

APPLICATION REPORT – 21/00847/OUTMAJ

Validation Date: 9 July 2021

Ward: Chorley North East

Type of Application: Major Outline Planning

Proposal: Outline planning application for residential development specifying access from Blackburn Road (all other matters reserved)

Location: Land Next To 190 Blackburn Road Heapey

Case Officer: Mike Halsall

Applicant: Smith & Love Planning Consultants

Agent: Smith & Love Planning Consultants

Consultation expiry: 27 August 2021

Decision due by: 23 September 2022 (Extension of time agreed)

RECOMMENDATION

1. The applicant has appealed to the Planning Inspectorate against the Council's non-determination of the planning application. As such, it is recommended that the Planning Committee be minded to resolve to refuse Outline planning permission for the following reasons:
 1. The proposed development is contrary to policy 1 of the Central Lancashire Core Strategy 2012 because the application site is not within an area that has been identified for growth and investment. The only types of development that would be considered acceptable in smaller villages such as Wheelton will be typically small scale and limited to appropriate infilling conversion of buildings and proposals to meet local needs, the proposal does not meet any of these criteria. No exceptional reasons have been put forward to support a larger scale development scheme.
 2. The proposed development would not provide safe access for pedestrians and a sufficient level of cycling infrastructure. The proposal conflicts with paragraph 110 of the Framework and policies BNE1 and ST1 of the Chorley Local Plan 2012 to 2026 in this regard.

SITE DESCRIPTION

3. The application site is located within the defined settlement boundary of Wheelton as identified on the Chorley Local Plan Policies Map. The site forms much of a roughly rectangular shaped parcel of undeveloped agricultural land set to grass with a small cluster of trees within the site and hedgerows to its perimeter. A section of the field running parallel with the A674 to the south east falls outside of the site boundary.
4. The site is bound by Blackburn Road to the north west and south west, dwellings on Ryefield / Ryecroft to the north east, no.190 Blackburn Road to the north, and the A674 bypass to the south east.

5. Wheelton has a range of local amenities including a primary and nursery school, a local store, cafe, restaurant, hairdressers, village hall, recreational field and park and three public houses.

DESCRIPTION OF PROPOSED DEVELOPMENT

6. The application seeks outline planning permission for the erection of dwellings on the site, with vehicular access to be achieved from Blackburn Road, towards the northern end of the site.
7. The Design and Access Statement submitted in support of the planning application identifies that the site would be development for up to 40 dwellings. An illustrative site layout has been submitted in support of the proposal which shows the south western end of the site remaining largely undeveloped and used for public open space with tree planting and footpaths. There is a water-main beneath this section of the site and so its development for housing may be problematic. The rest of the site layout plan is shown as being developed for dwellings with at least two of which being bungalows. Dwellings are shown as semi-detached, detached and terraced dwellings. Vehicle parking is shown to the front of dwellings, gardens to rear and roads branching from a main spine road. The pattern and density of development is similar to that of the adjacent Ryefield estate. A pedestrian connection is shown to connect the scheme with the Ryefield development.
8. As the proposal is submitted in outline with only the site access as a detailed matter, the appearance, scale, layout and landscaping of the proposal would form part of a future reserved matters application/s should outline planning permission be granted.

REPRESENTATION

9. Representations have been received from the occupiers of 136no. addresses, as well as from Wheelton Parish Council and the Heapey and Wheelton Village Hall Committee, citing the following summarised grounds of objection.
 - Increase in traffic / congestion – especially during school drop-off / pick-up times for St. Chads
 - Road / pedestrian safety – especially during school drop-off / pick-up times for St. Chads
 - On-street parking on Blackburn Road
 - Harm to the character of rural area
 - Unsuitable timing of transport surveys during lockdown
 - Land acts as a buffer between housing and A674
 - Sewage system is at capacity
 - Pressure on local infrastructure, e.g. schools, transport, hospitals, GP places
 - Cumulative impact with Botany Bay development
 - Land stability
 - Heritage impacts – not in keeping with Victorian mill village
 - Flooding
 - Lack of local amenities e.g. recreation facilities, shops etc.
 - Reduction in green space in the area / should look for brownfield land
 - Does not reduce the need to travel – an objective of the Core Strategy
 - Conflict with Policy 1(f) of the Core Strategy
 - Would increase local population by over 10%
 - Noise and disruption during construction work
 - The proposal will deter visitors to the area
 - Site is not required as part of the Council's 5-year housing land supply
 - Cycling to reach schools, doctors, etc. is not possible as A674 is too dangerous
 - Site is in an unsustainable location
 - Surface water management should be fully investigated prior to determination
 - Noise, light and air pollution
 - No social, environmental and economic benefits

- Poor public transport links
- Footpaths are overgrown and poorly maintained
- Ecological impacts
- Reference is made to policies V1 and V2 of Chorley Local Plan
- Impact on landscape character setting
- Increase in crime
- Any new homes should be carbon neutral
- Climate change
- Criticism of the consultation process, including its timing
- Impacts upon residential amenity
- Loss of parking spaces on Blackburn Road due to the new site access point
- Pedestrian link to /Ryefield will cause noise, pedestrian and cycle traffic through the estate which was built as a cul-de-sac for senior citizens
- Footway shown as reference 9 on the site layout plan serves no useful purpose.
- Criticism of the assessments submitted in support of the application
- Conflict with the Core Strategy, Local Plan and National Planning Policy Framework
- The field has previously been used for the annual village fete which provided in excess of £3000 per annum for Village Hall funds – Covid has meant the use of the hall has been restricted, leading to further loss of income with no Govt support
- Residents and visitors use the Village Hall car park stopping paying users from accessing the car park which has resulted in a loss in user groups – the proposal would remove the hall's alternative parking arrangements and revenue from fetes – if the hall has to close, villagers will have to travel to access similar services, making the village less sustainable
- Village Hall would like to see planning gain from the site value to compensate the village and its residents for the loss of amenity / social infrastructure

