

## APPLICATION REPORT – 21/00253/OUT

**Validation Date: 4 March 2021**

**Ward: Chorley North East**

**Type of Application: Outline Planning**

**Proposal: Outline application (with all matters reserved) for residential development of up to 130 dwellings (including 35% affordable housing)**

**Location: Land 150M North East Of 31 Paradise Street Chorley**

**Case Officer: Iain Crossland**

**Applicant: Metacre Ltd**

**Agent: Mr Louis Webb De Pol Associates Ltd**

**Consultation expiry: 6 May 2021**

**Decision due by: 18 March 2022**

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### RECOMMENDATION

1. The applicant has appealed to the Planning Inspectorate against the Council's non-determination of the planning application. As such, it is recommended that the Planning Committee be minded to resolve to refuse outline planning permission for the following reason:

*The proposed development would have an unacceptable adverse effect on the visual amenity and appearance of the countryside and its landscape setting contrary to policy BNE2 of the Chorley Local Plan 2012-2026, policy 21 of the Central Lancashire Core Strategy and paragraph 174 of the National Planning Policy Framework. Applying the "tilted balance" of paragraph 11 of the National Planning Policy Framework, it is considered that the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the proposed development.*

### SITE DESCRIPTION

2. The application site is situated to the north east of Chorley beyond the M61 motorway and the Leeds and Liverpool Canal. It is approximately 6.4 ha in size and the site would be accessed from Heapey Road, which runs along its southern boundary.
3. The site is currently used as grazing land and is formed by two fields separated by a hedgerow that divides the site in two and runs along an approximate north south axis. The land is bound on the northern and eastern site boundaries by mature hedgerows and trees. A stream known as Black Brook runs along the eastern boundary of the site with an unnamed watercourse along the northern boundary. There are existing residential properties bounding part of the western and southern boundaries on Heapey Road and Paradise Street with dwellings backing on to the site. There is a grade II listed building (119 Heapey Road), currently in use as a children's nursery that also backs onto the site to the south.
4. The immediate area is rural in nature, and other than the immediate dwellings backing onto the site it is surrounded by agricultural land. On the south side of Heapey Road and further

to the east is the Heapey Chase housing estate, built on the site of the former Heapey Bleach Works.

5. A Public Right of Way runs north to south through the eastern section of the site and connects Heapey Road to a bridge crossing the stream along the northern boundary providing access to the countryside beyond and eventually to Blackburn Road and Chapel Lane.
6. The site is undulating but generally falls from west to east with approximately a 13m level difference between the highest and lowest points. The gradient becomes steeper on the eastern side of the site as it slopes down to Black Brook at the western boundary.

## **DESCRIPTION OF PROPOSED DEVELOPMENT**

7. The application seeks outline planning permission (with all matters reserved) for a residential development of up to 130 dwellings (including 35% affordable housing).

## **REPRESENTATIONS**

8. Heapey Parish Council objects to the application on the following grounds:

The land is designated as an Area of Other Open Countryside within the current Chorley Local Plan. This speculative application fails to meet the two criteria required under policy BNE2 for development within an Area of Other Open Countryside. The proposed development is contrary to the aim of 7.15 of the Local Plan as it will obviously harm the open and rural character of the area and will have an adverse impact on the visual amenity of the area.

Given the total lack of public transport services in the area, the sustainability of the proposed development is questionable.

Local residents report existing traffic issues in the immediate area with local traffic and connected with users of the nursery. The proposed development can only serve to exacerbate these issues.

There is a defined shortage of high school places in the locality.

Existing localised flooding onto Heapey Road from the fields has also been reported by residents which will, again, be exacerbated by the proposed development.

The submitted Planning Statement makes mention of “the recent Pear Tree Lane, Euxton appeal decision (ref: APP/D2320/W/20/3247136)” – the parish council would point out this was actually an application on land safeguarded for future housing needs in the current Local Plan.

9. Chorley Borough Cllr Adrian Lowe objects on the following grounds:

This application amounts to over development and is in conflict with Core Strategy Policy 1 and Local Plan Policy BNE3;

It is located outside a defined settlement and 130 dwellings is too many when referenced with other approvals given in the vicinity i.e. up to 233 dwellings at Botany with a further 100 on the adjacent site;

Chorley already has a 5 year housing land supply;

There is inadequate infrastructure in the area and if permission was granted would put undue pressure on local schools, doctors etc;

The transport assessment is poor as it would put a strain on the local road network and Heapey Road is not fit for such an increase in the volume of traffic.

10. County Councillor Hasina Khan objects on the following grounds:

Any additional builds would put enormous pressure on schools, GP surgeries and other establishments in the area which are already oversubscribed. The increase in volume of traffic is also not viable on an already congested area.

11. 150 representations in objection have been received raising the following grounds:

*Principle*

- Development of this site is contrary to Core Strategy Policy 1 and Chorley Local Plan policy BNE2 and BNE3;
- Inappropriate use of a Green Belt area;
- Why is there need for further building in the area after recent construction of other housing site?;
- If new houses are needed then this should be allocated according to the local plan and not via piecemeal applications;
- Brownfield sites should be built on.

*Highway safety*

- It will result in extra traffic;
- Drivers do not adhere to the 30mph speed limit and there are joy riders on Heapey Lane;
- The visibility splays are not sufficient;
- Cyclists and horse riders use the road to visit the countryside;
- Knowley Brow with the resident parking is effectively single width and more traffic up this route is impractical and dangerous;
- Current residents have more than one car per house so parking is an issue;
- It will result in more traffic on Knowley Brow and Blackburn Brow which sometimes backs up extending onto Blackburn Road causing a dangerous obstruction to other traffic;
- The proposed traffic light controlled junction as the access to the new development will cause further delays on Heapey Road;
- Various properties on Heapey Road have gardens on the east side of the road, resulting in residents frequently crossing the road. Increased traffic would naturally increase the chances of accidents;
- The proposed access point to the new development is close to a blind bend (where Black Brook crosses Heapey Road), that floods frequently in heavy rain.;
- Cars frequently park at the end of the track that leads to Templefields which involves south-bound traffic pulling onto the other side of the road to pass immediately before the proposed new access point;
- At busy periods it is difficult to get access onto Blackburn Road;
- As there is no bus service, school and college children have to walk along the busy road to get to the nearest bus stop which is over a mile away. In summer a recurring knotweed problem on the footpath forces them to walk into the traffic on the road at the busiest part;
- Several local equestrian businesses use the road and the proposal could cause them to shut as they would not be able to exercise their horses on the surrounding roads;
- Casualties are recorded as 1 serious and 4 slight over the last 10 year period, all of these occurring at the junction of Heapey Road to Blackburn Brow. All of these have restricted vision and excessive speed listed as causation. Again, speed enforcement / restriction in minimal and largely ignored;
- Disagree with the Transport Assessment as they say due to Covid it is not a full assessment;

- The route into Chorley town centre from Heapey is already incredibly congested at the Eaves Lane/St Peter's Primary School round about. Another 130 families trying to go down this route would be intolerable;
- There is a nursery and a children's playground in close proximity to Paradise Street, as well as the sea cadets hall, increasing the risk to young children and young people from vehicles;
- Extra vehicles would make pulling out of Paradise Street even harder than it is at present;
- There is a very busy little children's play area on Heapey Road. This is used by a lot of families but often there are a lot of cars parked on the road in front. Passing along Heapey Road is often made much worse;
- The field is on a steep hill between two blind bends which means the access to the estate would be dangerous.

#### *Infrastructure*

- It is further than 700m to the nearest bus stop;
- Local primary and secondary schools are over subscribed;
- Lack of amenities and infrastructure to support the dwellings;
- Lack of public transport would necessitate residents to rely on cars adding to environmental pollution and congestion;
- Extra demand for water and more importantly, waste water would need to be properly scoped out;
- Would there be adequate internet provision?;
- No medical facilities;
- Heapey has no facilities at all;
- The site is not in a sustainable location so would mean residents would use cars, even for short journeys;
- GP surgeries and provision of primary and secondary care and dentistry services are already extremely stretched.

#### *Ecology and landscape*

- It is a beautiful area, unspoilt with lots of wildlife such as deer, hares, owls, bats, hedgehogs and various species of birds. It would destroy wildlife habitat;
- It would be detrimental to a rural area;
- There are bats in the area and the increase activity and light pollution could have a serious impact on this protected species;
- It would damage the character of the area and destroy a valuable green space;
- The impact on the biodiversity of the area is also a great concern as this is a rural area and the building of a new estate would only have negative impacts on both fauna and flora in the area;
- The developer's ecology report calls for specialist lighting report to protect bats. None has been submitted from a qualified lighting engineer;
- No professional heterodyne survey has been carried out to inform upon effect upon bats feeding zones and transient areas;
- Loss of open grass lands due to this development removes food source habitats for migratory birds, leading to decline in numbers, Avian reports cite as a contributory factor on decline of swifts, swallows. NERC Act (2006) applies;
- Bird species including northern lapwing, common starlings, house sparrows (priority UK listed species) regularly use the site. The proposal will cause these species to decline in the local area, compromising policy BNE11 (species protection). The proposal will cause habitat fragmentation and reduce biodiversity in the local area, particularly as Natural England state the site is a wildlife buffer. Core Strategy Policy 22 (biodiversity) and Local Plan Policy BNE9 (biodiversity and nature conservation) will be compromised;
- The site forms part of an impact risk zone relating to the West Pennine Moors (which is an SSSI);
- Visual effects from the development will be major adverse (not minor/moderate adverse) for local residents, particularly those on Paradise Street who currently have views

across the proposed development site towards additional areas of countryside (fields, woodlands which the site form wildlife corridors with) and Great Hill (which forms part of the West Pennine Moors) - beautiful scenery and landscape;

- Japanese rose (*Rosa rugosa*), a non-native invasive plant, is situated along the development boundary which contradicts the ecology report. The ecological appraisal should assess site during more optimal periods of the year in terms;
- Chorley Hedgehog Rescue release hedgehogs in the Heapey area and already struggle to find enough suitable release sites in Lancashire;
- The site is a prominent hilltop location;
- Increased light pollution from the site;
- The fields are on rising ground and are easily visible from nearby high ground, this will detract from the semi-rural feel of the location;
- Finally given other proposals that may come forward for adjacent fields there is a real danger that this will open the way for large scale development in an area that provides an important buffer zone for the West Pennines SSSI.

