

APPLICATION REPORT – 21/01416/FUL

Validation Date: 16 December 2021

Ward: Adlington And Anderton

Type of Application: Full Planning

Proposal: Erection of six buildings comprising 12no light industrial business units (resubmission of 20/01053/FULMAJ)

Location: Land South Of Mercer Court And East Of Westhoughton Road Adlington

Case Officer: Mike Halsall

Applicant: Mr E Joynt

Agent: Mr Robert Gifford von Schiller

Consultation expiry: 6 January 2022

Decision due by: 01 April 2022 (Extension of time agreed)

RECOMMENDATION

1. It is recommended that planning permission is refused for the following reason:

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

SITE DESCRIPTION

2. The application site is located to the south of Rawlinson Lane and Mercer Court between a railway line to the east and existing residential development to the west. It lies within the settlement area of Adlington and is currently accessed via a short road serving three residential dwellings on Mercer Court.
3. Whilst bordered by trees, a large majority of the site is covered by hardstanding, with the site previously being used intermittently for storage purposes, and more recently as a base for Network Rail contractors to carry out works to the railway. The site is long and narrow at approximately 20m in width, extending to approximately 285m in length.
4. The character of the surrounding area is residential and consists largely of modern detached dwellings with more traditional terraced and semi-detached dwellings further to the west of the site facing Westhoughton Road. The railway line to the east of the site is a notable feature in the context of the application site.
5. It is noted that planning permission has been previously granted, in 2016, for the erection of two dwellings to the north of the application site (application ref. 16/00498/FUL) adjacent to no.3 Mercer Court, and more recently in 2019 for the erection of 7no. dwellings and associated works (application ref. 18/00191/FUL). Planning permission was refused by planning committee, against officer recommendation, in September 2021 for seven units at the application site (application ref. 20/01053/FULMAJ). The reason for refusal was as follows:

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

DESCRIPTION OF PROPOSED DEVELOPMENT

6. The application seeks planning permission for the erection of six buildings comprising light industrial business units, which fall within use class E(g) of the Town and Country Planning (Use Classes) Order 1987 (as amended). Use class (E(g) includes the following:
 - (i) an office to carry out any operational or administrative functions (Offices – formerly use class B1(a));
 - (ii) the research and development of products or processes (formerly use class B1(b)); or
 - (iii) industrial processes, being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. (Light Industrial – formerly use class B1(c)).
7. The proposed buildings would be of a traditional design style with dual pitched roofs and gable features faced in a combination of red brick and render. All six buildings would be identical in size and appearance with dimensions of approximately 22m by 7m footprint, whilst each building would have a ridge and eaves height of 5.4m and 3.4m respectively.
8. Access would be taken from Mercer Court and the buildings would be set out in a linear arrangement along an access drive with a turning head to the far south of the site. Each building would split into two units resulting in a total of 12no. units.
9. The main differences of this proposal compared to the previously refused scheme are as follows:
 - one fewer building (2 fewer units) is proposed;
 - the maximum height of the buildings has been reduced by approximately 1m;
 - the hours of operation have been reduced from 0800 – 1800 hours Monday to Friday and 0800 – 1300 hours on a Saturday to 0830 – 1730 hours Monday to Friday and 0830 - 1300 hours on a Saturday; and
 - the applicant has submitted details in relation to the need for this type of unit in Adlington and the wider Chorley area.

REPRESENTATIONS

10. Representations from the occupiers of 17no. addresses have been received citing the following grounds of objection:
 - Impact on residential amenity through increased intensity of activity causing noise and disturbance through the use of the units and vehicles accessing the site
 - Highway safety with regards to the site access from Rawlinson Lane – 20mph zone, increase in vehicle movements would exacerbate the problem of vehicles which regularly disregard the speed limit
 - Devaluing adjacent dwellings and the environment
 - Any removal of vegetation would impact wildlife and water run-off
 - Further hardstanding would cause more flooding
 - Rodents moving from the site into surrounding gardens
 - Harm to protected species – newts, owls and bats
 - Light and air pollution, odour / fumes, overlooking, loss of privacy
 - Site hasn't been used for light commercial use over past 20 years, was used by network rail
 - Site has been used as a dumping ground for vehicles
 - Questions over submission information relating to the tree report, foul sewage, and waste collection
 - Visual impact
 - Tree loss