10. Five representations have been received citing the following summarised grounds of support:

- Would like to move to Wheelton due to motorway links for commuting and is a small village with a lot of character and local school. Lack of housing means it currently isn't an option.
- As long as the proposal is well designed and sites well with the character and appearance of the village, would give it full support.
- Would like to move back to Wheelton but prices currently too high
- Off-street parking is proposed, rather than on-street which is a problem in the village
- The proposed public open space will be a nice space to visit and in keeping with the village
- More trade to the local business, e.g. the garage, hairdressers, café and pubs
- Provides a sympathetic extension to the village on a small patch of land bound by roads and existing housing
- Very little opportunity for younger people / families to move the village at the moment with the scarcity of housing
- Preferred to the larger scale developments taking place elsewhere in Chorley
- Usually only light traffic in the area

11. One representation neither objects nor supports the proposal, but cites the following considerations:

- A 40mph speed limit should be placed on the adjacent length of the A674 from the M61 J8 to Higher Wheelton
- A pedestrian crossing should be placed through the existing underpass and land dedicated to this provision to the south of the A 674 linked by an appropriate footway back to Chapel Lane
- A car park should be placed to the west of the housing instead of the proposed open space, to serve those in the village with no off-road parking provision
- All existing hedgerows should be maintained by condition

- A sum provided for walking and cycling linked to the adjacent Leeds Liverpool Canal specific to the tow path improvements
- Loss of income for Village Hall should be compensated
- Developer should meet or exceed the requirements of the Central Lancashire SPD on employment and skills
- Additional consideration given to social value derived from the development from a supply chain perspective

CONSULTATIONS

12. Heapey Parish Council: Have objected to the proposal citing many of the concerns listed above in the representations section of this report.
13. Lancashire County Council (LCC) Highway Services: Initially responded to request a number of issues be addressed by the applicant before the application is determined. The issues related to sustainable travel, highway safety and construction traffic. This is discussed in more detail later in this report, but in summary, the applicant provided further information, including a traffic survey, in support of the application to the satisfaction of LCC Highway Services. LCC Highway Services raise no objection to the proposal, subject to a condition requiring that the development is not commenced until highway improvement works have been constructed in accordance with a scheme to be agreed with the local planning authority, in consultation with LCC Highway Services.
14. The Environment Agency: Have responded to note that the previous use of the site presents a high risk of contamination that could be mobilised during construction to pollute a secondary aquifer beneath the site. They state however that the proposed development will be acceptable if a planning condition is included requiring the submission and implementation of a remediation strategy.
15. Greater Manchester Ecology Unit: Have reviewed the submitted ecological assessment and, in summary, conclude that the assessment is adequate and have recommended conditions and informative notes be attached to any grant of planning permission. These should ensure that hedgerows and trees to be retained should be protected during construction work, lighting follows best practice guidance of being non-obtrusive, vegetation removal does not take place within bird nesting season, unless a survey has taken place and that any future reserved matters scheme shows details identified in the submitted ecology assessment. GMEU also suggested that the proposal includes details of how a net gain in biodiversity can be achieved at the site.

A biodiversity net gain assessment was subsequently submitted by the applicant to the satisfaction of GMEU which demonstrates that, based upon the indicative site layout, a net gain in the biodiversity value of the site can be achieved. GMEU have suggested a condition be attached to any grant of planning permission to ensure that the final proposal at reserved matters stage delivers the biodiversity enhancements.

16. 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.
17. Regulatory Services - Environmental Health Officer: No comments have been received.
18. Waste & Contaminated Land Officer: Have responded requesting a planning condition be attached along the same lines as that requested by the Environment Agency, in relation to a remediation strategy.
19. Lancashire County Council as Lead Local Flood Authority: Have responded with no objection to the proposal and have requested that conditions be attached to any grant of planning permission. The conditions would ensure the development is carried out in accordance with the principles of the submitted Flood Risk Assessment and Drainage

Strategy and that a final strategy is submitted and approved by the Local Planning Authority prior to the commencement of development at the site. They would also ensure a construction phase surface water management plan is submitted for agreement and also an operation and maintenance plan and verification report.

20. Tree Officer: Have responded to state that an Arboricultural Method Statement and Tree Protection Plan should be produced if the development is to progress, to minimise any negative impact on the group of hawthorn within the site and the retained trees off-site. This can be adequately controlled by planning condition.
21. Lancashire County Council Historic Environment Team (HET): Have responded to state that historic mapping does not suggest that the site has a high potential for any archaeological features to be present. The HET therefore does not consider that any archaeological investigation of the proposed development site is necessary.
22. United Utilities: Have responded with no objection to the proposal and have requested conditions be attached requiring a foul and surface water drainage scheme to be submitted with any future reserved matters planning application, along with specific information that this should include. They also suggest a condition is attached to secure a management and maintenance plan for the sites drainage system for the lifetime of the development.
23. NHS: No comments have been received.
24. Lancashire County Council (Education): Have responded to the consultation and more details of their response is provided later in this report. In summary, six additional secondary school places will be required as a result of this proposal, generating a required contribution from the developer of £138,370.50.

PLANNING CONSIDERATIONS

Principle of development

25. 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.
26. The Development Plan comprises the adopted Central Lancashire Core Strategy (2012) and the adopted Chorley Local Plan 2012- 2026.
27. The proposal is located within the settlement of Wheelton as covered by Local Plan Policy V2 where there is a presumption in favour of appropriate sustainable development, subject to material planning considerations and the other policies of the plan.
28. 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).
29. Core Strategy Policy 1 sets out the locations for growth and investment across Central Lancashire. Wheelton is not identified as a Rural Local Service Centre, therefore, criterion (f) is applicable. Under this criterion, development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes.
30. The proposed development of up to 40no. dwellings is not considered to be small scale. The proposal is also not redevelopment; therefore, the proposal does not accord with the development plan strategy for the area and is contrary to criterion (f) of Policy 1 of the Core Strategy.
31. Core Strategy Policy 4 sets out the minimum housing requirements for the plan area and is assessed later within this report.

Other material considerations

32. 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
33. 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).
34. 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.
35. 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.
36. Paragraph 59 of the Framework confirms the Government's objective of significantly boosting the supply of homes.
37. Paragraph 60 of the Framework reinforces that requirements represent the minimum number of homes needed.
38. 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

39. The following planning appeal decisions are of relevance.

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

40. 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.

