking; pedestrian routes; landscaping and public realm; provision and upgrading of ancillary services and infrastructure and diversion of PROW FP26; and outline planning permission (all matters reserved except for means of access) for Block A (181 sqm) for Use Class E (food and drink)/sui generis (hot food takeaway) and Block B (484 sqm) for Use Class E and related access, car parking, circulation and landscaping. This development has commenced and is under construction.

DESCRIPTION OF PROPOSED DEVELOPMENT

7. This application seeks planning permission for an employment development comprising 69 units across a range of buildings with a combined total 28,717 sqm floorspace, in Use Classes E(g), B2 and B8. It is proposed that vehicular access be taken from the A674 Millennium Way, and that the site levels are altered to provide stepped development platforms rising from the west to the east up to Blackburn Road. There would be a pedestrian and cycle access to Blackburn Road and a link to the public right of way to the south.
8. There would be 16 blocks of development of varying scale. These would provide a range of unit sizes to support both new business start ups and more well established and larger operations. There would be a greater number of small and small to medium sized units than there would be large units. The units would comprise mono-pitched and shallow dual pitched roofs and would use a profile cladding system. It is noted that blocks A and B adjacent to Blackburn Road would have mono pitched 'green' roofs, whilst blocks O and L would have substantially glazed elevations either side of the entrance to the site.
9. The site would be modelled through engineering works to create three main development platforms running north to south across the slope upon, which development would take place. The first would be close to being at the grade with the A674. This would accommodate a range of units including the largest unit Block S. The central platform would accommodate the second largest unit, Block N and other medium to large units. The upper platform would accommodate most of the smaller units, Blocks A, B, F, G, H and I. Blocks A and B would be sited behind the planned retaining structure to Blackburn Road. These arrangements would allow the highest part of the development, including the units along the eastern edge of the site and immediately to the west of them, to sit below the level of Blackburn Road and residential properties that are located on the eastern side of the road.
10. The proposal has been amended since its original submission in response to comments from officers and those of the public received through a recent consultation exercise carried out during the assessment of the application. The number of units have been reduced from 75 to 69 with a corresponding reduction in floor area. This is in relation to the changes on the east side of the site with Block A having been reduced in length and Blocks H and I being reduced in area and their position altered. The positioning of blocks has also been altered to enable a deeper landscape buffer to the east side of the site adjacent to Blackburn Road, with a pedestrian and cycle link provided at the north east corner. Peripheral landscaping has been bolstered and a landscape strategy provided. Blocks O and L have been redesigned to include backlit Reglit panels with signage to provide a more distinctive entrance feature and the option of a green panel finish has been offered.

APPLICANT'S CASE

11. The applicant has set out that the development proposal would deliver:
 - A sustainable and policy compliant employment use at the Great Knowley allocation (EP1.1)

- New employment units, providing floorspace, across a range of sizes and Use
- Classes E(g), B2 and B8 to provide accommodation for new start-up firms, expanding and relocating businesses, available on flexible leases
- The scale of units complements the larger units being developed at Botany Bay Business Park
- Park to provide a comprehensive offer
- Potential employment opportunities for 343 FTE people
- Potential employment value of £12.2 million per annum
- Business rates support to the Council of £1.93 million per annum
- Potential temporary construction jobs for 294 FTE people over 2 years
- Potential temporary construction jobs value of £11.84 million or £5.9 million per annum
- High-quality commercial buildings, including feature Reglit glazing to entrance units and green roof to Block A units
- Retention of boundary planting and additional landscaping to the canal side with building set back from the canal
- New priority access off A674 for all vehicles
- Parking on site for up to 346 vehicles including DDA compliant spaces, options for EV charging and cycle parking provision
- New cycle and pedestrian access off Blackburn Road
- Developer contributions to a range of offsite highway improvements in combination with Botany Bay Business Park development that will mitigate impacts of the development and provide headroom to accommodate further employment development at Gale Moss and housing on the residual allocation at Great Knowley.

REPRESENTATIONS

12. Representations in objection have been received from the occupiers of 122 addresses.

These raise the following issues:

- The development would result in such a level of vehicle movements that there would be an adverse impact on highway safety and capacity on an already congested highway network.
- Limited public transport and low frequency bus service.
- Loss of green fields / green space.
- The proposed development is excessive in scale.
- The development would be harmful to the appearance of the site and character of the area.
- Lack of adequate screening and landscaping.
- If the houses are not built then other land will need to be found to accommodate the housing that is needed in the area.
- Loss of light to nearby houses.
- Questionable demand for the proposed units.
- Loss of wildlife and habitat.
- Access to the site for construction should not be from Blackburn Road.
- The development will diminish property values in the area.
- Noise and light pollution.
- Air pollution.
- The developer has carried out work without consent already.
- The development does not enhance the nearby heritage assets or canal side location.
- The site is a habitat for Lapwings and other birds.
- Impact on the River Chor.
- The development would not achieve a high standard of design and the impact would not be mitigated.
- The development would result in visual harm to the landscape.
- Impact on privacy of nearby residents.
- Flooding from surface water run off.
- Hours of operation must be controlled.

CONSULTATIONS

13. **Growth Lancashire:** The proposed scheme, as presented, would not cause any significant degree of harm to the significance of Canal Mill. Similarly there would be no measurable degree of harm to the significance of the portion of the canal which adjoins the site.
14. **Environment Agency:** No comments received.
15. **Greater Manchester Ecology Unit:** The site surveys found that site does support some species of conservation concern, such as common toad and lapwings, as well as other breeding birds, foraging bats and common amphibian species. Water voles are also known to be present in the adjacent canal, albeit not in the stretch immediately adjacent to development site. A number of protection measures have been recommended to ensure construction activities do not cause harm to these species, the retained habitats and the adjacent canal. They advise that these be incorporated into a construction environmental management plan for biodiversity.
16. **Regulatory Services - Environmental Health:** No objections with conditions recommended.
17. **Waste & Contaminated Land:** Have no objections.
18. **Lancashire County Council Highway Services:** With consideration to all the additional information provided, I consider that the proposal can be made acceptable, if suitably controlled through planning conditions, whether highway related (attached to these comments) or those related to the site (highlighted within these comments), together with S106 obligations.
19. The highway network impacted on by this development is complex, with uncertainty on future traffic flow and resulting congestion, especially at and on approaches to the Hartwood Hall roundabout, Hospital roundabout and M61. The development, with mitigation and phasing of development linked to parking, will ensure that the local network and junctions highlighted do operate within junction limits and satisfy the needs of cyclists, pedestrians and public transport at all stages.
20. There are a number of internal layout issues highlighted, whilst these are beyond the power of the Highway Authority, I have suggested how these can be satisfactorily dealt with.
21. All matters have been resolved to the LHA's satisfaction with the exclusion of the level of Public Transport service obligation. With this, it is suggested that this application is considered at planning committee with delegated powers provided to LPA officers to work with the LHA to agree with the applicant the level/type of obligation to be included in the S106 agreement.
22. **Lancashire County Council Public Rights Of Way:** General advice provided.
23. **Lead Local Flood Authority:** No objection subject to conditions.
24. **United Utilities:** No comments received.
25. **Canal & River Trust:** Advise that the layout should be amended to provide a meaningful landscape buffer to the canal corridor and that suitably worded conditions are necessary to address these matters.
26. **National Highways:** Have no objection to this application, but formally recommends to Chorley Council that conditions be added to any grant of planning approval so that the M61 motorway might continue to fulfil its purpose as part of the national system of routes for through traffic, in accordance with Section 10 (2) of the Highways Act 1980, maintaining the safety of traffic on the road and the integrity of the highway asset.

27. **Whittle le Woods Parish Council:** Object to this application due to traffic implications and the impact upon the local neighbourhood. A full traffic survey needs to be carried out, plus the impact upon local residents needs to be properly assessed as there will be a major visual impact upon the area.

PLANNING CONSIDERATIONS

Principle of development

28. The National Planning Policy Framework (the Framework) sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
29. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
- a. an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - b. a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
 - c. an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
30. At the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).
31. For decision-taking this means:
approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
32. Paragraph 81 of the Framework covers Building a Strong Competitive Economy and states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
33. It is noted that policy 1(b) of the Central Lancashire Core Strategy, seeks to encourage growth and investment in the key service centre of Chorley Town focussing on the

regeneration of the Town Centre*(as defined by Policy 11) but with some greenfield development.

34. The Chorley Local Plan 2012-2026 allocates specific sites for development or protection in accordance with the policies and general locations for development as set out in the Central Lancashire Core Strategy 2012. The Local Plan meets Chorley's development needs to 2026 and includes policies to either protect sites or guide the way they are developed.
35. The application site is located within the settlement boundary of Chorley, as defined by policy V2 of the Local Plan. Within the settlement areas excluded from the Green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development, subject to material planning considerations and the other policies and proposals within the Plan.
36. The application site forms part of an area of land allocated for development through Policies EP1.1/HS1.8 and EP2 including for industrial uses. Policy EP1.1 highlights light industrial and general industrial uses as the preferred mix of employment uses, which should be delivered across 14.1 hectares of the allocation, which has a total area of 23.7 hectares. Core Strategy policy 9 identifies the potential for economic growth within the area and the opportunity to provide enough jobs and services if employment land is made available. The Core Strategy sets out the amount of economic land required within the B Use Classes (B1 Business; B2 General Industrial and B8 Storage or Distribution) over the period to 2026.
37. Core Strategy policy 9 (d) i allocates Botany Bay/Great Knowley, within which the application site forms part, as an employment site for sub regionally significant development. The Core Strategy states that Botany Bay/Great Knowley is a large greenfield site adjoining the Leeds and Liverpool Canal in close proximity to Junction 8 of the M61 and is ranked as a "Good Urban" site in the Employment Land Review. As such the development of allocation EP1.1 is required in order to support the jobs and services envisaged by the Core Strategy.
38. It is noted that the allocation is mixed and also makes provision for residential development under policy HS1.8. Therefore, in order to support the specific role of this sub-regional employment and mixed use site policy EP2 sets out a specific approach to development of this allocation. It makes provision for employment use as set out above, approximately 200 residential units, in addition to restaurants and cafes and drinking establishments, water based leisure/recreation uses, such as marina adjacent to the canal, and a pedestrian and cycle route adjacent to the canal with connectivity to the existing canal towpath. This is wide ranging and, therefore, provides the scope and flexibility for a number of approaches to the development of the land.
39. In seeking to guide the development of the allocation to deliver the priorities set out above policy EP2 requires that development be subject to the following:
 - a) Comprehensive development of the site is demonstrated through a masterplan;
 - b) The implementation of development in accordance with an agreed design code;
 - c) A phasing and infrastructure delivery schedule for the area; and
 - d) An agreed programme of implementation in accordance with the masterplan.
40. In consideration of the comprehensive development of the site it must be noted that the key sites at Botany Bay Business Park (and Mill) and the application site, should ensure comprehensive delivery of development over a significant part of the allocated area. Moreover, the Business Park at the mill is already under development and The Hill site would add to this phased delivery. The area of allocation EP1.1 that is covered by the current application is the only part of the allocated land that could be accessed from the A674 Millennium Way, which is the most appropriate point of access for an employment development. As a result the delivery of the necessary employment development would be secured, whereas the previously approved housing on this part of the site would have compromised this aspect of the allocation.

41. No design code has been formally developed or adopted. There is compatibility between the proposed developments at Botany Bay Business Park / Mill and Botany Bay Hill as they are being implemented by the same developer and for similar employment uses with a consistent design philosophy. The applicant has recognised the requirement for a different design response to this part of the allocated land through the use of development platforms and a different scale and finish to the units.
42. The planning permission for Botany Bay Business Park requires phasing, linked to delivery of highways and transportation and mitigation, to be agreed with the Council. This process is currently ongoing and being agreed as to specific elements through extensive consultation with Lancashire County Council Highway Services and National Highways. This has involved modelling the proposed and committed developments, including the business park adjacent to the mill and the remaining houses in addition to the current proposal. The necessary infrastructure improvements have been incorporated into legal agreements and secured via planning conditions attached to the previous consent, with a similar approach recommended in this instance. This demonstrates that the necessary infrastructure schedule for the area and its delivery have been considered and secured on a comprehensive basis to support the type and quantum of development that will be delivered.
43. In relation to the agreed programme of implementation in accordance with the masterplan this requirement is superseded to some extent given the point in the current Local Plan period and the fact that large parts of the allocations covered by policy EP2 have planning permission and are being constructed. These have been consented and developed without a masterplan having been formally adopted or approved and the development situation has not changed in that site EP1.3 is still allocated for employment and would gain policy support if the landowner reapplied for such use, and the middle area of EP1.1 still has outline consent for housing compliant with policy HS1.8. Indeed, the masterplan has developed, through the evolution of the Botany Bay Business Park now under-construction to a more compliant mix of uses, removing the factory outlet retail scheme, and the proposed Botany Bay Hill application under consideration is for employment use aligned with the planned mix of employment and housing uses at EP1.1 / HS1.8.
44. In the absence of a formally adopted or approved masterplan the applicant has demonstrated that the consented developments and proposed development would not fetter the ability to deliver the identified mixture of development across the allocations, with the primary focus being employment development and housing.
45. The preferred mix between employment uses identified by policy EP1.1, including B2 Use Class (General Industrial), was intended to ensure that the main employment sites did not simply deliver offices, which are a main town centre use, and included units/floorspace for general industry (Use Class B2). This is what has occurred at Botany Bay Business Park, which is a modern employment park designed to offer flexibility of use between light industry, general industry and warehousing. This is also the case with the proposed development, though with a larger number of smaller units to offer support to a wider range of businesses and in particular smaller start up businesses. The inclusion of storage use provides a greater degree of flexibility to the development, which would support its viability and would provide a complementary mix of uses all within the employment category of development identified by Core Strategy policy 10.
46. Although the application site would no longer be brought forward for residential there is still scope on the wider EP1.1/HS.1.8 allocation to the south of the application site to deliver the 200 dwellings identified by policy HS.1.8. The site of the outline permission for 100 homes would remain in addition to a residual area of land to its south in the allocation that could accommodate at least 100 homes with open space, landscaping and ancillary uses as a comprehensive proposal. Indeed, it is also noted that the total allocation is 23.7 hectares in area with 14.1 hectares identified for employment development in policy EP1.1. The proposed development would take up an area of approximately 7 hectares, leaving approximately 16.7 hectares of available land, 7.1 hectares of which should be delivered as employment land in accordance with policy EP1.1. This demonstrates that more than

enough available land within the allocation would remain to deliver the anticipated housing (which is anticipated to be 9.6 hectares in area), with scope to deliver further employment development as envisaged by the Local Plan.

47. Restaurants and cafes and drinking establishments have already been approved as part of Botany Bay Business Park and are under development. There is scope to deliver further such uses within the remaining allocation and the opportunity to do so would not be undermined by the proposed development.
48. No proposals for water based leisure/recreation uses such as a marina adjacent to the canal have been forthcoming over the plan period. These can only be delivered where there is market demand and a landowner / developer willing to accept the significant risk of undertaking such an enterprise and operation.
49. Existing pedestrian and cycling routes linked to the canal towpath on the western side of the canal would be retained and access to them through public rights of way would be maintained. The proposed development would neither directly deliver improvements on this route nor would it present any obstacle. Connectivity through the site from Blackburn Road for cyclists would, however, be enabled creating a connection not currently available by the PROW to the south of the site, which is unmade. It is also proposed to facilitate access to the land where the public right of way runs to that improved connectivity can be made with the site.
50. In consideration of the factors set out above the proposed development would clearly contribute to the strategic aim of achieving economic growth and employment set out in policy 9 of the Core Strategy, would deliver a proportion of the employment land required by policy EP1.1 of the Chorley Local Plan 2012-2026 and would not conflict with the spectrum of development envisaged by policy EP2 of the Chorley Local Plan. As a result the proposed development is considered to be in line with the principles of the development plan when taken as a whole.

Matters of detail

51. The Chorley Local Plan 2012-2026 policy EP3 provides guidance for the development of new business, industrial and storage development. This policy sets out a number of criteria to be satisfied by such proposals. The most relevant criteria to this proposal are set out and assessed as follows:
 - a. *they are of a scale and character that is commensurate with the size of the settlement;*
52. The proposed development comprises three platforms of development set out in rows of buildings that form a fairly dense development pattern. The density of the development makes an efficient use of the allocation, which enables an optimum level of economic benefit to be realised. The buildings themselves are largely linear in form and range in height from approximately 8m adjacent to Blackburn Road up to approximately 14m adjacent to Millennium Way. These building heights correspond with a change in levels so that those of greatest height are sited at the lower land level and those of lesser height at the higher land level. The scale of development is commensurate with the available area of the application site and is of a reduced scale in comparison to the nearby development at Botany Bay Mill, which is a suitable approach given the relatively elevated position of the application site. The design and character of the development is of a modern functional style typical of modern industrial developments. This is an appropriate design response to the site and its surroundings given the allocation for employment development, significant level of development envisaged by the Local Plan allocation as a sub-regional employment site and the location of the site close to a motorway junction.
53. Due to the difference in site levels the nearest buildings to Blackburn Road at Blocks A and B would be visible from the public highway, although they would not be imposing by virtue of the lower finished floor level relative to the highway and dwellings beyond. These blocks

would have 'green' roofs and their scale when viewed from the highway would be limited. The option of facing the buildings in green has been put forward by the applicant and would help the development to blend into the hillside. The visual and landscape impacts of the development and its effect on the character of the area are discussed later in the report.

b) the site is planned and laid out on a comprehensive basis;

54. The site would be developed on a comprehensive basis accounting for access, parking and servicing requirements, landscaping and site constraints, whilst balancing this with an effective and efficient use of the allocation. Future opportunities to link the site with land to the south are identified on the proposed site plan, which considers the comprehensive development of land within the allocation, beyond the application site.

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

55. There is no evidence to suggest that the proposed development would prejudice future, or current economic activities within nearby areas and the site is allocated for the use proposed, therefore, the development seeks to fulfil the planned development for the area. Future opportunities to link the site with land to the south are identified on the proposed site plan, which considers the comprehensive development of land within the allocation, beyond the application site.

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

56. It is noted that there are currently a range of noise generating sources around the site, most notably traffic passing along the M61 motorway to the west and along Blackburn Road to the east. The nearest residential properties to the site are on Blackburn Road and are positioned approximately 22-23m away from the site boundary and 31-36m from closest proposed buildings.
57. A noise report has been submitted in support of the proposed development, which has been considered by the Council's Environmental Health Officer (EHO). The noise assessment has been carried out to determine the potential impact of the operation of the commercial units on existing local residents based on the results of a baseline sound level survey and sound propagation modelling carried out in accordance with current guidance and best practice.
58. The proposed development comprises of the construction of light industry (Class E), general industry (Class B2) and warehousing (Class B8). The site is bordered by the A764 and in close proximity to the M61, located west of the development.
59. The assessment has considered the potential noise impact of HGV movements and loading/unloading activities, as well as staff car park use, during daytime and night-time periods.
60. The assessment concludes that, during both the daytime and night-time, operation of the proposed development will not result in significant adverse noise impacts at existing or residential dwellings. This is primarily due to the existing high ambient and background sound levels due to road traffic on the M61 Motorway to the west.
61. The EHO accepts that the impact of the proposal is unlikely to have a detrimental impact on existing residential properties for daytime use due to the high background noise levels from the adjacent M61. The noise assessment suggests that noise from night time use at existing residential properties is likely to have a low impact. The Council's EHO is not in agreement with this conclusion and is of the opinion that noise from the site operating at night has the potential to cause a loss of amenity to nearby residential occupiers in addition to any new housing development that may take place to the south in future. Noise from the motorway will significantly reduce during night time hours. In addition, noise from the proposed use is likely to include engine noise from HGV's and other vehicles larger than cars, reversing alarms, roller shutter door noise, along with bangs and clangs from trolleys or pump trucks. These noise sources are inherently difficult to mitigate against. Such noise would be more

noticeable at night time when background noise levels are reduced, and by their nature and unpredictability can cause disturbance to sleep.

62. As such due to the close proximity of existing and planned dwellings it is considered that use / operation of the site activities during night time hours would be inadvisable due to the potential for noise to cause loss of amenity to residential occupiers. In order to address the potential impact on the amenity of the occupiers of the nearest residential properties it is recommended that conditions are attached to any grant of planning permission limiting the hours of operation at the site, delivery and waste collection times and in relation to the use of plant and machinery.
63. There are no specific details provided in terms of the proposed lighting for the development. Given the proximity and orientation of the development relative to the nearby residential properties there is some potential for disturbance from light, although it is acknowledged that the site is at a lower level to Blackburn Road and that Blackburn Road benefits from street lighting. It is, therefore, recommended that any external lighting scheme for the development is required by condition for consideration by the local planning authority in consultation with the EHO.
64. An assessment was carried out to determine the existing air quality conditions and the likely changes in air quality as a result of the proposed development and other developments during construction and operation at the time of the application for development at the Canal Mill site. The data was built upon the Transportation Assessment and identified that the site is not located within or in the vicinity of an Air Quality Management Area (AQMA). The demolition and construction works do have the potential to produce dust and other fine particles, which may cause an air quality nuisance. However, with the application of appropriate mitigation measures, such as damping down the site and ensuring that trucks carrying loose materials are properly covered, the residual effects would be 'negligible'.
65. The modelling works conducted for the proposal indicated that pollutant levels across the site were below the relevant air quality standards. The location was, therefore, considered suitable for the proposed uses without the incorporation of mitigation measures. The assessment also concluded that impacts on pollutant levels as a result of operational phase vehicle exhaust emissions were not predicted to be significant at any sensitive location in the vicinity of the site. Based on the assessment results, air quality impacts are not considered to be significant or present a constraint to the proposed development.
66. A Construction - Health, Safety & Environmental Plan has been submitted in support of the application which sets out how the development is to be managed, arrangements for dealing with on site risks and details of those responsible for managing the construction activities. This document would support the responsible development of the site minimising the disruptions that would inevitably occur through the construction phase. It is recommended that the implementation of the Construction - Health, Safety & Environmental Plan is secured by condition.
- e) the site has an adequate access that would not create a traffic hazard or have an undue environmental impact;*
67. It is proposed that vehicular access would be taken via the construction of a new vehicular and pedestrian access to Millennium Way. This distributor road provides direct access to the national motorway network, at junction 8 of the M61. The acceptability of the highway impacts have been assessed by both Lancashire County Council and National Highways and are set out in detail later in the report.
- f) the proposal will be served by public transport and provide pedestrian and cycle links to adjacent areas;*
68. The closest existing bus stops are to the east of the site, on Blackburn Road. These stops are immediately adjacent to the site and provide access to hourly services, linking Chorley to wider Lancashire. Pedestrian and cycle access would be constructed to the north east

corner of the site providing access to Blackburn Road and the associated bus stops, which is an essential element of the proposal. The bus service provision is not, however, considered sufficient to support future employee's needs, whilst the existing infrastructure provision is not conducive to supporting the use of public transport.

69. The supporting infrastructure needs to be upgraded through improved stops (DDA compliant), upgraded shelters and upgraded lay-bys, and be delivered prior to any unit being occupied through the S278 process. The current service needs to be improved to satisfy employees needs in terms of frequency, times of day/week and destinations considered. As a minimum, funding is required by way of a planning obligations (s106 Planning Contributions)' to secure these service improvements. Without this funding it is considered that there is insufficient sustainable provision to the site and must, therefore, be secured.
70. The pedestrian and cycle networks in the vicinity of the site are relatively good and provide opportunities for encouraging sustainable access to the site. The proposal includes links to these networks and are expanded upon further in the highway section of the report.

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

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

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

72. It is not considered that the proposed development would result in any particularly unsightly elements, in the context of a major industrial scheme. Outdoor storage would be restricted and the outdoor areas would be used for parking, manoeuvring and servicing. No fencing details have been provided at this stage, however, it is anticipated that based on the proposed layout plan and landscape strategy plan fencing can be positioned around the site that would either be within the landscaping buffers or on the inside of the site with the landscaping on the external side so that the visibility of any fencing is reduced. It is important that the fencing should comprise paladin type fencing in a green or black pantone in order to reduce its prominence. It is recommended that a condition be attached to any grant of planning permission requiring a detailed fencing scheme to be submitted and it is considered that a suitable scheme can be agreed. It is also noted that the site would be set at a lower level relative to Blackburn Road of between 2m and 6m below the street level. This would reduce the visibility of the development from the east side of the site, whilst the site would be clearly visible from the west. Parts of the retaining structures may be visible from the west and, therefore, it would be important to ensure an appropriate material finish to these retaining structures. It is, therefore, recommended that a condition be attached to any grant of planning permission requiring final details of the appearance and finish of the retaining walls.

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

73. The application site adjoins a residential area to the east, whilst there is open countryside to the north, south and west, albeit some of this land is allocated for development or is under development. All four site boundaries have existing levels of tree and hedgerow cover, the strongest existing cover being to the north. The development area has been designed to retain so far as practicable the boundary vegetation with only one tree lost on the northern boundary. This maintains landscape value at the edge and has an important role in habitat retention and connectivity.

74. For residents the overwhelming concern is how landscaping can be used to screen development effectively along Blackburn Road to the east. This has been revisited during the assessment of the application and revised so that once the retaining wall is built to the rear of the upper terrace, a planting buffer zone with variable depths between 5.7m to 11m,

as illustrated on the proposed sections, will be created. This would provide an effective planting buffer along this most sensitive boundary would permit the growth of a hedgerow for height in addition to a depth of vegetation to provide density of cover in order to remain effective during winter periods.