- Narrow site would make vehicle manoeuvring more difficult
 - Foul drainage system is overwhelmed
 - Increase in traffic
 - Impacts upon health and wellbeing
 - Must be other empty units in the Chorley district
 - Inadequacy of noise assessment
11. The applicant has responded to the neighbour comments, raising the following points, in summary:
- Responses refer to the proposal relating to industrial development which falls under Use Class B2, this is not the case as the proposal is for light commercial uses under Use Class E
 - The site would not have HGVs entering – the applicant lives at the site entrance and would not want this
 - The light commercial use is acceptable in residential areas
 - The size and design of the units also indicate a light commercial use. The applicant has interest from a hair dressing business, a small IT business and none from any industrial business as it is not a suitable site for B2 uses
 - Noise is mitigated and confirmed in the noise assessment. Ironically, if the applicant had wanted to pursue industrial use, he would not have submitted this application based on the historical use of the site
 - Improvements are proposed to the site access to make this suitable – as agreed with the Highway Authority
 - The level of parking proposed is adequate, why would people park on Rawlinson Lane and walk to the site
 - If roller shutter doors are to be fitted, these would be eco plastic and low noise emitting
 - The proposed use is more fitting to the area, next to a trainline, than the approved housing
 - A drainage scheme would be secured by planning condition
 - Traffic would be limited to 10mph with speed bumps

CONSULTATIONS

12. Adlington Town Council: Have responded to object to the proposal and, in summary, state the following:
- The site is considered an inappropriate location for light industrial use
 - The site is in a residential area
 - The site is long, narrow and restricted
 - Concerns are about access, safety, size, number, and frequency of vehicles
 - Inadequate parking provision would lead to on-street parking
 - Pollution, noise, dust and smells
 - Restricting hours of operation would be needed.
13. Heath Charnock Parish Council: Have responded to object to the proposal and, in summary, state the following:
- Not in keeping with the area's rural residential character
 - Inappropriate use on a long narrow site, sandwiched between residential properties and the railway line
 - Concerns relating to unsuitable access, harm to residential amenity, traffic, highway safety, inadequate parking
 - Noise, dust, smells
 - Restricting hours of operation Would be needed.
14. Waste & Contaminated Land Officer: Have advised that the development site is former railways land where there is a possibility of ground contamination; however, given the nature of the proposed development as non-residential and what is known about the site, it is unlikely the site would be determined as contaminated land. They have raised no objections.

15. Lancashire County Council Highway Services (LCC Highway Services): Have advised that their response provided in relation to the previous planning application at this site remains of relevance. LCC Highway Services have no objection to the proposal, subject to conditions which secure the construction of the site access and the off-site works of highway improvements.
16. Lead Local Flood Authority (LLFA): Have confirmed they have no comments to make on this application as it is not a Major development. The previous application on this site was a Major development due to the additional building proposed as part of that application lifting the floor space above the 1000 sqm threshold. The LLFA responded to the previous application with no objection.
17. United Utilities: Have commented that the proposal is acceptable in principle subject to conditions.
18. Network Rail: Have commented that the proposal is acceptable in principle subject to conditions.
19. Regulatory Services - Environmental Health Officer: Have advised that their response provided in relation to the previous planning application at this site remains of relevance. They have no objection to the proposal.
20. Greater Manchester Ecology Unit: Have commented that the proposal is acceptable in principle subject to conditions.

PLANNING CONSIDERATIONS

Principle of development

19. 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.
20. 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.
21. At the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).
22. 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.