41. 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.
42. In respect of the Housing Requirement in Chorley:
43. 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).
44. 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.
45. 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.
46. 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

47. 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.
48. 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.
49. In respect of housing land supply:

50. 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.
51. 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.
52. 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.
53. 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.
54. 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)
55. 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."*
56. 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**

57. 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.

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

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

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

The proposal would provide for up to 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**

60. 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.
61. 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.
62. The Inspector concluded the following with regards to housing land supply:

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

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

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

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

Summary - the tilted balance

63. Paragraph 11 d (ii) of The Framework essentially comes into play whereby the most important policies for determining an application are out of date, then planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
64. Policies 1 and 4 of the Central Lancashire Core Strategy are the most important policies for determining the planning application.
65. 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.
66. Chorley does not have a five-year deliverable supply of housing plus 5% buffer and the shortfall is significant. Significant weight should therefore be attached to the delivery of housing provided by this proposal and that 35% of the dwellings would be affordable houses.
67. In light of the above, Policy 4 of the Core Strategy is out of date and the tilted balance is, therefore, engaged.
68. The High Court decision [Gladman Developments Limited v Sec of State for Housing, Communities and Local Government and Corby Borough Council and Uttlesford District Council [2021 EWCA Civ 104] concerned the application of para 11d of the Framework and the tilted balance. In particular, the effect of footnote 7 in this case, where there was not a five year housing land supply, was simply to trigger paragraph 11(d) and that it did not necessarily render all policies out of date. It was noted that where 11(d) is triggered due to the housing land supply position it is for the decision maker to decide how much weight should be given to the policies of the development plan including the most important policies and involve consideration whether or not the policies are in substance out of date and if so for what reasons.
69. Policy 1 of the Core Strategy sets out the settlement strategy for the area and is not out of date. That said, the Council cannot demonstrate an adequate supply of housing and the shortfall is significant. Policy 1 of the Core Strategy therefore forms part of a strategy which is failing to deliver a sufficient level of housing. As such, the policy should only be afforded moderate weight in the planning balance.
70. In accordance with the Framework, planning permission should be granted for the proposal, unless:
 - c. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - d. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Emerging Central Lancashire Local Plan

71. Once adopted, the Central Lancashire Local Plan (CLLP) will replace the existing joint Core Strategy and Chorley Local Plan. The CLLP is at an early stage of preparation with the current stage being the consultation on Preferred Options between 19th December 2022 and 24th February 2023.
72. The application site (19C271x: Land off Blackburn Road, Wheelton) was put forward for consideration for housing use as part of the CLLP Preferred Options consultation.
73. As set out above, the existing Core Strategy Policy 1: Locating Growth sets out the locations where growth and investment will be concentrated across Central Lancashire. The emerging CLLP will look at the distribution of new homes and the CLLP will be informed by an evidence base including a Housing Need and Demand Study, the results of which will also help to inform the future distribution of housing across the Plan area.
74. Given the embryonic stage of the CLLP it can only be given limited weight in the planning balance.

Central Lancashire Statement of Common Ground – Intended Housing Requirement and Distribution

75. 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 following endorsement by the Joint Advisory Committee on 25th July 2022.
76. Chorley Council adopted the SoCG as a material consideration for use in decision making at the General Purposes Committee on 7th September 2022. The weight to be attached to the SOCG in making decisions on planning proposals is for the decision maker.
77. The SoCG sets out a housing requirement of 334 dwellings a year for Chorley for the first five year period of the Local Plan (2023-2028). The housing supply against this requirement is 5.4 years. It is considered that the SoCG can only be given limited weight in the planning balance, given the embryonic stage in the adoption process of the emerging Local Plan.

Impact on ecological interests

78. 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.
79. The sections below provide a summary of the applicant's assessment which has been agreed as acceptable by the Council's ecological advisors.

Protected species – great crested newts and reptile species

80. In accordance with current Natural England guidance (Natural England, 2015) all ponds within an unobstructed 500 metres of a site should be considered for their suitability to support breeding great crested newts. There are no such ponds in this instance and so no further surveys for amphibian species is necessary.

81. The regularly disturbed and heavily managed habitats within the site provide poor quality habitat for sheltering, basking and hibernating reptiles. There are no piles of garden waste or other suitable debris for use by sheltering or hibernating reptiles, and the site supports no favourable habitat for basking reptiles. The species-poor habitats within the site are reasonably unlikely to support a large populations or a variety of invertebrate prey. The site is not adjacent or linked to any areas of favourable habitat for reptile species, and there are no records of reptile for the site or the wider area. The presence of reptiles within the site is reasonably discounted.

Vegetation and habitats

82. The site contains only common and widespread plant species. In terms of each habitat's importance in a geographical context, the hawthorn shrubs and hedgerow are considered to be of 'local' importance as they support habitats of value to nesting birds and foraging birds and bats, and will contribute as wildlife links across the wider area. The poor semi-improved grassland is not considered to hold any importance in terms of its geographical context.
83. Hedgerow 1 located along Blackburn Road is Priority Habitat. Due to its low average number of woody species however it does not meet the criteria to be 'important' in accordance with The Hedgerows Regulations 1997 Wildlife and Landscape criteria. No other habitats are Priority Habitats.
84. None of the habitats within the site are of significant interest in terms of their plant species composition. None of the habitats present are representative of semi-natural habitat. The NVC (National Vegetation Classification) communities present are typical of the geographical area and conditions present.
85. The presence of Montbretia, an invasive species listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) has been detected within the site. It is considered that the proposals present an opportunity for the eradication this species as part of the proposed development. This can be controlled by planning condition.
86. It is accepted that the proposals will require the removal of a section of Hedgerow 1 at the northern site boundary within the site access location illustrated on the constraints plan; it is recommended that retained sections of Hedgerow 1 are protected throughout the development process, and compensatory hedgerow is planted and managed in the long term for the benefit of biodiversity. This can be controlled by planning condition.
87. The proposal presents an opportunity to enhance the wildlife potential of the site for foraging and commuting bats, Priority Species of bird associated with the habitats present within the site and for hedgehog by the planting of native species of trees and shrubs and by incorporating bat boxes and bird boxes into the design of the site. Again, this can be controlled by planning condition.