75. A planting schedule of native species combining their habitat value with their landscape value have been set out in the landscape strategy plan and would provide year round screening. A mix of tree, hedge and shrub standards would be used to infill existing gaps at the boundary and then form a depth of foliage and vegetation cover to mature. Timing of such planting is important to bring maturity. Illustrate of the existing cover, Year 1 planting and potential Year 5 cover to indicate the design intent have been provided by the applicant and would appear to provide an appropriate response.
76. Phasing of the development would see the site preparation and levels, including retaining wall to the upper terrace completed in first 12-18 months. This means landscaping to Blackburn Road could commence in the first planting season in Year 2 and allow several years of growth before the buildings on the upper terrace are complete from Year 4 onwards. The details suggest that by the time the built development reaches the Blackburn Road boundary the landscape would have matured sufficiently to screen the buildings from view which is represented in the Year 5 view.
77. There would be structure planting to the west to provide a substantial buffer along the canal side, whilst to the south existing planting would also be bolstered by structural planting. Some additional planting and landscaping would be provided within the site and on the access roads, however, these areas would be less visible to the public and from outside the site.
78. The overall landscaping scheme is considered to be a suitable solution in the context of the site and available space, whilst enabling the most efficient use of the land. Landscaping is concentrated to the perimeter areas, as required by policy EP3, which would provide some softening of the development, particularly when in close proximity to the site edge along public rights of way and adjacent highways, however, longer range views to the west are unlikely to be screened or filtered to any significant extent given the change in levels.
 - j) *the development makes safe and convenient access provision for people with disabilities;*
79. DDA access would be provided at all units in line with building regulations, whilst there would be disabled parking bays scattered throughout the site. The access that would be developed between the site and Blackburn Road would comprise a ramp and footway, whilst it is recommended that off site improvements include the upgrading of improved bus stops to make them DDA compliant.
 - k) *the buildings are designed, laid out and landscaped to maximise the energy conservation potential of any development, and to minimise the risk of crime;*
80. The development would need to be carried out in line with the most up to date UK Building Regulations.
 - l) *the proposal will not result in surface water, drainage or sewerage related pollution problems; and*
81. The applicant has submitted a Flood Risk Assessment and Drainage Strategy in support of the proposed development. This has been assessed by the Lead Local Flood Authority (Lancashire County Council) and is covered in more detail below.
 - m) *the proposal incorporates measures which help to prevent crime and promote community safety.*

82. It would be possible to secure the site to all sides, through strategic landscaping and new security measures including fencing. Security fencing would be installed to the more vulnerable boundaries, whilst planting would be maintained at appropriate heights and spread to minimise opportunities for anti-social behaviour.

Impact on designated heritage assets

83. A Heritage Assessment has been submitted as part of the application submission. The site does not contain any designated heritage assets, however, the recently listed Canal Mill (Grade 2) lies to the south west of the site (reference 1486963) and, therefore, consideration has to be given to the likely impact on its setting.
84. The principal statutory duty under the Planning (Listed Building and Conservation Areas) Act 1990 is to preserve the special character of heritage assets, including their setting. Local Planning Authorities should, in coming to decisions, consider the principle Act, which states the following;
- Listed Buildings – Section 66(1)*
85. 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.
86. Paragraph 197 of the Framework states in determining planning 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.
87. Paragraph 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.
88. The relevant application documents have been reviewed by the Council's heritage advisor who has also carried out a site visit.
89. The key heritage issue for the Local Planning Authority to consider is:
1. Whether the proposed development will harm the significance (through development within its setting) of any designated or non-designated heritage assets.
90. The proposal is for mixed employment space containing a mix of unit sizes and uses. The whole site would be accessed via a single access road off the A674. It is noted that the site is part of an allocated employment site in the adopted Local Plan and has been subject to previous applications/permissions.
91. Canal Mill was designated on the 11 October 2023 as a Grade 2 Listed Building. Clearly this is a material change in circumstances since the application was submitted and validated in December 2022.
92. The significance of Canal Mill is identified in the listing description/designation report. The building dates from 1855 and is a significant landmark building, standing to the west of the Lancaster Canal at Botany Bay and facing onto the M61 motorway. The building itself is 5 storeys with 20 by 7 bays, constructed from brick with sandstone detailing. The mills original form survives and it is a relatively good example of a large Lancashire cotton spinning mill.

93. 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.
94. Given the buildings large size it can be appreciated from a wide area. The building is highly prominent from off the immediate road network including the M61. To the east, off Blackburn Road, the former mill is seen in the context of a wide vista which includes the canal. New commercial development (on the allocated employment site) already lies to the north. It must be acknowledged, however, that this is largely an altered and modern setting.
95. The most notable and significant (historic) views are perhaps from the canal towpath, which is sunken below road level. Here the Mill can be appreciated in a long linear view looking southwards. Whilst there is some considerable distance between the site and the listed building these views positively contribute to the significance of the building.
96. In this context, the development of the site will further add to the visual intrusion caused by modern development in the wider long vistas of the listed Mill. However, given the significance of the mill is largely contained in the architectural form of the building itself and noting the much changed setting, it is considered that any harm (to its significance) is very limited and is of little or no consequence in relation to its overall architectural and historic significance.
97. It is noted that comments have been received from the Canals and Rivers Trust in relation to the impact on the character and appearance of the canal corridor. Whilst there would be some impact it is noted that the character of the canal network is much varied and passes through both urban and rural environments. This part of the historic context and the setting of the network is always evolving.
98. Given the wide definition given to non-designated heritage assets (NDHA) the canal can be considered to be a NDHA and, therefore, the Local Planning Authority should consider the concern under paragraph 203 of the Framework.
99. The Governments guidance identifies NDHA's as being buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions.
100. Paragraph 203 makes reference to the Local Planning Authority's need to consider the effect of an application on the significance of a NDHA when determining an application. In carrying out its planning balance they should have regard to the scale of any harm or loss and the significance of the heritage asset.
101. In this respect Paragraph 203 requires the Local Planning Authority to consider two aspects; firstly the scale of harm or loss and secondly the importance of the NDHA. In this instance the application has no direct impact on the canal itself and any harm (if there is any) relates to its setting alone. Whilst the new development would be visible from the short section of canal that adjoins the site any visible harm (and impact on significance) would be negligible. Given the low value attributed to NDHA's it is not considered that there would be any discernible harm to the heritage value of the canal.
102. It may be possible to limit or mitigate any visual (landscape) harm along the canal by providing landscaping along that western edge of the development to better contain or filter any views of the new buildings. Indeed, this is proposed through structure planting along the western boundary of the site as set out in the landscape strategy.
103. Notwithstanding this, unlike in the case of designated assets Local Planning Authorities are only required to carry out a simple weighing exercise of those material matters with the

planning proposal and that any impact (which carries no statutory duty on behalf of the Local Planning Authority) should be considered against the merits of the application as a whole including the new development and including any other benefits or effects of the scheme.

104. The Framework at paragraph 199 states that great weight should be given to the conservation of heritage assets regardless of the level of harm. Overall, it is considered that the proposed scheme, as presented, would not cause any significant degree of harm to the significance of Canal Mill. Similarly, there would be no measurable degree of harm to the significance of the portion of the canal that adjoins the site. As such, the application meets the objectives of Chapter 16 of the Framework and is in compliance with policy BNE8 of the Chorley Local Plan and policy 16 of the Central Lancashire Core Strategy.

Impact on character and appearance of the locality

105. The application site is currently open agricultural land that slopes from the east at Blackburn Road down to the west adjacent to the Leeds and Liverpool canal and Millenium Way. The site is currently visible from a number of vantage points and is located in an area that is evolving following the allocation of large areas of land for employment and residential land uses. The land adjacent to Canal Mill is already under development as an industrial business park and a number of industrial units have already been erected. The application site occupies a more elevated position to the Canal Mill site and has a different visual dimension. It is noted that to the east is a residential area of suburban character, whilst the north and south of the site the land is currently free from development.
106. The proposed development would involve the construction of a series of three building platforms or terraces, the uppermost closest to Blackburn Road being set variously between 2m and 6m below the street level. The lowest point is to the north west corner of the site at the position of the proposed cycle / footpath access with no buildings adjacent.
107. Combining the change in levels and the siting of the smallest scale units adjacent to the site boundary – Blocks A, B and H/I – the potential visible rear elevations of the buildings reduces to a range between 2.4m and 3.1m.
108. The middle and lower terraces of the site then step down by between 5m to 6.25m between upper and mid terraces, and around 4m between mid and lower terrace. This step allows the larger units on the lower levels to be embedded into the profile of the hillside and results in the buildings receding out of view from Blackburn Road with views taken over and above to the distance.
109. The proposed units themselves would be set out in a linear pattern running north to south. They would be of a modern industrial shed style of design. Blocks A and B on the upper terrace to the east of the site would have flat roofs with a slight pitch. This is in order to accommodate green roofs, which has been conceived to provide a softer outlook from Blackburn Road and as part of wider ecological mitigation measures for biodiversity. The applicant has submitted two concept finishes in grey and green for consideration. The eventual finish has not been confirmed at this stage and, therefore, it is recommended that these details be confirmed by condition. It may be that a mix of colour finishes is considered appropriate dependant on the position within the site and visibility of the units.
110. Blocks O and L would be positioned either side of the site entrance from Millenium Way and would be most visible from this highway. It is proposed that these two units include backlit Reglit panels with signage, which would provide distinctive entrance feature and sense of arrival to the business park. Landscaping in this part of the site would be more formal to reflect the business park aesthetic, whilst softening the entry to the site. The majority of the landscaping proposed would be to the periphery and would have a more natural appearance, designed to filter views of the development from outside. This is an appropriate approach to the landscaping of the development.
111. The development itself would take up the majority of the site area resulting in a relatively high density of buildings with limited internal landscaping. It is imperative that the proposed development makes an efficient use of the land, however, in order to maximise the

economic benefits of developing out the allocation, whilst developing the site efficiently at such density would reduce the pressure on releasing alternative land for similar such development. The internal layout of the site would not be visually prominent and as required by policy EP3 it is the periphery of the site around which landscaping should be concentrated, as has been proposed. The proposed landscaping would help to soften the development to some extent, however, the modern industrial nature and appearance of the development could not be disguised. The site is allocated for employment development in the Chorley Local Plan 2012-2026 and, therefore, any development of the site would be anticipated to incorporate sizeable modern units. The development is typical of a modern industrial development, though it does provide for a range of unit types and different scales of building, particularly in relation to start up businesses.

112. A landscape and visual impact assessment has been submitted in support of application, which has been reviewed by the Council's Landscape Officer. The Landscape Officer confirms that the landscape and visual appraisal report has been prepared in accordance with the latest guidance on landscape and visual impact assessment (GLVIA 3 2013) and it is generally considered that the LVA study area, viewpoints selected, and methodology are appropriate and representative to the location, the scale of the proposal and the purpose of an LVIA when produced outside of the context of an EIA.

113. The report considers that in relation to landscape value and given that the site is not designated for its landscape value at any level, the site is considered to have a low landscape value overall. The landscape features within the site are of mixed quality and condition with some degraded features. It is considered that the site contains locally important features that contribute to the overall character of the published Landscape Character Area, however there are opportunities for restoration of the landscape, for example through management of the existing characteristic hedgerow/trees.

114. The report goes on to conclude that;

"The wider rural fringe landscape to the immediate north and east of the site forms a pastoral settlement edge plain landscape of medium to large scale fields with scattered stands of remnant hedgerow vegetation and stands of shelter belt tree cover and drainage channels. The wider surrounding settlement of Chorley forms an undulating developed backdrop to the far west of the Site, with the residential area of Great Knowley rising to the far east forming a further settled context.

The Site is contiguous with existing built form and a network of tree lined highways. The character of the Site is markedly influenced by the proximity to adjacent development. The arrangement of surrounding highways and the adjacent canal segregates the Site from the wider rural landscape of large-scale pastoral fields north and south east of the site with the proposals being located physically and visually within the developed portion of the settlement fringe."

115. The report describes how the landscape character of the application site and surrounding area is heavily influenced by proximity to adjacent development and highways infrastructure and is strongly associated with the developed portion of the urban/rural fringe. In this context the report concludes that there would be a neutral landscape effect on the County Level Landscape Character Type: Industrial Foothills and Valleys. At the site level an initial adverse landscape effect is described which would decrease to neutral over time as the proposed mitigation planting matures. The Council's Landscape Officer considers that the appraisal reaches reasonable conclusions in respect of landscape character.

116. The report identifies the most sensitive receptors to on-site development that are likely to experience the most prominent effects as a result of the proposals as being:

- Residents and vehicle users along Blackburn Road (viewpoints 5,6 & 7)
- Users of PROW 26 (viewpoints 4 & 5)
- Users of canal towpath (viewpoints 2 & 3)

117. The report concludes that these receptors would be subject to residual permanent adverse visual effects. The Landscape Officer considers that the appraisal reaches reasonable conclusions in respect of the visual effects. However, it must be considered that the site would be developed in the context of an industrial business park development that is under construction and is of significant scale. There are also large sheds nestled amongst tree cover in the wider Chorley townscape to the west of the M61 motorway, whilst there is also the existing Canal Mill building and nearby highways infrastructure (including the M61 and A674 corridors), presenting established features of the urbanised settlement fringe local to the site.
118. The development has been designed to respond to the site levels and reduce the impact of views from Blackburn Road through the use of development platforms that are of lower levels to the highway. Peripheral landscaping is also proposed that would supplement existing landscape features. Notwithstanding this, the site plan and sections indicated that Block A was located very close to Blackburn Road with little space for mitigation planting. This block was also identified by the Council's Landscape Officer as having the potential to be highly visually intrusive from the properties opposite. In order to reduce the impact of this particular block, a landscape buffer to the east has been increased in depth through amendments to the site layout, whilst the use of green facing materials has also been put forward. These amendments help to reduce the visual impact on Blackburn Road.
119. In summary the development would be of a commensurate scale in the context of the site area and the need to make effective use of the allocation. The layout of the development would undoubtedly impact on the surroundings and public vantage points resulting in some adverse effects, though would be of a scale to be expected of a significant employment development as planned for at this site through the allocation of the land within the Local Plan. The buildings would be of a functional modern design with some elements of interest but remaining suitably modest, whilst the use of a green finish would help the development to blend in with existing and proposed landscaping. The retention and bolstering of peripheral landscaping would soften the appearance of the development, though would not screen it in its entirety given the scale of the buildings.
120. Overall, the development would result in an acceptable appearance that would be reflective of the expectations for the site as set out in the Local Plan and would be of a standard of design expected of a modern employment site in meeting the needs of market, and in supporting job creation. The development would comply with policies EP3 and BNE1 of the Chorley Local Plan 2012-2026 in this respect.

Impact on neighbour amenity

121. The application site occupies a position immediately adjacent to Blackburn Road with dwellings at 138 to 176 Blackburn Road directly facing the site. The proposed development comprises a series of industrial units laid out in a broadly linear fashion parallel with the highway, that would be set variously between 2m and 6m below the street level. The dwellings lining Blackburn Road occupy a higher land level relative to Blackburn Road and are, therefore, further elevated above the level of the proposed development site. The dwellings at Blackburn Road are set approximately 22-23m away from the site boundary and would be 31-36m from nearest buildings that are proposed. The roofs of the proposed development would be visible from the dwellings at Blackburn Road, however, the degree of separation and levels difference are such that there would be no impact on light and a very limited impact on outlook as a result of the proposed development. As a result there would be no adverse impacts on the amenity of the occupiers of the dwellings on Blackburn Road as a result of the physical presence of the proposed buildings themselves.
122. It is noted that there is a detached dwelling to the north of the site at Little Knowley Farm. This would occupy a similar level to the proposed development, however, the curtilage to this property is approximately 38m from the site boundary, whilst the dwelling itself is approximately 62m away. This is a significant degree of separation, such that the proposed buildings themselves would have no adverse impact on the amenity of the occupiers of this dwelling.

123. It is considered that there would be no unacceptable adverse impacts on the amenity of any residential occupiers by virtue of the physical presence of the proposed development. Noise and disturbance impacts are considered earlier in the report. The development would comply with policies EP3 and BNE1 of the Chorley Local Plan 2012-2026 in this respect.

Impact on highway safety

124. Originally, four applications were submitted as part of the Great Knowley Masterplan in 2017:
- a. 17/00713/OUTMAJ – Employment (Planning Permission Expired)
 - b. 17/00714/OUTMAJ – 188 Dwellings
 - c. 17/00715/OUTMAJ – Retail
 - d. 17/00716/OUTMAJ – 100 Dwellings
125. These applications were approved in 2019, with planning conditions securing highway mitigation at numerous locations on the highway, including the A6 / A674 Hartwood roundabout and M61 Junction 8 slips. Improvements on the highway network were identified using microsimulation (VISSIM) modelling, that assessed all the above applications.
126. Subsequently, an application was submitted in 2019:
- e. 19/01113/OUTMAJ – 233 Dwellings
127. This was a resubmission of application of b above, with an increased number of units. LCC Highways had no objection to this application, as the assessment of the original applications included a total of 350 dwellings.
128. In 2021, an application was submitted:
- f. 21/00439/FULMAJ – Business Park
129. This was a resubmission of application c above, for business park use rather than the originally approved retail. With this application, the proposed trips rates between the retail and employment were compared and the new proposals for employment resulted in increased trips (117) in the AM and reduced trips (286) in the PM. The VISSIM model was updated for this, and the model showed that the full mitigation package previously proposed was still required.
130. Following this, two applications for the Botany Bay Mill site were submitted:
- g. 22/01080/FULMAJ - Decked car park (163 space) with helipad and sports hall
 - h. 23/00164/FULMAJ - Change of use of the Mill to storage with proposed offices
131. The current proposal (this application) seeks planning permission for 28,717 sqm of Employment units at the land between the A674 and Blackburn Road, which currently has planning permission for 233 dwellings (resubmission of application e above).
132. The comments below represent LCC Highways Development Control Teams' statutory response on the highway and transport aspects, based upon all information provided to date.

Comments on Specific Elements of the Transport Assessment (TA)

133. The remaining sections of these comments address the following matters:
- Section A - Access Strategy
 - Section B - Comments on other elements within the TS
 - Section C - Internal Site Layout, Parking Standards/Parking Provision and SUDS
 - Section D - S278 Works
 - Section E - Planning Obligations (s106 Planning Contributions)
- (A) Access Strategy
134. The proposed site is shown on drawing 02-P10 Rev P4. The site is to be accessed from A674, in a similar location as the approved residential application, and includes right turn

storage provision (on the A674). The site access layout is shown on drawing 081885 CUR XX 00 D TP 75009 P10. The visibility splays for the access are shown on this drawing and should be protected by a suitably worded planning condition. Swept path analysis for all movements at the access, with a max artic HGV, are shown in drawing 081885 CUR XX 00 D TP 05001 Rev P08. The proposed access arrangements have been agreed in principle with LCC Highways and are subject to detailed design.

135. As part of the access strategy, the speed limit on the A674 is to be reduced to 40mph, and to extend to the A6. In addition, to support access to the strategic network, Botany Bay roundabout junction operational/capacity improvements are required, supported by swept path analysis and safety audits, in line with current design standards.

(B) Comments on other elements within the TA

B1) Traffic Figures and Traffic Forecasts

136. The presented trip rates are consistent with those accepted by LCC Highways for the Botany Bay Business Park application. In a meeting on 11th July 2023 between LCC Highways, National Highways and the Applicants' Transport Consultants, the distribution for this application site, the decked car park and offices at the Botany Bay Mill (applications g and h above) was agreed. Following the meeting, LCC Highways were provided with the agreed distribution and the difference in flows between the consented and proposed applications. This shows that across the network, the difference in flows vary during the peaks. At the Hartwood Hall and Hospital roundabouts, there is a net increase of 72 movements in the AM peak and decrease of 29 movements in the PM peak.

137. Therefore, the full package of mitigation as identified and secured as part of the previous applications, is still required. This application will also include, as a minimum, those same measures. It is suggested that a Grampian condition is imposed to ensure delivery of all measures from this developers Botany Bay Business Park application, currently being built out. With this, no development can be occupied until all mitigation is delivered. This to be controlled by a suitably worded planning condition.

B2) Accident Analysis

138. The TA presents accident analysis of the A674, M61 Junction 8 and Blackburn Road from data for the latest five-year accident record. Having reviewed the most up to date collision data records held on LCC's Highways system, I am satisfied that the influenced network with development and all mitigation delivered, will not result in residual safety issues, on the assumption that all measures are delivered in line with design standards and that all planning conditions as suggested by the Local Highway Authority (LHA) are imposed.

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

139. With the close proximity of cycle routes and infrastructure to the site, the TA concludes that cycling is a highly realistic mode of travel for employees at the proposed development. This is disputed, as limited specific provision is available on the existing network and is offered from this proposal. This will result in car dependency to access the site.
140. Access for pedestrians and cyclists to and through the development is proposed from Blackburn Road in the form of a ramp to satisfy design guidance. The internal network for employment land use, including the ramp and footway linking Blackburn Road to the A674, will not be considered suitable for adoption and to be managed and maintained by the site management strategy. It is suggested that the LPA protects the delivery of the sustainable connection between Blackburn Road and A674 including the pedestrian/cycle ramp, prior to first occupation. The internal layout of the site for pedestrians and cyclists to and through the development is limiting. The applicant must ensure safety of users is not compromised. It is suggested that a safety audit and user audit is undertaken and any recommendations are taken forward and delivered in advance of the site being opened.

141. Highlighted within drawing 02-002 Rev N, three connections to the existing PROW (footpath FP0902026), south of the site, are proposed. These connections are welcomed, as they will provide sustainable connections on a desire line to the site. Whilst there is the offer to provide these connections on a desire line, there is a risk that, as it is on land beyond the applicants control, they may not be delivered.

B4) Public Transport Accessibility and Provision

142. The connection for pedestrians and cyclists to Blackburn Road improves the sites accessibility to public transport on Blackburn Road and Blackburn Brow. However, the existing bus service is hourly. For the scale of development, including the previous Botany Bay Business Park currently being built out, it is considered that the existing bus service should be improved. With this, as a minimum, funding is required and has been identified and detailed under the heading '(E) Planning Obligations (s106 Planning Contributions)' below. It is noted that as part of the Botany Business Park application, public transport contributions were removed on the premise that funding would be secured as further development comes forward.

143. As the LHA highlighted in the Botany Bay Business Park application comments, the existing public transport infrastructure is not conducive to support the use of public transport. For the two bus stops closest to this site (stop IDs 250011117 and 2500IMG2955), the supporting infrastructure needs to be upgraded including improved stops (DDA compliant), upgraded shelters and upgraded lay-bys, and be delivered prior to any unit being occupied, through the S278. These works are currently not shown on plan but should be protected by a suitably worded planning condition.

B5) Travel Plan

144. An Interim Travel Plan has been prepared and submitted at this stage. The Interim Travel Plan sets out various measures which aim to encourage sustainable travel, an approach to monitoring and review, and an Action Plan.

145. A Full Travel Plan and its implementation will be appropriate for this development proposal in due course. The Full Travel Plan when submitted will need to meet LCC's submission criteria and include:

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

146. For development of this scale LCC Highways would request a contribution of £8,000 (this is identical to the Botany Bay Business Park application, currently being built out) to enable LCC to provide a range of Travel Plan services for the wider site as outlined below:

Appraise initial Travel Plan(s) submitted to the Planning Authority and provide constructive feedback.

Oversee the progression from the Interim Travel Plan to the Full Travel Plan/s in line with agreed timescales.

Monitor and support the development, implementation and review of the Full Travel Plan.

This will include reviewing:

- Annual surveys
- Progression of initiatives / actions plan

- Targets

147. If this application were to be approved the LHA have requested that a commitment is made by the developer to ensure suitable funding is made available to be used towards measures/initiatives that may be required if Travel Plan targets are not achieved (to be made available to the developers appointed travel plan coordinator). This funding would only be used if the targets are not met and that these funds are not passed to the LPA or the LHA. The Travel plan to also include surveys to capture any employees that park on street. This element can be conditioned in the Travel Plan. The site Travel Plan should link to phases that can be delivered.

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

148. The proposed site layout is shown in drawing 02-P10 Rev P4. LCC Highways consider the internal layout of the site to be poor. However, the internal roads of the site will not be considered for adoption. The residential permission to the south (ref: 17/00716/OUTMAJ) is proposed to be accessed through this site. LCC have been clear to the applicant, as presented, this layout is not suitable to be extended.

149. As presented, there is no supporting infrastructure to support safe access from the adopted highway to the previously approved residential site. LCC Highways would have safety concerns with that currently presented being extended to access the residential site to the south, as this current arrangement is only suitable for a small level of employment use.

150. Swept path analysis for the internal layout of the site is shown in drawings 081885 CUR XX 00 D TP 05001 P08, 081885 CUR XX 00 D TP 05002 P06, 081885 CUR XX 00 D TP 05003 P03, 081885 CUR XX 00 D TP 05004 P03 and 081885 CUR XX 00 D TP 05005 P01. As suggested above, a safety audit and user audit should be undertaken to support the design on the internal layout of the site and any recommendations taken forward and delivered in advance of the site being opened.

151. It may be the case in satisfying the safety audit and user audit that additional changes to the layout may be required. Any planning condition attached by the LPA on this matter must have this in regard to enable changes to be delivered.

Proposed Parking

152. The latest site layout (drawing 02-P10 Rev P4) indicates 326 car park spaces are proposed on the site. It is noted that (using the anticipated breakdown in B2 and B8 uses as presented in the TA), based on Chorley's Adopted Local Plan (2012 to 2026), highlights a maximum total of 584 spaces. The TA presents car park accumulation using the consented Lancashire Business Park trip rates, which demonstrates an average occupancy of 213 spaces. The TA also proposes 55 cycle parking spaces.

153. As a consequence of the location of this site (rural/semi-rural), there will be a high reliance on the private vehicle, even with public transport infrastructure improvements and financial contributions to service, with parking demand likely to exceed supply for a number of employment units (whilst others may generate a lesser demand), which is a concern. If this concern is not suitably controlled, it would result in residual parking on the public highway at the east of the site (on B6228 Blackburn Road).