#### *Drainage and flooding*

- The proposal will increase flow into Black Brook and have serious consequences for the Templefields properties;
- Reduced infiltration rates and increase surface water run-off will increase the likelihood of flooding events and without adequate mitigation the long-term effects would fall to residents;
- They have issues with flooding from the reservoirs and more homes will potentially effect drainage;
- Lower areas of the site are prone to water logging, developing the higher parts of the site will increase runoff and flood risk for adjacent properties.

#### *Amenity*

- Noise and disturbance to existing residents through increased traffic movements along Heapey Road.
- Loss of amenity to walkers using the footpath through the site due to loss of openness.
- Detrimental impacts on amenity of those living nearest the site through loss of outlook, privacy and light.

#### *Other*

- It would remove the public amenity provided by the current Public Right of Way across the land;
- More traffic will result in more pollution;
- Due to lockdown we should be aware of how important green space is;
- The whole of civilisation is facing a climate emergency and unsustainable house building is expediting this crisis;
- The houses should have good sized gardens;
- The council should ensure houses are truly 'green' such as alternatives to heating homes;
- The site is immediately adjacent to a route used regularly to transport explosives to the Redcliffe Explosives Storage Facility at Heapey. Adding extra traffic to this route must make it more dangerous and putting new residential development on such routes seems like an unnecessary danger;
- Chorley is losing its identity and soul;
- It will not benefit the community in any way;
- The rural nature of this part of Chorley will be lost;
- The access to the site is to be from Heapey Road the pollutants from the vehicles accessing and leaving the site will have a detrimental effect on the young children in the Nursery whose play area will be close to the site entrance;
- Street lighting in the area is minimal creating very dark areas;
- It would lead to urbanisation of the area;

- UN Rights of the Child: Article (3 ) Government have to act in "best interest of the child" and Article (24) "and a clean environment", adding localised or increasing air pollution by development associated car use affects human health (more so children). Chorley Council is by definition (a) Local Government.
- (3a) Chorley Council Member's Code of Conduct is applicable for challenge: as Local Governments (Local Planning Authority) have a "Duty of Care" to residents under HASWA;
- This planning application and any subsequent Local Planning Authority, individual or group decision could be subject to legal Legitimate Expectation challenge;
- The site is Grade 3 agricultural land, so good quality agricultural land will be lost contrary to Policy 31 of the Core Strategy;
- Landscape and visual impacts of the proposal will compromise policy BNE2, as the site will cause harm to its open and rural character and isn't being protected from unacceptable development;
- The proposal will not protect the identity, local distinctiveness and green infrastructure of the local area, as the site will merge with adjacent land/sites which have been allocated for housing in the Local Plan. Core Strategy Policy 19 (Areas of Separation and Major Open Space) will be compromised.
- Visual impacts from the proposal will be major adverse for local residents/other users (after 15 yrs) and will have a major adverse effect on the overall landscape character in the local area (particularly as site forms part of impact risk zone for local SSSI). Core Strategy Policy 22 (Landscape Character Areas) will be compromised;
- HGV traffic during construction causing vibration to properties;
- The amount of CO2 emissions is horrendous and will worsen;
- With all the planned building all the boundaries between all the local villages and Bolton Chorley and Preston will have been destroyed and it will just be one mass of housing;
- The site is crossed by the Thirlmere aqueduct, this is nationally important infrastructure and great care must be taken to ensure it is not impacted;
- It is a Mineral Safeguarding Area;
- Devaluation of properties in the area.

## CONSULTATIONS

Consultee	Summary of Comments received
Conservation Advisor	It is considered the proposal would meet the statutory test 'to preserve' and would cause no discernible harm to the setting and significance of the grade II listed building [The Rough (now Hollies Nursery)]. Therefore, no balancing exercise is required as per NPPF P.196. As such, the proposal meets the objectives of Chapter 16 of the NPPF and accord with Policy 16 of the Core Strategy and Policy BNE 8 of the Local Plan.
Police	Make a number of recommendations in relation to the design of the properties and security. As this is an outline application with all matters reserved, plans of the dwellings are not provided. The Police comments will be passed onto the applicant for information.
Environment Agency	State that the EA's Flood Risk Standing Advice applies.
Lancashire County Council Highway Services	Identified a number of measures that would need to be secured and provided in order to make the development acceptable.
Greater Manchester Ecology Unit	Raise a number of issues regarding further information being needed on ecology grounds. See body of report.

Regulatory Services - Environmental Health	Environmental Health have no objection to the principle of housing on this site. The applicant has at this stage made no mention of sustainable travel or energy generation. This is now a more prominent issue and therefore we would encourage that consideration is given to include the installation of electric vehicle charging points and renewable energy by the developers when detailed plans are submitted to future proof the development. It is also recommended that the applicant is required to comply with the conditions contained within the Chorley Council document "Code of Practice for Construction and Demolition" which covers issues such as appropriate working hours, noise, vibration, dust and air pollution during the groundworks and construction phases.
Open Space Comments	<p>A financial contribution is required from this development is as follows (see body of report for full details):</p> <p>Amenity greenspace = £91,000 (if private maintenance not proposed)  Equipped play area = £16,900 (if private maintenance not proposed)  Parks/Gardens = £0  Natural/semi-natural = £0  Allotments = £0  Playing Pitches = £207,870  <b>Total = £315,770</b></p>
Waste & Contaminated Land	<p>Have reviewed the Phase 1 desk study report JOB NUMBER: GM11554, DATE ISSUED: FEBRUARY 2021</p> <p>They agree with the recommendations made in Section 8 that a Phase 2 Ground Investigation is carried out to determine the geological conditions on site, geotechnical parameters and the potential contamination issues/risks.</p> <p>They therefore recommend the standard investigation condition is applied to any approval.</p>
Lead Local Flood Authority	No objection subject to conditions.
Tree Officer	Has visited the site – see tree section of report for full response.
United Utilities	Recommend two conditions if the application is approved. See drainage section of report.
Lancashire Fire and Rescue Service	No response received.
Lancashire County Council (Education)	Based upon the latest assessment, taking into account all approved applications, LCC will be seeking a contribution for 20 secondary school places. Based on current approvals a primary education contribution is not required. However, if pending applications are approved prior to a decision being made on this development the claim for primary school provision could increase up to maximum of 49 places.
Strategic Housing	In accordance with Core Strategy Policy 7, 35% of the dwellings are required to be affordable. This equates to

	<p>46 dwellings. 70% (32) of these should be social rented and 30% (14) should be shared ownership.</p> <p>The applicant is proposing 35% affordable housing which is in accordance with Core Strategy Policy 7.</p> <p>The house types to be provided will be determined at the reserved matters stage.</p>
Lancashire County Council Public Rights of Way	Public Right of Way 9-2-FP21 has been identified extending from north to south, through the eastern area of the site.

## PLANNING CONSIDERATIONS

### Principle of development

12. The starting point for determination of a planning application is the Development Plan, in this case the Central Lancashire Core Strategy and the Chorley Local Plan 2012-2026. The application site consists of open countryside, falling outside and not adjacent to any villages either within the Green Belt as identified on the Policies Map of the adopted Local Plan. Policy 1 of the Core Strategy relates to all types of development, seeking to focus growth and investment on well located brownfield sites, identified strategic locations and other main urban areas whilst protecting suburban and rural areas. It sets out a hierarchical sequence for locating development putting other places, including smaller villages, at the bottom of the hierarchy where development is expected to be small scale and limited to appropriate infilling unless there are exceptional needs for a larger scale redevelopment scheme. The site does not fall within any of the criteria for locating new development and therefore would not accord with Core Strategy Policy 1.
13. Policy BNE2 of the adopted Local Plan seeks to protect areas of open countryside from unacceptable development, which would harm its open and rural character and limits development to that which it is needed for the purposes of agriculture or forestry; other uses appropriate to a rural area; and the re-use or re-habitation of existing rural buildings.
14. The supporting text to Policy BNE2 states that The West Pennine Moors and the associated land to the east of the M61 are excluded from the Green Belt as it is unlikely that Chorley Town will expand and merge with other settlements in an easterly direction. It is important, however, that this area [within which the application site falls] is protected from unacceptable development which would harm its open and rural character.
15. The proposal does not meet the criteria for development set out in BNE2 and it would not therefore comply with this policy. Further, this would inevitably lead to a landscape impact within an area that this policy specifically seeks to protect.
16. The National Planning Policy Framework (the Framework) states that the intrinsic character and beauty of the countryside should be recognised, with the planning system contributing to and enhancing the natural and local environment. It does not seek to protect all countryside from development; rather it concentrates on the protection of “valued” and “distinctive” landscapes and seeks to encourage development on previously developed land, a principle that policy BNE2 seeks to reflect.
17. Therefore, the principle of the proposed development at this site would be contrary to Policy 1 of the Core Strategy and Policy BNE2 of the adopted Local Plan.
18. To the extent that development plan policies are material to an application for planning permission, planning decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise as set out in section 70(2) of



the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004.

19. Therefore other material consideration must be considered in the decision making process and these are considered below.