Protection of nesting birds

88. The ecological assessment identifies that the young trees and hedgerow are all suitable for use by nesting passerine (i.e. perching) species, including those detected within the site during the survey. The field unit is not considered suitable for ground nesting species due to its proximity to busy roads and high levels of disturbance.
89. The Council's ecology advisor recommends that no tree felling or vegetation clearance that may be required by the scheme should take place during the optimum period for bird nesting (March to August inclusive), unless a survey has first taken place. All nesting birds their eggs and young are specially protected under the terms of the wildlife and Countryside Act 1981 (as amended). This can be controlled by planning condition.

Protection of bats

90. No trees were found that support any features suitable for use by roosting bats. The poor semi-improved grassland within the site is unlikely to provide an abundance or diversity of invertebrate prey and is, therefore, considered to be of 'low' suitability for use by foraging bats. The hedgerow is considered to be suitable foraging habitat for bat species and provides habitat connectivity across the site and the wider area.
91. The Council's ecological advisor has not recommended any conditions in this regard, although an informative note will be attached to any grant of planning permission to outline the developer's responsibilities should they encounter a protected species during works at the site.

Ecology summary

92. The proposal is considered to be acceptable in terms of its impacts upon ecological receptors, subject to conditions to safeguard protected species and delivery of a net gain in the biodiversity value of the site.

Impacts upon designated heritage assets

93. The Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act) sets out the principal duty that a Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Great weight and importance is attached to this duty.
94. The National Planning Policy Framework 2021 (The Framework) at Chapter 16 deals with conserving and enhancing the historic environment. It recognises that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. The following paragraphs contained therein are considered to be pertinent in this case:
95. The Framework at paragraph 197 states that in determining applications, local planning authorities should take account of:
 - a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.
96. At paragraph 199 the Framework provides that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
97. At paragraph 200 the Framework confirms that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
98. Paragraph 201 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss

is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

99. At paragraph 202 the Framework provides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

100. The adopted Central Lancashire Core Strategy (2012) policy 16 (Heritage Assets) states: Protect and seek opportunities to enhance the historic environment, heritage assets and their settings by:

- a) Safeguarding heritage assets from inappropriate development that would cause harm to their significances.
- b) Supporting development or other initiatives where they protect and enhance the local character, setting, management and historic significance of heritage assets, with particular support for initiatives that will improve any assets that are recognised as being in poor condition, or at risk.
- c) Identifying and adopting a local list of heritage assets for each Authority.

101. Chorley Local Plan 2012 - 2026 policy BNE8 (Protection and Enhancement of Heritage Assets) states that:

- a) Applications affecting a Heritage Asset or its setting will be granted where it:
 - i. Is in accordance with the Framework and relevant Historic England guidance;
 - ii. Where appropriate, takes full account of the findings and recommendations in the Council's Conservation Area Appraisals and Management Proposals;
 - iii. Is accompanied by a satisfactory Heritage Statement (as defined by Chorley Council's advice on Heritage Statements) and;
- b) Applications will be granted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment and where they show consideration for the following:
 - i. The conservation of features and elements that contribute to the heritage asset's significance and character. This may include: chimneys, windows and doors, boundary treatments, original roof coverings, earthworks or buried remains, shop fronts or elements of shop fronts in conservation areas, as well as internal features such as fireplaces, plaster cornices, doors, architraves, panelling and any walls in listed buildings;
 - ii. The reinstatement of features and elements that contribute to the heritage asset's significance which have been lost or damaged;
 - iii. The conservation and, where appropriate, the enhancement of the setting of heritage assets;
 - iv. The removal of additions or modifications that are considered harmful to the significance of any heritage asset. This may include the removal of pebbledash, paint from brickwork, non-original style windows, doors, satellite dishes or other equipment;
 - v. The use of the Heritage Asset should be compatible with the conservation of its significance. Whilst the original use of a building is usually the most appropriate one it is recognised that continuance of this use is not always possible. Sensitive and creative adaptation to enable an alternative use can be achieved and innovative design solutions will be positively encouraged;
 - vi. Historical information discovered during the application process shall be submitted to the Lancashire Historic Environment Record.

102. The policy also states that development involving the demolition or removal of significant heritage assets or parts thereof will be granted only in exceptional circumstances which

have been clearly and convincingly demonstrated to be in accordance with the requirements of the Framework.

Assessment

103. The application site lies south of grade II listed Black Lion Farm at 176 Blackburn Road, built mid-C18 and constructed from sandstone rubble with a slate roof. Numerous other grade II listed buildings are located near the site, including the War Memorial Clock Tower, Hill House, Wallcroft Farmhouse and 12-14 Albert Street.
104. The key issue for consideration is whether the proposed development will harm the significance of the grade II listed no.176 Blackburn Road and attached barn and the other listed buildings in the area. The Council's heritage advisors, Growth Lancashire, have reviewed the proposal and have commented as follows:

"Black Lion Farm at No. 176 Blackburn Road is a farmhouse built around mid C18. The house is constructed from coursed sandstone rubble and the barn attached to the right-hand side, which is included in the listing, is constructed from random rubble, both structures have slate roofs and brick chimneys. The house is double depth, with two bays extended to three by an addition on the left. It has two storeys with a chimney positioned at the original gable end on the left. The doorway is located centrally in the original portion of the house with a plain surround. The original portion has two, 3-light windows on each floor which were formerly flush-mullioned but have been altered to casements; the added bay to the left has one similar window on each floor, each window has a prominent stone header. The barn to the right is on a lower level and is slightly stepped out. It has an entry door located on the left, four windows on the ground floor and two windows on the first floor, all with stone headers and sills. No.176 Blackburn Road and its attached barn's significance lies in its aesthetic, evidential and historic value found in the site's fabric, architectural form, and past agricultural uses.

The application is for the erection of up to 40 dwellings on a site located to the south of 176 Blackburn Road. A selection of the houses will face outwards towards Blackburn Road, set back behind a landscaped green space and the existing hedgerow. One house will be positioned in line with the existing house at 190 Blackburn Road. The access point to the housing development will be located on Blackburn Road. The Design and Access Statement notes that: the development will be of a character which maintains and enhances the quality of the landscape and will be in keeping with local vernacular. The scheme will have buildings that are a mix of 2, 3 and 4 bed houses which will predominantly be two-storey. However, bungalows will be positioned to the east of the site, next to Ryefield, to respect the scale of the existing bungalows.