23. Paragraph 80 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.
24. It is noted that policy 1(d) of the Central Lancashire Core Strategy states that some growth and investment will be encouraged in Urban Local Service Centres such as Adlington, where the site is located, therefore, the proposed development is in line with this policy.
25. The application site is not designated within the Chorley Local Plan 2012 - 2026 and is previously developed land. The site is located within the settlement boundary, 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.
26. Policy EP3 The Chorley Local Plan 2012-2026 provides guidance for the development of new business and industrial developments. 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:
 27. *a) they are of a scale and character that is commensurate with the size of the settlement;*
The proposed development consists of 6no. single storey structures of modest scale (up to 5.4m in height), providing light industrial units of up to 80m.sq. They are of a traditional building design style with a domestic aesthetic rather than a modern industrial style and would be laid out in a linear pattern reflecting the geometry of the site. The development is of a scale that is commensurate with the type of area within which it would be located, which is largely residential, as the units would be low in height and would have pitched roofs and gable features. The design and character would be reflective of the traditional design styles evident in the nearby housing estates and are an appropriate design response to the site and its surroundings.
 28. *b) the site is planned and laid out on a comprehensive basis;*
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 land.
 29. *c) the site will not prejudice future, or current economic activities within nearby areas;*
There is no evidence to suggest that the proposed development would prejudice future, or current economic activities within nearby areas and provides windfall opportunity, balancing with other situations whereby employment land has been lost to residential uses.
 30. *d) the proposal will not cause unacceptable harm e.g. noise, smells to surrounding uses;*
The fact that the previous application was refused by the Council's planning committee on the basis of unacceptable impacts from increased noise and disturbance is a material consideration in the determination of the planning application.

The application seeks planning permission for light industrial units, which falls within the light industrial use class specified under class E(g) of the Town and Country Planning (Use Classes) Order 1987 (as amended). This use class specifically allows for any industrial

process being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

The applicant has submitted a noise assessment in support of the proposed development, which demonstrates that the use of the units for industrial purposes would not have a significantly adverse impact on residential amenity. This has been reviewed by the Council's environmental health officer (EHO) who confirms that the noise assessment is adequate and the assumptions used are reasonable, including the use of older but more representative background noise levels, and a worst case scenario assumption that all units would be simultaneously producing internal noise. The EHO, therefore, raises no objection and recommends that within the structure of the buildings noise attenuation measures are provided and that operations are carried out with windows and doors closed, whilst it is also recommended that working hours are from 8am each day and no earlier.

However, the proposal would introduce new employment units in a predominantly residential area which would result in an increased intensity of activity at the site, particularly from vehicles accessing the site with great regularity. It is not considered that reducing the proposed number of buildings by one building (2 units) compared to the previously refused application would have a significant benefit in terms of reducing the magnitude of these impacts. It is considered that the proposal would result in undue noise and disturbance that would be harmful to the amenity of neighbouring residential occupiers. The proposal, therefore, conflicts with this part of policy EP3 of the Chorley Local Plan 2012 – 2026.

31. *e) the site has an adequate access that would not create a traffic hazard or have an undue environmental impact;*
Access would be taken from Rawlinson Lane to the north via Mercer Court. The acceptability of the highway impact is assessed in detail below.
32. *f) the proposal will be served by public transport and provide pedestrian and cycle links to adjacent areas;*
Public transport is readily accessible from the site with a high frequency bus route running along Chorley Road, which is a short walk away to the east, providing regular daily services to a number of surrounding towns including Chorley, Bolton and Preston. Adlington train station is the closest station to the site and is less than 1 mile away to the south. The location is easily accessible on foot or bicycle to residential areas. As such the site provides excellent accessibility to a large catchment.
33. *g) open storage areas should be designed to minimise visual intrusion;*
No open storage areas are proposed and could be restricted by condition.
34. *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;*
The site is not a prominent one, being located between residential land and the railway. As such any visibility of the site from public vantage points is limited to views from the opposite side of the railway at the end of Barn View and a footpath from Maytree Court. As such landscaping and the position of fencing is not of particular importance in this respect.
35. *i) on the edges of industrial areas, where sites adjoin residential areas or open countryside, developers will be required to provide substantial peripheral landscaping;*
The site does adjoin residential areas and, therefore, landscaping is an important aspect in this regard. It is proposed that existing boundary fencing be maintained together with existing trees and shrubs to the site boundary features. New planting is proposed to complement the proposed site layout, although no such details have been provided at this point. Landscaping details could be required by a condition.
36. *j) the development makes safe and convenient access provision for people with disabilities;*
It is proposed that access around the site would be level with minimal gradients, whilst DDA access would be provided at all units. There would also be disabled parking bays.

37. *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;*

In order to comply with Building Regulations Part L2'A' requirements certain elements may also be required to be implemented to reduce Carbon Emissions.

38. *l) the proposal will not result in surface water, drainage or sewerage related pollution problems; and*

The applicant has submitted a Flood Risk Assessment and Outline Drainage Strategy in support of the proposed development which was assessed by the Lead Local Flood Authority (Lancashire County Council) as part of the previously submitted application, this is covered in more detail below.