154. The LHA has agreed with the applicant that a phased delivery and occupation of development be agreed and followed, to ensure that sufficient parking is provided for units within that phase, without impacting on the surrounding highway. The next phase could not then proceed until evidence is presented and agreed that demonstrates the impacts can be contained/located within the parking provided within that phase. This may overall result in lesser development being occupied at stages in the development. The applicant has accepted the approach, which it is recommended be protected by a suitably worded planning condition. In addition, a Car Park Management Strategy (CPMS) would be required for the site to accompany this, which it is also recommended to be secured by condition. It is

noted that the consequences of overspill parking on the public highway would be a local amenity issue rather than a highway safety matter.

Sustainable Urban Drainage Systems (SuDs)

155. LCC are now the Lead Local Flood Authority (LLFA), as such LCC Flood Risk Assessment Team have provided detailed comments during the planning process under a separate response setting out a series of conditions that are required from any development of the site. In general, LCC will seek to limit the use of culverts where alternative sustainable solutions can be found. The application should consider the requirements of a SuDs drainage scheme. These considerations may significantly affect the site layout/design to include for the likes of swales, storage ponds etc. to control run off rates in accordance with SuDs guidance.

(D) S278 Works

156. It will be expected that appropriate s278 works, as have been secured with other developments within the masterplan site, would be required and controlled by condition if the LPA were minded to approve this proposal. All works detailed / listed below to be delivered by s278 Agreement unless otherwise indicated (as s106 funding). All works as listed are to be detailed up and agreed prior to commencement on site.
157. Section 278 agreements (s278) are appropriate where improvements are required in the public highway, paid for by the developer (costs to include design/legal fees, additional surveys, safety audits, amendments to street lighting, drainage, vehicle restraint systems etc., and all other risks associated with highway improvements required by the development so that public funds are not used to support the provision of these features.

Road Safety Audit (applies to all S278 works)

158. Any highway works or part delivery of highway works (phases), need to satisfy a safety audit. It is important that modelling to be based on scheme that includes all safety audit changes (and all evidence is agreed with LCC).
159. The mitigation works required to support the development area as follows:
- A674 Blackburn Rd / B6228 Blackburn Rd Signal Controlled Junction and B6229 Corridor (also secured as part of Botany Bay Business Park site)
 - A674 Blackburn Road / B6229 Moss Lane priority junction (also secured as part of Botany Bay Business Park site)
 - A674 Blackburn Road / Proposed Commercial site access roundabout (also secured as part of Botany Bay Business Park site)
 - A674 Blackburn Road between M61 J8 and this proposed access (also secured as part of Botany Bay Business Park site)
 - A674 / M61 Junction 8 roundabout (also secured as part of Botany Bay Business Park site)
 - A6 / A674 signalised roundabout (Hartwood Hall roundabout) (also secured as part of Botany Bay Business Park site)
 - A6 / Euxton Lane signalised roundabout (Hospital roundabout) (also secured as part of Botany Bay Business Park site)
 - Euxton Lane / Hospital Access signal controlled junction (also secured as part of Botany Bay Business Park site)
 - New Strawberry Fields Signalised junction on Euxton Lane (also secured as part of Botany Bay Business Park site)
 - Other Measures and sustainability provision (also secured as part of Botany Bay Business Park site) - this excludes that agreed with the Canal and River trust
 - Review of TRO's on Blackburn Road, adjacent to the east of the site.
 - PT bus stop provision on Blackburn Road (both directions). Existing provision closest to Botany Hill site to be upgraded including shelters, lay-by and DDA compliant stops (delivered prior to any unit being occupied).

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

(E) Planning Obligations (s106 Planning Contributions)

161. Should Members be minded to approve this application, it is considered appropriate to seek planning contributions to support improvements to sustainable transport improvements on the local highway network. This funding would be used to implement changes to limit the negative impact of this large development on the existing, and at times, congested network.
162. The trigger point for s106 sustainable transport planning contributions should be prior to commencement of development unless otherwise agreed with LCC and the LPA.
163. LCC consider that the appropriate and necessary funding to achieve sustainable development would include the following:
164. Public Transport Service Obligation: the level/type of obligation for public transport service improvements, unfortunately, has not yet been agreed. The applicant supports the principle of making a contribution to satisfy sustainability deficiencies, in line with the Framework, however, further discussion is required to finalise the eventual level of contribution. As this is an unknown, it is recommended that any resolution to grant planning permission is made subject to a s106 agreement to secure a public transport contribution and a travel plan support contribution the final details of which to be delegated to the Director of Planning and Development in consultation with the Planning Committee Chair and Vice Chair.
165. Funding for Travel Plan support; a total contribution of £8,000 to enable LCC to provide a range of Travel Plan services for the site.

Highways Conclusion and Recommendation

166. With consideration to all the additional information provided, the LHA consider that the proposal can be made acceptable, if suitably controlled through planning conditions, whether highway
167. related or those related to the site, together with S106 obligations.
168. The highway network impacted on by this development is complex with uncertainty on future traffic flow and resulting congestion especially at and on approaches to Hartwood Hall roundabout, Hospital roundabout and M61. The development, with mitigation and phasing of development linked to parking, would ensure that the local network and junctions highlighted do operate within junction limits and satisfy the needs of cyclists, pedestrians and public transport at all stages.
169. There are a number of internal layout issues highlighted, which whilst beyond the power of the Local Highway Authority, can be satisfactorily dealt with through conditions specific to the proposed development.
170. All matters have been resolved to the LHA's satisfaction with the exception of the final level of Public Transport service obligation, which to be agreed.

Drainage

171. Policy 29 of the Central Lancashire Core Strategy requires appraising, managing and reducing flood risk in all new developments, avoiding inappropriate development in flood risk areas. A Flood Risk and Surface Water Drainage Assessment has been prepared by Sutcliffe (Ref: LRD32501 Issue 2) and submitted in support of the proposal. The report has been written in accordance with the standing advice and requirements of the Environment Agency (EA) for Flood Risk Assessments as outlined in the Communities and Local Governments Planning Policy Guidance to the National Planning Policy Framework (NPPF).

172. The application site is located within an area classified as Flood Zone 1, therefore, the site is considered to be at very low risk from fluvial flooding. There are no recorded surface water flooding incidents for the site are recorded in the Central Lancashire Level 1 Strategic Flood Risk Assessment. According to the flood maps and the Flood Hazard Rating, the site is considered to be at low risk of flooding from surface water. Once the proposed topography and drainage are in place, this risk would be mitigated and would be considered very low.
173. It is considered that the proposed drainage strategy provides a robust basis from which detailed surface water drainage proposals for the future development of the site can emerge. Sustainable drainage solutions have been considered for the site in line with the Sustainable Drainage Hierarchy. Infiltration is confirmed as being unviable for the site due to the prevailing ground conditions. The next outlay option is discharge to a watercourse, which in this case is deemed to be the viable solution for the site, with surface water runoff for the site being managed via connections to Leeds and Liverpool Canal, reusing existing connections where possible.
174. The proposed development would be designed to mimic the existing greenfield discharge rates for the site. Whilst the majority of the proposed site would be impermeable it is proposed to use SuDS where possible within the developed scheme. It is proposed that green roofs will be used for Blocks A & B, and the eastern access road and car parking (between Blocks A,B,F,G H & I) would be of porous construction. In all other areas there would be new roads with an impermeable surface and a network of pipes and gullies to collect and convey the runoff from the roofs, paths, service areas and car parks to an attenuation tank and flow control.
175. The area of the development is considered as greenfield, so the maximum surface water discharge (catchment area only) should be restricted to the greenfield runoff rate of 56.69 l/s. The surface water system design includes a control device and attenuation tanks to ensure that rate is not exceeded for the design storm events including the 1 in 100 years plus 35% climate change, and additional calculations also included for 45% climate change with no off site flooding.
176. The Lead Local Flood Authority (LLFA) is a statutory consultee for major developments with surface water drainage, under the Town and Country Planning (Development Management Procedure) (England) Order 2015. The LLFA has reviewed the drainage details provided at this stage and considers these to be acceptable subject to the provision of further details and have recommended conditions requiring:
- Development is carried out in accordance with the submitted Flood Risk Assessment.
 - Final Surface Water Sustainable Drainage Strategy to be submitted
 - Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations.
 - A Verification Report of Constructed Sustainable Drainage System
177. It is recommended that these conditions be attached to any grant of planning permission.
178. The flood risk implications arising from both the site itself and the intended development have been given careful consideration and the identified mitigation measures and outline drainage strategy would ensure that the proposals do not give rise to any adverse impacts in respect of flood risk, thereby complying with Core Strategy Policy 29 subject to the provision of further details.

Ecology

179. The applicant has submitted a primary ecological assessment, an ecological impact assessment, Biodiversity Net Gain assessment, breeding bird survey, reptile report, and an otter and water vole survey in support of the proposed development. These have been reviewed by the Council's ecology advisor who confirms that the ecological surveys undertaken for the site have been carried out by suitably qualified ecologists and were generally to appropriate standards.

180. The site comprises three semi-improved grassland fields separated by ditches and hedgerows. At the time of the primary ecological assessment walkover survey, the western and southern fields had recently been stripped of vegetation and topsoil, and as such were mapped as bare ground. The eastern field still comprised semi-improved grassland with a mosaic of bare ground, tall ruderal, marshy grassland and scattered scrub. A single small pond was present within the north-eastern section of the site. The site contains dry ditches and hedgerows, tree lines and flowing ditches demarcate the northern and southern site boundaries. The western boundary is partly demarcated by the adjacent Liverpool to Leeds Canal. Since the initial walkover survey, the site has been subject to further vegetation clearance and earthworks associated with the installation of a utilities cable.
181. Overall the BNG Assessment demonstrates that the proposals will result in a net loss of biodiversity. Given that the site is allocated for employment development it is desirable that an efficient use of the land for this purpose is made. The development of the site to provide employment premises carries great weight and given that the ecological interest on site is limited, with some gains possible, it is considered that in this instance the full details of the landscaping, and a scheme for the off site provision of biodiversity net gain can be required by condition.
182. Notwithstanding the above, the proposal does include measures to enhance the small areas of remaining habitats on site. These areas will need to be managed and monitored long term to ensure the stated condition will be reached. It is therefore recommended that a Landscape And Ecological Management Plan (LEMP) be required by condition.
183. The surveys found that the site does support some species of conservation concern, such as common toad and lapwings, as well as other breeding birds, foraging bats and common amphibian species. Water voles are also known to be present in the adjacent canal, albeit not in the stretch immediately adjacent to development site. A number of protection measures have been recommended to ensure construction activities do not cause harm to these species, the retained habitats and the adjacent canal. It is, therefore, recommended that these protection measures be incorporated into a construction environmental management plan for biodiversity that should be required by condition.
184. There are no detailed landscaping plans for the site and, therefore, a more detailed Landscape Plan, and a Landscape Management Plan, should be prepared for the site and required by condition. The Ecological Impact Assessment also makes recommendations for the inclusion of bat and bird boxes into the site, a scheme which is recommended to be secured by condition, as part of the detailed landscape plan.
185. Section 174 of the Framework states that the planning policies and decisions should contribute to and enhance the natural and local environment. The site is generally of limited ecological value, however, a scheme to include full details of measures to enhance biodiversity at the site and to provide an overall net gain for biodiversity, in line with the aspirations of the Framework should be provided and it is recommended that this be secured by condition.

Trees

186. A single tree from within a hedgerow at the site would be removed to facilitate the development proposal. All other trees would be retained and protected throughout the development works. To compensate for the proposed tree removal, at least 15 native species trees would be planted as part of the landscaping scheme. Therefore, it is considered that the proposed development complies with policy BNE10 of the Chorley Local Plan 2012 – 2026.

Minerals and coal mining

187. The application site is underlain by various types of superficial deposits, with underlying sand and gravel deposits, including Lower Haslingden Flags Sandstone bedrock, which are regarded as a Mineral Resource.

188. Policy M2 of the Lancashire Minerals and Waste Site Allocation and Development Management Policies Local Plan applies. The policy states that planning permission will not be supported if a development is incompatible by reason of “scale, proximity and performance” with mineral safeguarding.
189. Once appropriate buffer zones are applied to the M61, the Leeds-Liverpool canal and existing housing developments, the prior extraction of minerals from beneath the application sites would not be economically viable. This would be compounded by the likely low quality of the resource encountered.
190. Given that the site has been allocated for development as part of the policy EP2 EP1.1 / HS1.8 site, the presence of the mineral resource would have taken into account at the time of allocation and the value of the land in planning terms is thus considered more valuable to deliver employment development than to deliver a marginal and difficult to process mineral resource. Consequently, given the above constraints, it is considered that there is an overarching need for the development that outweighs the need to avoid the sterilisation of the mineral resource.

Employment and skills provision

191. 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;
192. 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
193. 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
194. A condition is recommended requiring an employment and skills plan.

Community Infrastructure Levy (CIL)

195. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development would be a CIL liable

development and any charge would be subject to indexation in accordance with the Council's Charging Schedule.

Other matters

196. *If the houses are not built then other land will need to be found to accommodate the housing that is needed in the area:* The assessment and determination of the application must be based on what is proposed and cannot consider the suitability or preference for an alternative scheme.
197. *Questionable demand for the proposed units:* This is a matter for the developer. The allocation of the land for employment development was based on evidence considered at the time the Chorley Local Plan was devised.
198. *Access to the site for construction should not be from Blackburn Road:* It is recommended that a planning condition requires that the site access is constructed prior to commencement.
199. *The development will diminish property values in the area:* This is not a material planning consideration.
200. *The developer has carried out work without consent already:* This is regrettable. The Council has taken action and development has ceased.
201. *The site is a habitat for Lapwings and other birds:* The ecology survey found that Lapwing is the only species identified breeding within the grassland / open areas on site. The development proposal would reduce the availability of suitable breeding habitat on site for lapwings. However, only a single pair attempted to breed, and the chick was found to have been predated. As such, it is considered that the site is broadly unsuitable to support viable lapwing nests. Additionally, the areas of bare mud and disturbed ground that are favoured by lapwing are ephemeral habitats that have been created on site as a result of the earthworks. As such, the site is considered to have had a reduced suitability for lapwing prior to the start of works. As such, this is considered to be a medium magnitude impact at local level, therefore it is of minor significance.

CONCLUSION

202. The proposed development would clearly contribute to economic growth within Chorley supporting the provision of employment through supporting businesses within the units that would be developed, which is an economic and social benefit that carries significant weight. There would also be economic benefits through supporting employment during the construction of the development, which carries moderate weight. There would be some visual harm from the development, however, the landscape is not valued and the visual harm would be mitigated to some extent through the proposal landscaping strategy. As such only limited weight is attached to this harm. There would also be some harm through the net loss of biodiversity on the site, however, this would be compensated for through off site enhancements. As such only limited weight is attached to this harm.
203. The proposal meets with the expectations of the Chorley Local Plan 2012-2026, fulfilling the requirements of the allocation. There would be no unacceptable detrimental impact on the character of the area, amenity of neighbouring occupiers, impact on the highway network, ecology or drainage. On the basis of the above, it is considered that the benefits of the development are significant and outweigh the limited harms. It is therefore recommended that planning permission be granted subject to conditions and a s106 agreement to secure a public transport contribution and a travel plan support contribution the final details of which to be delegated to the Director of Planning and Development in consultation with the Planning Committee Chair and Vice Chair.

RELEVANT HISTORY OF THE SITE

Ref: 17/00355/SCOPE **Decision:** SCOPE **Decision Date:** 12 May 2017
Description: Scoping Opinion for the Environmental Statement, pursuant to Regulation 13 of the Town And Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015), associated with the proposed retail, employment, leisure and residential development at land to West of Blackburn Road, Chorley.

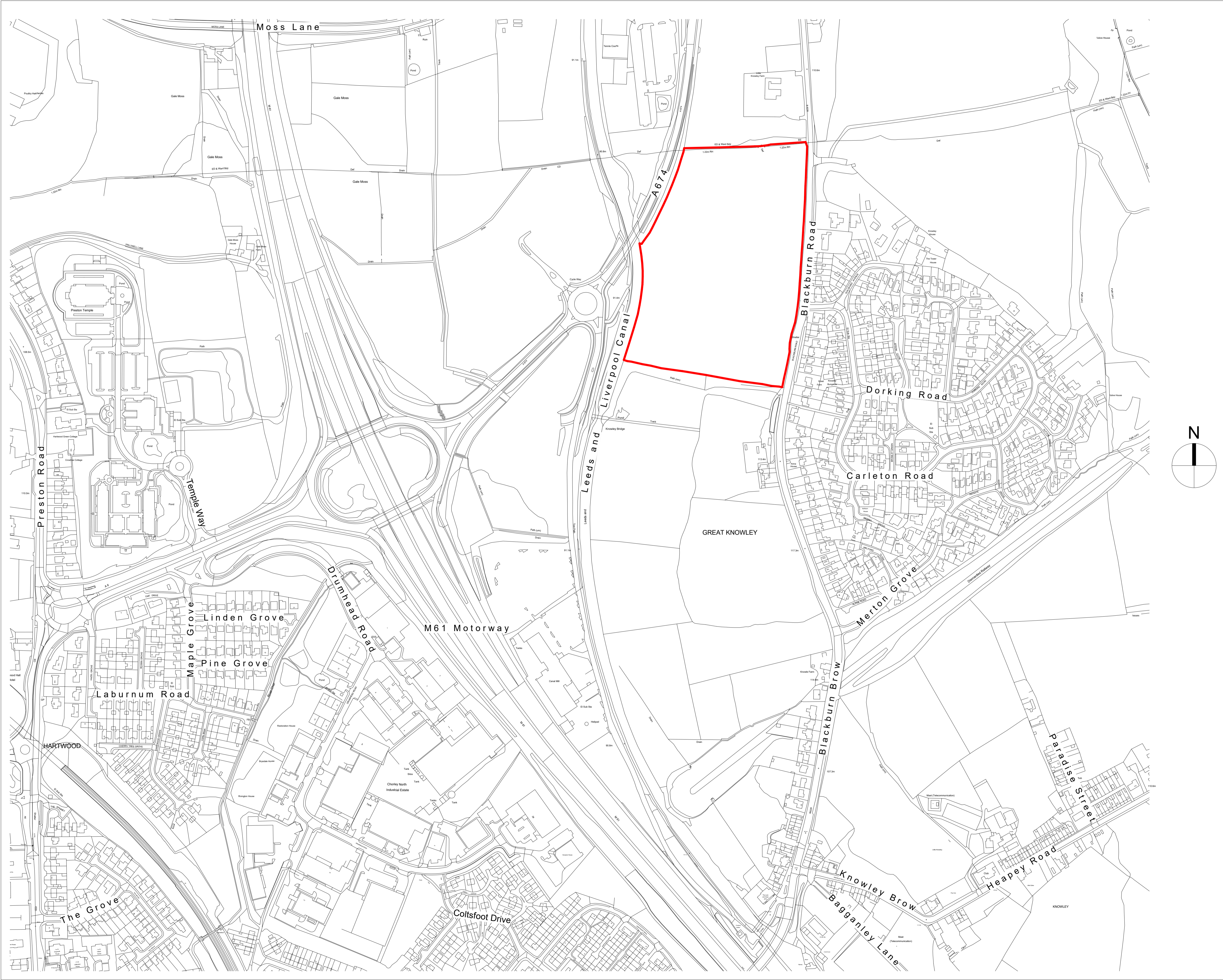
Ref: 17/00714/OUTMAJ **Decision:** PEROPP **Decision Date:** 21 October 2019
Description: Outline planning application for the construction of up to 188 dwellings (Use Class C3) with associated highways, landscaping and infrastructure provisions and any ancillary development thereto. All matters reserved except for access.

Ref: 19/01113/OUTMAJ **Decision:** PEROPP **Decision Date:** 13 September 2021
Description: Outline application for the construction of up to 233 dwellings with all matters reserved, save for access (resubmission of approved application ref. 17/00714/OUTMAJ)

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.

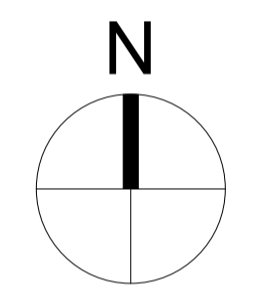
Suggested conditions

To follow



Contractors are not to scale dimensions from this drawing.

Rev	Description	Date
P1	Planning Issue	09.11.22



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Client
FIREM

Project
Botany Hill, Chorley

Description
Planning Site Location Plan

STATUS		
Planning		
SCALE (@ A1)	DRAWN BY	DATE
1 : 2500	JT	Nov 22
JOB NUMBER	DRAWING NUMBER	REV
1208	02-P01	P1

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APPLICATION REPORT – 22/00407/OUTMAJ**Validation Date: 6 April 2022****Ward: Ecclestone, Heskin And Charnock Richard****Type of Application: Major Outline Planning****Proposal: Outline application for the erection of up to 15no. dwellings with all matters reserved save for access from Tincklers Lane (resubmission of 20/01085/OUTMAJ)****Location: Land At Tincklers Lane Tincklers Lane Ecclestone****Case Officer: Mike Halsall****Applicant: Ms Lynne Howard****Agent: PWA Planning****Consultation expiry: 7 July 2022****Decision due by: 8 December 2023 (Extension of time agreed)**

RECOMMENDATION

1. It is recommended that outline planning permission is granted, subject to conditions and a S106 legal agreement to secure the following:
 - 35% of the dwellings to be affordable with 70% of these to be social rented and 30% for shared ownership
 - £32,340 for public open space contributions
 - £49,506 for two additional secondary school places

SITE DESCRIPTION

2. The application site forms part of a wider parcel of land designated as Safeguarded Land under Chorley Local Plan 2012 – 2026 policy BNE3 (BNE3.7 East of Tincklers Lane, Ecclestone). The site is located to the west of the settlement boundary of Ecclestone which is a Rural Local Service Centre, as defined by policy 1 of the Central Lancashire Core Strategy. The site is comprised of agricultural land covering an area of approximately 0.8 hectares with a small wooden building in its south western corner.
3. The application site is surrounded by existing dwellings to the east and north, open fields to the south and Tincklers Lane to the west, beyond which are further dwellings and agricultural land. Much of the land to the south of the application site, also forming part of the Safeguarded Land designation, has recently gained reserved matters consent (ref. 22/00748/REMAJ) for the erection of 65 dwellings, pursuant to outline planning permission ref. 20/01331/OUTMAJ, which was granted on appeal.
4. Outline planning application ref. 20/01085/OUTMAJ, for the development of up to 15 dwellings on the current application site, albeit with a different site access arrangement, was refused in April 2021. The previous refusal is a significant material consideration in the determination of this application and the key issue to consider is whether this application overcomes the reasons for refusal of the previous application. This is fully addressed in the 'Other Issues' section of this report. The reasons for refusal were as follows:

- 1) The proposed development would be located within an area of Safeguarded Land as defined by the Chorley Local Plan 2012 - 2026. Chorley has a five year housing land supply as required by the National Planning Policy Framework. The proposal therefore conflicts with policy BNE3 of the Chorley Local Plan 2012 - 2026. It is not considered that there are material considerations put forward in favour of the development are sufficient to outweigh the presumption against it.
- 2) The application does not make any provision for affordable housing and fails to demonstrate a mix of housing types and housing numbers to achieve the policy requirement of 35% on-site provision. The proposal is, therefore, contrary to the Central Lancashire Core Strategy 2012 Policy 7 and the Central Lancashire Core Strategy Affordable Housing Supplementary Planning Document.
- 3) The application fails to demonstrate that a safe access can be provided in the proposed location as the sightlines would be obscured and motorists and pedestrians egressing the site would be unable to do so safely. In addition, the corner radii of the proposed access is not 6 metres and does not, therefore, ensure that refuse and service vehicles can smoothly transition in and out of the site. The proposal is, therefore, contrary to policy BNE1 (d) of the Chorley Local Plan 2012 - 2026.
- 4) The extent of the highway works required, combined with the loss of a significant length of hedgerow, would completely alter the character of Tincklers Lane from a simple rural lane to an urbanised estate road which would be detrimental to the character and appearance of Tincklers Lane, the locality, and the site itself. This is contrary to policy BNE1, policy BNE9 (iii) and policy BNE10 of the Chorley Local Plan 2012 – 2026; and policy 17 of the Central Lancashire Core Strategy 2012.
- 5) The application site is proposed in isolation from the wider site allocation BNE3.7 of the Chorley Local Plan 2012 -2026 and, therefore, leads to a piecemeal approach to the development of the wider site which results in an unsustainable form of development. It fails to consider patterns of movement and connectivity which means that the development does not integrate or function well with the surrounding area. The proposal does not, therefore promote sustainable transport options for people or secure a high-quality inclusive design. The proposal is, therefore, contrary to policy 17 of the Central Lancashire Core Strategy 2012, policy ST1 of the Chorley Local Plan 2012 – 2026 and the National Planning Policy Framework.

DESCRIPTION OF PROPOSED DEVELOPMENT

5. The application seeks outline planning permission for the erection of up to 15 no. dwellinghouses, including the provision of a new access from Tincklers Lane, to the western edge of the site opposite the residential properties of Glendale and Moorcroft. All other matters are reserved.
6. The application states that the dwellings would be detached and of varying design, and an illustrative site plan has been provided which demonstrates one possible way in which the site could be developed. This shows a central road with a cul-de-sac arrangement of 5no. dwellinghouses to the north of the site, and the south of the site is split with two driveways each serving 5no. dwellings. Vehicular and pedestrian access would be via a single proposed access point from Tincklers Lane to the west of the site.

REPRESENTATIONS

7. Representations have been received from the occupiers of 15no. addresses and Croston Parish Council, citing the following summarised grounds of objection.