#### Housing land supply

20. The Framework is a material consideration that must be taken into account. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development and states that for decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date [subject to footnote 7], granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

21. Footnote 7 sets out that this includes for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

22. It is therefore necessary to establish whether Chorley has a five year housing land supply (5YHLS) or not to determine whether Paragraph 11(d) of the NPPF is engaged or not (commonly referred to as the 'tilted balance'). When engaged, the tilted balance changes the 'balancing exercise' which the Council must undertake in deciding whether or not to grant planning permission; from a neutral balance where if the harms outweigh the benefits planning permission is usually withheld, to a tilted balance where the harm should significantly and demonstrably outweigh the benefits for permission to be withheld. The tilted balance therefore increases the prospect of planning permission being granted because it 'tilts' the balance in favour of approving an application.

23. 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.

24. Recent appeal decisions concluded that it is appropriate to calculate the housing requirement against local housing need using the standard method, as such the Council can no longer demonstrate a 5-year supply of housing land meaning that the tilted balance, and presumption in favour of sustainable development is, therefore, engaged under paragraph 11(d) of the Framework.

25. The Statement of Common Ground (SoCG) sets out the housing requirement to be consulted on in the Central Lancashire Local Plan and is informed by the Central Lancashire Housing Need Assessment. It has been signed by the portfolio holders responsible for the Local Plan across the three Councils for Chorley, Preston and South Ribble following endorsement by the Joint Advisory Committee on 25th July 2022.

26. Chorley Council adopted the SoCG as a material consideration for use in decision making at the General Purposed Committee on 7th September 2022. The weight to be attached to the SOCG in making decisions on planning proposals is for the decision maker to consider.

27. The SoCG sets out a housing requirement of 334 for Chorley for the first five year period of the Local Plan (2023-2028). The housing supply against this requirement is 5.4 years.

28. Chorley Council is working with Preston and South Ribble Councils to produce a Central Lancashire Local Plan (CLLP). Once adopted, this will replace the existing joint Core Strategy and Chorley Local Plan. The CLLP is at an early stage of preparation and consultation on Issues and Options closed in February 2020.
29. The application site, including additional land to the east, was submitted for consideration as part of the Local Plan process and is identified in Annex 5 of the Issues and Options Consultation (ref. 19C092). However, it was not included in Annex 1 of this same consultation, which showed all the site suggestions being taken forward by Chorley Council as a result of an initial review of all sites submitted during the Call for Sites consultation following detailed assessment in the SHELAA.
30. 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.
31. In considering the provision of 130 dwellings in the context of an under supply of housing this is a clear benefit to which significant weight must be attached.

#### Affordable housing

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

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

35. Paragraph 174 of the Framework states that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.
36. The preamble to policy 21 of the Central Lancashire Core Strategy sets out that landscape is important in the way that it contributes to an area's distinctiveness and key activities. The Landscape Strategy for Lancashire (2000) produced by Lancashire County Council in partnership with the former Countryside Agency and the Lancashire Historic Landscape Characterisation identified a broad range of landscape character areas within Central Lancashire worthy of conserving, protecting and enhancing. This includes the West Pennine Moors in the south east of Lancashire, together with their industrial foothills to which the application site relates.
37. The preamble to policy BNE2 of the Chorley Local Plan 2012 – 2026 sets out that although most of the countryside within Chorley Borough is designated as Green Belt, some rural areas are not included in the Green Belt. The West Pennine Moors and the associated land to the east of the M61 (within which the application site is located) are excluded from the Green Belt as it is unlikely that Chorley Town will expand and merge with other settlements in an easterly direction. The supporting text goes on to state that it is important that this area is protected from unacceptable development that would harm its open and rural character. The policy has been designed to protect this open and rural character and therefore supports only a very limited scope of development for this very reason. The only development supported in this area is development where it is needed for the purpose of agriculture or forestry or other uses appropriate to a rural area, or involves the rehabilitation and re-use of existing rural buildings. The proposed development would not fall within these development types and is therefore contrary to policy BNE2. This would inevitably lead to a degree of harm to the open and rural character of the landscape that policy BNE2 seeks to protect.

38. In response to this issue a Landscape and Visual Appraisal (LVA) report has been prepared in accordance with the latest guidance on landscape and visual impact assessment (GLVIA 3 2013) and has been assessed by the Council's Open Space Strategy Officer. It is generally considered that the LVA study area, viewpoints selected and methodology are appropriate and representative to the location and the scale of the proposal.

*Effects on Landscape Character*

39. The report concludes that the overall residual effect on the existing local landscape character at the 'site' level would be moderate adverse at completion dropping to moderate/minor adverse by year 15 following completion due to the further development of a landscaping scheme. It is inevitable that the character of the landscape, which is currently pastoral, would be adversely affected by the proposed development but it is agreed that this adverse effect on landscape character would be limited to the site and its immediate surroundings.

*Effects on Visual Receptors*

40. The report concludes that the majority of residual visual effects experienced by local receptors in the wider landscape would be minor adverse or negligible in the long term (15 years after completion allowing landscape mitigation measures to mature). However, residual moderate adverse visual effects at completion, dropping to moderate / minor adverse effects at year 15 following completion, have been identified for residential receptors close to the site comprising the dwellings along Paradise Street and Heapey Road (where it adjoins the site boundaries). In terms of users of public rights of way, residual minor/moderate adverse visual effects have also been also identified at completion dropping to moderate / minor adverse effects at year 15 following completion for the users of public right of way FP21, which crosses the application site.
41. The Council's Open Space Strategy Officer, having visited site and considered the effects on these two visual receptor groups themselves, does not agree with these particular findings of the appraisal. Footpath FP21 that crosses the application site and others in the vicinity appear to be well used by residents of the area and by visitors from nearby urban areas. This footpath would pass very close to the proposed residential development and the visual experience for users of this footpath would change from passing through an open pastoral field with strong field boundaries, limited influence of built form and attractive views to being in close proximity to a stark new residential development.
42. Significant mitigation measures could be introduced and additional planting could effectively screen the development but would itself be visually intrusive by undermining open views across the site. Furthermore, vegetation, even if standard plants were used, would take some years to become effective. In the interim there would be clear views from the footpath to the residential development. The appearance of a new residential development would be incongruous in the context of the currently open and rural nature of the views in this location. The fact that the path through the site only takes a few minutes to walk does not alter the conclusion that those using the footpath, would incur serious harm to the visual amenities of users whilst crossing the site, and their enjoyment of the countryside would be undermined. In consideration of this, with regard to users of footpath no. 21, it is considered that the magnitude of effect at completion would be high and the resultant effect would be major/moderate adverse at completion rather than the moderate adverse effect set out in the report. A major/moderate effect at completion could reasonably be expected to drop to moderate adverse by year 15 as site landscaping matures.
43. A number of properties along Paradise Street and Heapey Road have views from rear gardens and rear facing windows across the application site. The masterplan indicates that screening landscaping would be planted along the site boundaries, however, this would take several years to become effective and again, in itself would be visually intrusive by undermining views across the site from these properties. In consideration of this, with regard to the visual receptors of Paradise Street and Heapey Road, it is the opinion of the Council's Open Space Strategy Officer that the high / medium sensitivity and high magnitude of effect

at completion (as identified in the applicants visual effects tables) would result in a major / moderate adverse effect at completion. Whilst some improvement could be anticipated as landscaping measures mature they would still anticipate a moderate adverse effect after 15 years rather than the moderate/minor effect described in the report.

44. On this basis it is considered that both the residents of Paradise Street / Heapey Road and users of Footpath FP21 would be subject to residual moderate adverse visual effects, which would perpetuate beyond 15 years after completion. It is considered that the proposed development would have an unacceptable adverse effect on the visual amenity and appearance of the countryside, particularly for those using the footpath through the site and residential receptors overlooking the site. The effect of the development on the visual amenity of the area is of greater concern than its effect on the character of the landscape as the proposed development would have a long term adverse effect on the visual amenities of residents of Paradise Street and Heapey Road and users of footpath FP21. The development can only be considered acceptable if it does not cause unacceptable harm that is not outweighed by other considerations. With regard to visual harm, it is considered the visual harm would be unacceptable because the development, particularly as experienced by walkers on footpath FP21, regarded to be in the highest category of sensitivity to the visual effect of development, would be subject to a change in the landscape that would be incongruous to its existing countryside location.
45. The site is open and undeveloped with a pleasant rural character. It contributes positively to what is a prevailing open rural feel beyond settlements, notwithstanding the presence of the housing estate at Great Knowley to the north west and Kittiwake estate to the south east. These positive qualities can be easily appreciated by users of the public footpath network, when passing along Heapey Road and by some local residents living adjacent to the site. The housing development at Great Knowley is not visible from the application site by virtue of the topography and presence of landscape features such as the former railway line to the north of the site. The Kittiwake estate is well contained by landscaping and very much divorced from the setting of the application site. This was a former industrial site with the estate housing set some distance from Heapey Road. As such it is a somewhat anomalous form of development within this landscape, though it is well concealed from Heapey Road and the application site.
46. The proposed development would have a strongly urbanising effect on the existing open, rural character of the appeal site, changing it from open countryside to a housing estate. It would be highly prominent from Heapey Road due to the increase in levels through the site interrupting views across the fields towards the woodland belt, and causing an overall weakening of the distinction between the urban fringe and rural area. Overall, the effects on the intrinsic open, rural character and local value of the site's landscape would be harmful and permanent
47. Harm would be caused to the visual amenities of residents and users of public rights of way, which cannot be clearly mitigated by a landscape scheme and the proposed development would therefore have an unacceptable impact on the visual appearance of the local area that would inevitably diminish the open and rural character of the area contrary to paragraph 174 of the Framework and the rationale that underpins policy BNE2 of the Chorley Local Plan 2012 – 2026. The harm that this would cause to the character and appearance of the area would be significant and irreversible.