Wheelton is characterised by a diverse range of buildings; both single and two storey semi-detached and detached buildings and also terraced properties. The area surrounding the application site includes a variety of buildings; including modern bungalows, semi-detached and detached housing and more traditional semi-detached, detached and terraced housing. The buildings are constructed from a mix of materials, including red brick and stone, with some properties being rendered. The buildings immediately alongside and opposite No.176 Blackburn Road are a mixture of modern developments, with more traditional properties being located further along the road. The modern day setting to the building is now a sub-urban/village one.

The proposed scheme maintains the scale, massing, orientation and building proportions of the existing buildings which should help minimise any impact on its surroundings. The scheme proposes to position the houses along Blackburn Road so that they respect the existing building lines and create a seamless continuation of street frontages. The Heritage Statement notes that sympathetic materials and designs will be used to be in keeping with the character and appearance of the local area.

Historic England's Planning Note 3 (second edition) entitled The Setting of Heritage Assets (2017) describes setting as being the surroundings in which a heritage asset is

experienced. It discusses how views can contribute to the significance of an asset and the importance of relationships between buildings. The application site is not immediately adjacent to the listed building, it lies south and is offset by 35 metres. Historic mapping shows that the application site has remained untouched since mid-C19. Although the open setting of the application site helps maintain an aspect of the listed building's original setting, I do not think it substantively contributes to its significance. Additionally, the setting of the listed building has already been significantly compromised by modern housing which is closer in proximity to the listed building than that proposed at the application site.

The housing facing onto Blackburn Road in the proposed scheme is a continuation of the building line already seen along the street and will be set back from the roadside, making the impact on the setting of the listed building less significant. Overall, the aesthetic, evidential and historic value found in the site's fabric, architectural form, and past agricultural uses remains intact. As previously noted, the other four Grade II listed buildings near the application site will not be impacted by the scheme due to the lack of a visual connection and as such I do not feel the setting to these buildings to be affected or harmed in any way.

Overall, I do not feel that the proposed scheme will cause any substantive harm to the contribution made by the setting to the significance of 176 Blackburn Road and the significance of the listed building will be preserved.

As I am required to do so, I have given the duty's imposed by s.66(1) of the P(LBCA) Act 1990 considerable weight in my comments. I consider the proposal would meet the statutory test 'to preserve' the significance of the designated heritage asset and the contribution made by its setting. Therefore, no balancing exercise is required as per NPPF P.202. As such, the proposal meets the objectives of Chapter 16 of the NPPF and accord with the policy BNE8 of the Local Plan."

105. The case officer agrees with the conclusions of the Council's heritage advisor and the proposal complies with the aforementioned policies relating to safeguarding the historic built environment.

Archaeology

106. The Council's archaeology advisors have stated that the site does not have a high potential for any archaeological features to be present and therefore do not consider that any archaeological investigation of the proposed development site is necessary.

Impact on trees

107. Policy BNE10 (Trees) stipulates, among other things, that proposals that would result in the loss of trees, woodland areas or hedgerows which make a valuable contribution to the character of the landscape, a building, a settlement or the setting thereof will not be permitted. Replacement planting will be required where it is considered that the benefit of the development outweighs the loss of some trees or hedgerows. The policy is considered to be consistent with the Framework and should be attributed full weight.
108. An Arboricultural Impact Assessment (AIA) accompanies the application. It details that small sections of two boundary hedges are required to facilitate access to the site. It also states that without suitable controls, the proposal may indirectly impact other areas. Mitigation measures in the form of protective fencing and tree, shrub and hedge planting is also proposed.
109. The Council's Tree Officer have commented that the implementation of this proposal would result in the removal of two sections of hedgerow and should development of this site progress, they recommend an appropriate Arboricultural Method Statement and Tree Protection Plan are produced and adhered to, to minimise any negative impact on the group of hawthorn within the site and the retained trees off site. This could be controlled by a planning condition. The biodiversity net gain proposals based upon the indicative site

layout identify improved hedge provision within the site, along with other enhancement measures, including tree planting, that will form part of a landscaping scheme at reserved matters stage. The proposal is considered to be acceptable in this regard.

Highway safety, access and parking

110. 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.
111. Policy ST1 (New provision of Footpaths, Cycleways, Bridleways and their associated facilities in existing networks and new development) of the Chorley Local Plan 2012 -2026 stipulates that new development and highways and traffic management schemes will not be permitted unless they include appropriate facilities for pedestrian, cycle parking facilities, and /or cycle routes. The policy requires, among other things, that proposal should provide for facilities for pedestrians and cyclists to facilitate access on foot and by bicycle to nearby residential, commercial, retail, educational and leisure areas, where appropriate; and additional footpaths, bridleways and cycleway routes between the countryside and built up areas where appropriate.
112. 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 summarises comments received from LCC Highway Services.

LCC Highway Services Comments

Sustainable Travel

113. The site is situated within a village setting and as such has reasonable sustainable transport links with bus stops on Blackburn Road less than 120 metres west of the proposed site access. The route to the bus stops is straightforward and gives access to an hourly bus service from 06:28 to 18:48, Monday to Friday with a reduced service on Saturday and no service on Sundays. These bus stops also provide school bus stop locations during term time. The lack of evening and Sunday services is a concern however given the scale of the development proposal no s106 monies are sought as the monies required to enhance the existing service would be disproportionate to the scale of the development and not sustainable long term. Instead, the developer should consider making access to the current bus stop location attractive and accessible for all users.
114. To access public transport pedestrian traffic generated by the proposed development would travel along in a south westerly direction on either side of the carriageway dependent on the desired bus stop. To get from the south-eastern footway to the north-western footway pedestrian traffic driven by the proposed development would not have a clear location to cross. There are no parking restrictions along Blackburn Road in between the proposed site access and the two existing bus stops, this combined with little private driveways for the existing properties fronting Blackburn Road results in on street parking. Any pedestrians wishing to cross Blackburn Road would have no clear location to cross and would have to do so in between parked cars, this could be unsafe and discourage sustainable travel. Promoting sustainable travel is a requirement of all developments as outlined in the

National Planning Policy Framework (the Framework). To promote sustainable travel an uncontrolled crossing will be needed to allow for enhanced visibility for pedestrians attempting to cross Blackburn Road and for road users to identify pedestrians.