39. *m) the proposal incorporates measures which help to prevent crime and promote community safety.*

The site is enclosed by other land uses and the railway line and shares no interface with any public land with access to the public highway via an unadopted road. It is the intention to retain the existing site boundaries, however, it is noted that new fencing and gates may be required at the entrance to the site to ensure adequate security. In order to ensure an adequate visual appearance details of fences, boundaries and gates could be secured by condition.

40. The applicant has submitted evidence of the need for this type of development in Adlington and the wider Chorley area, as follows:

- The applicant's agent confirmed they undertook a search of On the Market and Prime Location websites across Chorley and found no comparable Class E units in the area
- Expressions of interest have been forwarded to the case officer from two business owners (a hairdressing academy and a finance company) who are interested in leasing units, should planning permission be granted and the permission be implemented.

41. The Chorley Local Plan acknowledges that not all allocated employment sites will cater for all employment uses, especially small businesses or the self-employed. The proposed units are small in scale and, therefore, ideally suited to small businesses. The valuable contribution these types of uses make to the local economy is recognised for the jobs created and investment in the area. However, this recognition has to be balanced against protecting existing public and residential amenity, especially in residential areas and policy EP4 of the Chorley Local Plan 2012 – 2026 reflects this supporting small scale employment development in areas where housing is the principal land use, provided there would be no detriment to the amenity of the area in terms of scale, character, noise, nuisance, disturbance, environment and car parking. These matters have been covered to some extent in the assessment of policy EP3 above, and further assessment in relation to these factors is set out below. The proposal conflicts with part 'd' of policy EP3 of the Chorley Local Plan 2012 – 2026.

Design and impact on the character of the area

42. 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 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.

43. The application site is located off Rawlinson Lane, via Mercer Court, and is a long narrow strip of land between the railway to the east and existing residential development to the west. The site does not occupy a prominent position and the proposed buildings on the site would only be visible via glimpses from distance. As such any development of the site would have a limited visual impact on the broader character of the area.

44. The proposed development comprises six buildings set out in a linear arrangement along an access drive that terminates in a turning head. The buildings themselves would be of a traditional domestic design style and scale reflective of surrounding residential development.

Given that the site is hard surfaced, has been used as a site compound for Network Rail and has been used sporadically for outdoor storage in the past, the proposed development would improve the appearance of the site. The buildings themselves comprise features such as pitched roofs, gables, brick detailing, and areas of glazing. These would provide a domestic aesthetic and a level of interest beyond that normally associated with industrial and business units. It is noted that there are a range of property types in the area, and the use of a traditional design style is compatible with the character of the surrounding area.

45. The layout of the development would follow a linear pattern reflective of the site and would make an efficient use of the land, allowing for parking and manoeuvring, whilst providing an adequate stand off from the operational railway land. The site has been used for storage and railway maintenance purposes for some time and the use for light industrial businesses would be compatible in the context of the area.
46. Overall, the layout and design of the proposed development is considered acceptable and appropriate to the existing surrounding development and is in accordance with policy 17 of the Core Strategy and policy BNE1 of the Chorley Local Plan 2012 – 2026.

Impact on neighbour amenity

47. 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, the development would not cause harm to any neighbouring property by virtue of overlooking, overshadowing or by creating overbearing impacts.
48. Policy EP4 of the Chorley Local Plan 2012-2026 identifies that new small scale employment development will be permitted in areas where housing is the principal land use provided there would be no detriment to the amenity of the area in terms of scale, character, noise, nuisance, disturbance, environment and car parking.
49. As previously noted in this report, the Council's refusal of the previous planning application at this site is a material consideration in the determination of this planning application and must be afforded weight in the planning assessment.
50. The proposed buildings would be laid out in a linear pattern running along a north south axis. There would be windows and entrance doors in the western elevations and large roller shutter doors in the northern and southern elevations. The access road would run to the west of the buildings adjacent to rear gardens at Kings Lea.
51. The dwellings at nos. 8, 9, 10, 15, 16 and 17 Kings Lea are positioned closest to the site and their rear gardens bound the site. The proposed buildings would be positioned to the east of these existing dwellings, at approximately 4m from the garden boundaries. Given the positioning of these dwellings at an angle to the proposed buildings and the maximum ridge heights of 5.4m and eaves heights of 3.4m, the degree of separation is such that there would be no adverse impact on light or outlook given the design and scale of the proposed buildings.
52. It is noted that the tops of the buildings would be visible from the garden areas and that vehicles would pass to the rear of these gardens during working hours, along with the potential loading and unloading of vehicles. As such noise and disturbance would be experienced by the occupiers of those dwellings, giving rise to an unacceptably detrimental impact on residential amenity.
53. There are two properties on Mercer Court that are not within the ownership of the applicant. These are at the junction of the Mercer Court and Rawlinson Lane and are located some considerable distance from the position of the proposed units themselves. The main impact that would be experienced by the occupiers of these properties would be from vehicles visiting the site. The associated noise and disruption associated with these vehicle movements on the occupiers of these dwellings would also have an unacceptably detrimental impact on residential amenity.