Principle of development

- Eccleston has more than enough houses
- This is Green Belt land, the Camelot brown site can be built on

Character and appearance of the area

- What makes Eccleston an attractive place to live, countryside with green spaces, will be lost with over development of the area
- Loss of rural feel

Residential amenity

- Overlooking / loss of privacy
- Noise

Highways and Access

- The proposal does not show connectivity with the 80 dwelling scheme to the south
- Vehicle access should be via Doctors Lane through the 80 dwelling site
- There should be pedestrian and cycle links through the north of site and a continuous footway to link into the existing footways on Tincklers Lane. This would enable pedestrians to access the bus stop on Towngate and increase the sustainability of the site and the site to the south and the surrounding residents of Eccleston
- The footway links through this estate would remove the need for pedestrians to walk up Tincklers Lane which has no footway and narrow verges for most of the lane from Doctors Lane
- The linking up of the sites also encourages pedestrians to use the PRow network to the east of the site
- The applicant should also support through s106 contributions public realm improvements and s278 off site highway works, this could include the upgrading of the bus stop on Towngate to a Quality Bus Stop and centre line marking improvements on Towngate and The Green
- The masterplan for the whole site of BNE3.7 would ascertain the proposed mitigation and how the costs are allocated to each site
- As submitted the site should not be supported and a masterplan for the wider safeguarded land as identified in BNE3.7 is undertaken. This should show continuous footway and cycle links and one vehicle access from Doctors Lane to serve the whole site
- The masterplan should also include a scheme for bus stop upgrades, footway improvements, centre and edge of carriageway markings, public realm improvements such as planters and benches and a committed maintenance budget and installation of a kissing gate for the PRow footpath10
- Pedestrian safety
- Increase in traffic
- Recent new builds and planning approvals will increase traffic further
- Road users use Tincklers Lane as a 'cut-through'
- Traffic calming measures and a reduction in the speed limit to 20mph is required
- Road is often used by large farm vehicles
- The road has blind bends
- Poor local public transport services
- Criticism of the applicant's transport assessment

Ecology and landscape

- Loss of biodiversity
- Harm to wildlife

Drainage and flood risk

- The site floods in autumn / winter
- Local foul water drains overflow and have flooded nearby streets and houses

- Sewage, mixed with surface water, is pumped by UU from Eccleston to Croston and during storm events it enters the highway in Croston and flows into the river Yarrow, the proposal will make this worse
- Attenuation tanks won't be sufficient

Other issues

- It is requested that there is provision for affordable housing. To have 5no. units on this site would be around 30% of the proposed dwellings
 - Local services are already overstretched / at capacity and would require expanding by s106 / CIL monies
 - Someone could profit from selling this land at the expense of the village community
 - The village is becoming a town
 - Plenty of other villages / towns with brownfield sites that could be used
 - Light pollution
8. One representation has been received which neither objects nor supports the application but requests the following improvements:
- Extension of the pavement to the PROW located to the south of the site;
 - Improvements to the bus stop on the green near the junction with Tincklers Lane;
 - Funding to replace the play equipment on the recreation ground at the top of Drapers Avenue; and
 - Funding to improve the bus services in the village

CONSULTATIONS

9. Eccleston Parish Council: Have responded in objection to the proposal on the grounds that recent Planning Inspectorate decisions allowing appeals for up to 80 houses in this location and up to 34 on land off Parr Lane mean there are no requirements for additional housing in the village.
10. United Utilities: Have no objection, following further drainage details having been submitted by the applicant, subject to conditions being attached in relation to ensuring the site is drained sustainably and for foul and surface water to be drained on separate systems. United Utilities have also provided advice to the applicant in relation to some of their assets which may pass beneath the application site. This information will be included as an informative note on the planning permission, should the application be approved.
11. Lancashire County Council (Education): Have responded to the consultation and more detail of their response is provided later in this report. In summary, two additional secondary school places will be required as a result of this proposal, generating a required contribution from the developer of £49,506.
12. Environment Agency: Have not responded on this occasion.
13. Lancashire Police Designing Out Crime Officer: Have responded with a list of security measures for the proposal, aimed at reducing crime. The measures have been issued to the applicant's agent for consideration, when drawing-up the detailed design of the development at reserved matters stage, should this outline application be approved.
14. Lancashire County Council Highway Services (LCC Highway Services): Have responded with no objection to the proposal, subject to conditions.
15. Greater Manchester Ecology Unit: Have been in protracted discussions with the applicant throughout the consideration period of the application to have the biodiversity net gain assessment updated. GMEU have no objections to the proposal, subject to conditions to safeguard protected species, eradicate an invasive species at the site and secure biodiversity enhancement measures.

16. Regulatory Services - Environmental Health Officer: Have responded with no objections in principle regarding environmental concerns and have requested a detailed construction environmental management plan to outline how the construction phase of the development will be carried out without causing a detrimental effect on neighbouring properties. This can be secured by planning condition.
17. Lead Local Flood Authority: Initially responded in objection to the proposal and requested further information from the applicant in terms of the drainage strategy for the site to include details of peak flow control and site levels. Revised information was subsequently submitted by the applicant and the LLFA withdrew their objection, subject to conditions.

PLANNING CONSIDERATIONS

Principle of development

18. 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.
19. The Development Plan comprises the adopted Central Lancashire Core Strategy (2012) and the adopted Chorley Local Plan 2012- 2026.
20. 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).
21. Core Strategy Policy 1 sets out the locations for growth and investment across Central Lancashire and identifies Eccleston as a Rural Local Service Centre, where limited growth and investment will be encouraged to help meet housing and employment needs and to support the provisions of services to the wider area.
22. The Chorley Local Plan shows the application site forming part of a larger area of land safeguarded for future development needs beyond the plan period (Policy BNE3.7). 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.
23. Located on the edge of the settlement, the site is in an accessible and sustainable location, within a reasonable walking distance of bus stops, 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 school places within the catchment area of the site and that demand for secondary school places would be mitigated by a financial contribution.
24. It is noted that some neighbour representations have made comments regarding pressure on Primary Care provision and other local services. However, this is not substantiated by evidence. The proposed development is considered to be consistent with Policy 1 of the Core Strategy.
25. Core Strategy Policy 4 sets out the minimum housing requirements for the plan area and is assessed later within this report.

Other material considerations

26. 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
27. 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).
28. 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.
29. 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.
30. Paragraph 59 of the Framework confirms the Government's objective of significantly boosting the supply of homes.
31. Paragraph 60 of the Framework reinforces that requirements represent the minimum number of homes needed.
32. 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

33. The following planning appeal decisions are of relevance.
- Land adjacent to Blainscough Hall, Blainscough Lane, Coppull
Decision APP/D2320/W/21/3275691**
34. 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.
35. 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.

36. In respect of the Housing Requirement in Chorley:
37. 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).
38. 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.
39. 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.
40. 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

41. 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.
42. 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.
43. In respect of housing land supply:
44. 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.

45. 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.
46. 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.
47. 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.
48. 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).
49. 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."*
50. The Inspector concludes at paragraph 51 of the report that; *"in the circumstances before me having regard to both MOU1 and MOU2, I conclude that the situation has changed significantly for Chorley in respect of local housing need and that Policy 4 is out of date. The standard method is the appropriate method for calculating housing need in Chorley. It is agreed between the parties that a 5% buffer should be applied. In terms of sites which contribute to the housing land supply within Chorley, there is a very narrow area of dispute between the two main parties which relates to only 2 sites and amounts to 116 dwellings. This is a marginal number that has little effect on the result in respect of the requirement. Accordingly, against the application of the standard method there would be less than three years supply of housing land in Chorley, and I conclude that the Council is unable to demonstrate a five-year supply of deliverable housing sites."*

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

51. On the 17 March 2022 a decision was issued for the appeal for Land south of Parr Lane, Eccleston. The appeal was allowed and outline planning permission was granted for up to 34 dwellings and associated infrastructure on land south of Parr Lane, Eccleston, Lancashire in accordance with the terms of the application, Ref 20/01193/OUTMAJ, dated 4 November 2020, and the plans submitted with it, subject to the conditions.
52. Following the Local Planning Authority's (LPA) 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.

53. 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**

54. 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.
55. Following the LPAs withdrawal of the reasons for refusal of the application, based upon the LPA not having a 5-year housing land supply as born out through recent appeal decisions, the main issue in the appeal was whether there were any material considerations that would justify dismissing the appeal.
56. The Inspector concluded the following with regards to housing land supply:

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

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

The proposal would provide for up to 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**

57. 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.
58. Following the LPAs withdrawal of the reasons for refusal of the application, based upon the LPA not having a 5-year housing land supply, 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.
59. 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**

60. 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.
61. 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.
62. 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

63. Paragraph 11d (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.
64. As was the case with some of 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.
65. 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.
66. 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.
67. The Local Planning Authority accepts that it cannot show a 5-year Housing Land Supply and as such Core Strategy Policy 4 and Local Plan 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.
68. The High Court decision [Gladman Developments Limited v Sec of State for Housing, Communities and Local Government and Corby Borough Council and Uttlesford District Council [2021 EWCA Civ 104] concerned the application of para 11d of the Framework and the tilted balance. In particular, the effect of footnote 7 in this case, where there was not a five year housing land supply, was simply to trigger paragraph 11(d) and that it did not necessarily render all policies out of date. It was noted that where 11(d) is triggered due to the housing land supply position it is for the decision maker to decide how much weight should be given to the policies of the development plan including the most important policies and involve consideration whether or not the policies are in substance out of date and if so for what reasons.
69. Policy 1 of the Core Strategy sets out the settlement strategy for the area and is not out of date. That said, the Council cannot demonstrate an adequate supply of housing and the shortfall is significant. Policy 1 of the Core Strategy therefore forms part of a strategy which is failing to deliver a sufficient level of housing. As such, the policy should only be afforded moderate weight in the planning balance.
70. 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.
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. The proposed site was consulted on as part of the Preferred Options Part 1 consultation, site ref CH/HS1.35 'East of Tincklers 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 ecological interests

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

Protected sites

- 75. The application site does not have any nature conservation designations, legal or otherwise. It does lie within the SSSI Impact Risk Zone for Wrightington Bar Pasture (5km away), Marton Mere (10km away) and West Pennine Moors (10km away), however does not match the development description of activities likely to impact the sites at these distances.

Habitats

- 76. The grassland site is largely used for pony grazing and is judged to be improved neutral grassland without substantive ecological value. The hedgerows on the site however are judged to be priority habitats. Based on the indicative layout, hedgerows 1 (southern site boundary) and 2 (northern site boundary) would be retained, although the indicative plans show partial loss of hedgerow 3 (western site boundary) to accommodate the access and the development to the north. The Council's ecological advisors, GMEU, have recommended a condition is used to ensure that all boundary hedgerows and trees should be adequately protected from any adverse impacts of the proposed development, in line with sections 5.2.1 and 5.2.2 of the ecology report. Where this cannot be achieved adequate compensatory planting will be required, and sufficient regard given to the Important, and Priority Habitats on the site.

Great crested newts

- 77. A small population of great crested newts were recorded in a pond (pond 17) located 116 metres north west of the site boundary on the opposite side of Tincklers Lane. GMEU

accept the justification made within the ecology report, that a licence for the proposed works is unlikely to be required for great crested newts, which includes analysis of other ponds and habitat in the area, dispersal barriers and quality of the terrestrial habitat on the development site. However as there would still remain a low risk of newts and other amphibian being present on the site, they advise that the avoidance measures (RAMMS) for Amphibian detailed in section 5.4 of the ecology report be implemented, and should great crested newts be discovered on the site, work would need to cease immediately and a Natural England Licence obtained.

Bats

78. No evidence of bats was found within any of the structures on site, which are constructed of timber frames/corrugated metal sheets and contained skylights and no roof voids. They were assessed as having negligible potential for roosting bats.
79. Trees on the southern boundary were identified as having low potential to support roosting bats. These trees are indicated to be retained within the plans. No other bat roosting opportunities were identified in the trees on the site. Assuming that the trees on the southern boundary are retained, there is no requirement for further bat survey work.
80. The boundary features were judged to have low-moderate suitability for use by foraging bats. It is, therefore, recommended that any new proposed external lighting should be designed to minimise impact on nocturnal wildlife, in line with best practice guidelines (<https://www.bats.org.uk/our-work/buildings-planning-and-development/lighting>) and sections 5.5.1-5.5.3 of the ecology report.

Birds

81. No evidence of Schedule 1 protected species such as barn owls were observed during the survey, however the site does have potential to support breeding birds. The nests of all wild birds are protected under the Wildlife and Countryside Act, 1981 (as amended). A condition should be used so that any site clearance, building demolition or tree and vegetation removal should be timed to avoid the main bird nesting season (March - August inclusive) unless it can otherwise be demonstrated that no active bird nests are present.

Other protected species

82. No other protected species were found on the site or are thought likely to occur or be impacted by the proposals. The ecology report has demonstrated minimal risk to great crested newts due to poor terrestrial habitat on the site, dispersal barriers between ponds and the site and distance of ponds from the site. The Rapid Risk Assessment (Natural England) has also been used to demonstrate an offence is unlikely, and GMEU accept the conclusions of this report. GMEU recommend an informative note should be attached to any planning permission which is granted, to make the applicant aware of the potential for legally protected species to be present within the site. Should they find or suspect any such species on the site during the development work, then work should cease, and the Local Planning Authority should be contacted for further advice.

Invasive species

83. Himalayan cotoneaster is present on site. This is an invasive species listed on Schedule 9 of the Wildlife and Countryside Act, 1981 (as amended). GMEU advise that eradication of this species from the site is secured as part of any planning permission which is granted, following the methodology in section 5.3 of the ecology report.

Enhancements for biodiversity

84. The majority of the semi-natural habitat on the site is proposed for development. While it is not species rich grassland that would qualify as a habitat of Principle Importance, it offers

greater biodiversity value than developed land. Loss of a section of hedgerow is also anticipated.

85. The applicant has updated the biodiversity net gain assessment at the request of GMEU which identifies that, based upon the indicative site layout, the proposal would result in a small net-loss in biodiversity value due to the loss of a section of hedgerow. A condition can be attached to any grant of planning permission requiring the final scheme at reserved matters stage to deliver a net-gain in the biodiversity value of the site. The net gain assessment identifies that the addition of one urban tree would be sufficient to deliver a net gain at the site. There is, therefore, no reason to consider that the final proposal could deliver a net gain at reserved matters stage, should this outline application be approved.
86. Additional enhancement measures are proposed within the ecology report such as bat and bird boxes, including swift boxes and maintenance of connectivity through the site (e.g. wildlife access gaps between fencing) which should also be secured through any planning permission.

Ecology summary

87. The proposal is considered to be acceptable in terms of its impacts upon ecological receptors, subject to conditions to safeguard protected species and a financial contribution to provide off-site biodiversity enhancement measures to compensate for the loss in biodiversity value of the site.

Highway safety, access and parking

88. 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.
89. Policy ST1 (New provision of Footpaths, Cycleways, Bridleways and their associated facilities in existing networks and new development) stipulates that new development and highways and traffic management schemes will not be permitted unless they include appropriate facilities for pedestrian, cycle parking facilities, and /or cycle routes. The policy requires, among other things, that proposals 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.
90. Highway safety and access issues have been one of the main concerns expressed by residents during the publicity 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 comments were received from LCC Highway Services.

The proposed development was refused planning permission in 2020 following application, 20/01085/OUTMAJ with the highway grounds for the refusal being the applicant's inability to meet the necessary highway requirements to ensure safe access and egress of the development. The highway requirements are:

- *Provision of 5.5m wide site access with 6.0m corner radii.*

- *Provision of 2.4m x 59m visibility splays in both north and south directions of the proposed site access.*
- *Provision of 2.0m wide footway along the frontage of the site extending from the existing footway in the north to the south boundary of the site and replanting of the hedge behind the new footway outside the visibility splays. The footways are to be extended on both sides of the proposed access into the development for a distance no less than 20m.*
- *Provision of dropped kerbs and tactile pavings on both sides of the site access.*
- *Provision of textureflex bar and 'Slow' worded markings on Tincklers Lane on the approach to the site access from south to supplement the existing from the northern approach.*
- *Extension of the street lighting from its current end north of the site towards south to the point of speed limit change.*

The current application, 22/00407/OUTMAJ is a resubmission of the previously refused application and includes a revised Technical Note, an Indicative Site Layout, Site Access Layout and Swept Path Analysis, all of which sought to address the above highway requirements.

It should also be noted that since this site was originally proposed the land immediately to the south has undergone a planning appeal (20/01331/OUTMAJ for up to 80 dwellings with vehicular access from Doctors Lane) and has been allowed. In the appeal decision the Inspector makes reference to the land to its north (i.e. this site) with regards to connectivity and integration.

The Doctors Lane site showed a pedestrian / cycle access to Tincklers Lane immediately adjacent to this site and the potential to provide a similar link to this site. However, since this is an outline application a link between the two sites could be provided at reserved matters stage.

A reason for refusal on the previous application was the "extent of the highway works required, combined with the loss of a significant length of hedgerow, would completely alter the character of Tincklers Lane from a simple rural lane to an urbanised estate road which would be detrimental to the character and appearance of Tincklers Lane, the locality, and the site itself. This is contrary to policy BNE1, policy BNE9 (iii) and policy BNE10 of the Chorley Local Plan 2012 - 2026; and policy 17 of the Central Lancashire Core Strategy 2012", whilst this is not a highway reason for refusal it should be noted that LCC Highways would not oppose this site being accessed through the now consented site at Doctors Lane with the potential to move the pedestrian / cycle link to the northerly boundary of this development. However, it is clear that this is not being offered as part of these proposal.

Having analysed the revised submissions, I can confirm that the required highway mitigation measures have been complied with and incorporated into the proposal. As such, LCC considers the proposal acceptable subject to the following suggested conditions and an advice note.

91. The Council has commissioned an independent review of the transportation issues associated with some of the recent major housing applications, by a transport planning consultancy. A short summary of the conclusions of their assessment of this application is provided below:

The site is located on the edge of Ecclestone and is connected to the transport network by rural roads. There is no cycling infrastructure close to the development site, and although the road network is lightly trafficked, only confident cyclists are likely to be prepared to cycle to and from the site. We feel that a commensurate sum for cycle infrastructure improvements should be requested although this may generate only limited benefits locally given the size of the development.

The nearest bus stop to the proposed development site is on Towngate, approximately 160m to the north west... the site is poorly served by modes alternative to the car...a

commensurate sum should be secured for enhancement to the bus stop. In particular, Real Time Information should be a priority given the infrequent nature of the services. The site is located within acceptable walking and cycling distances of key services but has poor access to public transport. The application states that the site will be built out for 15 houses, and analysis of the trip generation and traffic flows on adjacent highways concludes that the development of the site will not result in traffic capacity problems. In addition, the low level of traffic generated by the site is unlikely to give rise to safety concerns.

As such, we would not raise any concerns with regard to the transport implications of the proposal but suggest that commensurate contributions are secured for sustainable transport enhancements.

92. The applicant has responded to the independent review, as follows:

The NPPF states at paragraph 57 that:

Planning obligations must only be sought where they meet all of the following tests: (my emphasis)

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development*

The first point to note is that Tetra Tech have clearly stated that they have no concerns with the development. Although they suggest planning contributions are requested, there is no suggestion that the development would be unacceptable without these.

With regards to the contribution for cycle infrastructure, they have said that this may only generate 'limited benefits'. Clearly, they do not feel that the contribution is necessary to make the development acceptable in planning terms and a request in this regard would fail the tests set out in NPPF para. 57.

With regards to the contribution in relation to bus stops enhancements, the comments they make refer to frequency of bus services at the stop closest to the site, which they state is 'poorly served'. No comments are made about the bus stop itself, and yet they suggest planning contributions specifically for enhancements to the bus stop, including Real Time Information. There does not appear to be any justification for this request; presumably there is a timetable displayed at the bus stop and users are likely to be aware of regular bus times. This request does not meet test (a) of NPPF para 57 as it is clearly not necessary to make the development acceptable in planning terms, or test (b), since this is not considered directly related the development (or any specific concerns raised about the quality of the bus stop).

It is noted as above that LCC Highways have not requested any planning contributions as part of this application or the application which was previously refused on this site. Coupled with the above, it is not considered that it is appropriate for the Council to request planning contributions in relation to sustainable travel associated with the proposed development."

93. Given the location of the site on the edge of the settlement boundary of Eccleston which is a Rural Local Service Centre, as defined by policy 1 of the Central Lancashire Core Strategy, it is considered to be in a sustainable location. As such, it is not considered that the financial contributions towards sustainable transport connections identified above could be justified, nor would they be commensurate with the scale of development. Further, such contributions were not requested as part of the previously refused scheme at this site and so it would not be appropriate to request them for this application.

Conclusion

94. LCC Highway Services raise no objection to the proposed development, which is considered to be in a sustainable location, close to local amenities. The final site layout at reserved matters stage can be designed to meet with the Council's car parking standards. 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

95. 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.
96. 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.
97. 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.
98. 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.
99. The application seeks outline planning permission for up to 15no dwellings, with the illustrative masterplan showing a main central road with a cul-de-sac arrangement of 5no. dwellinghouses to the north of the site, and the south of the site is split with two driveways each serving 5no. dwellings. Vehicular and pedestrian access would be via a single proposed access point from Tincklers Lane. The location of the access is a detailed matter and, whilst the layout is indicative it demonstrates one way in which a layout can be achieved, whilst following from this defined access point.
100. Given the location of the proposed access point, to achieve the required sight lines, the hedgerow frontage to Tincklers Lane to the north of the proposed site access would be lost. Rather than lose the hedgerow to the south of the access, it is proposed to be partially relocated set-back slightly from the highway. This is a change compared to the previously refused application which was assessed on the basis of both hedgerows having to be removed. The hedgerows are a key feature of the site and of Tincklers Lane. In addition, a footway is identified on the illustrative masterplan to connect to an existing footway to the north and to the south. LCC Highway Services also require street lighting along the full stretch of footway. The extent of the highway works required, combined with the loss of a significant length of hedgerow would undoubtedly alter the character of Tincklers Lane from a simple rural lane to a more urbanised estate road. This would be detrimental to the character and appearance of Tincklers Lane, although the harm is only considered to be slight and could be mitigated by additional planting to the site frontage as part of the reserved matters application.

101. The indicative site layout plan shows the three trees subject to a Tree Preservation Order as being retained. It is envisaged this will form part of the landscaping scheme to be submitted at reserved matters stage, should this application be approved. A section of hedgerow would need to be removed as part of the proposal. It is considered that adequate compensation can be provided on-site as part of the landscaping scheme.
102. With regard to the density of the development, the application proposes a low-density development of up to 15no. dwellings, which is the maximum number applied for. The submitted plans indicate that these would all be detached homes. The Iceni Housing Study 2020 refers to broad density targets and for this location the required density is 25-30 homes per hectare. This would equate to a required density of 20-24 dwellings that should provide for a mix of houses. The supporting Planning Statement explains that the lower density of the site is to be consistent with surrounding development. It is not considered that the proposed density is significantly different to other development in the area and is not considered to render the scheme unacceptable.
103. An illustrative masterplan has been provided, however, this is for indicative purposes and does not form part of the assessment at outline stage, except for the access which is a detailed matter. Detailed design would be reserved for later consideration and would be subject to a full assessment. There is no reason to consider that a sensitively designed scheme at reserved matters stage could not be found to be acceptable with regards to its impacts upon the character and appearance of the area.

Impact on amenity

104. 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.
105. 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.
106. As noted above, the proposal is submitted in outline with the appearance, landscaping, layout and scale of the proposal being left to reserved matters stage. It is considered that this site is capable of accommodating a sensibly designed scheme of up to 15 dwellings that would not have any unacceptable impacts upon residential amenity and accords with national policy and policy BNE1 of the Chorley Local Plan in this regard.

Drainage and flood risk

107. Policy 29 (Water Management) of the Core Strategy seeks to improve water quality, water management and reduce 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.
108. 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.
109. A Flood Risk Assessment and Drainage Strategy has been submitted with the application and reviewed by United Utilities and Lancashire County Council as Lead Local Flood

Authority (LLFA). The site is in Flood Zone 1 (the lowest risk) as identified by the Environment Agency.

110. 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.

111. The submitted flood risk assessment and drainage strategy identifies the following:

- Whilst no ground investigations have been undertaken at the site, nearby borehole records indicate the presence of clay which would prevent the use of infiltration at the site. It recommends that infiltration testing is undertaken to confirm this conclusion.
- It is likely the site will require a positive drainage solution, i.e. drainage to a watercourse. The nearest is a drainage channel along the southern site boundary, draining east to west.
- The nearest United Utilities surface water sewer is located in the access road between nos1 and 111 The Hawthorns. Given the relative site levels, this option is not considered to be viable.
- It is proposed that surface water will be discharged at an attenuated greenfield rate to the above referenced drainage channel.
- Site levels would need to be raised by approximately 0.7m to achieve the connection
- Attenuation would be provided by permeable paving and swales along the site's main access road and private roads down to the channel.
- Foul water would be connected by gravity to an existing combined sewer that crosses the site.

112. The connections to the existing drainage network along with flow rates will require consent from the Lead Local Flood Authority and United Utilities.

113. 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. United Utilities have also recommended similar conditions to the Lead Local Flood Authority.

114. 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. However, the LLFA's withdrawal of its initial objection is based on the satisfaction of the conditions stated. United Utilities has requested further information on the surface water drainage scheme and the foul water drainage scheme outlined in the FRA. 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 the local resident appear to be concerned with the 65-dwelling site to the south rather than the 15-dwelling site 22/00407/OUTMAJ that is the subject of this review. It is our understanding that the 65-dwelling development has already received planning permission.

Notwithstanding the 65-dwelling development, Chorley Councillor Alan Whittaker has highlighted several issues relating to UU's existing drainage network, both foul and surface water, which it seems are currently directed to a combined sewer which overflows through manholes.

It would seem prudent that an assessment is carried out on the existing drainage network before developing either site. The responsibility for this would appear to fall with UU on whether there are any plans in place to carry out inspections of the existing drainage network and whether there is any scope for upgrading the network to increase capacity. Given the increased discharges of foul drainage into the existing network that will occur from both development sites, options for increasing existing capacities to deal with both existing and additional discharges should be explored.”