115. The existing bus shelters whilst of an older nature are deemed to be acceptable and serve the needs of pedestrian traffic driven by the site. The existing kerb provision at the existing bus stops do not meet the requirements as determined by Lancashire County Council to conform with the Equality Act 2010, which could be a barrier to sustainable travel for pedestrian traffic created as a result of the proposals. Therefore, the enhancing of the existing bus stop to meet the Equality Act 2010 requirements would need to be provided for by the development. It should be noted that due to the age of the existing bus shelters, installation of quality bus stop kerbing could cause irreparable damage to the shelters therefore requiring replacement of the bus shelters. If either of the bus stops needed to be re-sited, then replacement bus shelters would be required again due to the irreparable damage caused to the shelters.
116. Less than 300 metres from the site to the west is the primary school "St Chad's Catholic Primary School". The route from the site to the primary school is relatively straight with minimal road crossing required. The existing footway widths on the north-western side of Blackburn Road are of a satisfactory width, the footway width on the south-eastern is satisfactory from the proposed site access to the school junction, from this point to the school the footway widths are in Lancashire County Council Highways opinion unsatisfactory. As a result, it is reasonable any pedestrian traffic as a result of the proposed development would require a crossing point to reach the north-western footway of Blackburn Road. Failure to provide a safe and clear crossing point with tactile paving provision could result in becoming a barrier for sustainable travel, this would result in the proposals not meeting the requirements set out in the National Planning Policy Framework (the Framework). The crossing point could be incorporated with the crossing point required for the existing bus stops. From the original additional information supplied a refuge island was proposed to facilitate pedestrian movements across Blackburn Road. After discussions between LCC Highways and the transport consultant it was agreed to change this to a kerb buildout to reduce the impact on available on street parking. The works would be carried out via a section 278 agreement.
117. To the east of the proposals is Wheelton village centre which has a range of amenities associated with a village. It is reasonable to assume that any pedestrian traffic generated by the proposed development would travel to Wheelton village centre to access the existing public house, cafes or village shop would travel along the south-eastern footway. The footway widths are acceptable until the "Red Lion" public house where the footway narrows to below what is acceptable, this however, is deemed to be the result of the nature of Wheelton and is not possible to be remedied. Along this route there is a wide junction (junction of Blackburn Road & Ryefield) crossing with dropped kerbs directing pedestrians into the centre line of Blackburn Road. For the proposals to meet sustainable transport requirements of the Framework enhancements at this junction will be required to help pedestrians caused by the proposed development to path find into the village centre. To achieve this, new dropped kerbs directing pedestrians to the other side of the junction along with tactile paving provision will need to be introduced.
118. From information provided on LCC's internal mapping system "Mapzone" there is an advisory cycle route along Blackburn Road and Town Lane to the west which allows for cycle access to Whittle-le-Woods from which access to Chorley Centre can be achieved. As promoting sustainable travel is a requirement of all developments as outlined in the Framework a signing scheme from the proposals to Whittle-le-Woods and back will be necessary, this will help any cycle traffic created because of the proposed development navigate to a key destination for employment, leisure and health. Due to the distance the signs would need to indicate distances not minutes and should be based on the guidance produced by Transport for London, "London Cycling Design Standards". Doing so will promote sustainable travel (cycling) from the proposal residential development.

Highway Safety

119. From anecdotal observations during the PM peak site visit, it was noticed vehicles traveling from the east intending to join Blackburn Road from Blackburn New Road (A674) had a higher demand for the existing right turn refuge than is currently provided. As the observations were only made during a single site visit, it was not known whether this was a rare occurrence or if this is a regular feature of the Blackburn New Road & Blackburn Road junction. A traffic study at this location was, therefore, requested to identify whether the additional demand on this junction as a result of the proposals will impact the highway safety on Blackburn New Road which is a high-speed A road.
120. A traffic study was undertaken by the applicant to the satisfaction of LCC Highways. The study alleviated LCC Highways concerns regarding the potential highway safety issues of the right turn lane onto Blackburn Road from Blackburn New Road. Whilst it was recorded that queues did occur within the right turn lane for Blackburn Road from Blackburn New Road, these did not exceed 4 car lengths at the worst and cleared in a time that LCC Highways find acceptable. Therefore, it is LCC Highways opinion that the proposed development would not have an unacceptable impact on the continued safe use of the junction.

Construction Traffic

121. Given the sensitive nature of the area surrounding the proposed development care will be needed regarding the planning and management of construction traffic were the proposals to go ahead. Due to the historic nature of the hamlet/village of Wheelton any construction traffic would need to use the western junction of Blackburn New Road & Blackburn Road (the junction closest to the development site). Unfortunately, by using this junction this would put construction traffic in direct conflict with vulnerable road users during the morning and evening peaks.
122. As this western junction also serves as the primary route for access to the local primary school during the morning and evening peak there is a significantly high vehicle and pedestrian volume. A Traffic Management Plan would need to be prepared that considers the points raised in this section.

Conclusion

123. To meet the requirements of Sustainable Transport the development would need to provide for an uncontrolled crossing (with tactile paving provision) over Blackburn Road to help pedestrian traffic created because of the proposals to path find the existing bus stop on the north-western footway and the existing primary school. In the opposite direction enhancements to the Blackburn Road and Ryefield junction will be required (realigned dropped kerbs and tactile paving provision) to assist pedestrians arising from the proposed residential development navigate to Wheelton Village centre.
124. As Blackburn Road and Town Lane are identified as an advisory cycle route to Whittle-le-Woods and from there to Chorley, a route signage scheme to and from Whittle-le-Woods is required. This will assist in cycle traffic caused by the proposals navigating to a demand centre and make cycling a more attractive option. The existing bus shelters whilst old still serve their purpose adequately, the current kerbing provision however does not. To meet sustainable transport requirements of the Framework an upgrade to Equality Act 2010 compliant kerbs will be needed. This will help pedestrians coming from the proposed development to access public transport, thus promoting sustainable transport by making it a more attractive option. The new site access and associated off-site works (as outlined above) will need to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Community Services before works begin on site. The applicant has agreed to implement the above measures as part of the proposed development.