54. The proposed buildings would be located approximately 25m from residential dwellings and gardens to the east of the site with the railway located between these properties and the application site. Given the degree of separation and scale of development it is not considered that there would be an unacceptable impact on the amenity of the occupiers of these dwellings from the presence of the buildings themselves and vehicle movements.
55. Overall, it is considered that there would be an unacceptable degree of harm to the amenity of any nearby neighbouring occupiers and the development is considered to conflict with policies EP3, EP4 and BNE1 of the Chorley Local Plan 2012 -2026 in this regard. The reduction in the scale of the proposal by one fewer building (2 units) is not considered to result in a sufficient reduction in the intensity of these impacts.

Highway safety

56. The application site extends from Mercer Court on the western edge of the Blackpool/Manchester Airport railway to the south boundary of 60 Westhoughton Road. It is the same site that was granted planning permission under reference 18/00191/FUL for a residential development of 7 dwellings comprising 2 and 3 bedroomed dwellings, but which is yet to be implemented.
57. The current proposal is for light industrial development comprising 6 individual buildings arranged in a similar layout to the approved residential dwellings. The previously approved 5.0m wide site access road is retained, but with the soft landscaped areas replaced with hard-paving in the current development.
58. The applicant proposes a total of 30no. parking spaces, including 7 spaces for disabled users, cycle storage and motorbike spaces. LCC Highway Services have assessed the development and consider that this is an acceptable level of parking.
59. In the previously approved residential development, the need for alterations to realign the existing junction of Rawlinson Lane and Mercer Court for improved visibility and safety was identified. A scheme drawing by Croft, referenced 2433-F01 (Sep 18) was, therefore, approved for implementation, however, as the current proposal seeks light industrial use, which may involve more larger vehicle movements than the approved residential development, it is not considered the scheme approved for the residential development would be suitable and adequate for commercial traffic.
60. On this basis, the applicant was required as part of the previously refused proposal to submit a scheme of improvement works for the junction to ensure safe access in and out of the site. LCC Highways confirmed that the access arrangement is acceptable at Rawlinson Lane/Mercer Court, shown on drawing no. SCP/200770/SK01 rev. B, and the same drawing has been submitted in support of this application.
61. The drawing shows that the junction would be realigned by cutting back the existing brick wall and extending the footway on the south side of Rawlinson Lane into Mercer Court. The footway extension on the east side of Mercer Court would be 2.0m wide for at least 10m and then narrowed into a hard strip to accommodate lighting provision. On the west side, the footway would be 1.8m wide and extended for the full length of Mercer Court. The footways should be clearly delineated from the carriageway with raised kerbs. Dropped kerbs and tactile pavings would be provided on Mercer Court to facilitate crossing at the junction, however, as Mercer Court is unadopted and currently privately maintained, installation of the crossing and its subsequent maintenance is the applicant's responsibility.
62. Works to realign the junction would require the existing footway on the south side of Rawlinson Lane to be reduced in length on the east of the junction, whilst that on the west is extended eastwards to ensure the access is provided to 5.5m width with 6.0m corner radii. The works within the adopted highway would be carried out through an appropriate agreement with LCC as the local highway authority with all costs borne by the applicant, including the cost of relocating the existing utility chamber and lamp column on the east of the junction if considered necessary to allow safe access and egress of Mercer Court.