115. It is clear from the independent review that United Utilities may need to review capacity within the local drainage network to ensure it can cope with new connections. However, the Local Planning Authority has no powers as part of this application to require United Utilities to assess capacity or undertake upgrading works. United Utilities are obliged to accept new connections and need to ensure sufficient capacity exists to accept these. With this in mind, planning conditions are recommended that will ensure there is sufficient capacity within the local sewerage network to cope with the increase in load resulting from the proposal, prior to the occupation of the dwellings.
116. The proposal is considered to be acceptable in terms of surface and foul water drainage, subject to conditions, and complies with the aforementioned policies.

Affordable housing

117. Policy 7 of the Central Lancashire Core Strategy requires 35% affordable housing for rural areas 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.
118. 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

119. Policy HS4A of the Chorley Local Plan 2012 - 2026 sets a standard of 0.73 hectares per 1,000 population.
120. There is currently a surplus of provision in Eccleston, Heskin & Charnock Richard 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 amenity greenspace 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.

Provision for children/young people

121. Policy HS4A of the Chorley Local Plan 2012 - 2026 sets a standard of 0.08 hectares per 1,000 population.
122. There is currently a surplus of provision in Eccleston, Heskin & Charnock Richard 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

123. There is no requirement to provide a new park or garden on-site within this development.
124. 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

125. There is no requirement to provide new natural/semi natural greenspace on-site within this development.
126. The site is within the accessibility catchment (800m) of areas of natural/semi-natural greenspace that are identified as being low quality and/or low value in the Open Space Assessment Report (February 2019)/Open Space Study Paper (February 2019) (site 1669 Rear of Larkfield, Ecclestone), a contribution towards improving these sites is, therefore, required. The amount required is £557 per dwelling.

Allotments

127. There is no requirement to provide allotment provision on site within this development.
128. 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

122. 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.
123. The total public open space financial contribution required from this development is as follows:

Amenity greenspace	= £0
Equipped play area	= £0
Parks/Gardens	= £0
Natural/semi-natural	= £8,355
Allotments	= £0
Playing Pitches	= £23,985
Total	= £32,340

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 1st January 2016. It also requires sites of five or more dwellings to have either additional building fabric insulation measures or reduce the carbon dioxide emissions of predicted energy use by at least 15% through decentralised, renewable or low carbon energy sources. The 2015 Deregulation Bill received Royal Assent on 26th March 2015, which effectively removed the Code for Sustainable Homes. The Bill does include transitional provisions which include:

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

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

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.

Education

126. Central Lancashire Core Strategy policy 14 (Education) seeks to provide for education requirements in a number of ways including asking developers to contribute towards the provision of school places where their development would result in or worse a lack of capacity at existing schools.
127. Lancashire County Council Education have provided a contribution assessment for this development which can be summarised as follows:

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

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

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

Latest projections for the local primary schools show there to be 117 places available in 5 years' time, with additional planning approvals expected to generate a demand for 13 further school places. With an expected pupil yield of 6 pupils from this development, we would not be seeking a contribution from the developer in respect of primary places.

Latest projections for the local secondary schools show there to be a shortfall of 36 places in 5 years' time. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in

the schools and the housing development within the local 5 year Housing Land Supply document, which already have planning permission.

With an expected yield of 2 places from this development the shortfall would increase to 38. Therefore, we would be seeking a contribution from the developer in respect of the full pupil yield of this development, i.e. 2 places.

Permanent expansion in secondary places:

£24,753 x 2 places = **£49,506**

Employment skills provision

128. 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

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

Community Infrastructure Levy (CIL)

130. 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

131. The application is supported by a Phase I Geoenvironmental Site Assessment which concludes that, given the undeveloped nature of the site there are unlikely to be any significant sources of contamination present. Given the sensitive end use of the proposal (dwellings with gardens) it is recommended that intrusive ground investigations take place prior to the commencement of development to ascertain if any remediation measures are required to make the site safe for development.

132. Outline application ref. 20/01085/OUTMAJ for up to 15 dwellings on this site was refused in April 2021 and this decision is a material consideration in the determination of this application. The reasons for refusal were as follows:

- 1) The proposed development would be located within an area of Safeguarded Land as defined by the Chorley Local Plan 2012 - 2026. Chorley has a five year housing land supply as required by the National Planning Policy Framework. The proposal therefore conflicts with policy BNE3 of the Chorley Local Plan 2012 - 2026. It is not considered that there are material considerations put forward in favour of the development are sufficient to outweigh the presumption against it.
- 2) The application does not make any provision for affordable housing and fails to demonstrate a mix of housing types and housing numbers to achieve the policy requirement of 35% on-site provision. The proposal is, therefore, contrary to the Central

Lancashire Core Strategy 2012 Policy 7 and the Central Lancashire Core Strategy Affordable Housing Supplementary Planning Document.

- 3) The application fails to demonstrate that a safe access can be provided in the proposed location as the sightlines would be obscured and motorists and pedestrians egressing the site would be unable to do so safely. In addition, the corner radii of the proposed access is not 6 metres and does not, therefore, ensure that refuse and service vehicles can smoothly transition in and out of the site. The proposal is, therefore, contrary to policy BNE1 (d) of the Chorley Local Plan 2012 - 2026.
- 4) The extent of the highway works required, combined with the loss of a significant length of hedgerow, would completely alter the character of Tincklers Lane from a simple rural lane to an urbanised estate road which would be detrimental to the character and appearance of Tincklers Lane, the locality, and the site itself. This is contrary to policy BNE1, policy BNE9 (iii) and policy BNE10 of the Chorley Local Plan 2012 – 2026; and policy 17 of the Central Lancashire Core Strategy 2012.
- 5) The application site is proposed in isolation from the wider site allocation BNE3.7 of the Chorley Local Plan 2012 -2026 and, therefore, leads to a piecemeal approach to the development of the wider site which results in an unsustainable form of development. It fails to consider patterns of movement and connectivity which means that the development does not integrate or function well with the surrounding area. The proposal does not, therefore promote sustainable transport options for people or secure a high-quality inclusive design. The proposal is, therefore, contrary to policy 17 of the Central Lancashire Core Strategy 2012, policy ST1 of the Chorley Local Plan 2012 – 2026 and the National Planning Policy Framework.

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

Reason 1

134. 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, now weighs heavily in the planning balance in favour of the proposal. This reason for refusal does not apply to the revised proposal.

Reason 2

135. The proposal offers a policy compliant 35% affordable dwelling scheme in this instance. The proposal therefore complies with Policy 7 of the Core Strategy. This reason for refusal does not apply to the revised proposal.

Reason 3

136. The proposed site access has been improved compared to the previous proposal and now meets the requirements of LCC Highway Services, along with providing other off-site improvement works, e.g. street lighting and footways. This reason for refusal does not apply to the revised proposal.

Reason 4

137. The hedgerow to the south of the site access would be moved into the site, rather than removed entirely, and whilst there may still be some harm caused to the character of the area, this is now considered to be limited and not of a sufficient magnitude to make the scheme unacceptable. This reason for refusal does not apply to the revised proposal.

Reason 5

138. Outline planning permission and reserved matters consent have been granted for housing on the adjoining site to the south and so this reason for refusal is no longer relevant. As identified by LCC Highway Services, the Inspector's decision makes reference to the land to its north (i.e. this site) with regards to connectivity and integration. The proposals for the site to the south show a pedestrian / cycle access to Tincklers Lane immediately adjacent to this site and the potential to provide a similar link to this site. However, since this is an outline application a link between the two sites could be provided at reserved matters stage.

Planning balance

139. Paragraph 11d) 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.
140. 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 character and appearance of Tincklers Lane. 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.
141. 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.
142. 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.
143. 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 of the proposal.
144. The provision of open space and its ongoing management and maintenance, sustainable transport improvements, biodiversity enhancements and the financial contributions to school places are neutral considerations because they are needed to make the development acceptable.
145. The adverse impacts of the proposed development relating to its conflict with policy BNE3 and the low-level harm associated with the character and appearance of Tincklers Lane would not significantly and demonstrably outweigh the economic and social benefits the proposal would deliver. As such, the proposal is recommended for approval.

CONCLUSION

146. Members will be aware of the current shortfall in housing delivery in the Borough and that this has resulted in the most important policies for the determination of this application being out-of-date, which triggers the engagement of the tilted balance of paragraph 11d of the Framework.
147. Whilst the proposal would conflict with policy BNE3 of the Chorley Local Plan 2012-2026 and cause some harm to the character and appearance of the area, it is considered that these issues would not significantly and demonstrably outweigh the benefits of the proposal

in delivering much needed housing in the borough. The proposal is, therefore, recommended for approval.

RELEVANT HISTORY OF THE SITE

Ref: 20/01085/OUTMAJ **Decision:** REFOPP **Decision Date:** 13 April 2021
Description: Outline application for the construction of up to 15no. dwellings (with all matters reserved save for access from Tincklers Lane)

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 matters, namely the appearance, landscaping, layout and scale of the approved development, 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 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	1330-PL01	6 April 2022
Proposed Layout	PB8581-PHD-PD-JN-DR-D-0001 Rev P01.01	6 April 2022
Swept Path Analysis	PB8581-RHD-PD-JN-DR-D-0050 Rev P01.01	6 April 2022

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

3. Prior to the commencement of development or as part of any reserved matters application, an Arboricultural Method Statement and Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in strict accordance with the approved details. All works shall be undertaken in strict accordance with paragraphs 5.2.1 to 5.2.3 of the Updated Ecological Survey and Assessment, dated July 2022 and produced by ERAP Ltd.

Reason: To minimise any negative impact on the hedgerows and trees within and near the site that are to be retained.

4. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with any contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A site investigation scheme, based upon the Phase 1 Geoenvironmental Site Assessment ref. 13-741-R1, dated November 2019, submitted in support of this application, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of pollution.

5. 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.

6. 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.

7. Prior to commencement of development, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:
 - the parking of vehicles of site operatives and visitors.
 - hours of operation (including deliveries) during construction.
 - loading and unloading of plant and materials.
 - storage of plant and materials used in constructing the development.
 - siting of cabins.
 - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
 - wheel washing facilities.
 - measures to control the emission of dust and dirt during construction.
 - a scheme for recycling/disposing of waste resulting from demolition and construction works.
 - the routing and timing of construction vehicles and deliveries to site.

Reason: to protect the amenity of neighbouring residents and highways safety.

8. All works will be undertaken in strict accordance with Sections 5.3 (invasive species), 5.4 (RAMMS) and 5.5.1 to 5.5.3 (bats) of the submitted Updated Ecological Survey and Assessment, dated July 2022 and produced by ERAP Ltd.

Reason: To safeguard protected species and avoid spreading of an invasive species.

9. No development shall take place (including demolition, ground works, vegetation clearance) until a scheme for offsetting biodiversity impacts to achieve net gain shall be submitted to and approved in writing by the Local Planning Authority.

The proposed offsetting scheme shall be based upon the submitted Biodiversity Net Gain Assessment, dated August 2022 and produced by ERAP Ltd, and shall:

- a) be based on prevailing DEFRA guidance;
- b) comply with prevailing regulatory standards and policy requirements which are in force and applicable to this site;
- c) include details of the offset requirements of the development in accordance with the current DEFRA biodiversity metric;
- d) include the identification of a receptor site or sites;
- e) include the evidence of arrangements with the relevant landowner that secures the delivery of the offsetting scheme;
- f) include a management and monitoring plan (which shall include for the provision and maintenance of such offsetting measures);
- g) Timetable for implementation.

The biodiversity offsetting measures shall be carried out in accordance with the approved scheme and timetable.

Reason: To deliver biodiversity net gain and compensate for the loss anticipated at this site as a result of the proposed development.

10. 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 and surface water sustainable drainage strategy K36869/01A/FRA/RH produced on 16/06/2022 by R. G. Parkins & Partners Ltd.

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 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance, Defra Technical Standards for Sustainable Drainage Systems and policies 17 and 29 of the Central Lancashire Core Strategy.

11. 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 and indicative surface water sustainable drainage strategy submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

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 + 40% 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;
- iii. Details of all sustainable drainage components, including landscape drawings showing topography, topography of the adjacent properties on The Hawthorns and Tincklers Fold, 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.
- d) Evidence of an assessment of the existing on-site watercourse to be used, to confirm that these systems are in sufficient condition and have sufficient capacity to accept surface water runoff generated from the development.
- e) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.

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 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance, Defra Technical Standards for Sustainable Drainage Systems and policies 17 and 29 of the Central Lancashire Core Strategy.

12. 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 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 into 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 surface water flood risk on-site or elsewhere during any construction phase in accordance with Paragraph 167 of the National Planning Policy Framework.

13. 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 SuDS components and connecting drainage structures, including watercourses and their ownership, and maintenance, operational and access requirement for each component;
- 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.

14. 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

15. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

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.

16. No part of the development hereby approved shall be occupied or opened for trading 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.

17. No part of the development shall commence until the visibility splays shown on drawing PC3408-RHD-PD-JN-DR-D-0001 Rev P01 has 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.

18. No development shall take place (including investigation work, demolition, siting of site compound/welfare facilities) until a survey of the condition of the adopted highway has been submitted to and approved in writing by the Local Planning Authority. The extent of the area to be surveyed must be agreed by the Highways Authority prior to the survey being undertaken. The survey must consist of:

- o A plan to a scale of 1:1000 showing the location of all defects identified.
- o A written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time, and weather conditions at the time of the survey.
- o An agreed a timescale for repeated surveys.

No building or use hereby permitted shall be occupied or the use commenced until any damage to the adopted highway has been made good to the satisfaction of the Highway Authority

Reason: To ensure that any damage to the adopted highway sustained throughout the development process can be identified and subsequently remedied at the expense of the developer.

19. Either with any reserved matters application for a phase or prior to the commencement of each phase full details of the existing and proposed ground levels and proposed dwelling finished floor levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such details shown on previously submitted plans(s). The development shall be carried out strictly in conformity with the approved details.

Reason: To ensure the final development is not harmful to the character of the area or residential amenity

20. For each phase, notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul waters for that phase has been submitted to and approved in writing by the local planning authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing sewerage systems. The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To ensure the site is properly drained.

21. Prior to the construction/provision of any utility services, a strategy to facilitate super-fast broadband for future occupants of the site shall be submitted to, and approved in writing by, the Local Planning Authority. The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a super-fast broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works within the site boundary only.

Reason: To future-proof the development.

22. For each phase, with any reserved matters application or prior to excavation of the foundations for any dwellings, samples of all external facing and roofing materials for that phase (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the local planning authority. All works shall be undertaken strictly in accordance with the approved details.

Reason: to ensure the final development is suitable to the character of the area.

23. For each phase, with any reserved matters application or prior to the construction of any part of any dwelling above ground level, full details of the alignment, height and appearance of all fences, walls and gates to be erected on the site (notwithstanding any such details shown on previously approved plans) for that phase shall be submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until all fences, walls and gates shown on the approved details to bound its plot have been erected in conformity with the approved details. Other boundary treatments shown in the approved details shall be erected in conformity with the approved details prior to occupation of the final dwelling of the development.

Reason: To ensure the boundary treatments are appropriate.

24. For each phase, with any reserved matters application or prior to the laying of any hard landscaping (ground surfacing materials) full details of their colour, form and texture for that phase shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken strictly in accordance with the approved details and shall be completed in all respects before occupation of the final dwelling in that phase.

Reason: To ensure the hard landscaping measures are appropriate.

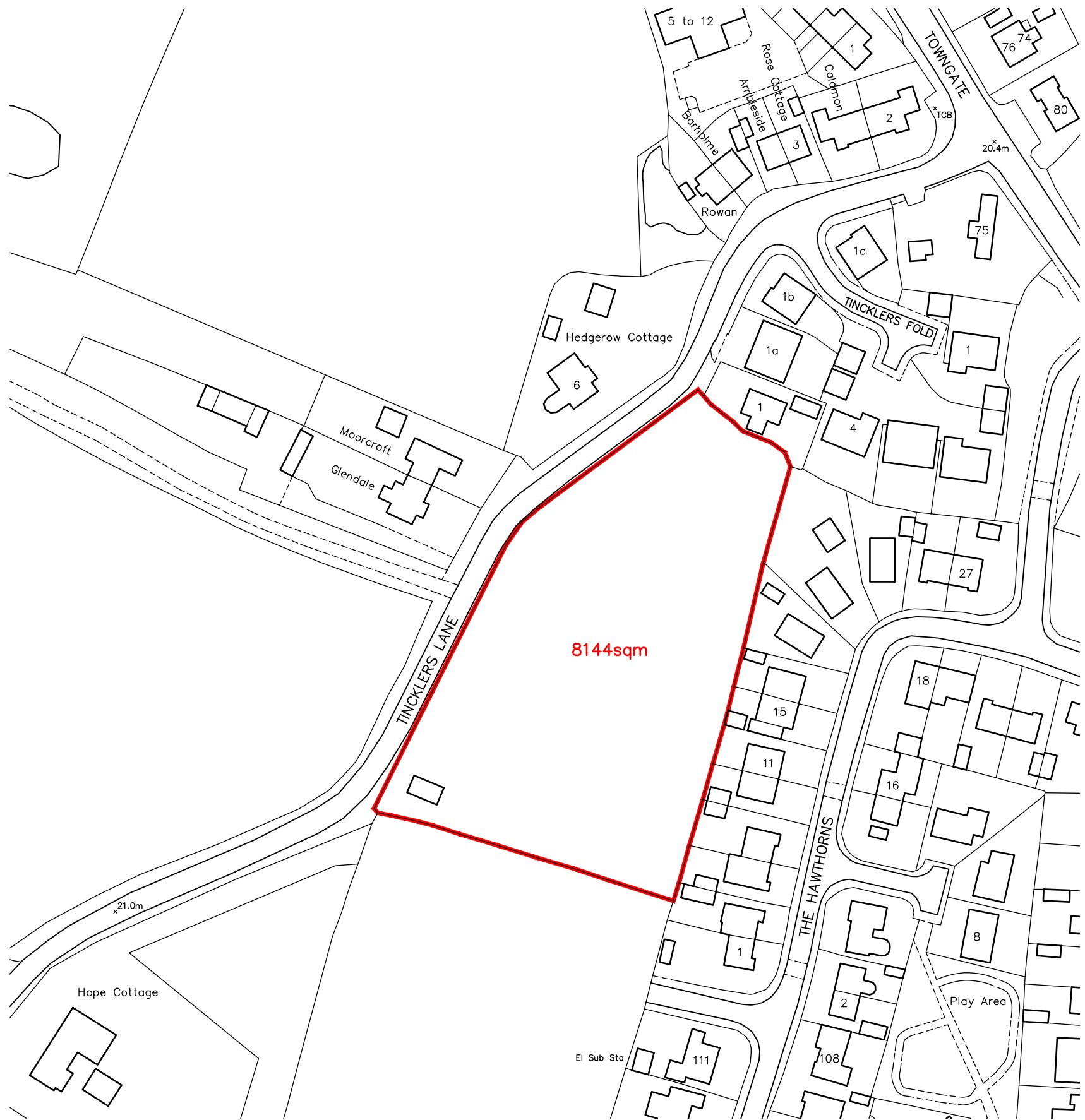
25. Prior to the commencement of development, a sewerage network loading assessment shall be undertaken, in consultation with United Utilities, and the results submitted to and approved in writing by the Local Planning Authority. The assessment shall include:

- o a review of the capability of the local sewerage network in coping with the additional load from the approved dwellings;
- o identification of any capacity upgrade works required to manage the increase in load from the approved dwellings; and
- o a timetable and methodology for the above specified works (if applicable).

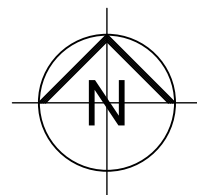
Reason: To ensure the local sewer network can cope with the additional load resulting from the development.

26. Occupation of the development is to be phased and implemented to align with the delivery by United Utilities of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development.

Reason: To ensure the local sewer network can cope with the additional load resulting from the development.



Tincklers Lane, Ecclestone Location Plan



0 20m 40m 60m
1:1250@A3 1330-PL01

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Tel 01772 467404 E Mail info@pwlarchitecture.com

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APPLICATION REPORT – 23/00530/OUTMAJ**Validation Date: 22 June 2023****Ward: Euxton****Type of Application: Major Outline Planning****Proposal: Outline application for the erection of up to 16 no. dwellings, with all matters reserved except for access****Location: Chorley Rugby Union Club Chancery Road Astley Village Chorley PR7 1XP****Case Officer: Mr Iain Crossland****Applicant: Mr G Brown Chorley Community Trust****Agent: Mr Richard Elliott MacMarshalls Ltd****Consultation expiry: 16 August 2023****Decision due by: 20 December 2023**

RECOMMENDATION

1. It is recommended that outline planning permission be approved subject to conditions and a section 106 agreement.

SITE DESCRIPTION

2. The application site comprises an open area of grassland that has previously been used as part of a golf driving range. There is a band of protected trees to with west of the site adjacent to West Way, whilst there are individual protected trees to the northern and eastern boundaries. The land is currently unused and the context of the site has altered significantly since it was last used as a golf driving range in response to a series of planning applications for the redevelopment of rugby club site to provide a new club houses, pitches and associated facilities enabled through the development of 50 dwellings.
3. The development progressed and the dwellings were developed, however, the scheme was amended most recently through planning permission 18/00108/FULMAJ, which reduced the size of the artificial grass pitch and left an area of land that was no longer specified for any specific purpose and is now the subject of this application.
4. The residential development occupies the northern portion of the wider site and comprises detached dwellings of a modern design. The rugby club facilities occupy the southern portion of the site and currently comprise a clubhouse with parking area and a grass pitch. Both elements are accessed from Chancery Road. The application site is positioned between the rugby club facilities and residential development and lies to the west of the wider site, adjacent to West Way.
5. The site is located in the core settlement area of Chorley and is allocated for Housing under policy HS1.9 and sport and recreational facilities under policy HW2 of the Chorley Local Plan 2012-2026.

DESCRIPTION OF PROPOSED DEVELOPMENT

6. This application seeks outline planning permission for the erection of up to 16 no. dwellings, with all matters reserved except for access. It is proposed that vehicular access is taken from West Way to the west of the site, whilst it is proposed that a pedestrian and cycle link would provide access to Chancery Fields and Chancery Road to the east.

REPRESENTATIONS

7. Representations in objection have been provided from 22 addresses, all of whom are residents of the recent housing development at Chancery Fields. These raise the following issues:
 - Loss of privacy to residents
 - Noise and disturbance during construction
 - Impact on highway safety and capacity
 - This build is purely based on money / financial gain
 - The rugby club site is in poor condition
 - Lack of detail in relations to dwellings, the footpath, fencing, lighting
 - The development would be too high density
 - The proposed path could result in increase crime and antisocial behaviour.
 - No capacity in the area for more dwellings
 - Loss of wildlife and trees.
 - The site should be left as a green space
 - Drainage impacts
 - There are parking issues associated with the existing rugby club site that need to be addressed.
 - Anti social behaviour from the Rugby Club site

CONSULTATIONS

8. Euxton Parish Council: No comments have been received.
9. Greater Manchester Ecology Unit: Have no objections. A Biodiversity Net Gain Assessment should be provided to demonstrate that the development can achieve a net gain in local biodiversity.
10. Lancashire County Council Highway Services: Do not have any objections and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.
11. Waste & Contaminated Land: Due to the limited level of ground investigation carried out at the application site it is recommended that further ground investigations are required by condition.
12. Lead Local Flood Authority: No objection subject to conditions.
13. Sport England: Object to the application because it is not considered to accord with any of the Policy Exceptions to Sport England's Playing Fields Policy or with Paragraph 99 of the NPPF.
14. United Utilities: No objection subject to conditions.
15. Lancashire County Council (Education): An education contribution is not required at this stage in regards to this development.