Independent Transport Assessment

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

“A number of offsite improvements have been requested by LCC which are outlined as follows:

- *Cycle Routes – Provide signage for the advisory cycle route that exists between Wheelton and Whittle le Woods.*
- *Bus Shelters – Provide improvements to the existing bus shelters on Blackburn Road to ensure that meet modern standards, protect travellers from inclement weather and work to make bus travel more attractive.*
- *Pedestrian Improvements – Provide kerb buildouts on Blackburn Road to be delivered alongside works to create the site access.*

The applicant has agreed to deliver these improvements in full.

We would consider that these improvements would have a positive effect in improving the site accessibility by sustainable modes of transport. However, they could conceivably go further.

Pedestrian Access

Access to the development site is via Blackburn Road. This has footways on both sides but they are narrower than the minimum 2m width recommended by Manual for Streets, the design guidance developed by the Department for Transport to create better quality public spaces.

The site is within easy walking distance of local amenities in the centre of Wheelton, although the range of provision within the village is limited. The St Chads Primary School is approximately 300m away from the site, and continuous footways along the route make for easy walking trips between the school and the proposed development.

The A674 has a footway on the northern side of the carriageway, but this again, is less than 2m wide, reducing the comfort and safety of the route for pedestrians. Enhancements to existing footways in terms of widening, dropped kerbs and formal/informal crossing points would enhance the current level of provision.

Cycling

The site lies approximately 4.5km from Chorley town centre. According to the Chartered Institute of Highways and Transportation (CIHT), most cycle journeys are between 3km and 8km. The site is within a comfortable distance of the town centre by bicycle. A number of large employment sites in Preston and Buckshaw Village are also located within 5km of the proposed development.

However, there is currently no dedicated cycling infrastructure close to the site. Lancashire County Council (LCC) have noted in their comments on the application that an advisory cycle route exists between Wheelton and Whittle le Woods, but no signage currently exists to inform cyclists of its location.

We would highlight that as well as the signing of the route, steps should be taken to improve its overall quality. Advisory cycle lanes fall well short of the latest design standards for cycle infrastructure set out in LTN 1/20. New cycle links with an appropriate degree of segregation from general traffic should be explored to capitalise on the sites proximity to key destinations.”

Conclusion

126. The comments from the independent review of the scheme suggest that the mitigation measures identified by LCC Highway Services and agreed with the applicant are insufficient. Enhancements to existing footways in terms of widening, dropped kerbs and formal/informal crossing points have been suggested, along with improved cycle infrastructure. They note that advisory cycle lanes fall well short of the latest design standards for cycle infrastructure set out in LTN 1/20. LTN 1/20 is a Local Transport Note produced by the Department for Transport which provides guidance to local authorities on delivering high quality cycle infrastructure.
127. Paragraph 110 of the Framework identifies that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users;
 - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
 - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
128. As discussed earlier within this report, Wheelton is not an area identified as suitable for the scale of development proposed. The provision of safe and accessible means of sustainable transport connections as alternative to the car is, therefore, an important factor in determining the acceptability of the proposal. As the applicant has appealed to the Planning Inspectorate against the Council's non-determination of the planning application, there is not the possibility of negotiating the additional suggested mitigation measures.
129. In light of the above, the proposal conflicts with paragraph 110 of the Framework in terms of providing safe access for pedestrians and a sufficient level of cycling infrastructure that accords with national guidance outlined in LTN 1/20. The proposal also conflicts with policies BNE1 and ST1 of the Chorley Local Plan 2012 to 2026 in this regard.

Impact on the character and appearance of the area

130. 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.
131. 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.
132. The proposal is submitted in outline with the appearance, landscaping, layout and scale of the proposal being left to reserved matters stage. As such, these aspects do not form material considerations in the determination of this application. That said, an illustrative site layout has been submitted in support of the proposal which shows the south western end of the site remaining largely undeveloped and used for public open space with tree planting and footpaths. There is a water-main beneath this section of the site and so its development for housing may be problematic. The rest of the site layout plan is shown as being developed for dwellings with at least two of which being bungalows. Dwellings are

shown as semi-detached, detached and terraced dwellings. Vehicle parking is shown to the front of dwellings, gardens to rear and roads branching from a main spine road. The pattern and density of development is similar to that of the adjacent Ryefield estate. A pedestrian connection is shown to connect the scheme with the Ryefield development.

133. It is considered that the site is capable of accommodating a scheme similar to that identified on the illustrative site layout plan that would comply with the above referenced policies relating to character, appearance, scale and design.

Impact on amenity

134. 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.

135. With regards to noise, dust and other pollution during the construction period, these would be short in duration and limited in intensity. Such impacts could be adequately controlled through a construction environmental management plan (CEMP) which can be required to be submitted to the Local Planning Authority for approval prior to works commencing.

136. 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 40 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

137. Policy 29 (Water Management) of the Core Strategy seeks to improve water quality, water management and reduces the risk of flooding in a number of ways including, among other things, appraising, managing and reducing flood risk in all new developments. The policy is considered to be consistent with the Framework and should be attributed full weight.

138. 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.

139. 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.

140. 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.

141. The flood risk assessment identifies that risks of flooding from surface water, fluvial flooding, flooding from canals, reservoirs, other artificial sources, groundwater, sewer and watermain and pluvial and drainage from the development itself is all low.

142. The proposed drainage strategy identifies that infiltration may be able to provide a drainage solution for surface water runoff generated by the site and soakaway testing will be required to be undertaken to demonstrate whether this would be possible.
143. Should infiltration not be feasible then it is proposed that a restricted discharge of surface water will be into the public sewer network that lies within Blackburn Road and attenuation provided within the developed site.
144. The foul water flows generated by the development will be collected by a piped system and discharged into the public sewer network that lies within Blackburn Road.
145. 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.
146. United Utilities state that, according to their records there is a water main within the site boundary and the applicant will be required to submit evidence as part of any reserved matters application to demonstrate trial holes have been undertaken to confirm the precise location of their infrastructure. United Utilities will require unrestricted access to operate and maintain the main. This can be attached as an informative note to any grant of planning permission. They also suggest conditions be attached to any grant of planning permission in relation to securing sustainable foul and surface water drainage at the site.
147. The proposal is considered to be acceptable in terms of surface and foul water drainage, subject to conditions.