63. Overall, LCC Highway Services as the local highway authority for the area consider that the proposed development is acceptable in principle subject to the submission and implementation of a scheme for the construction of the site access and the off-site works of highway improvement.

Drainage

64. 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 Assessment (FRA) has been submitted in support of the proposed development prepared by CTC Infrastructure Limited.
65. The application site is a low lying strip of land that has been hard surfaced and currently has a low level of permeability. The site lies within Flood Zone 1, which is the lowest risk and is identified as land assessed as having a less than 1 in 1000 annual probability of river or sea flooding (<0.1%). Eller Brook passes under the site and beneath the Preston to Bolton railway line midway along the length of the site in culvert. The watercourse at Eller Brook flows to the west to ultimately discharge into the River Yarrow approximately 1.7 km from the site. The site falls towards the position of Eller Brook into which surface water runoff from the site currently discharges.
66. Surface water (including the risk of sewers and culverted watercourses surcharging) poses the highest risk of more frequent flooding. Surface water drainage from new developments is critical in reducing the risk of localised flooding. The Environment Agency Risk of Flooding from Surface Water map indicates a low risk to the site from surface water flooding in the vicinity of the Eller Brook where it crosses under the site in culvert. The mapping identifies that should surface water flooding occur then the flood depth is expected to be below 300mm. There is no record of the site flooding, and as such the risk is low from sewer flooding and pluvial runoff.
67. The site falls within a region characterised by slowly permeable seasonally wet slightly acid but base-rich loamy and clayey soils with impeded drainage that is not conducive to infiltration. Surface water runoff from the existing site discharges into the watercourse at Eller Brook. It is, therefore, intended that new surface water drainage would be constructed, and appropriately sized, to take all surface water runoff from the buildings roofs, access road and hardstanding areas, and be controlled to pre-development runoff rates prior to discharge into Eller Brook. Attenuation would be provided for rainfall events up to the 100 year critical rain storm plus 30% on stored volumes.
68. This would reflect the existing scenario and there would, therefore, be no change to the flood risk upstream or downstream of this location. It is intended that foul sewage from the site would be collected by a piped system and discharged into the public sewer.
69. Under the Flood and Water Management Act 2010 the Lead Local Flood Authority (LLFA) is the responsible 'risk management authority' for managing 'local' flood risk, which refers to flood risk from surface water, groundwater or from ordinary watercourses. The LLFA have reviewed the FRA when it was submitted in support of the previous proposal at this site and raised no objection subject to conditions requiring details of a final surface water sustainable drainage strategy for the site, details of how surface water and pollution prevention would be managed during the construction phase, and a Verification Report and Operation and Maintenance Plan for the lifetime of the development. The LLFA consider that further investigations into the potential for infiltration need to be explored. They also note that the Environment Agency maps detailing areas susceptible to surface water flooding show that there is in fact a substantial surface water flow path from the railway line, across the northern end of the site and along Eller Brook itself. These flow paths should be considered and accounted for within the final drainage strategy, which would be scrutinised by the LLFA to ensure its suitability.
70. A number of concerns have been raised from residents occupying properties to the west of the site with regards to surface water drainage issues on their own land and the impact of the proposed development in relation to water draining off their land and onto the application

site. It would appear that there are historic issues of waterlogging and the pooling of water on land the rear of dwellings facing Westhoughton Road. It is not considered that the proposed development would exacerbate the waterlogging issues experienced on the land and gardens to the west of the site and the proposed development cannot be required to address existing surface water run-off and waterlogging issues arising on land within separate ownership that is not associated with the application site.