#### Highway safety

48. Although access is not applied for, a Transport Assessment has been submitted with the application and the Council need to be satisfied that an acceptable access point into the development can be achieved. It is envisaged that a priority controlled access junction via Heapey Road would be created.
49. The proposal is an outline application for residential development of up to 130 dwellings on land north of Heapey Road. The submission includes Transport Assessment (TA) setting out the transport issues relating to the site and details of the proposed development and an Interim Travel Plan (ITP).

#### *Existing Site Information*

50. The site is a grass field to the north of Heapey Road in Little Knowley. It is bordered to the east by the Black Brook and to the north by farms. The west boundary is partially of farms and residential houses accessed from Paradise Street which is an unadopted private access road with junction to Heapey Road. The south boundary is mainly of residential houses with frontages to Heapey Road and includes a Nursery located at the south west corner of the site. The site is currently accessed from a field gate just to the east of its boundary with the Nursery. The submitted location plan is shown on drawing no. LP01 (19/01/2021).

#### *Baseline Transport Information*

51. There are footways on both sides of the section of Heapey Road fronting the site, however the widths are below the required 2.0m minimum standard. There are Public Rights of Way (PROW) in the area. PROW-FP30 which is further east of the site, provides access from Higher House Lane in the south to Chapel Lane in the north and is linked to PROW-FP36 which extends west to connect PROW-FP21. PROW-FP21 is within the proposed site and extends from Heapey Road to the north where it continues along the southern edge of Great Knowley to the B6228 Blackburn Brow.
52. PROW-FP36 is further west and provides a walking route from Blackburn Brow to Heapey Road. The nearest cycle route to the site is along the Leeds and Liverpool Canal and connects other routes on the A674 Millennium Way to the west. There is a proposed cycle route from the Leeds and Liverpool Canal along the dismantled railway to east.
53. Heapey Road is a bus route, however there are currently no public services provided other than school services at the bus stops near Heapey Road/Kittiwake Road. The nearest bus stops where public services are provided are outside 11 Botany Bay (for north-bound) and on the M61 Motorway overbridge (for south-bound) approximately 815m and 920m respectively from the centre of the site. At these stops, Service 2 (Blackburn–Chorley) is operated during the day at hourly frequencies from Monday to Saturday, while Service 2A (Chorley–Blackburn) provides evening services from Monday to Saturday at an hour-and-a-half intervals with hourly day services on Sundays. Five school services are available at each of these stops. The bus stops do not have facilities of the high-quality standard required to ensure they are disability compliant, safe, attractive and comfortable to use.

#### *The Local Highway Network*

54. The site is fronted by Heapey Road, which lies between Knowley Brow to the west and Tithe Barn Lane to the east. Heapey Road and Knowley Brow have 30mph speed limits with footways and street lighting. From the proposed site access towards west to Knowley Brow, there are predominantly terraced houses on the north side of Heapey Road. Similarly, there are terraced houses on the south side of Knowley Brow within 120m of its junction with the B6228. The terraced houses rely on on-street parking, which often leads to issues with visibility and the two lanes being reduced to one.
55. The Knowley Brow Play Area is located approximately 400m west of the proposed site access, but due to on-street parked vehicles, the presence of houses on the road bend and the brow of the hill, there is limited visibility in the westerly direction for pedestrians crossing the road to and from the Play Area and the adjacent Sea Cadet Hall. The junction of the B6228 and Knowley Brow is complex. It is approximately 60m from the foot of the Leeds and Liverpool Canal bridge. The junction is topographically at a lower level to all of its approaches and has many features within close proximity, including a junction (Knowley Brow/Bagganley Lane), cycle lane, traffic island, mini-roundabout, pedestrian refuge, a bus stop and an on-street parking bay, which partially obscures visibility to the north on egress from Knowley Brow. On-street parking associated with the existing beauty shop (Lock and Lash) takes place near the junction on the north side of Knowley Brow.
56. Tithe Barn Lane starts where Heapey Road ends at its junction with Higher House Lane in the east. It is a single lane rural access road subject to the national speed limit. It provides access to settlements and farms in the east and can be used via Chapel Lane to connect the A674 in the north.

### *Traffic Accidents*

57. The TA provides an analysis of 5-year record of personal injury accidents in the area from 2014-2018, which shows a total of 3 slight and 1 serious personal injury accidents on the section of B6228 between Knowley Brow and the Leeds and Liverpool Canal bridge. The serious accident occurred at the mini roundabout, while one of the slight accidents at B6228/Knowley Brow involved a pedal cyclist.
58. Within the period under review, there were 7 other personal injury accidents at various locations on Botany Brow including its junctions with Northgate Drive, Daisy Fold, Talbot Close and the Botany Brow/Eaves Lane/Harper's Lane roundabout. The accident at Botany Brow/Northgate Drive was recorded as serious. A single slight accident was also recorded at B6228/Merton Grove in the north, but there were no recorded traffic accidents on Heapey Road and Knowley Brow during the review period.
59. In all, a total of 11 (2 serious and 9 slight) personal injury accidents occurred at B6228/Knowley Brow and its vicinity during the 5-year period. There were 2 other slight personal injury accidents at B6228/Knowley Brow in 2019, but which did not reflect in the applicant's analysis. Overall, the rate of accidents at B6228/Knowley Brow raises highway safety concern, therefore the applicant will be required to implement measures to improve safety.

### *The proposed development*

60. The proposal is for residential development of up to 130 dwellings of various house types on land north of Heapey Road. The indicative layout is shown on drawing no. 20-088-SK01 Rev D (Dec 2020).

### *Access*

61. The development is to be accessed from Heapey Road via a new 5.5m wide access with 10m corner radii at the approximate location of the existing field access, where as shown on submitted indicative access drawing no. 76982 CUR 00 XX DR TP 75002 P02 (26/08/20), the visibility splays of 2.4m x 43m based on the 30mph speed limit of the road appears achievable. It is also demonstrated on the drawing by swept path analysis that the proposed site access can be safely negotiated by an 11.2m long refuse vehicle.
62. However, the section of Heapey Road fronting the site is relatively 'straight' in alignment with few frontages and leads to a point of change to the national speed limit, which are factors that can contribute to high traffic speeds. Indeed, this is confirmed by an automatic traffic count conducted by LCC Highways in 2016 at a point approximately 65m west of Heapey Road/Kittiwake Road which revealed 85<sup>th</sup> percentile speeds of 36mph (eastbound) and 35mph(westbound). Therefore, instead of the prevailing speed limit, it is considered visibility splays based on the 85<sup>th</sup> percentile speeds of traffic would be more appropriate. The indicative access drawing will therefore need to be amended to demonstrate that visibility splays of 2.4m x 53m (west) and 2.4m x 55m (east) can be achieved at the proposed site access.
63. While the proposed 10m radii will allow the junction to be negotiated, it is considered that the radii should be reduced to 6.0m to help slow the speeds of traffic turning in and out of the site and to make crossing of the junction easier and safer for pedestrians and cyclists. This should be accompanied by swept path analysis to demonstrate that the 6.0m radii can safely be negotiated by long refuse and service vehicles. As proposed, extending the footway on the north side of Heapey Road round the access radii into the site will ensure safety of pedestrians, however, it should be noted that the section of footway in front of the site is currently less than the required minimum width of 2.0m and of poor surface condition. Therefore, for improved access and safety of pedestrians, the footway will need to be reconstructed to an increased minimum width of 2.0m extending from the existing footway frontage of 119 Heapey Road (the Nursery) in the west to Heapey Road/Kittiwake Road in the east.

#### *Internal Layout*

64. The submitted indicative Masterplan quoted above shows a primary access road running internally round the central aspect of the site and linked with secondary access roads and private drives. The indicative masterplan is acceptable in principle; however, the design of the detailed layout must accord with the principle of the Manual for Streets (MFS) and the Lancashire County Council's Creating Civilized Streets with all access roads designed as self-enforcing 20mph roads with in-built horizontal speed reduction measures.
65. The internal roads should be provided to widths of 5.5m with 2.0m wide footways and/or service strips as appropriate with all turning heads proven with swept path analysis to demonstrate safe turning of refuse and service vehicles. The detailed layout should be designed and constructed to the Lancashire County Council Specification for Construction of Estate Roads to ensure satisfactory access and in order to be accepted for adoption under the s38 agreement of the Highways Act 1980.
66. It is noted in section 3.4 of the TA that parking would be provided to the Chorley Council Parking Standard. Integral and detached garages must be provided to internal dimensions of 3m x 6m (single) and 6.0m x 6.0m (double) in order to be counted as parking spaces.

#### *Walking*

67. Proposed developments should preferably be within 1200m maximum walking distance of local services, facilities and amenities. The developments should also preferably be within maximum walking distance of 800m of Town Centres and 2000m commuting distance of schools. Measured from the centre of the site, the proposed development is outside the preferred maximum walking distance of local services, facilities and amenities, including the shops referred to in paragraph 4.2.5 of the TA and the Chorley Town Centre. However, it is within commuting distance of the nearest school, the St Peter's CE Primary School on Eaves Lane.
68. PROW-FP21 provides external connectivity of the site to the existing built environment of Great Knowley, north of the site; however, it is unpaved and passes through third party boundaries. Nonetheless, it is considered that its section within the proposed site (from Heapey Road to the north boundary of the site) should be improved to a width of 3.0m including surfacing for use as pedestrian/cyclist access. If improved, it is considered that the route would facilitate access for cyclists from the site to Healey Nab, which is a popular bike trail across Heapey Road to the south of the proposed site.