PLANNING CONSIDERATIONSPrinciple of development

16. 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.
17. The Development Plan comprises the adopted Central Lancashire Core Strategy (2012) and the adopted Chorley Local Plan 2012- 2026.
18. The proposal is in Chorley Town, which Core Strategy Policy 1 defines as a Key Service Centre, where growth and investment, including housing growth, should be concentrated.
19. The proposal is located within the settlement area of Chorley, as defined by policy V2 of the Local Plan. Within the settlement areas excluded from the Green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development, subject to material planning considerations and the other Policies and Proposals within this Plan.
20. The proposal is located within Local Plan housing allocation ref. HS1.9 Chancery Way/West Way, which is also identified as land for sport and recreational facilities under policy HW2. Whilst there is no masterplan for the development of the site or indication of how the site should be divided between the uses it is noted that HS1.9 was allocated in the Chorley Local Plan 2012 – 2026 for 50 dwellings. A total of 50 dwellings have been built on the allocation and the site is identified as 'complete' in the Council's annual Housing Monitoring Report, having been completed during the 2017/18 monitoring period. The total site area provided for housing through the Local plan policy HS1.9 was 1.9ha, which has been exceeded through the delivery of the 50 dwellings.
21. The application site had planning permission for an artificial grass pitch (AGP) as part of planning application ref:13/00082/FULMAJ, which was varied by S73 application ref:14/00429/FULMAJ. The AGP was never built and a subsequent application, ref:18/00108/FULMJ, was permitted, which reduced the size of the AGP and relocated it further to the south of the site. This was in response to the physical constraint provided by the presence of a high pressure water main and easement, which would have divided the AGP in two. In addition to this the development had resulted in a funding deficit for the Rugby Club and the development had stalled, therefore, the reduced scale of AGP and revised facilities were sought on the basis that this would enable the development to achieve practical completion to point at which it would be usable.
22. This alteration to the development resulted in an area of land, between the approved AGP and the dwellings that had been built to the north, with no identified purpose. This land is the subject of the current application.
23. The application site was last used as part of a golf driving range, which falls within the category of outdoor sport and recreation. The amount of residential development anticipated by policy HS1.9 has been delivered, and the land remains as a surplus part of the rugby club redevelopment land. As the site is allocated under policy HW2 – Existing Sport & Recreational Facilities, then any redevelopment of the site must be considered against this policy. Policy HW2 of the Local Plan seeks to protect land currently or last used as open space unless alternative provision is made under criterion a) or all of criteria b) to e) are satisfied. The proposal is therefore assessed against these criteria as set out below.
 - a) *Alternative facilities of an equivalent or enhanced standard are provided nearby before the existing facilities cease to be available; or*
24. No alternative facilities have been proposed.
 - b) *It can be demonstrated that the loss of the site would not lead to a deficit of provision in the local area in terms of quantity and accessibility; and*

25. The site is an existing sport and recreational facility. Outdoor sports facilities and playing pitches are assessed through the Central Lancashire Playing Pitch Assessment Strategy, which does not identify deficiencies on a settlement or ward basis as it is not considered appropriate. It assesses provision on a Borough basis and identifies that there is a deficit of provision in all three Boroughs. The level of deficit identified for each Borough does not necessarily equate to new provision being required and can be addressed through improvements to existing playing pitches.
26. The Central Lancashire Strategy & Action Plan builds on the Assessment Report to provide a framework for the maintenance and improvement of existing outdoor sports pitches and ancillary facilities. It identifies that rugby union senior pitches in Chorley are at capacity and mini pitches are at capacity.
27. The Chorley Open Space Sports and Recreation Strategy 2020 - 2026 states that 'The existing position for all pitch sports is, either demand is currently being met, or there is a shortfall.' Chorley Rugby Union Club is identified in the Strategy under 'what we need to do' with a strategy to 're-establish two senior grass rugby union pitches with appropriate ancillary provision'.
28. Although the development of the site would technically contribute to the existing deficit the loss of this specific site within the wider context of the redevelopment at the rugby club is unlikely to result in a deficit in rugby union provision because planning permission has already been granted for rugby facilities within the wider Rugby Club site, which does not include the application site and which would be unaffected by the proposal to build 16 dwellings. The applicant states that the land comprising the application site is surplus to the requirements of Chorley Community Trust in this respect, and is also not the correct size and shape for a playing field, and that the site is fallow at present and will continue to be so as it has no purpose and no long term reasonable prospect of this land ever being used for sports.

c) The site is not identified as being of high quality and/or high value in the Open Space Study; and
29. This site was not included in the open space study as it is a playing pitch.

d) It can be demonstrated that retention of the site is not required to satisfy a recreational need in the local area;
30. The applicant states that the application site is surplus to the requirements of Chorley Community Trust and is also not the correct size and shape for a playing field. Whilst the application site formed part of the original full size AGP, a smaller AGP has since been granted permission under 18/00108/FULMAJ and the application site is no longer required for the purpose of delivering a full size AGP.

e) The site does not make a significant contribution to the character of an area in terms of visual amenity.
31. The site is an open grassed area and is not visually prominent from public vantage points. Other than the trees to the periphery the site is somewhat featureless, and it is considered that the trees would be capable of being retained and protected as part of any future development, other than in the position of the proposed access. On this basis it is not considered that the site makes a significant contribution to the character of the area in terms of visual amenity.
32. Based upon the above it is considered that the proposal meets the necessary criteria of policy HW2.
33. Although the development is considered to comply with policy HW2 in terms of the release of land that is defined as existing sport and recreational facilities in the Chorley Local Plan

2012 – 2026 it is noted that Sport England objects to the application because it does not consider the development to accord with any of the Policy Exceptions to Sport England's Playing Fields Policy or with Paragraph 99 of the NPPF.

34. Sport England applies its policy to any land in use as playing field or last used as playing field and which remains undeveloped, irrespective of whether that use ceased more than five years ago. They consider that lack of use should not be seen as necessarily indicating an absence of need for playing fields in the locality, as such land can retain the potential to provide playing pitches to meet current or future needs. It should also be noted that the playing field does not have to be available for community use to fall within the definition of playing field. Neither the DMPO, NPPF or Sport England Policy make any distinction between private and publicly owned or used nor is there a positive obligation (under planning law) for any playing field to be actively used as such. Both policies are applied by Sport England equally, irrespective of the ownership.
35. Sport England note that the supporting information again suggests that the applicant, Chorley Community Trust requires the proposed residential development to help facilitate works to the pavilion building, car park and playing field. As previously explained, Sport England does not accept enabling development as a justification for the loss of playing field. Enabling development is not an exception set out in paragraph 99 of the National Planning Policy Framework or Sport England's Playing Fields Policy. Therefore, the financial situation of the Trust is not one Sport England considers in the assessment of planning applications as it is not a planning matter and falls outside of our remit.
36. As set out in the assessment above the site was previously part of a golf driving range, which falls within the category of outdoor sport and recreation, and was the last use of the land. The use of the land has since ceased and planning permission granted for the redevelopment of the rugby club facilities, which has left the application site as surplus to this development. Given the last use as part of the driving range it is considered that the lawful use under class F.2 of Town and Country Planning (Use Classes) Order 1987 (as amended) is for outdoor sport or recreation. As such the site could be used for a range of different activities, not only playing pitches, and can therefore be assessed against the provisions of the development plan under policy HW2 of the Chorley Local Plan 2012-2026 as set out above.

Other material considerations

37. 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:
 1. Environmental - the protection of our natural, built and historic environment
 2. Economic - the contribution to building a strong and competitive economy
 3. Social - supporting strong, vibrant and healthy communities
38. 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).
39. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development and states that 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 [subject to footnote 7], granting permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
40. Footnote 7 sets out that this includes for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.
41. It is therefore necessary to establish whether Chorley has a five year housing land supply (5YHLS) or not to determine whether Paragraph 11(d) of the NPPF is engaged or not (commonly referred to as the 'tilted balance'). When engaged, the tilted balance changes the 'balancing exercise' which the Council must undertake in deciding whether or not to grant planning permission; from a neutral balance where if the harms outweigh the benefits planning permission is usually withheld, to a tilted balance where the harm should significantly and demonstrably outweigh the benefits for permission to be withheld. The tilted balance therefore increases the prospect of planning permission being granted because it 'tilts' the balance in favour of approving an application.
42. At 1st April 2022 there was a total supply of 1,890 (net) deliverable dwellings which is a 3.3 year deliverable housing supply over the period 2022 – 2027 based on the annual housing requirement of 569 dwellings which includes a 5% buffer.
43. Recent appeal decisions concluded that it is appropriate to calculate the housing requirement against local housing need using the standard method, 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 is, therefore, engaged under paragraph 11(d) of the Framework.
44. The Statement of Common Ground (SoCG) sets out the housing requirement to be consulted on in the Central Lancashire Local Plan and is informed by the Central Lancashire Housing Need Assessment. It has been signed by the portfolio holders responsible for the Local Plan across the three Councils for Chorley, Preston and South Ribble following endorsement by the Joint Advisory Committee on 25th July 2022.
45. Chorley Council adopted the SoCG as a material consideration for use in decision making at the General Purposed Committee on 7th September 2022. The weight to be attached to the SOCG in making decisions on planning proposals is for the decision maker to consider.
46. The SoCG sets out a housing requirement of 334 for Chorley for the first five year period of the Local Plan (2023-2028). The housing supply against this requirement is 5.4 years. 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 an early stage of preparation and consultation on Issues and Options closed in February 2020.
47. The emerging CLLP will look at the distribution of new homes and the CLLP will be informed by an evidence base including a Housing Need and Demand Study, the results of which will also help to inform the future distribution of housing across the Plan area.
48. In considering the provision of 16 dwellings in the context of an under supply of housing this is a clear benefit to which significant weight must be attached.

Affordable housing

49. Affordable housing Policy 7 of the Central Lancashire Core Strategy seeks to ensure on-site affordable housing provision of 30% within urban areas and of 35% in rural areas.
50. The Planning Statement accompanying the application states that the applicant is committed to providing 30% affordable housing which is in line with the Core Strategy requirement and could be secured through a Section 106 legal agreement.
51. The provision of affordable housing would help towards meeting a significant shortfall in the supply of such homes across the Borough and represents a clear benefit to which significant weight must be attached.

Design and impact on the character of the area

52. The proposed development would be located to the south of an existing residential housing estate, whilst the wider area is characterised by suburban residential development. This provides a suitable context within which a housing development could be designed. There is adequate space to develop 16 dwellings that respond to the prevailing character and density of the area. The site itself is somewhat featureless other than the protected trees to the northern and eastern boundaries, whilst the band of trees to the west provides a soft buffer between the site and highway at West Way. It is considered that the trees to the northern and eastern boundaries can be retained and protected within any future development of the site, which would be desirable in relation to the character of the area. The buffer to the west is to be retained for the most part, other than where the access would be developed. This would result in the loss of trees and shrubs and would open up the site to the highway. Although this would have some visual impact on West Way, there is no footpath along West Way and, therefore, it is not a particularly sensitive visual receptor, whilst the provision of a junction to a residential estate from this distributor road would not appear incongruous in the context of a suburban location. On this basis it is considered that a development of 16 dwellings with access from West Way could be designed without any significantly detrimental impact on the surrounding area in line with policy BNE1 of the Chorley Local Plan.

Amenity

53. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development 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.
54. The application proposes up to 16 dwellings on land adjacent to existing residential properties to north at Chancery Fields. The properties on Chancery Fields have rear elevations and rear gardens backing onto the application site. Other than 31 Chancery Fields, which has a side elevation adjacent to the site. As the application is made in outline a reserved matters application would need to ensure that the amenity afforded to all neighbouring residential properties is safeguarded from adverse impacts such as overlooking, overbearing and loss of light by complying with the Council's interface distances and other design criteria. In addition, any proposal would need to ensure acceptable living conditions for future occupiers of the development. It is considered that the shape and size of the site are such that an acceptable scheme can be achieved in consideration of constraints.
55. Any impacts during the construction phase would be temporary and suitable mitigation measures could be imposed by a planning condition, through a Construction Environmental Management Plan.

Highway safety and access

56. The proposed development is situated within the settlement of Chorley Town close to its north-western boundary. The proposed development is east of West Way, which is part of

the adopted highway and has a classification of "B Road". West Way has a speed limit of 40mph and no existing pedestrian footways within the immediate vicinity of the proposals.

57. East of the proposed development is the residential road of Chancery Fields, which is currently unadopted and is an unclassified road with a speed limit of 30mph. Chancery Fields has pedestrian footways on either side for its majority and links to Chancery Road, which is part of the adopted highway network. There are existing public transport services available on Chancery Road in the form of bus stops to the north and south of the junction of Chancery Fields and Chancery Road.
58. The existing bus stops to the north on Chancery Road are simple flag post bus stops, the bus stops to the south on Chancery Road have flag posts and existing bus shelters. Neither the northern nor southern bus stops have quality bus stop kerbing, which means they do not promote inclusive mobility.
59. The proposed development is an outline application for up to 16 residential dwellings, with all matters reserved except for access. It is proposed to provide vehicular access to the proposed development via West Way and pedestrian and cycle access via Chancery Fields.
60. LCC Highway Services have assessed the recorded collisions within the vicinity of the proposed development on 12th November 2023, using Crashmap and LCC's internal mapping system "Mapzone". A total of 2 collisions were recorded in the vicinity of the proposals within the 5-year recorded period. A collision was recorded approximately 5 years and 6 months ago, the details of which were checked and have been included for completeness. These collisions were recorded at the junction of West Way and Washington Lane north of the proposed site access.
61. The collisions within the 5-year period were multi vehicle collisions resulting in 1 slight category collision and 1 serious category collision. The recorded slight collision was a 3-car collision caused by a rear end shunt forcing one vehicle into a vehicle in the oncoming direction. The recorded severe collision was a 2-car collision caused by a driver failing to stop whilst the car in front had stopped due to a vehicle waiting to turn right onto Washington Lane.
62. The collision that is no longer within the 5-year period resulted in a slight category collision. The cause of this collision was deemed as due to a medical incident according to the official report and not due to existing highway conditions.
63. Having assessed the recorded collisions within the vicinity of the proposals it is LCC Highway Services opinion that whilst any collision is unfortunate, the proposed site access onto West Way would not cause an unacceptable risk to highway safety. It is LCC Highway Services opinion that the junction of West Way and Washington Lane would generate more vehicle manoeuvres than that of the proposed development. Therefore, it is LCC Highway Services opinion that a dedicated right turn lane into the development.
64. LCC Highway Services are of the opinion that the proposed access onto West Way is acceptable. The proposed red edge boundary has been amended to the back of the adopted highway on West Way. This new site access will need to be constructed via a section 278 agreement.
65. The proposed site access will require the formation of a kerbed junction within the verge of West Way, which is part of the adopted highway. It is LCC Highway Services opinion that the required visibility splays for the new junction onto West Way are fully achievable across the adopted highway. The visibility splays required are based on the speed limit of West Way which is 40mph, the splays are 2.4m x 81m in both directions.
66. The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as Highway Authority prior to the start of any development.

67. The proposed shared pedestrian and cycle access onto Chancery Fields is in LCC Highways opinion is acceptable. As mentioned in the introduction of this report Chancery Fields is not a part of the adopted highway and as such any connection to it and rights of way will need to be agreed with the relevant 3rd party landowner. For the first 5 metres (as measured from the boundary of Chancery Fields) of the proposed pedestrian and cycle link, it is proposed to narrow the link to 2 metres in width. As a private gated access is proposed LCC Highway Services can support this localised narrowing as cyclists would need to dismount to navigate the private gate. If this private gate is not implemented or removed from the proposals, then LCC Highway Services would expect the shared pedestrian and cycle link to be a continuous width of 3 metres.
68. LCC Highway Services have assessed the proposed developments trip generation in both the AM and PM peak periods using LCC Highways internal North West Preston trip rates. The North West Preston trip rates are robust and predict total vehicle movements in the AM peak of 10 vehicles and 11 vehicles in the PM peak assuming the number of dwellings is 16. LCC Highway Services are of the opinion that the trips generated by the proposals are acceptable and would not have an unacceptable impact on highway safety or capacity.
69. As mentioned previously neither of the existing bus stops on Chancery Road have quality bus stop kerbing and thus do not promote inclusive mobility. It is an obligation on all developments as set out in the National Planning Policy Framework (NPPF) 2021 to promote sustainable development. For the development to achieve this in terms of highways, it is requested that the proposed development provides upgrades to the existing bus stops south of the junction of Chancery Fields and Chancery Road. These upgrades would take the form of the introduction of quality bus stop kerbing for both stops and would therefore make travelling by sustainable means attractive and thus promote sustainable development. These upgrades would need to be carried out via a section 278 agreement.

Ecology

70. Core Strategy Policy 22 covers biodiversity and geodiversity and reflects the Framework in seeking to conserve, protect and seek opportunities to enhance and manage the biological and geological assets of the area, through the following measures:
- i. Promoting the conservation and enhancement of biological diversity, having particular regard to the favourable condition, restoration and re-establishment of priority habitats and species populations;
 - ii. Seeking opportunities to conserve, enhance and expand ecological networks;
 - iii. Safeguarding geological assets that are of strategic and local importance.
71. Policy BNE9 of the Local Plan covers Biodiversity and Nature Conservation and states:
- In Chorley, Biodiversity and Ecological Network resources will be protected, conserved, restored and enhanced:*
- Priority will be given to:*
- Protecting and safeguarding all designated sites of international, national, regional, county and local level importance including all Ramsar sites, Special Protection Areas, Special Areas of Conservation, national nature reserves, sites of special scientific interest and biological heritage sites, geological heritage sites, local nature reserves and wildlife corridors together with any ecological network approved by the Council;*
- Protecting, safeguarding and enhancing habitats for European, nationally and locally important species;*
- The ecology of the site and the surrounding area (safeguarding existing habitats/features such as but not exclusive to trees, hedgerows, ponds and streams), unless justified otherwise;*
- When considering applications for planning permission, protecting, conserving, restoring and enhancing Chorley's ecological network and providing links to the network from and/or through the proposed development site.*

In addition development must adhere to the provisions set out below:

The production of a net gain in biodiversity where possible by designing in wildlife and by ensuring that any adverse impacts are avoided or if unavoidable are reduced or appropriately mitigated and/or compensated;

The provision of opportunities for habitats and species to adapt to climate change;

The support and encouragement of enhancements which contribute to habitat restoration;

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;

In exceptional cases where the need for development in that location is considered to significantly outweigh the impact on the natural environment, appropriate and proportionate mitigation measures or as a last resort compensatory habitat creation and/or restoration will be required through planning conditions and/or planning obligations.

The following definition of what constitutes damage to natural environmental assets will be used in assessing applications potentially impacting upon assets:

Loss of the undeveloped open character of a part, parts or all of the ecological network;

Reducing the width or causing direct or indirect severance of the ecological network or any part of it;

Restricting the potential for lateral movement of wildlife;

Causing the degradation of the ecological functions of the ecological network or any part of it;

Directly or indirectly damaging or severing links between green spaces, wildlife corridors and the open countryside; and

Impeding links to ecological networks recognised by neighbouring planning authorities.

Significant adverse effect on the interest features of a designated nature conservation site.

72. The application is supported by an ecology survey and assessment (ERAP (Consultant Ecologists) Ltd ref: 2021-386). These have been reviewed by the Council's ecology advisor (GMEU) who considers that this satisfies the requirements for information and analysis to be provided prior to determination of the application. The site is not designated for its nature conservation value, does not support notable habitats and is considered unlikely to support any substantive populations of protected or priority species. The applicant has set out that the site will be delivered to provide an opportunity to secure ecological enhancement for wildlife associated with residential development, and it is intended that the development will provide biodiversity net gain.
73. It is advised that, as part of any Reserved Matters applications for the future development of the site a Biodiversity Net Gain Assessment should be provided to demonstrate that the development can achieve a net gain in local biodiversity. It is also recommended that boundary trees should be retained and protected during the course of any development, although it must be noted that a section of tree belt to the west of the site would need to be removed in order to facilitate access. On the basis that a scheme to achieve a net gain in local biodiversity is provided it is considered that the development of the site could provide an opportunity to secure ecological enhancement for wildlife.
74. The application is therefore considered to comply with policy BNE9 of the Local Plan, policy 22 of the Core Strategy and paragraph 175 of the NPPF.

Trees

75. Policy BNE10 of the Local Plan relates to trees and states:

- a) *Development proposals which would result in the loss of trees and/or involve inappropriate works to trees which contribute positively to the character and appearance of a Conservation Area will not be permitted. The removal of such trees will only be permitted in exceptional circumstances and where consent is granted, replacement trees will be required to be planted.*

- b) *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.*
- c) *Replacement planting will be required where it is considered that the benefit of the development outweighs the loss of some trees or hedgerows. Tree planting will be required as part of new development proposals and an associated maintenance scheme. Tree Preservation Orders will be used to protect trees of landscape or townscape significance.*

76. There are trees to the northern, eastern and western boundaries of the site. These are protected by tree preservation orders and contribute to the visual amenity of the area. The application is in outline and does not propose to remove any trees at present, whilst it is considered that the trees can be retained and protected within a development scheme give their position to the periphery. However, it is noted that a section of the tree belt to the west of the site would need to be removed in order to facilitate access. These trees are most visible from West Way, however, given that West Way does not have pedestrian pavements and is a suburban type distributor road it is not considered that the loss of a section of trees to provide access would have a significantly detrimental impact on the character of the area. Tree planting would be required as part of the detailed development proposals within a comprehensive landscaping plan. On this basis it is considered that the harm through the loss of the trees would be limited and that the development would comply with policy BNE10 subject to appropriate replacement planting.

Drainage and flood risk

77. A Flood Risk Assessment has been submitted with the application and reviewed by United Utilities and Lancashire County Council as Lead Local Flood Authority (LLFA). The LLFA are responsible for managing flood risk from surface water, groundwater or from ordinary watercourses.

78. The Planning Practice Guidance establishes a hierarchy for surface water disposal, which encourages a Sustainable Urban Drainage System (SuDS) approach. 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.

79. The LLFA have no objection to the application subject to conditions requiring that development is carried out in accordance with the submitted Flood Risk Assessment and that details of a final surface water sustainable drainage strategy, construction surface water management plan, sustainable drainage system operation and maintenance manual and verification report of constructed sustainable drainage system are submitted to the local planning authority for consideration in consultation with the LLFA.

Public open space

80. A financial contribution is required from this development is as follows:

Amenity Greenspace

81. Local Plan Policy HS4A sets a standard of 0.73 hectares per 1,000 population.

82. There is currently a deficit of provision in Euxton 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 0.028 hectares. A maintenance cost of £11,200 is also required for a 10 year period if private maintenance is not proposed.

Provision for children/young people

83. Local Plan Policy HS4A sets a standard of 0.08 hectares per 1,000 population.
84. There is currently a deficit of provision in Euxton 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

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

87. There is no requirement to provide new natural/semi natural greenspace on-site within this development.
88. 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

89. There is no requirement to provide allotment provision on site within this development.
90. 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

91. 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.
92. The total financial contribution required from this development is as follows:

Amenity greenspace	= £11,200 (if private maintenance not proposed)
Equipped play area	= £2,144 (if private maintenance not proposed)
Parks/Gardens	= £0
Natural/semi-natural	= £0
Allotments	= £0
Playing Pitches	= £25,584
Total	= £38,928

93. It is recommended that this be secured through a Section 106 legal agreement.

Community Infrastructure Levy (CIL)

94. The proposal would be liable for CIL, however CIL liability is not calculated at outline application stage. It would be calculated at any Reserved Matters stage.

Planning balance

95. 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.

96. The adverse impacts of the development relate to the loss of trees to the west of the site, between the site and West Way. These trees form part of a belt of protected trees that provide a buffer between the land and West Way, as section of which would need to be removed to enable access. This would have some impact on biodiversity and some impact on the character of the area, although these impacts are considered to be limited in their level of harm as the impact on biodiversity can be off set through a suitable scheme to be considered at reserved matters stage and that West way is not a sensitive visual receptor, whilst the development of an access would not be incongruous in this location.
97. There would be some adverse impact through the loss of land identified for open space and recreation, however, this harm is limited as the land is surplus to the rugby club redevelopment, has not been identified for any specific purpose and the applicant has stated that the site is not the correct size and shape for a playing field, and there is no long term reasonable prospect of this land ever being used for sports.
98. In relation to the benefits of the proposed development the provision of 16 dwellings in the context of an under supply of housing this is a clear benefit to which significant weight must be attached.
99. The provision of affordable housing would help towards meeting a significant shortfall in the supply of such homes across the Borough and represents a clear benefit to which significant weight must also be attached.
100. The provision of new housing would support construction and supply chain jobs, places for the economically active to live, and increased local spend. These benefits have not been quantified and would apply to any housing development of this scale but are still considerable and should be afforded moderate weight. Some limited weight can be attached to the benefits of open space provision and improvement through an off-site contribution from the development of the site.
101. There are no adverse impacts of the proposed development that would significantly and demonstrably outweigh the significant social benefits associated with the proposed development when assessed against the Framework taken as a whole. The scheme therefore benefits from the presumption in favour of sustainable development, and as such it is recommended that Members be minded to approve the application.

Other matters

102. *This build is purely based on money / financial gain:* This not a material planning consideration. The proposed development is a market development and would not be delivered without a viable profit margin.
103. *The rugby club site is in poor condition:* This is not a matter that can be addressed through the assessment of this application.
104. *Lack of detail in relations to dwellings, the footpath, fencing, lighting:* The application is in outline only at this stage and these details would be provided at reserved matters stage and would be assessed as part of a further such application.
105. *The proposed path could result in increase crime and antisocial behaviour:* The applicant is proposing that the footpath and cycle path is gated and for residents only.
106. *No capacity in the area for more dwellings:* There is no maximum limit to the number of dwellings that can be provided within an area, and it is noted that there is currently an under supply of dwellings within the Borough.

107. *There are parking issues associated with the existing rugby club site that need to be addressed:* This is not a matter that can be addressed through the assessment of this application.
108. *Anti social behaviour from the Rugby Club site:* This is not a matter that can be addressed through the assessment of this application.

CONCLUSION

109. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise. In this instance it is considered the proposal is considered to comply with the policies of the development plan. Notwithstanding this the tilted balance must be applied and the benefits of providing housing and affordable housing must be given significant weight. Given such circumstances and in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the Framework, it is recommended that outline planning permission be approved.

RELEVANT HISTORY OF THE SITE

Ref: 93/00081/FUL **Decision:** PERFPP **Decision Date:** 30 March 1993
Description: Use of land for car boot sales of 100 pitches Sundays 4.4.93 to 10.10.93 and Saturdays 1.5.93 to 25.9.93 inclusive for a period of one year

Ref: 92/00540/FUL **Decision:** PERFPP **Decision Date:** 1 September 1992
Description: Modification of condition no 3 on 9/91/572 to amend hours of opening to 10.00am to 4.00pm instead of 2.00pm to 8.00pm

Ref: 92/00352/FUL **Decision:** PERFPP **Decision Date:** 9 June 1992
Description: Use of land for Sunday market and other events

Ref: 91/00572/FULMAJ **Decision:** PERFPP **Decision Date:** 18 February 1992
Description: Use of land for car boot/market on Thursdays

Ref: 89/00634/ADV **Decision:** PERFPP **Decision Date:** 20 September 1989
Description: Display of internally illuminated signs on building and access

Ref: 89/00067/FUL **Decision:** PERFPP **Decision Date:** 27 February 1989
Description: Alterations and provision of external boiler house

Ref: 88/00228/FULMAJ **Decision:** WDN **Decision Date:** 16 May 1988
Description: Use of land for general market to operate on Saturdays commencing 7/5/88

Ref: 88/00679/FUL **Decision:** PERFPP **Decision Date:** 18 October 1988
Description: Use of land as a Golf Driving Range

Ref: 85/00179/ADV **Decision:** PERFPP **Decision Date:** 2 April 1985
Description: Display of illuminated signs across gable of club house

Ref: 81/00934/FUL **Decision:** PERFPP **Decision Date:** 1 December 1981
Description: Club House

Ref: 80/00892/FUL **Decision:** PERFPP **Decision Date:** 20 October 1980
Description: Use of land for recreational purposes (rugby pitches, car parking, changing pavilion, and new access to Chancery Road)

Ref: 13/00082/FULMAJ **Decision:** PERFPP **Decision Date:** 28 August 2013
Description: Proposed erection of 50 no. residential dwellings and the redevelopment of existing rugby club and associated facilities including 8 x 15m floodlighting columns

Ref: 14/00429/FULMAJ **Decision:** PERFPP **Decision Date:** 28 January 2015
Description: Section 73 application to vary condition no.5 (approved plans) of planning permission no. 13/00082/FULMAJ (which was for the erection of 50 no. residential dwellings and the redevelopment of existing rugby club and associated facilities including floodlighting columns) to change the size and design of the clubhouse building and make alterations to the parking.