Ecology

71. The application site comprises extensive areas of hard standing and recently re-vegetated land following previous uses. There is little in the way of semi-natural habitat present and the potential of the site to support any specially protected species is low. The site may be used by more common species moving along the adjacent railway line or associated with nearby gardens, although this use is likely to be transient or for minor foraging activity.
72. An ecological survey, carried out by Tyrer Ecological Consultants Ltd dated May 2021, was submitted in support of the proposed development and has been reviewed by the Council's ecology advisors Greater Manchester Ecology Unit (GMEU). GMEU have confirmed that the survey work was completed by suitably qualified ecologists and appears to have followed best practice guidelines. The findings of the report are, therefore, accepted.
73. Based on the report and the submitted plans, GMEU confirm that the site has no nature conservation designation, legal or otherwise, and no negative impacts on any such sites are anticipated as a result of the proposal. The predominant habitats on the site is hardstanding with areas of woodland, scrub and ephemeral vegetation also present around the perimeter of the site.
74. An existing structure on the site (breeze block shed) had no features with potential to support roosting bats, and one tree was identified with low potential to support roosting bats, which it is not necessary to remove as part of the proposed development. Any external lighting would need to be designed in consideration of nocturnal animals such as bats. Buildings and vegetation on the site are, however, suitable for nesting birds, and the nests of all wild birds are protected under the Wildlife and Countryside Act, 1981 (as amended). Therefore, building demolition and site clearance including 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.
75. No other evidence of protected species was found on the site, however, there is potential that the site would support species such as hedgehog. As a precaution to prevent the harm of species such as hedgehog, which may occur in the area, the reasonable precautions identified in section 8.11 of the ecology report should be followed during any work on site.
76. Invasive species (rhododendron and Himalayan balsam) were recorded on the site, which are listed on Schedule 9 of the Wildlife and Countryside Act, which makes it an offence to spread these species in the wild. As such no site clearance or vegetation removal should be undertaken until a method statement for the control and prevention of spread of invasive species has been submitted to the Local Planning Authority for approval. Once agreed the method statement should be followed in full.
77. Removal of the woodland/scrub habitat should be kept to a minimum and all retained trees should be protected from any adverse impacts of the proposed development in line with best practice arboriculture advice. Where trees cannot be retained, compensatory planting should be required within a suitable landscaping scheme. Enhancements for biodiversity should be delivered through the scheme and can include provision of bat and bird boxes (either integrated into the new buildings or put up in retained trees on the site). The ecology report provides details of other measures which are also appropriate, and these should be secured through the planning process and incorporated into the scheme where possible, in line with the principles of the Framework.
78. It is not, therefore, considered that the site has substantive nature conservation importance and it is noted that Greater Manchester Ecology Unit do not object to the proposed

development on nature conservation grounds. This development is, therefore, considered to comply with policy BNE 9 of the Chorley Local Plan 2012 - 2026.

Community Infrastructure Levy (CIL)

79. 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 raised

80. No need for new business units: There is no maximum limit on the number of business and commercial units that can be provided in an area, or on a boroughwide basis. That said, the applicant has provided a justification of the need for the development which is summarised at paragraph 40 of this report.

81. Reduced house values: This is not a planning matter.

82. Inaccurate site plans: The plans are to an accurate and recognised scale.

CONCLUSION

83. Whilst the proposed development would contribute to economic growth within Chorley, providing much sought-after small-scale commercial units, it is considered that it would result in an increased intensity of activity, particularly from vehicles accessing the site with great regularity. This would result in undue noise and disturbance that would be harmful to the amenity of neighbouring residential occupiers contrary to policies EP3, EP4 and BNE1 of the Chorley Local Plan 2012 - 2026. The proposal is, therefore, recommended for refusal.

RELEVANT HISTORY OF THE SITE

Ref: 87/00506/FUL **Decision:** PERFPP **Decision Date:** 14 August 1987

Description: Erection of house and garage

Ref: 04/00224/TEL **Decision:** WDN **Decision Date:** 18 March 2004

Description: Prior notification of siting of 15m lightweight lattice mast with 4 antennae, 2 600mm dishes, radio equipment housing and ancillary development

Ref: 06/00593/FUL **Decision:** PERFPP **Decision Date:** 7 July 2006

Description: Erection of first floor side extension

Ref: 18/00191/FUL **Decision:** PERFPP **Decision Date:** 30 May 2019

Description: Erection of 7no. dwellings and associated works

Ref: 20/01053/FULMAJ **Decision:** REFFPP **Decision Date:** 9 September 2021

Description: Erection of seven buildings comprising light industrial business units

Ref: 20/00170/FUL **Decision:** PERFPP **Decision Date:** 15 June 2020

Description: Erection of 2no. detached bungalows, following the demolition of existing shed

Ref: 20/00382/FULHH **Decision:** REFFPP **Decision Date:** 28 August 2020

Description: Two storey side extension following demolition of conservatory, single storey front extension and reconfiguration of vehicular access

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

Planning Policy Framework (the Framework) and the development plan. The specific policies/ guidance considerations are contained within the body of the report.