#### *Cycling*

69. The acceptable maximum cycling distance is 5km and not 5 miles (8km) as stated in section 4.3 of the TA. I can however confirm local services and amenities are within cycling distance of the site including Chorley Town Centre and the railway station. As stated above, there is a cycle route along the Leeds and Liverpool Canal towpath that can be used to connect other routes in the west to Chorley Town Centre and beyond, but as explained above improving the section of PROW-FP21 within the site will assist cyclists to travel to the bike trail south of the proposed site.

#### *Public Transport*

##### *Bus*

70. Heapey Road is a bus route, but only school services are currently provided at the stop to the west of Heapey Road/Kittiwake Road. The nearest bus stops to the site where public services are provided are on the B6228 outside 11 Botany Bay (for eastbound) and the M61 Motorway overbridge (for southbound). The walking distance to these bus stops are over 800m and 900m respectively, which are far in excess of the preferred maximum walking distance of 400m from the centre of the development. The services provided at these bus stops are limited and the existing bus stop facilities are not of high-quality disability compliant standards. There is no facility to assist pedestrians to safely cross the B6228 in the vicinity of the bus stop outside 11 Botany Bay and as highlighted above, there are safety issues on the section of the B6228 from 10 Blackburn Brow to the foot of the Leeds and Liverpool Canal bridge, including its junction with Knowley Brow.

71. When considering development proposals, the NPPF requires priority to first be given to pedestrian/cycle movements and so far as possible to facilitate access to 'high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use' The site location is not well served by public transport and given the potential public transport demand of the proposed development it is not considered the applicant has demonstrated that the proposed development would be accessible by public transport and the TA contains no proposed measures towards improving the scope for access by public transport.
72. It is therefore considered that improvements to the existing public transport provision would be required to support the development, enhancing the link to Chorley Town Centre and the wider area. It would not be practical for a bus service to directly serve the development. While Knowley Brow and Heapey Road are suitable to accommodate a bus service, there is no suitable turning facility available for such a diversion and would not be a sustainable option for the key bus service route between Chorley and Blackburn. As a sustainable provision, it is considered that the applicant provides funding to enhance the existing service provision as follows:
- Monday to Saturday daytime – improve the current hourly Service 2 (or alternative) frequency to operate every half hour.
  - Monday to Saturday evening – improve the current 90-minute Service 2A (or alternative) frequency to operate every hour.
  - Sunday daytime – maintain the current hourly Service 2A (or alternative).
73. A s106 contribution of £120,000 per annum for a period of 5 years would be required to fund these enhancements with any revenue received from additional patronage being utilised to sustainably maintain the service levels beyond the contribution period.
74. The existing north-bound bus stop on the B6228 outside 11 Botany Bay will be required to be improved to quality disability compliant standard to include raised kerbs and boarding area, shelter, bus stop bay and worded markings, clearway etc., while the south-bound bus stop on the M61 Motorway overbridge is to be relocated to a suitable location north of Knowley Brow and provided to quality disability compliant standard to include the same facilities. As relocation of this bus stop will result in increased walking distance for those living south of the M61 Motorway overbridge to access bus services, it is considered that two new bus stops are provided on the B6228 Botany Brow at a suitable location south of the Motorway bridge to include shelters and all necessary facilities as described above to ensure they are of high quality and disability compliant standards.

*Train:*

75. The Chorley Train Station, which is the nearest is within recommended commuting distance of the site with frequent services to various destinations and has facilities, such as bike storage.

**TRAFFIC FLOW ANALYSIS**

76. The applicant's methodology used to provide an indication of the likely levels of traffic to be generated by the proposed development has been analysed by LCC Highway Services.

*Traffic Survey*

77. The applicant undertook no surveys of traffic flows due to Covid-19 but to assess the impact of the proposed development on the local highway network, traffic flows were extracted from TAs submitted in relation to the existing Great Knowley residential development and that of the feasibility study conducted in relation to proposed development of land at Cowling Farm. Traffic Flows associated with the committed developments listed in Table 5.1, paragraph 5.3.3 of the TA were also considered. From the survey data, the weekday AM and PM peak hour flows were established, but the peak hours have not been stated in the TA.

*Traffic Growth*

78. The development impact was assessed for a future year of 2025 i.e. five years after 2020, the date of registration of the planning application. The 2025 future year flows were forecast by applying growth factors derived from TEMPRO to the 2020 baseline flows. The TEMPRO



growth factors are shown on Table 5.2, paragraph 5.4.2, and the 2025 baseline flows are shown in Traffic Figures 3 and 4 of the TA. Having checked, the figures are considered accurate.

#### *Trip Generation*

79. The trip demand of the proposed development was assessed based on LCC trip rates. When applied to the proposed 130 dwellings, it results in the proposed development generating 76 and 86 two-way trips respectively during the AM and PM peaks. These figures have however been incorrectly represented in the TA as 82 and 93 two-way trips. Notwithstanding the error, the use of the higher trip generation figures provides a degree of robustness to the assessment.

#### *Trip distribution / assignment*

80. The routes traffic associated with the development might take are predicted based on Journey to work 2011 census data to allow the impact on key junctions to be assessed. The prediction during traffic peak hours are shown in Traffic Figure 5 of the TA and are accurate.
81. The result of the combined development trip generation values and the distribution turning proportions based on the growth factors in Table 5.2, paragraph 5.4.2 is shown in Traffic Figures 6 and 7 of the TA.
82. It is estimated that trips to be generated by the proposed development will result in the two-way vehicle movements at the junctions shown in Table 5.4, paragraph 5.6.6 of the TA. The result means that the four junctions listed in paragraph 5.6.7 of the TA will require a more detailed impact assessment. In addition to the four junctions, there were no existing traffic surveys for A674/B6229 and as no new surveys could be carried out due to Covid-19, the applicant made assumptions based on the Journey to work Census data.

#### *With development flows*

83. To derive the 2020 with-development assessment flows, the proposed development flows were added to the 2020 factored flows, resulting in the assessment flows shown in Traffic Figures 8-9. Also, to derive the 2025 with development assessment flows, the proposed development flows were added to the 2025 future year flows, the results of which are shown in Traffic Figures 10-11 and are considered acceptable.

#### TRAFFIC IMPACT ASSESSMENT

84. The potential impacts of the proposed development and future performance of the four key junctions listed in paragraph 5.6.7 of the TA and the A674/B6229 have been assessed. Junction Capacity Assessment The four junctions listed in paragraph 5.6.7 of the TA and the A674/B6229 were noted in the impact assessment to have exceeded the 30 two-way trip threshold and will require capacity assessment. The capacity assessment exercise was undertaken using PICADY (Junction 9) for the priority junctions, Arcady for the roundabout and Linsig for the signalised junction.
85. The result of the assessment of the priority junctions show Ratio of Flow to Capacities (RFCs) well below 0.85 with minimal vehicle queues, indicating that the priority junctions of Heapey Road/Site access, B6228/Knowley Brow and A674 Millennium Way/B6229 Moss Lane will operate within capacity following development.
86. The Arcady assessment of the roundabout of Botany Brow/Eaves Lane/Harpers Lane also shows traffic operating well within capacity in all arms with RFC's below 0.85 with minimal queues except on the north approach of Botany Brow where capacity is exceeded with high level of queue lengths in the PM peak.
87. The Linsig assessment of the A674 Blackburn Road/B6228 Blackburn Road shows the junction currently operates well within capacity. With development, the signalised junction will still operate within capacity with Degree of Saturation (DOS) below 85% and acceptable mean maximum queues (MMQs). However, in the future year of 2025, with development, the degree of saturation of the B6228 (Right) approach and the A674 (S) Right Ahead approach will exceed 90% DOS with corresponding queue lengths. As this would be

approaching the maximum DOS of 100%, it is considered that the applicant implements a Microprocessor Optimised Vehicle Actuation (MOVA) strategy at the signalised junction for improved control of the traffic signals.

88. In addition, mitigation measures are required at the Botany Brow/Eaves Lane/Harpers Lane roundabout to improve flows on the Botany Brow (N) approach.

#### INTERIM TRAVEL PLAN

89. The application submission includes an Interim Travel Plan (ITP) seeking to promote use of sustainable transport modes such as walking, cycling and public transport; and manage the impact of the proposed development on the highway network. However, the ITP submitted does not meet LCC's submission criteria as it does not contain the following basic commitments and requirements.

- Commitment and timescale for the appointment of a Travel Plan Coordinator by the developer – one month prior to first occupation and maintain the position for 5 years.
- A commitment and timescale to undertake travel surveys - within 3 months of attaining 75% occupation.
- A commitment and timescale for the development of a Full Travel Plan - within 3 months of 1st travel survey.
- Details of cycling, pedestrian and public transport links to and within the site – information provided.
- Details of the provision of secure and covered cycle storage and motorcycle parking – information not provided.
- List of any proposed measures to be introduced particularly any to be implemented prior to the development of the Full Travel Plan – information provided.
- Details of arrangements for monitoring and review of the Travel Plan for a period of at least 5 years.

90. The ITP should therefore be updated to include the above information.

- For a development of the scale proposed a contribution of £18,000 will be required to enable LCC to provide the following range of services.
- Appraise the Full Travel Plan submitted to the Council pursuant to the planning permission and provide constructive feedback.
- Oversee the progression from Interim to Full Travel Plan in line with agreed timescales.
- Monitor the development, implementation and review of the Full Travel Plan for a period of up to 5 years.

91. The Travel Plan contribution would be secured through the s106 agreement of the Town and Country Planning Act 1980 and the trigger point would be prior to commencement of development to enable suitable support to be provided early in the process.