Affordable housing

148. Policy 7 of the Central Lancashire Core Strategy requires 35% affordable housing to be provided on sites of 15 or more dwellings, or 0.5 hectares in size, in rural areas on sites in or adjoining villages. The proposal would provide a policy compliant level of affordable housing which would need to be secured by a s106 legal agreement.
149. 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

150. Policy HS4A of the Chorley Local Plan 2012 - 2026 sets a standard of 0.73 hectares per 1,000 population.
151. There is currently a surplus of provision in Chorley North East 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

152. Policy HS4A of the Chorley Local Plan 2012 - 2026 sets a standard of 0.08 hectares per 1,000 population.
153. There is currently a deficit of provision in Wheelton in relation to this standard, a contribution towards new provision in the settlement is therefore required from this development however there are no identified schemes for new provision.

Parks and Gardens

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

155. 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 Study therefore a contribution towards improving existing provision is not required.

Natural and Semi-Natural Greenspace

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

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

Allotments

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

159. 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

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

161. 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	= £0
Allotments	= £0
Playing Pitches	= £63,960
Total	= £63,960

Sustainability

162. 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."

163. 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

164. 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 247 places available in 5 years' time, with additional planning approvals expected to generate a demand for 1 further school place. With an expected pupil yield of 15 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 51 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 6 places from this development the shortfall would increase to 57. Therefore, we would be seeking a contribution from the developer in respect of the full pupil yield of this development, i.e. 6 places.

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

£23,061.75 x 6 places = **£138,370.50**

Employment skills provision

165. 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

166. 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)

167. 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.

Planning balance

168. 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.

169. The adverse impacts of the development relate to its unsustainable location and insufficient level of proposed sustainable transport mitigation measures. The proposal conflicts with the development plan strategy for the area, born out through Policy 1 of the Central Lancashire Core Strategy and. Wheelton is not a settlement earmarked for significant development. The Framework indicates that the planning system should be genuinely plan-led.

170. The proposal would not provide a sufficient level of safe pedestrian access or cycle infrastructure and, therefore, conflicts with paragraph 110 of the Framework and policies BNE1 and ST1 of the Chorley Local Plan 2012 to 2026 in this regard. Given the unsustainable location of the site, these elements of the proposal can be attributed significant weight in the planning balance.

171. 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.

172. 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.

173. 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 social benefits the proposal would deliver.
174. The provision of open space and its ongoing management and maintenance and the contributions to school places are neutral considerations because they are needed to make the development acceptable.
175. Although Wheelton has limited facilities reflecting its lowly position in the settlement hierarchy, there is a primary school, village shop, cafes and a public house within walking distance of the site. Wheelton is also well served by public transport with bus stops along Blackburn Road, less than 120 metres west of the proposed site access. The proposal would deliver improvements to the local highways network which would be secured by a S278 agreement, as follows:
- provision of an uncontrolled crossing (with tactile paving provision) over Blackburn Road to help pedestrian traffic to the existing bus stop on the north-western footway and the existing primary school;
 - enhancements to the Blackburn Road and Ryefield junction in the form of realigned dropped kerbs and tactile paving provision to assist pedestrians arising from the proposed residential development to Wheelton Village centre;
 - upgrading a route signage scheme to and from Whittle-le-Woods to assist in cycle traffic and make cycling a more attractive option; and
 - upgrading kerb provision at two bus shelters to meet sustainable transport requirements of the Framework and the Equality Act 2010 and upgrade the shelters to meet modern standards.
176. Whilst, the private vehicle would likely be used for many journeys to supermarkets, doctor appointments etc., alternatives exist and journeys to access services would not be long. The proposal includes some enhancements to sustainable transport options.
177. There is conflict with Policy 1 of the CLCS and the development plan overall, although the site is located within the defined settlement boundary. In terms of Policy 1, the overall strategy is consistent with the Framework in concentrating development in the most sustainable locations. That said, the policy forms part of a failing strategy as the Council cannot demonstrate an adequate supply of housing. As such, the policy is only afforded moderate weight.
178. The adverse impacts of the proposed development relating to the conflict with the development strategy and the lack of safe footway provision for pedestrians and cycling infrastructure would significantly and demonstrably outweigh the moderate economic and social benefits that the scheme would deliver.

CONCLUSION

118. Members will be aware of the current shortfall in housing delivery in the Borough and the acceptability of this proposal is considered to be finely balanced.
119. The proposed development is contrary to policy 1 of the Central Lancashire Core Strategy 2012 because the application site is not within an area that has been identified for growth and investment. The only types of development that would be considered acceptable in smaller villages such as Wheelton will be typically small scale and limited to appropriate infilling conversion of buildings and proposals to meet local needs, the proposal does not meet any of these criteria. No exceptional reasons have been put forward to support a larger scale development scheme. The conflict with this policy can be attributed moderate weight in the planning balance.
120. The proposed development would not provide safe access for pedestrians and a sufficient level of cycling infrastructure. The proposal conflicts with paragraph 110 of the Framework

and policies BNE1 and ST1 of the Chorley Local Plan 2012 to 2026 in this regard. These policies are consistent with the Framework and so can be given full weight.

121. The proposal would deliver moderate economic and social benefits through the provision of new housing, however, on balance it is considered that the adverse impacts of the proposed development relating to the conflict with the development strategy and the lack of safe footway provision for pedestrians and cycling infrastructure would significantly and demonstrably outweigh the moderate economic and social benefits that the scheme would deliver.

122. It is possible that through the appeal process, the appellant may agree to deliver the suggested further improvements to footway and cycle infrastructure. However, at this time and in light of the above, it is recommended that the Planning Committee be minded to resolve to refuse outline planning permission for the proposed development.

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.