Ref: 14/01250/ADV **Decision:** PERADV **Decision Date:** 13 February 2015
Description: Proposed erection of two signs and two flagpoles advertising future housing development. One of the signs (flanked by two flagpoles) is proposed on West Way and the other (with no flagpoles) is proposed on Chancery Road.

Ref: 15/00137/DIS **Decision:** REDISZ **Decision Date:** 17 September 2021
Description: Application to discharge conditions 3 (carbon reduction statement), 6 (levels), 9 (lighting), 10 (landscaping), 12 (foul and surface water drainage), 15 (scheme of parking for contractors), 16 (hours of clubhouse), 19 (contamination report), 22 (Design Stage Assessment), 23 (cycle and motorcycle parking), 28 (grass pitch specification), 29 (artificial pitch specification), 30 (clubhouse noise attenuation) and 32 (clubhouse external materials) of planning permission ref: 14/00429/FULMAJ (which was for the erection of 50 no. residential dwellings and the redevelopment of existing rugby club and associated facilities including 8 x 15m floodlighting columns).

Ref: 15/00164/ADV **Decision:** PERADV **Decision Date:** 29 April 2015
Description: Proposed stacker board sign flanked by two flagpoles (advertising future housing development) at entrance to Rugby Club.

Ref: 15/00577/FULMAJ **Decision:** PERFPP **Decision Date:** 9 September 2015
Description: Re-plan of 14 no. dwellings, including associated landscaping and parking (part of larger scheme of 50 dwellings previously approved under ref: 13/00082/FULMAJ and 14/00429/FULMAJ), to avoid water main that crosses the site.

Ref: 15/00667/MNMA **Decision:** PEMNMZ **Decision Date:** 10 August 2015
Description: Application for a minor material amendment to change the external materials of the dwellings (due to supply issues) previously approved under ref: 14/00429/FULMAJ (which was for 50 dwellings and redevelopment of the rugby club).

Ref: 15/00742/MNMA **Decision:** PEMNMZ **Decision Date:** 21 August 2015
Description: Application for a minor non-material amendment to planning permission ref: 13/00082/FULMAJ (which was for the erection of 50 no. residential dwellings and the redevelopment of existing rugby club and associated facilities including floodlighting columns) to alter the design of the canopy of the 'Hatfield' house type previously approved.

Ref: 16/00550/MNMA **Decision:** PEMMAZ **Decision Date:** 22 July 2016
Description: Minor non-material amendment to change the brick type (of dwellings) previously approved.

Ref: 17/00038/FULMAJ **Decision:** PERFPP **Decision Date:** 3 April 2017
Description: Section 73 application to vary condition 26 of permission ref: 14/00429/FULMAJ (which was for the erection of 50 no. residential dwellings and the redevelopment of existing rugby club and associated facilities including floodlighting columns) to allow the phasing of the development to be changed - so that the pavilion/club house and car park shall be constructed prior to the occupation of the 40th dwelling and shall be completed prior to occupation of the 47th dwelling (as opposed to by the 30th and 40th dwelling previously approved).

Ref: 17/00413/FULMAJ **Decision:** PERFPP **Decision Date:** 5 December 2017
Description: Section 73 application to remove conditions 25 and 26 of permission ref: 17/00038/FULMAJ (which was a variation of condition application relating to the erection of 50 no. residential dwellings and the redevelopment of existing rugby club and associated facilities

including floodlighting columns) to allow the phasing of the development to be changed - so that the dwellings can be built prior to the provision of the sports facilities.

Ref: 18/00108/FULMAJ

Decision: PERFPP **Decision Date:** 18 March 2020

Description: Section 73 application to vary condition 6 (approved plans) attached to planning approval 17/00413/FULMAJ to allow alterations to the details of the rugby clubhouse building.

Ref: 23/00728/FUL

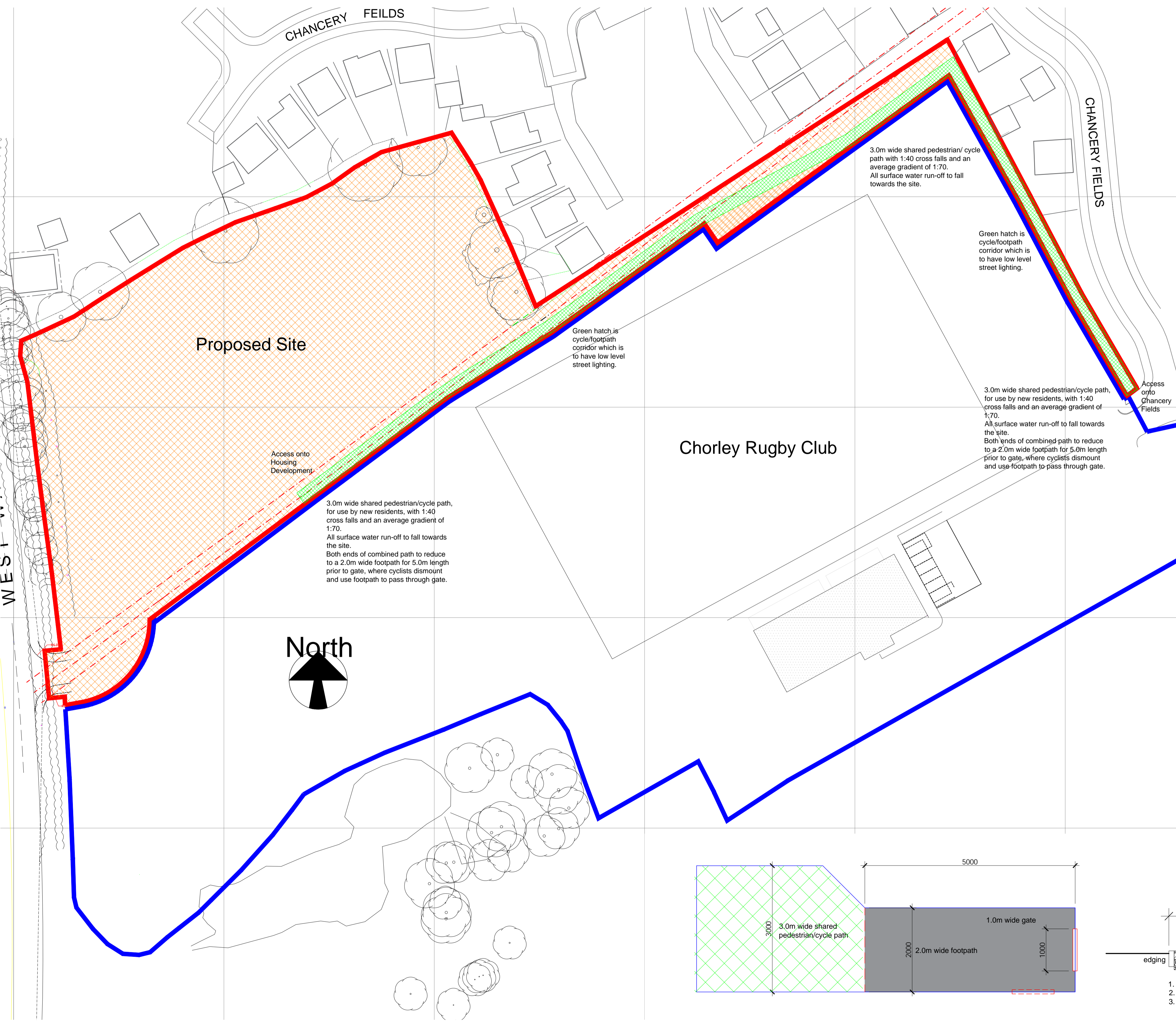
Decision: PCO **Decision Date:** Pending

Description: Change of use of land to form an exercise area and installation of associated equipment including exercise frames, covered area, and the siting of a container for storage of the equipment; and the creation of a vehicle parking area

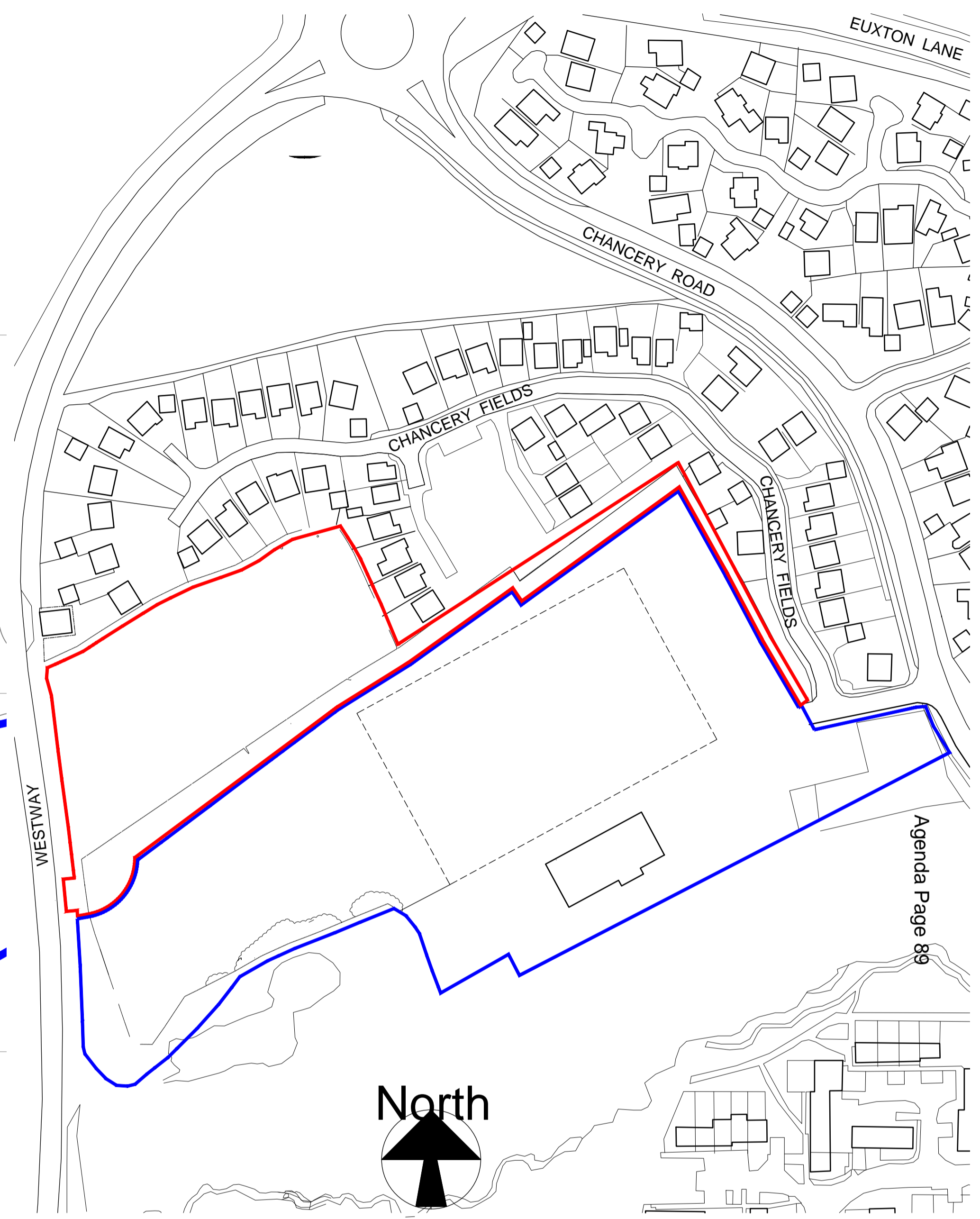
RELEVANT POLICIES: In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless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

Suggested conditions

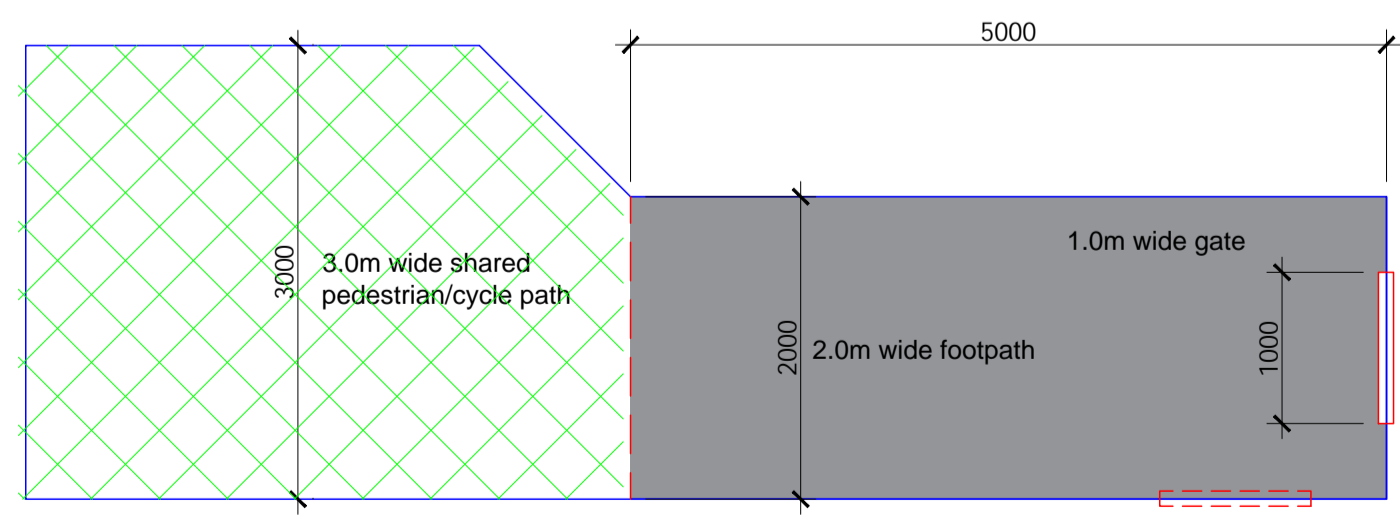
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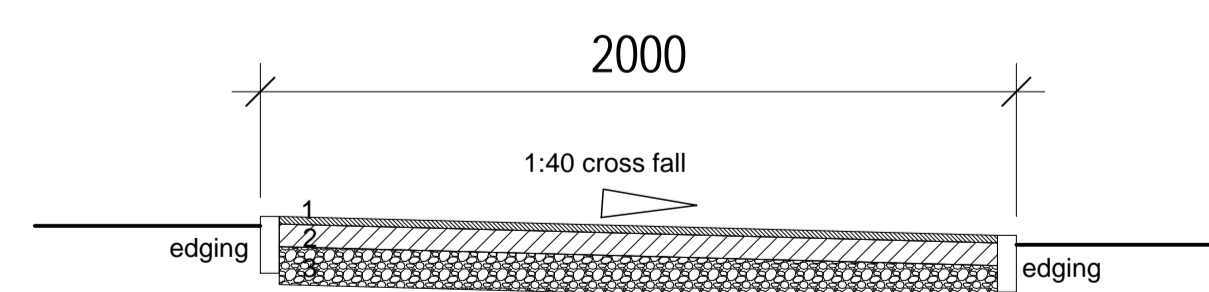
Site Plan 1:500



Location Plan 1:1250



Pedestrian/Cycle path Termination Detail 1:50



1. 20mm dense surface course.
2. 60mm dense binder course.
3. 100mm compacted sub-base

Footpath Detail 1:20

Rev	Detail	Date
A	Footpath amended + coloured green	11.05.2023
B	Footpath green boundary extended	14.08.2023
C	Site Boundary changed to accommodate revised footpath and footpath detail added for LCC Highways.	15.08.2023
D	Boundary adjacent UU easement amended.	21.08.2023
E	Cycle/footpath 3m wide + 2m width termination added	18.09.2023
F	Westway Access Updated	13.11.2023

Primrose Holdings
Westway Astley Village Chorley

Residential Development
Proposed Site Plan

Scale 1:1250 + 1:500 + 1:20@A1

25-01-2023 WW/23/01/101F

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APPLICATION REPORT – 22/00132/FUL

Validation Date: 14 February 2022

Ward: Eccleston, Heskin And Charnock Richard

Type of Application: Full Planning

Proposal: Demolition of existing detached dwelling and erection of three storey office building

Location: 81 Wood Lane Heskin Chorley PR7 5NP

Case Officer: Mike Halsall

Applicant: Mr Morris

Agent: Philip Lambert Philip Lambert Architecture

Consultation expiry: 23 February 2023

Decision due by: 8 December 2023 (Extension of time agreed)

RECOMMENDATION

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

SITE DESCRIPTION

2. The application site is located in the Green Belt on the eastern side of Wood Lane, to the south east of its junction with Park Hall Road. It comprises a large roughly rectangular plot of land screened on three sides by mature trees and is occupied by a vacant detached dwelling in a poor state of repair. Although the immediate locality is predominantly open and rural in character, there is some sporadic residential development to the north west along Wood Lane and the Farmers Arms public house lies approximately 70m to the south of the site. The land level falls away to the north east and east of the site, towards Park Hall Road.
3. Planning permission has previously been granted (refs. 18/00598/FUL, 21/00111/FUL and 21/00198/FUL) for the erection of two dwellings on land immediately to the south of the application site which was previously occupied (since demolished) by a large number of outbuildings which were associated with the vacant dwelling.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. The application seeks planning permission for the erection of a three storey office building, following the demolition of the existing dwelling. The proposed building has been designed to match the recently approved dwellings to the south.
5. The supporting documentation states:

“The intention would be to use the property for our offices (Marshall Peters). We are a firm of insolvency practitioners who provide support to businesses and individuals in financial distress. We have been trading from our current business address at Heskin Hall Farm,

Wood Lane, for approximately 15 years. The current premises are rented. We employ 15 staff at this address and 4 staff at our Manchester office.

Our current office at Heskin Hall Farm is a converted farmhouse in a rural location surrounded by countryside, a few hundred yards up from 81 Wood Lane. Its idyllic location has positive effect on our employees' mental and physical wellbeing, and provides a calming environment with a homely comfort for our clients who are often highly stressed with the pressures of financial distress. Our location sets us apart from our competitors who are generally city-centre based in multistorey, faceless, overcrowded shared commercial office units. And 15 year tenure in this area has established our presence with our work introducers who are primarily local accountants and business professionals. The majority of our staff live in Heskin, Eccleston and Mawdesley (the adjacent villages) and we also employ staff from Southport, Bury, Stockport and Didsbury

Our only reasons for moving from these premises are that we have had a sustained period of growth over the last 4 years which looks set to continue and are reaching a point where we will have outgrown our current office."

REPRESENTATIONS

6. Twenty representations have been received in objection to the proposal, including Councillor Arjun Singh in his capacity as a Parish Councillor, summarised below.
 - Would better serve the community as a residential plot
 - Highway safety
 - Increase in traffic
 - Air quality
 - Overlooking
 - Visual impact, character, appearance, height of the building (three storey)
 - Existing dwelling left to ruin
 - No need for more commercial premises, there are enough in Chorley
 - Wildlife harm
 - Noise and anxiety to residents
 - Over development
 - Not in keeping with character of the area / local architecture
 - Green Belt
 - Protected trees
 - Historic buildings near-by – Farmers Arms and dwellings
 - Will put pressure on local facilities – water supply, electricity and waste disposal
7. One representation has been received in support of the proposal stating that the proposal will take a derelict property and provide a great use of land, providing a place of work for people and extra business for local pubs and shops and will not disturb local residents or cause a noticeable increase in traffic.

CONSULTATIONS

8. Heskin Parish Council: have commented as follows:

"The Council strongly object to this proposal

1. On traffic grounds alone it should be refused. The entrance is between two tight bends and very adjacent to the junction of Park Hall Road and Wood Lane. Both these roads are very busy. There have been numerous accidents at this point. 17 car parking spaces suggest a great deal of movement in and out of the site.

2. There are no Office Blocks on Wood Lane , this should be sufficient for it to be refused. it would be out of keeping with the surrounding and offer nothing to mitigate its existence.

3 The scale and design of the property would be more appropriate in an urban settlement rather than a rural village.

This application needs to go before Committee not delegated to officers. Residents are very concerned”

9. Lancashire County Council Highway Services (LCC Highway Services): Initially responded to request that the submitted plans be amended to include various additional details, including visibility splays, extended footways and an increased number of parking spaces. Following receipt of revised drawings from the applicant, LCC Highway Services responded with no objection to the proposal. They have recommended conditions to be attached to any grant of planning permission.
10. United Utilities: Have responded with no objection to the proposal and have requested that a drainage scheme be requested prior to the determination of the application or via a discharge of planning condition, prior to any development taking place at the site.

It is standard practice for this scale of application (i.e. non-Major development) for such details to be required by planning condition. As such, it is recommended that the conditions suggested by United Utilities be attached to any grant of planning permission for this proposal.

11. Greater Manchester Ecology Unit: Initially responded to request a bat survey and badger survey which was duly provided by the applicant. GMEU have no objection to the proposal and have suggested conditions be attached with regards to controlling invasive species, protection of nesting birds, a further badger survey be provided prior to work commencing and the delivery of biodiversity enhancement measures.
12. Council’s Tree Officer: Have responded to state that the trees around the perimeter of the site make a valuable contribution to the character of the area and are highly visible. Appropriate protection for retained trees should be in place before any construction activity takes place, including adherence to the measures in the GM Tree Consultants report and BS 5837
13. Waste & Contaminated Land Officer: Have responded to state he has no comments.

PLANNING CONSIDERATIONS

Principle of the development

Green Belt

14. The application site is located wholly within the Green Belt and, as it contains a dwelling outside of a built up area, falls within the definition of previously developed land at Annex 2 of the National Planning Policy Framework.
15. National guidance on Green Belt is contained in Chapter 13 of the National Planning Policy Framework which states:

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

138. Green Belt serves five purposes:

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

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

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

149. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are....:

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development;

16. Whilst the test for proposals such as this, i.e., the redevelopment of previously developed land, relates to the impact on openness, the Framework does not contain a specific definition of 'openness'. It is a subjective judgment which is considered further below, along with objective criteria of making that assessment. It is considered that in respect of the Framework, the existing site currently has an impact on the openness of the Green Belt. However, it is important to note that merely the presence of an existing building on the site currently does not justify any new buildings. The new buildings must also not "have a greater impact on the openness of the Green Belt". Case law has established that for there to be a greater impact, there must be something more than merely a change.
17. To engage with the exception of paragraph 149g of the Framework, which is reflected in policy BNE5 of the Chorley Local Plan 2012 – 2026, the test relates to the existing development. The openness of an area is clearly affected by the erection or positioning of any object within it no matter whether the object is clearly visible or not. The openness test relates to the whole of the site.
18. Policy BNE5 relates to the redevelopment of previously developed sites in the Green Belt and states that redevelopment of previously developed sites in the Green Belt will be permitted providing that the appearance of the site as a whole is maintained or enhanced and that all proposals, including those for partial redevelopment, are put forward in the context of a comprehensive plan for the site as a whole.
19. Whether harm is caused to openness depends on a variety of factors such as the scale of the development, its locational context and its spatial and/or visual implications.
20. The existing site currently has an impact on the openness of the Green Belt through the presence of the existing dwelling. The proposal seeks to demolish the dwelling and replace it with an office building with other associated development that includes an improved site access and car park.
21. The existing building to be demolished has an approximate built volume of 920 cubic metres and a built footprint of approximately 166 square metres with a maximum height of approximately 9 metres. The proposed new development at the site would have a built volume of approximately 1190 cubic metres and a built floor area of approximately 124 square metres with a maximum height of approximately 10 metres.
22. The proposal represents an approximate 29% increase in built volume, 1 metre in height and a reduction in floor space of approximately 25%. The Council will typically allow for uplifts in volume of up to 30% without the proposal resulting in a greater impact upon the openness of the Green Belt. As a result of the reduced surface area of built development, similar height and the increase in volume being within the Council's agreeable threshold, the spatial impact of the proposed development would be similar to that of the existing development. The visual impacts would also be improved due to the replacing of the

dilapidated dwelling with a new well-designed building. It is, therefore, considered that the sense of openness would be maintained by the proposal. As such the impact on openness would be no greater than the existing development.

23. Given the above, it is considered that the proposed development would not have a greater impact on the openness of the Green Belt than the existing development and as such would not represent inappropriate development in the Green Belt.

Sequential Test

24. The proposed office falls within the definition of a 'main town centre use' at Annex 2 of the 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.*'
25. Paragraph 89 of the Framework however states that '*This sequential approach should not be applied to applications for small scale rural offices or other small scale rural development.*' The proposal involves a single office block with the scale of a dwelling, located outside of settlement boundary in the Green Belt, with a total floor space of under 400sq.m and to accommodate fewer than 20 workers. Further, the office is already based in the area and is proposing to relocate to this site. The proposal is, therefore, considered to represent a small-scale rural office and so a sequential test need not be applied to the proposal.