#### MITIGATION

92. The applicant currently proposes no measures towards mitigating the adverse effects of the proposed development, contrary to the NPPF which requires significant impacts of proposed developments on the highway network in terms of capacity and congestion, or on highway safety to be cost effectively mitigated. The County Council's view is that further information relating to the following is required to enable support for this development.

- Scheme proposal for widening the footway frontage the proposed site to incorporate dropped kerbs and tactile pavings to facilitate crossing of Heapey Road at a suitable location within the proximity of the proposed site access.
- Scheme of improvement of the section of PROW-FP21 within the proposed site.
- Gateway treatment incorporating signage, speed roundels on coloured surfacing etc., at a suitable location on entry to Heapey Road from Tithe Barn Lane in the east.
- Scheme of improvements to ensure safe pedestrian crossing of Heapey Road to and from the Knowley Brow Play Area and the adjacent Sea Cadet Hall. As traffic from west

emerges round a bend from below a brow of a hill, it is considered that a zebra crossing is required at this location with illuminated beacons to make the crossing conspicuous and emphatic.

- Scheme of improvements of B6228/Knowley Brow to address capacity, safety and pedestrian access concerns. Given the complexity of the junction and the spate of traffic accidents, the safety scheme should involve a comprehensive look at the junction and all of its three approaches (the approaches from north and south of the B6228 and from Knowley Brow) particularly the section of the B6228 from 10 Blackburn Brow to the foot of the Leeds and Liverpool Canal bridge. As stated above, there are existing features within this section, which may need to be improved as part of any safety improvements, including review and where necessary updating existing TROs and renewal of existing road markings. The scheme should ensure safe egress of Knowley Brow and provide a facility to assist pedestrians to safely cross the B6228 in the vicinity of the bus stop.
  - Scheme of improvement of the bus stop outside 11 Botany Bay and provision of 3no new bus stops, including that to be relocated from the M61 Motorway overbridge. The bus stops are to be provided to quality disability compliant standards to include raised kerbs and boarding areas, shelters, bus stop bay and worded markings, clearways etc.
  - Confirmation of s106 contribution of £120,000 per annum for a period of 5 years to fund enhancement of existing bus service provision in the area.
  - Confirmation of measures to improve traffic flows from Botany Brow (N) approach at the Botany Brow/Eaves Lane/Harpers Lane roundabout.
  - Confirmation of implementation of Microprocessor Optimised Vehicle Actuation (MOVA) strategy at the signalised junction of A674 Blackburn Road/B6228 Blackburn Road to improve control of the traffic signals.
  - Confirmation of s106 contribution of £18,000 for LCC services relating to Travel Plan.
93. The above schemes will be implemented through the s278 agreement of the Highways Act 1980 with the exception of contributions for bus service enhancements and LCC services in respect of Travel Plan, which would be through the s106 agreement of the Town and Country Planning Act 1980. The trigger points for both the s278 agreement and the s106 contributions are prior to commencement of development unless otherwise agreed with the LPA and LCC Highways.

#### HIGHWAYS CONCLUSION

94. The NPPF states that significant developments should be in locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes such as walking, cycling and use of public transport to help reduce congestion and emissions. The proposed site is not in a location that could be considered sustainable in transport terms. The site is not allocated for residential development in the current Chorley Local Plan.
95. LCC Highways considers implementation of these measures to address the issues identified above as essential for the development and would recommend that the application is not approved until the details of these are confirmed to the Local Planning Authority in conjunction with the County Council. The County Council will of course be happy to liaise with the developer on the identified issues.

#### Ecology

96. Core Strategy Policy 22 covers biodiversity and geodiversity and reflects the Framework in seeking to conserve, protect and seek opportunities to enhance and manage the biological and geological assets of the area, through the following measures:
- (a) Promoting the conservation and enhancement of biological diversity, having particular regard to the favourable condition, restoration and re-establishment of priority habitats and species populations;
  - (b) Seeking opportunities to conserve, enhance and expand ecological networks;
  - (c) Safeguarding geological assets that are of strategic and local importance.
97. Policy BNE9 of the Local Plan covers Biodiversity and Nature Conservation and states:

*In Chorley, Biodiversity and Ecological Network resources will be protected, conserved, restored and enhanced:*

*Priority will be given to:*

- i. Protecting and safeguarding all designated sites of international, national, regional, county and local level importance including all Ramsar sites, Special Protection Areas, Special Areas of Conservation, national nature reserves, sites of special scientific interest and biological heritage sites, geological heritage sites, local nature reserves and wildlife corridors together with any ecological network approved by the Council;*
- ii. Protecting, safeguarding and enhancing habitats for European, nationally and locally important species;*
- iii. The ecology of the site and the surrounding area (safeguarding existing habitats/features such as but not exclusive to trees, hedgerows, ponds and streams), unless justified otherwise;*
- iv. When considering applications for planning permission, protecting, conserving, restoring and enhancing Chorley's ecological network and providing links to the network from and/or through the proposed development site.*

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

- a) The production of a net gain in biodiversity where possible by designing in wildlife and by ensuring that any adverse impacts are avoided or if unavoidable are reduced or appropriately mitigated and/or compensated;*
- b) The provision of opportunities for habitats and species to adapt to climate change;*
- c) The support and encouragement of enhancements which contribute to habitat restoration;*
- d) 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;*
- e) In exceptional cases where the need for development in that location is considered to significantly outweigh the impact on the natural environment, appropriate and proportionate mitigation measures or as a last resort compensatory habitat creation and/or restoration will be required through planning conditions and/or planning obligations.*

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

- 1. Loss of the undeveloped open character of a part, parts or all of the ecological network;*
- 2. Reducing the width or causing direct or indirect severance of the ecological network or any part of it;*
- 3. Restricting the potential for lateral movement of wildlife;*
- 4. Causing the degradation of the ecological functions of the ecological network or any part of it;*
- 5. Directly or indirectly damaging or severing links between green spaces, wildlife corridors and the open countryside; and*
- 6. Impeding links to ecological networks recognised by neighbouring planning authorities.*
- 7. Significant adverse effect on the interest features of a designated nature conservation site.*

98. The application is supported by two ecology reports (Extended Phase 1 Habitat Survey, Rachel Hacking Ecology, 2022 and Ecological Addendum, Rachel Hacking Ecology, 2021), along with a DEFRA Metric and Biodiversity Impact Assessment (Rachel Hacking Ecology, Rev C). These have been reviewed by the Council's ecology advisor (GMEU) who considers that this satisfies the requirements for information and analysis to be provided prior to determination of the application.

#### *Great crested newts*

99. Great crested newts and their habitats (which includes terrestrial habitats as well as ponds) are legally protected, and as such are a material consideration when determining a planning application.
100. A pond is present approximately 145m from the development site. This pond scored as 'average' on the Habitat Sustainability Index (HSI) score in the ecology report, which has concluded that great crested newts are unlikely to be present (para 3.18). However, GMEU advise that this is not the correct interpretation of the HSI criteria, and the results of a HSI should not be used in place of survey work for great crested newts, as per best practice guidelines. The ecology report also suggests that the hedgerows that provide suitable habitats for great crested newts are being retained, however this is not the case as the hedgerow which runs through the site would be lost as a result of the proposal. In addition to this there are also historic records of great crested newt being present within Tan House Valley, which is not referenced within the report. The closest record is within 250m of the pond nearest to the development site, and within 500m of the development site.
101. Further ecological data submitted by the applicant has satisfied the Council's ecology advisors that the site can be development without causing adverse harm to great crested newts subject to the provision of adequate mitigation, provision and implementation of a construction environmental management plan and further survey work if development does not progress within a specified time limit.

#### *Bats*

102. The ecology report found several of the mature trees on the site supported potential roost features for bats. These however were not mapped in the target notes, and no further survey work was undertaken in relation to bats in trees, which is recommended in the ecology report. GMEU noted at their site visit that a mature ash tree in the northern edge of the hedgerow that cuts across the site contained potential roost features, and would be lost as a result of the proposals.
103. Further ecological data submitted by the applicant has satisfied the Council's ecology advisors that the site can be development without causing adverse harm to bats subject to the provision of adequate mitigation, provision and implementation of a construction environmental management plan and further survey work if development does not progress within a specified time limit.

#### *Birds*

104. The ecology report states that the area habitat is sub-optimal for ground nesting birds and no evidence was found. However, this survey work was undertaken in November so GMEU state it is not surprising that no evidence of ground nesting birds was found. On their site visit the sward was not as closely cropped as suggested within the report and they noted a lapwing displaying in the field to the south of the site, suggesting that this area does have the potential to support ground nesting birds. While the sward is probably too long for lapwing to breed currently, there is potential for other ground nesting birds such as skylark to be present, and the fields appear suitable for feeding habitat for species such as lapwing and curlew, and potentially suitable for species such as snipe in the wetter areas or in the winter if the fields get boggy. Similarly the hedgerows on the site, including the hedgerow proposed for removal are likely to support nesting birds, including priority species. Having consulted with GMEU's ornithologist, they would recommend that further consideration of the potential of the site to support birds is given.
105. It is recommended that a condition would be required to protect nest birds during the nesting season, and that the lost of nesting habitat should be offset and accounted for in any proposals for biodiversity net gain and enhancement.

#### *Biological Heritage Site/Priority Habitat*

106. Tan House Valley Biological Heritage Site (BHS) lies approximately 230m to the north of the proposed development site. GMEU agree with the conclusions of the ecology report that the risk of direct impact to the BHS is minimal and can be mitigated via a Construction

Environment Management Plan (which would be required anyway). However, there is potential for indirect impacts on the site through an increase in disturbance and visitors to the woodland. The public footpath through the development site links directly into the woodland, and an increase of 130 homes (which would equate to hundreds of additional residents, plus pets such as cats and dogs which can cause disturbance/predation of woodland birds) would result in increase pressure on this habitat. They therefore recommend that an assessment of these impacts on the BHS are evaluated and adequate mitigation measures provided including the provision of a Homeowners Pack prior to occupation detailing guidance produced for local residents on the protected site within the locality and the requirement to keep dogs on leads in specific areas, provision of a 'responsible user code', and details of Habitat Management days on the protected site to be advertised to the local residents.

#### *Hedgerows*

107. The hedgerow crossing the site is mapped as defunct on the phase 1 habitat map. This may be an adequate description from a phase 1 perspective as there are gaps present in the hedgerow, but as the gaps are less than 20m and the hedge is comprised of at least 80% native woody species it meets the criteria of a Priority habitat. Adequate value should therefore be given to its conservation status when designing suitable mitigation (including in the biodiversity metric, see below net gain comments).

#### *Biodiversity Net Gain*

108. In addition to the above GMEU also recommend further information in relation to the impact of the scheme on the overall biodiversity value of the site. Currently there is some provision of open space/SUDS scheme within the indicative layout, however, this is unlikely to demonstrate no net loss within the proposed layout. Under the Framework (section 170d and 175d) development should be aiming to deliver net gain for biodiversity, which is also supported by policy BNE9 of the Chorley Council Local Plan. Given the scale of the proposals, it would be expected a development such as this would demonstrate it is achieving this objective, and in line with the upcoming Environment Bill (which is due to come into force later in the year), this should provide a 10% net gain for biodiversity delivered through the scheme. It would be appropriate for the DEFRA Biodiversity Metric 3.0 (which has recently superseded the 2.0 model) to be used to evaluate the biodiversity value of the site and to demonstrate if this goal has been achieved. It may be necessary to secure off site provision if this cannot be achieved on site. It is therefore recommended that a condition be attached to any grant of planning permission requiring a scheme for offsetting biodiversity impacts to achieve a 10% net gain as a result of the development. A landscape and ecological management plan (LEMP) should also be provided to support the ongoing management of this scheme.
109. Aside from this a scheme demonstrating ecological enchantments for species should be submitted to the LPA prior to commencement of the proposed development. This should include measures such as provision of bat and bird boxes integrated into the new buildings on the site, use of pollinator species within the landscape scheme and provision for species movement through the site (e.g. hedgerow highways between properties and allowing access into the wider landscape).

#### *Ecology Conclusion*

110. Considering the advice of GMEU it is considered that the application demonstrates that the development would protect, safeguard and enhance habitats for protected species or retain features such as hedgerows and trees that enhance the ecology of the site subject to conditions. It is also considered that it has been demonstrated that the proposal could result in biodiversity net gain or protect and safeguard the Tan House Valley BHS subject to conditions requiring specific schemes. The application is therefore considered to comply with policy BNE9 of the Local Plan, policy 22 of the Core Strategy and paragraph 175 of the NPPF.

## Trees

111. Policy BNE10 of the Local Plan relates to trees and states:
- i. Development proposals which would result in the loss of trees and/or involve inappropriate works to trees which contribute positively to the character and appearance of a Conservation Area will not be permitted. The removal of such trees will only be permitted in exceptional circumstances and where consent is granted, replacement trees will be required to be planted.*
  - ii. 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.*
  - iii. Replacement planting will be required where it is considered that the benefit of the development outweighs the loss of some trees or hedgerows. Tree planting will be required as part of new development proposals and an associated maintenance scheme. Tree Preservation Orders will be used to protect trees of landscape or townscape significance.*
112. The Council's Tree Officer has visited the site and reviewed the submitted tree survey.
113. They state that the tree survey details five Ash trees (T1, T5, T9, T10, and T13) proposed to be removed in addition to one linear group of Elder and Hawthorn (G5). All of the Ash trees have features that indicate they are in decline and they confirm it is hard to disagree with the category U status (trees in such a condition that any existing value would be lost within 10 years and which should, in the current context, be removed for reasons of sound arboricultural management). However, the tree officer states that despite this, they do have value as landscape features and for ecological reasons [as confirmed by the Council's ecology advisor]. T5 in particular is an interesting tree, it has an unusual buttress flare and other features and is potentially a veteran tree. The crown does not appear to show signs of Ash dieback disease and the possibility of retention should be explored if development proceeds.
114. The group of Elder and Hawthorn (G5 in the report) are fairly typical for the species, however, the Tree Officer does not agree with their description as 'misshapen' and 'of no merit' as set out in the report.
115. They also note that there are hedgerows, lapsed hedgerows and trees within hedgerows that have not been included on the tree survey. It appears some of these would need to be removed to implement the development as suggested on proposed site masterplan.
116. In relation to trees it is considered that despite their condition the five Ash trees marked T1, T5, T9, T10 and T13 in the tree survey do make a valuable contribution to the character of the landscape and should be retained as part of any scheme. They also have ecological value in relation to bats as noted by the Council's ecology advisor. In addition, the application has failed to properly consider some hedgerows, lapsed hedgerows and trees within hedgerows. The impact upon these features would need to be carefully considered through any detailed design submitted as part of a reserved matters application and accounted for within a scheme for offsetting biodiversity impacts. Given that the application is on outline only the proposal is not considered contrary to Local Plan policy BNE10, Core Strategy policy 22 and paragraph 170 of the Framework at this stage, albeit there is potential for harm to trees and hedgerows, which contributes to the overall landscape harm.

## Amenity

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

118. The application proposes up to 130 dwellings on land adjacent to existing residential properties to the south west on Paradise Street and Heapey Road. The properties on Paradise Street would face towards the development, separated by Paradise Street itself with gardens to the front, while those on Heapey Road would back on to it. The terraced properties on Heapey Road have rear garden separated by a rear alleyway.
119. As the application is made in outline, an indicative layout plan has been provided. Any reserved matters application would need to ensure that the amenity afforded to all neighbouring residential properties is safeguarded from any adverse impacts such as overlooking, overbearing impacts and loss of light by complying with the Council's interface distances and other design criteria. In addition, any proposal would need to ensure acceptable living conditions for future occupiers of the development. It is considered that the indicative layout plan provided demonstrates that an acceptable scheme can be achieved on the site.
120. Any impacts during the construction phase would be temporary and suitable mitigation measures could be imposed by a planning condition, through a Construction Environmental Management Plan.

#### Drainage and flood risk

121. A Flood Risk Assessment and Drainage Management Strategy has been submitted with the application and reviewed by United Utilities and Lancashire County Council as Lead Local Flood Authority (LLFA). The LLFA are responsible for managing flood risk from surface water, groundwater or from ordinary watercourses.
122. The Planning Practice Guidance establishes a hierarchy for surface water disposal, which encourages a Sustainable Urban Drainage System (SuDS) approach. The aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:
1. into the ground (infiltration);
  2. to a surface water body;
  3. to a surface water sewer, highway drain, or another drainage system;
  4. to a combined sewer.
123. The LLFA have no objection to the application subject to conditions.
124. The Flood Risk Assessment accompanying the application states there has been no site investigation undertaken on the site so the suitability for infiltration techniques is not known, although a Phase 1 Desk Study has been undertaken of the geology which indicates the most likely outcome for drainage is to the existing watercourse on the eastern boundary (the second option in the drainage hierarchy above). It does however state that infiltration techniques cannot be fully discounted until a full site investigation has been undertaken. The LLFA therefore request a condition be imposed on any permission requiring submission of a detailed surface water sustainable drainage strategy before development commences including evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltration rates and groundwater levels. This will ensure the surface water is drained as high up the drainage hierarchy as possible.
125. The Flood Risk Assessment states that attenuation has been included in the proposed drainage system in the form of an on-line SuDS basin with flow controls introduced to limit the flows in all events up to and including the 100 year + 40% climate change allowance. The LLFA as part of the drainage strategy condition require submission of sustainable drainage calculations for peak flow control or water and volume control (1 in 1, 1 in 30 and 1 in 100 + 40% allowance for climate change). A condition is also requested requiring a Verification Report that must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme. Subject to these conditions the proposal is considered to comply with the NPPG in relation to surface water.



126. In accordance with the Framework and the National Planning Practice Guidance (NPPG), United Utilities state the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. Following a review of the submitted Drainage Strategy, they confirm the proposals are acceptable in principle to United Utilities and therefore should planning permission be granted they request a condition is attached to any subsequent decision notice to ensure further details of a sustainable surface water drainage scheme and a foul water drainage scheme are submitted in any future submission, including an investigation of the hierarchy of drainage option in the National Planning Practice Guidance including an investigation of ground conditions and the potential for infiltration of surface water and of the investigation discount infiltration, details of a restricted rate of discharge of surface water to be agreed (as per the conditions requested by the LLFA).
127. The Environment Agency are responsible for managing flood risk from (in the circumstances of this site) main rivers and reservoirs. The nature of the site and the proposed development requires the Council to use the Environment Agency's Standing Advice. Most of the site is within Flood Zone 1, although a small part of the site adjacent to Black Brook, which runs along the east boundary of the application site (a main river), is within Flood Zone 2 (the indicative plans show no dwellings will be built in this area) and the proposed dwellings fall within the 'more vulnerable' vulnerability classification.
128. The Thirlmere Aqueduct crosses the site. Although United Utilities do not object to the application in relation to it, they state that they will not permit building over it or within its easement, this includes any road crossings and proposed landscaping and they would need to be afforded suitable access for maintenance and repair. The indicative layout plan shows the approximate location of the Thirlmere Aqueduct crossing the site and if the application were permitted then this would need to be taken into account at any reserved matters stage and may influence the layout of the development. If the application is approved the applicant is requested by United Utilities to submit full evidence of tracing the water main identified before any reserved matters submission and they request a condition to secure this.