Impact on the character and appearance of locality

26. Policy BNE1 of the Chorley Local Plan 2012 - 2026 states that planning permission will be granted for new development, including extensions, conversions and free-standing structures, provided that (amongst other things):
- a) The proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials.*
- c) The layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area;"*
27. The proposed building would be set well back from the adjacent public highway, Wood Lane, by approximately 20m and would be well screened by the dense mature trees which line the eastern side of the highway. The proposed building would not, therefore, appear unduly prominent from the nearest public vantage points located along Wood Lane. Whilst the immediate locality is of rural character it is not entirely free from built development and there is some low-density residential development to the north west of the site along Wood Lane and two dwellings have been granted planning permission to the south of the application site. The proposed building would, therefore, be seen within this context and would not detract from the character of the immediate locality. Whilst the proposed building would be relatively large, it would be positioned centrally within a spacious plot of land and the building to plot ratio would not be excessive. This layout would be consistent with the layout of neighbouring dwellings, including those approved to the south, and the building has been designed to match the dwellings. The proposal is considered to be consistent with the aforementioned policy and is, therefore, acceptable in terms of the character and appearance of the locality.

Impact on the amenity of neighbouring occupiers

28. Policy BNE1 of the Chorley Local Plan 2012 - 2026 states that new development must not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact.
29. There are no existing dwellings in close proximity to the site. To the rear (east) the site bounds with open agricultural land and there would be a separation distance of approximately 18m between the proposed building and the nearest of the two approved dwellings to the south. This distance would be adequate to ensure that there would be no unacceptable adverse impacts on the amenity of the occupiers of this dwelling. Whilst the car parking area for the proposed office would be located between the office and the approved dwelling, it is considered that suitable boundary treatments could be secured by planning condition to mitigate any adverse impacts from noise and disturbance from the use of the car park upon the occupiers of the approved dwelling.
30. The nearest neighbouring dwelling to the north west of the site at no. 86 Wood Lane would be located approximately 35m away from the proposed development and any impact on the amenity of the occupiers of this dwelling would be negligible.
31. In light of the above, the proposal accords with the above policy in relation to residential amenity and would be acceptable in this regard.

Impact on ecological interests

32. The Framework states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan) and minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
33. Policy BNE9 (Biodiversity and Nature Conservation) of the Chorley Local Plan 2012-2026 sets out how development should safeguard biodiversity. Any adverse impacts on biodiversity should be avoided, and if unavoidable should be reduced or appropriately mitigated and/or compensated.
34. Policy BNE11 (Species Protection) of the Chorley Local Plan 2012-2026 states that planning permission will not be granted for development which would have an adverse effect on a priority species, unless the benefits of the development outweigh the need to maintain the population of the species in situ.
35. The application is supported by a suite of ecological surveys which have been reviewed by the Council's appointed ecological consultants, the Greater Manchester Ecology Unit (GMEU). Following a request for additional surveys, which were duly submitted by the applicant, GMEU have not raised any objections to the proposed development. They have recommended conditions be attached in relation to the protection of nesting birds, bats and badgers, the eradication of invasive species and the securing of biodiversity net gains at the site, post development.
36. In consideration of the above, and the advice from GMEU, it is not considered that the proposed development would be detrimental to nature conservation or protected species interests.

Impact on trees

37. Policy BNE10 (Trees) stipulates, among other things, that proposals that would result in the loss of trees, woodland areas or hedgerows which make a valuable contribution to the character of the landscape, a building, a settlement or the setting thereof will not be

permitted. Replacement planting will be required where it is considered that the benefit of the development outweighs the loss of some trees or hedgerows.

38. Four trees would be removed as part of the proposal, all of which have been deemed as poor quality /condition and are recommended for removal regardless of the proposed development.
39. Site boundaries are formed by a large number of mature trees of varying condition and Chorley Council's Tree Officer has recommended that a tree protection plan should be produced and adhered to. A suitable condition is recommended and it is considered that the proposal complies with the aforementioned policies.

Highway safety

40. 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.
41. The building would be accessed via the existing site access point from Wood Lane, the design of which has been revised following a request from LCC Highway Services to include improvements. The site layout plan adequately demonstrates that the site would provide off street parking and vehicle manoeuvring areas in line with the parking standards set out in policy ST4 of the Chorley Local Plan 2012 – 2026 and Appendix A. LCC Highway Services have no objection to the proposal, subject to conditions and the provision of highway improvement works to be delivered via a S278 agreement. The proposal is considered to comply with the above policies in relation to highway safety.

Flood risk and drainage

42. The application site is not located in an area that is at risk of flooding from pluvial or fluvial sources, according to Environment Agency mapping data. In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water being managed by package treatment plant or sewer and surface water draining in the most sustainable way.
43. 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.
44. United Utilities have raised no objection to the proposal and have recommended conditions be attached to any grant of planning permission. The above can be controlled by suitably worded planning conditions.

Community Infrastructure Levy (CIL)

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

CONCLUSION

46. The proposed development is not inappropriate development in the Green Belt. There would be no unacceptable adverse impact on the character and appearance of the existing site or the surrounding area, nor would the proposed development cause any significant harm to the amenity of neighbouring residents, ecology interests, trees or highway safety. It is, therefore, considered that the development accords with national and local policy and it is recommended that the application is approved.

RELEVANT HISTORY OF THE SITE

Ref: 18/00598/FUL **Decision:** PERFPP **Decision Date:** 14 September 2018
Description: Erection of two detached dwellings following demolition of existing garages and outbuildings

Ref: 21/00111/FUL **Decision:** PERFPP **Decision Date:** 25 March 2021
Description: Section 73 application to vary condition no. 4 (approved plans) of planning permission ref: 18/00598/FUL (Erection of two detached dwellings following demolition of existing garages and outbuildings) for the creation of new access from Wood Lane

Ref: 21/00198/FUL **Decision:** PERFPP **Decision Date:** 20 May 2021
Description: Erection of two detached dwellings following demolition of existing garages and outbuildings

Ref: 22/00042/DIS **Decision:** PEDISZ **Decision Date:** 28 July 2022
Description: Application to discharge condition nos. 3 (materials), 5 (surface water drainage scheme), 8 (invasive species), 9 (landscaping scheme), 12 (design stage dwelling emission rate), 14 (tree protection plan) and 15 (highway works) attached to planning permission ref: 21/00198/FUL (Erection of two detached dwellings following demolition of existing garages and outbuildings)

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

Suggested conditions

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

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

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

Title	Plan Ref	Received On
Site Location Plan	00-01 Rev A	21 March 2022
Proposed Site Plan	00-10	8 March 2022
Proposed Ground Floor Plan	00-04	4 February 2022
Proposed First Floor Plan	00-05	4 February 2022
Proposed Second Floor Plan	00-06	4 February 2022
Proposed Roof Plan	00-07	4 February 2022
Proposed Elevations	01-08	4 February 2022
Proposed Visibility Splays	00-11	8 March 2022

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

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

- a) Details of the colour, form and texture of all external facing materials to the proposed building.
- b) Details of the colour, form and texture of all hard ground- surfacing materials.
- c) Location, design and materials of all fences, walls and other boundary treatments.
- d) Existing and proposed ground levels and finished floor level of the proposed building.
- e) A scheme for the landscaping of the development and its surroundings to include the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded and detail any changes of ground level or landform.

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

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

4. Prior to the commencement of the development, other than demolition and enabling works, details of a scheme for the mitigation and biodiversity enhancement of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved mitigation measures shall be carried out prior to the occupation of the building.

Reason: To deliver biodiversity enhancements.

5. No works to trees and shrubs or vegetation clearance or demolition of buildings shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present.

Reason: All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981 (as amended).

6. Prior to the commencement of development, 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.

7. Any new external lighting should be designed to minimise the impact on nocturnal wildlife.

Reason: To avoid disturbance of nocturnal wildlife.

8. Prior to any earthworks a resurvey for invasive plant species including Himalayan balsam will occur and the finding supplied to and agreed in writing to the Local Planning Authority. If any invasive species are still present a method statement detailing avoidance, control and eradication measures should also be supplied to and agreed in writing by the Local Planning Authority, prior to any earthworks.

Reason: To preclude the spread of an invasive species.

9. Prior to commencement of earthworks, a resurvey of the site and within the zone of influence of the development for badgers and badger setts will occur and the findings supplied to and agreed in writing by the Local Planning Authority.

Reason: To safeguard badgers.

10. The demolition of building B1 is likely to cause harm to common pipistrelle and brown long-eared bats as identified in the Bat Activity Survey Report by Elite Ecology date August 2023, and shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 55, of the Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development go ahead:
- or
- b) a statement in writing from the relevant licensing body or Local Planning Authority to the effect that it does not consider that the specified development will require a license

Reason: To safeguard a protected species.

11. During all approved works, all trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standards and as specified in the submitted Arboricultural Impact Assessment and Arboricultural Method Statement dated 27/02/2022.

Reason: To safeguard the trees to be retained.

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

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

13. No part of the development shall be commenced until the visibility splays measuring 2.4 metres by 43 metres in both directions have been provided, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of Wood Lane to the satisfaction of the Local Planning Authority. The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.

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

14. The car parking area and manoeuvring area of the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least sub-base before any development takes place within the site.

Reason: To ensure that provision is made for the storage of materials and contracting staff.

15. Prior to the first use of the approved building, a private car park and manoeuvring scheme shall be submitted to and approved by the Local Planning Authority. The car parking spaces and manoeuvring areas shall be marked out in accordance with the approved plan before the use of the premises hereby permitted becomes operative, and permanently maintained thereafter.

Reason: To allow for the effective use of the parking areas.

16. A scheme for the provision of cycle storage shall be submitted to and approved in writing by the Local Planning Authority and the facilities provided in accordance with the approved plan, before the use of the premises hereby permitted becomes operative, and permanently maintained thereafter.

Reason: To allow for the effective use of the parking areas the promotion of sustainable forms of transport and aid social inclusion.

17. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

18. No part of the development hereby approved shall be occupied until the approved scheme referred to in the above condition has been constructed and completed in accordance with the approved scheme details, without prior agreement from the Local Planning Authority.

Reason: In order that the traffic generated by the new development does not exacerbate unsatisfactory highway conditions in advance of the first occupancy or trading.

19. Prior to the commencement of development, a Traffic Management Plan (TMP) shall be submitted to and approved in writing by the Local Planning Authority (in conjunction with the highway authority). The TMP shall include and specify the provisions to be made for the following:

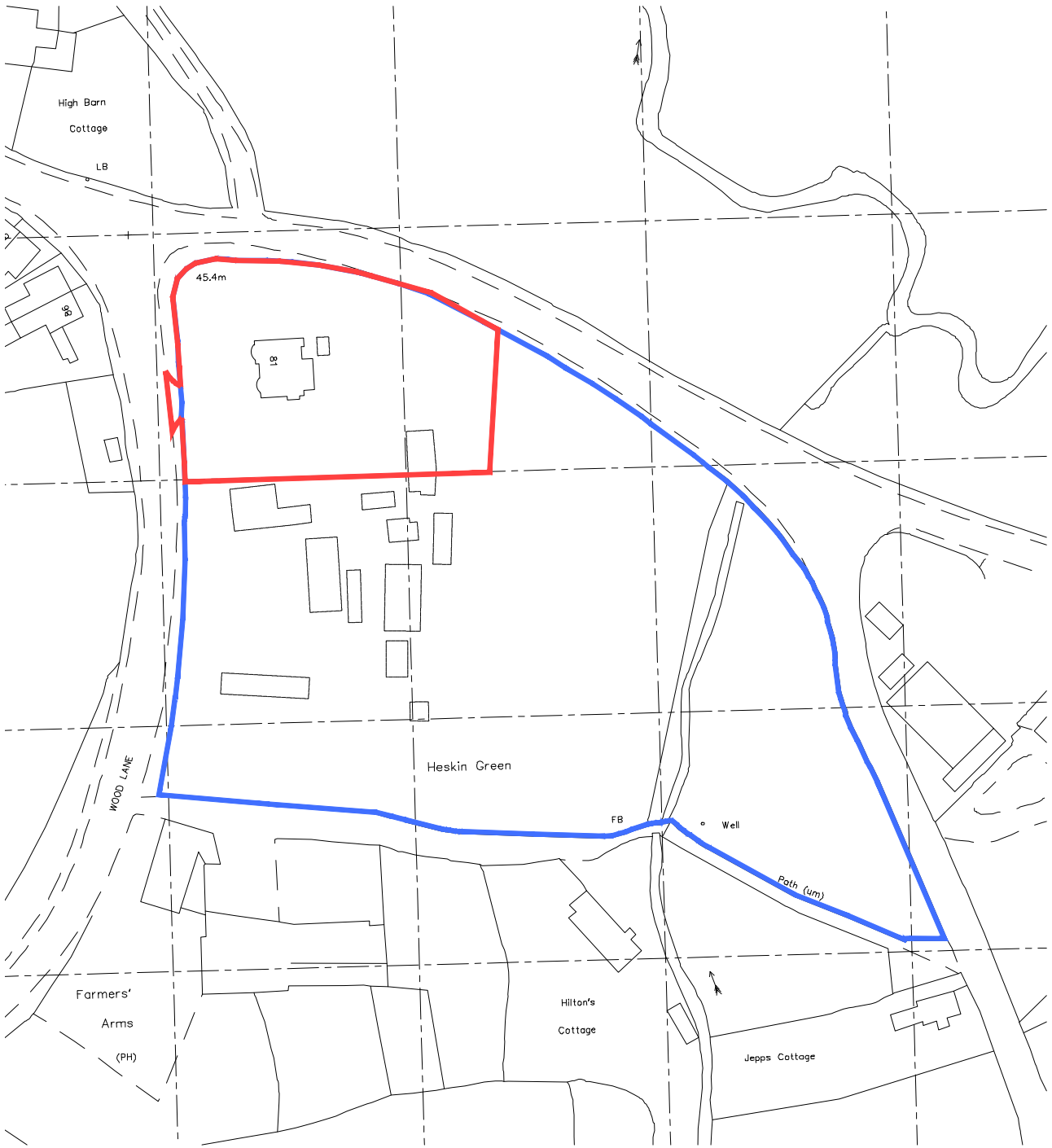
- o The parking of vehicles of site operatives and visitors;
- o Loading and unloading of plant and materials used in the construction of the development;
- o Storage of such plant and materials;
- o Wheel washing facilities;
- o Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made);
- o Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

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

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NOTES:

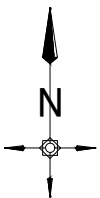


Client
Mr Lee Morris

Project
Wood Lane, Heskin, PR7 5NT

Drawing Title
Site Location Plan

Drawn	Checked	Paper Size	Scale	Date
PL	PL	A4	1:1250	JAN. 2022
Project No. 22 - 556		Drawing No. 00-01		Revision A



RED LINE DENOTES SITE BOUNDARY



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APPLICATION REPORT – 22/00888/FULMAJ

Validation Date: 2 September 2022

Ward: Clayton West And Cuerden

Type of Application: Major Full Planning

Proposal: Extension to existing polytunnel building and erection of a new polytunnel building

Location: Armlee Nurseries Apline View Wigan Road Clayton-Le-Woods Leyland PR25 5SB

Case Officer: Mike Halsall

Applicant: Mr Lee Ainscough

Agent: Mr Steven Hartley HP & DA Ltd

Consultation expiry: 26 July 2023

Decision due by: 8 December 2023 (Extension of time agreed)

RECOMMENDATION

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

SITE DESCRIPTION

2. This is an existing commercial plant (horticultural) nursery site that is a wholesale supplier to national supermarket chains. It is located within the Green Belt immediately adjacent to the M6 motorway to the west and the A49, Wigan Road, to the east. A high-pressure gas pipeline runs parallel to the M6 at the western extremity of the site and a small strip of the site adjacent to its northern boundary falls within an area of minerals safeguarded land.
3. A relatively new housing development is located to the east of the site, an allocated housing site (HS1.31) within the settlement of Clayton-le-Woods. The nearest property within this area is located approximately 115 metres to the east of the site. Lydiate Farm complex is located approximately 50 metres to the north of the northern site boundary. A small industrial complex is located between 30 and 50 metres to the south of the southern site boundary.
4. Planning permission (Ref: 07/01220FUL) was granted on the 19th of December 2007 for various plant nursery buildings and a storage reservoir for plant watering purposes.
5. In 2017, under application ref:17/00961/FULMAJ, planning permission was granted for a polytunnel measuring 96m by 85.4m and with a maximum height of 3.962m. including a 5000m³ pond. The development was completed soon afterwards.

DESCRIPTION OF PROPOSED DEVELOPMENT

6. In order for the business to develop and expand, more protected growing facilities are required. Thus, the proposal is for an extension to the south of the existing polytunnel building and a separate such building to the east. Both would be of similar height and

external appearance to the existing polytunnel building (visqueen diffused polythene), with the proposed extension having a surface area of approximately 5600m² and the separate building of approximately 200m². Some minor changes would be required to the pond to serve the new developments. The areas of the site where the new buildings are proposed are currently set to hardstanding.

REPRESENTATIONS

7. No representations have been received.

CONSULTATIONS

8. Cadent Gas: No objection, following the receipt of additional information from the applicant.
9. National Highways: No objection.
10. Environment Agency: No response.
11. Greater Manchester Ecology Unit: No objection.
12. Waste & Contaminated Land Officer: Have confirmed that they have no comments.
13. Lancashire County Council Highway Services (LCC Highway Services): No objection.
14. Lead Local Flood Authority: No objection subject to a condition.
15. National Grid: No response.
16. Clayton-le-Woods Parish Council: No response.
17. Council's Tree Officer: No objection.

PLANNING CONSIDERATIONS

Principle of development

18. The application site is located within the Green Belt. Paragraphs 147 and 148 of the National Planning Policy Framework (the Framework) state that development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Paragraph 149 states that there are exceptions to new buildings being considered inappropriate in the Green Belt, which includes buildings for agriculture and forestry.
19. The definition of agriculture set out at paragraph 336 of the Town and Country Planning Act 1990 includes horticulture. Both the existing use and the proposed extension/ new building therefore fall within this definition. The proposal appears to be suitable in terms of size, scale and layout for the intended agricultural purpose. It is, therefore, considered that the proposal is not inappropriate development in the Green Belt and is acceptable in principle, subject to the other considerations outlined below.
20. Paragraph 81 of the Framework states that planning decisions should help create the conditions in which businesses can invest, expand and adapt, with emphasis being placed on taking into account local business needs.
21. Paragraph 84 of the Framework relates specifically to supporting the sustainable growth and expansion of businesses in rural areas, both through conversion of existing buildings and well-designed new buildings. Also, paragraph 85 of the Framework states that planning decisions should recognise that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements.

22. The company currently has 15 full time staff plus two part time staff. In addition, during the peak season there are a further 12 part time staff. The new proposal would see an increase to 20 full time staff plus 4 part time staff and with an extra 17 part time staff in the peak season.
23. When applying the above paragraphs of the Framework to this proposal, it is considered that the proposed development is not excessive and is appropriate for the described use within the planning application. As a result of this, it is considered that this development carries the support of both paragraphs 81, 84 and 85 of the Framework.

Design, amenity and access

24. Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development, including extensions, conversions and free-standing structures, provided that (amongst other things):
- a) The proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials.*
- c) The layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area;*
- d) The residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction;*
- f) 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;”*
25. Paragraph 31 of the Central Lancashire Rural Development SPD, in relating to agricultural buildings, states that new agricultural buildings will be required to meet the operational agricultural needs and protect the visual character of the landscape. It is considered that an agricultural need for the building has been sufficiently justified and the proposed location of the building close to the existing buildings, and its typical polytunnel design, would assist in protecting the visual character of the landscape. Therefore, it is considered that the proposal complies with this section of the SPD.
26. In this case the site is an already established horticultural nursery. It is situated immediately adjacent to the M6 Motorway some considerable distance from any neighbouring residential property. It is considered to be appropriate to the locality and to have no material impact upon the amenity of any neighbouring property, highway safety or the ecology of the area. There are no listed buildings, conservation areas or other heritage assets within the area. The proposed development is, therefore, considered to be in conformity with the Local Plan.

Safety hazard

27. There is a gas pipeline running parallel to the M6 motorway and which crosses the application site. The proposed extension would be located approximately 5.5 metres away from it at its nearest point. The Case Officer used the Health and Safety Executive's (HSE) PADHI system for the proposal, which indicated that the HSE does not advise against developing the site. Cadent Gas, the operators of the gas pipeline, have raised no objection to the proposal. As such, it is considered that the proposal is acceptable in terms of potential safety hazards as a result of the pipeline.

Mineral safeguarding

28. Part of the northern section 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.
29. Given that the site is already heavily developed, as is surrounding land, it is not considered that mineral extraction at this site would be physically possible due to presence of existing development. As such, any mineral resource beneath the site would not be needlessly sterilised as a result of the proposed development, as is already sterilised by existing development, and there is no conflict with policy M2 of the JLMWLP.

Community Infrastructure Levy

30. 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 proposal would not however be a chargeable development if approved.

CONCLUSION

31. The proposed development is not inappropriate development in the Green Belt and accords with the Core Strategy and the Chorley Local Plan in terms of supporting the rural economy, and the appearance of the area. There would be no adverse impacts on neighbour amenity, mineral safeguarding, safety, highway safety or ecology. The application is, therefore, recommended for approval.

RELEVANT HISTORY OF THE SITE

Ref: 07/01220/FUL **Decision:** PERFPP **Decision Date:** 19 December 2007
Description: Construction of glass house, storage reservoir, warehouse building (inc related offices and staff facilities) new access and car parking for wholesale horticulture,

Ref: 17/00961/FULMAJ **Decision:** PERFPP **Decision Date:** 13 December 2017
Description: Construction of polytunnel building measuring 96m by 85.4m and 5000 cubic metre (5 m litres) irrigation pond.

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

Suggested conditions

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

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

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

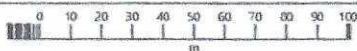
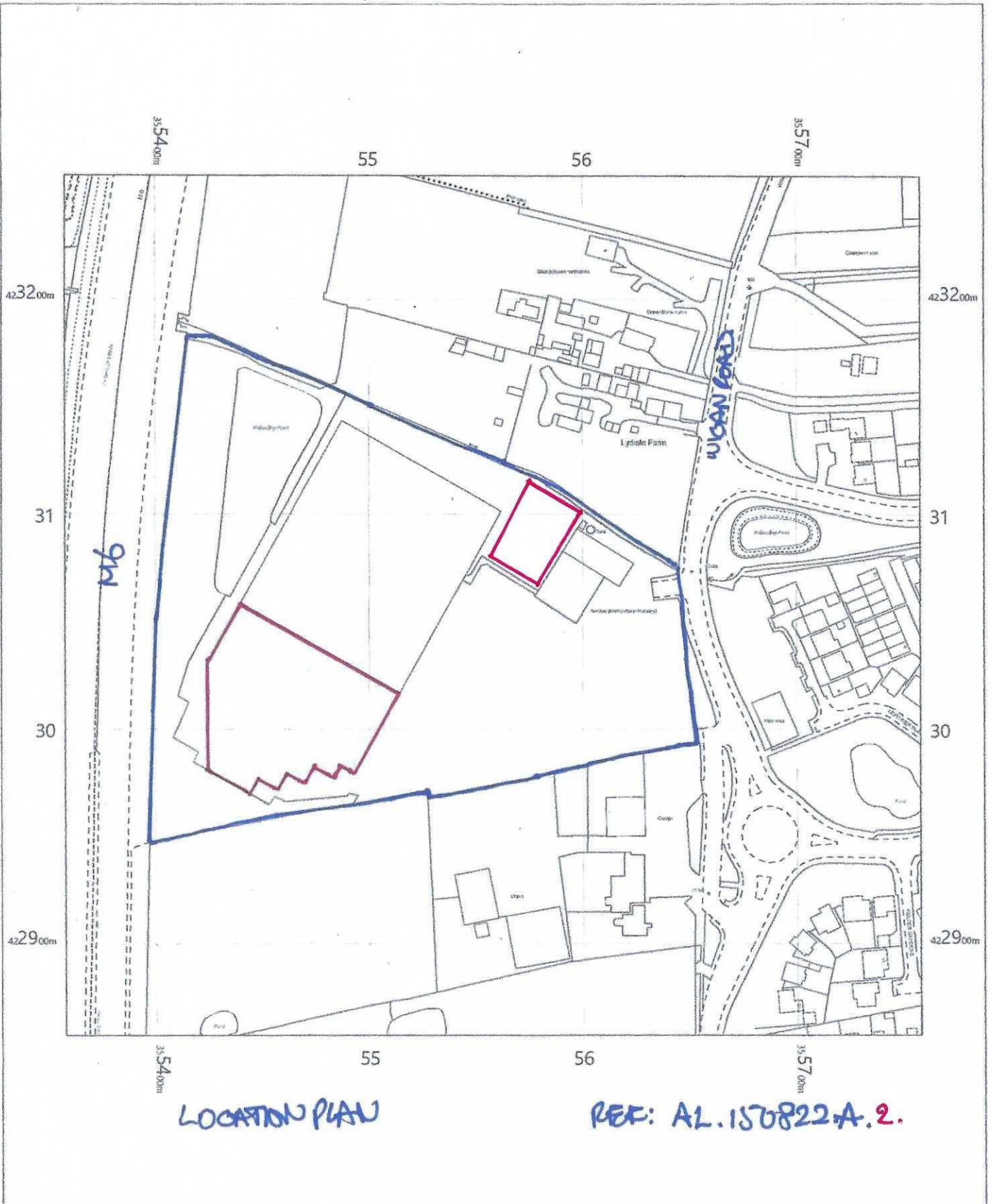
Title	Plan Ref	Received On
Location Plan	AL.150822.A.2	6 November 2023
Proposed Site Plan	N/A	5 July 2023
Proposed Elevations	N/A	5 July 2023
Proposed Attenuation Storage Drainage Plan & Details	N/A	27 July 2023

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

3. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the surface water sustainable drainage report (100523, dated 10/05/2023, produced by T J Booth Associates). Should further revisions of this occur, that alter the drainage proposals, then the Lead Local Flood Authority requests to be consulted via the Local Planning Authority. The measures shall be fully implemented prior to the first use 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 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

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Armllee Nurseries
Apline View
Wigan Road,
Leyland,
Clayton-Le-Woods,
Lancashire
PR25 5SB

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