#### Heritage assets

129. The Framework states in determining planning applications local planning authorities should take account of;
- a. The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b. The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c. The desirability of new development making a positive contribution to local character and distinctiveness.
130. The issue from a heritage viewpoint is whether the proposal would harm the setting of the grade II listed 'The Rough' (now The Hollies Nursery). The properties significance is in its aesthetic and historic context, primarily evidenced in the fabric and architectural form/appearance of the building.
131. The Council's Conservation advisor states that the property was constructed in the early 19th century of rendered stone, with decorative stone dressings, and designed in a late Georgian style. It is currently used as a children's nursery. Originally, the building was a dwelling known as 'The Rough' set in fairly extensive grounds. Over time, these grounds have been sold off and have had other dwellings erected upon them, including the two modern dwelling houses at 115 and 117 Heapey Road. The application site lies directly to the rear of the listed building, spreading out to the north, east and west. The site is set back from Heapey Road and is largely screened by a combination of hedgerows and trees, which is likely to restrict the view to any development. However, the development will be glimpsed directly through the existing gap between 'The Hollies' and the neighbouring property 117 Heapey Road.
132. According to historic mapping, when 'The Rough' was first built, the site was a relatively isolated setting, this gradually changed through the 19th and 20th century, with the arrival of

new housing within close proximity (adjacent on Heapey Road and Paradise Street). The neighbouring modern developments likely to have been erected during the 1990s in the former gardens/land resulted in further physical changes to the immediate setting of the listed building. These cumulative changes have overtime contributed to the gradual erosion of the historic setting and has impacted on how the listed building is experienced. Therefore, reducing the contribution made by the setting to the significance of the listed building. In the above regard they do not regard the application site contributes any significant level of significance to the listed building and can be considered, for the basis of this assessment, to be of a neutral value. They consider that the significance of the building is confined to the fabric of the building itself, in terms of its period features, primarily in the building façade and its immediate enclosed garden curtilage. Wider views are more limited and the building can only really be fully experienced at close quarter. The views along Heapey Road are fettered by the more modern housing on the approach from the west and from the east by existing frontage hedges which largely screen the property. Whilst they have no doubt that the new residential development will be noticeable in the same context as the listed building this in itself does not necessarily translate to a loss of significance. Given the already eroded nature of the setting to the listed building and its neutral importance, in their view, the impact of the new development on the value of the setting will be limited. Largely this will be confined to visual changes to the wider landscape setting which is different to loss of significance. Subsequently, they feel the proposal will have no impact on the contribution made by the setting on the significance of the heritage asset.

133. In light of this it is considered the proposal would meet the statutory test 'to preserve' and would cause no discernible harm to the setting and significance of the grade II listed building. As such, the proposal meets the objectives of Chapter 16 of the Framework and accords with Policy 16 of the Core Strategy and Policy BNE 8 of the Local Plan.

#### Public open space

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

##### *Amenity Greenspace*

135. Local Plan Policy HS4A sets a standard of 0.73 hectares per 1,000 population.
136. There is currently a deficit of provision in Chorley North East in relation to this standard, a contribution towards new provision in the ward is therefore required from this development. As the development is 10 or more dwellings the required amenity greenspace should be provided on-site. The amount required is 0.22776 hectares. A maintenance cost of £91,000 is also required for a 10 year period if private maintenance is not proposed.

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

137. Local Plan Policy HS4A sets a standard of 0.08 hectares per 1,000 population.
138. There is currently a deficit of provision in Chorley North East in relation to this standard, a contribution towards new provision in the ward is therefore required from this development. As the development is 100 or more dwellings the required provision for children/young people should be provided on-site. The amount required is 0.02496 hectares. A maintenance cost of £16,900 is also required for a 10 year period if private maintenance is not proposed.

##### *Parks and Gardens*

139. There is no requirement to provide a new park or garden on-site within this development.
140. 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*

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

142. 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*

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

144. 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*

145. 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.

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

Amenity greenspace	= £91,000 (if private maintenance not proposed)
Equipped play area	= £16,900 (if private maintenance not proposed)
Parks/Gardens	= £0
Natural/semi-natural	= £0
Allotments	= £0
Playing Pitches	= £207,870
<b>Total</b>	<b>= £315,770</b>

147. This could be secured through a Section 106 legal agreement.

#### Education

148. Policy 14 of the Core Strategy states that educational requirements will be provided for by seeking contributions towards the provision of school places where a development would result in or worsen a lack of capacity at existing schools. Lancashire County Council School Planning Team advise that based on current approvals a primary education contribution is not required. However, if other pending planning applications above are approved prior to a decision being made on this development the claim for primary school provision could increase up to maximum of 49 places.

149. Latest projections for the local secondary schools show there to be a shortfall of 277 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 20 places from this development the shortfall would increase to 297. Therefore, they are seeking a contribution from the developer in respect of the full pupil yield of this development, i.e. 20 places.

150. A financial contribution from the developer to secure these places could be acquired through a Section 106 legal agreement if the application is approved. Subject to this, the application is considered acceptable in relation to education provision.

#### Employment skills provision

151. 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;

152. 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.
153. The SPD requires development over certain thresholds to be accompanied by an Employment and Skills Statement to ensure the right skills and employment opportunities are provided at the right time. This is to the benefit of both the developer and local population and covers the following areas:
- Creation of apprenticeships/new entrants/graduates/traineeships
  - Recruitment through Job Hub and Jobcentre plus and other local employment vehicles.
  - Work trials and interview guarantees
  - Vocational training (NVQ)
  - Work experience (14-16 years, 16-19 years and 19+ years) (5 working days minimum)
  - Links with schools, colleges and university
  - Use of local suppliers
  - Supervisor Training
  - Management and Leadership Training
  - In house training schemes
  - Construction Skills Certification Scheme (CSCS) Cards
  - Support with transport, childcare and work equipment
  - Community based projects
154. A condition is recommended requiring an employment and skills plan.

#### Public right of way (PROW)/ Cycling

155. Lancashire County Council have confirmed that Public Right of Way 9-2-FP21 has been identified as extending from north to south, through the eastern area of the site. They state if the proposed development has any intention of building/moving or permanently obstructing it a diversion will need to be in place and certified prior to commencement of works. The application submission states that the PROW is to be retained. If the application is approved and works relating to the development are likely to cause a health and safety risk to Public Rights of way users a temporary closure will need to be in place prior to commencement of the works. If a temporary closure is requested the applicant will need to provide a suitable alternative route for the public to use during construction. An informative note could be attached to any permission informing the developer of the requirements in relation to the PROW.

#### Sites of Special Scientific Interest Impact Risk Zones

156. A number of representations have referred to the site being in a SSSI Impact Risk Zone (IRZ), which it is.
157. The Impact Risk Zones (IRZs) are a mapping tool developed by Natural England to make an initial assessment of the potential risks to SSSIs posed by development proposals. They define zones around each SSSI which reflect the particular sensitivities of the features for which it is notified and indicate the types of development proposal which could potentially have adverse impacts. The IRZ for the application site has been checked and the type of development proposed is unlikely to pose a risk to SSSIs. Therefore, the Council is not required to consult Natural England on the application.

#### Coal mining

158. The application site is within a Low Risk Coal Mining Area as defined by The Coal Authority. This requires an informative note to be imposed on any planning permission.

### Community Infrastructure Levy (CIL)

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

### Planning balance

160. 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.

161. The adverse impacts of the development relate primarily to the landscape and visual impacts of the development leading to an unacceptable adverse effect on the visual amenity and appearance of the countryside. Harm would be caused to the visual amenities of residents and users of public rights of way, which cannot be clearly mitigated by a landscape scheme and the proposed development would therefore have an unacceptable impact on the visual appearance of the local area that would inevitably diminish the open and rural character of the area contrary to paragraph 174 of the Framework and the rationale that underpins policy BNE2 of the Chorley Local Plan 2012 – 2026. The harm that this would cause to the character and appearance of the area would be significant and irreversible. This harm weighs very significantly against the proposal.

162. In relation to the benefits of the proposed development the provision of 130 dwellings in the context of an under supply of housing this is a clear benefit to which significant weight must be attached.

163. The provision of affordable housing on the site would help towards meeting a significant shortfall in the supply of such homes across the Borough and represents a clear benefit to which significant weight must also be attached.

164. The provision of new housing would support construction and supply chain jobs, places for the economically active to live, and increased local spend. These benefits have not been quantified and would apply to any housing development of this scale but are still considerable and should be afforded moderate weight. Some limited weight can be attached to the potential benefits from biodiversity net gain, and very limited weight to potential benefits of open space provision and public footpath improvements within the site.

165. The proposal is considered to be finely balanced in light of the weight afforded to the competing benefits and harms. In this instance it is considered that the disbenefits are of greater weight, even allowing for the tilted balance

166. The adverse impacts of the proposed development upon the landscape would in this case significantly and demonstrably outweigh the considerable economic and significant social benefits associated with the proposed development when assessed against the Framework taken as a whole. The scheme therefore does not benefit from the presumption in favour of sustainable development, and as such it is recommended that member be minded to refuse the application.

### **CONCLUSION**

167. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise.

168. In this instance it is considered the proposal will have an unacceptable adverse effect on the visual amenity and appearance of the countryside, particularly for people using the footpath through the site and residential receptors overlooking the site that cannot be overcome through planning conditions. This impact is considered severe to the effect that even when applying the tilted balance, it is considered that the harm of the proposed

development would significantly and demonstrably outweigh the benefits that have been considered in this report and given significant weight, even when these benefits are considered collectively. Given such circumstances and in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the Framework, it is recommended that members be minded to refuse planning outline permission.

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

There is no planning history at the site.

**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.