

APPLICATION REPORT – 20/01378/FULMAJ

Validation Date: 22 December 2020

Ward: Chorley North West

Type of Application: Major Full Planning

Proposal: Erection of three storey apartment block comprising of 20 no. apartments, including vehicular access to Water Street and associated parking

Location: Formerly Mormon Church Water Street Chorley

Case Officer: Mike Halsall

Applicant: Gradus Homes Ltd.

Agent: LMP Ltd.

Consultation expiry: 13 April 2023

Decision due by: 31 October 2023 (Extension of time agreed)

UPDATE

1. Members will recall that consideration of the application was deferred at Planning Committee on 12 September 2023 to give members the opportunity to visit the site. The original committee report follows on below.
 2. The recommendation remains as per the original report and addendum.
 3. Further representations have been received in objection to the proposal, many from the same addresses and raising the same issues as already summarised in the original report. Six objections have been received from additional addresses to those of the main report, the only new issues raised relate to the energy sustainability credentials of the proposal. These are however covered under Building Control / Regulations, rather than Planning.
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ORIGINAL REPORT

RECOMMENDATION

1. It is recommended that planning permission is granted subject to conditions and a Section 106 legal agreement to secure financial contributions for:
 - Public Open Space - £48,660 (£34,660 if private maintenance proposed)
 - Affordable Housing - £51,340

SITE DESCRIPTION

2. The application site is located within the core settlement area of Chorley, close to Chorley town centre and within St. Laurence's Conservation Area. It comprises vacant land following the demolition of a building in the 2000's which was used as a Mormon Church meeting room and has since become overgrown with vegetation. The topography of the

area is distinctive and there is a steep increase in levels to the rear of the site up to Park Street and Park Road to the north west.

3. There is a terrace of traditional appearance to the south west of the site, and dwellings of more recent design style opposite the site on the other side of Water Street. The properties opposite have front gardens and parking areas, whilst those to the south west have small front gardens and a front boundary wall to define the curtilage. There is a distinctive stone stepped footpath to the north east and the grade II listed Chorley Unitarian Chapel to the north, in addition to locally listed buildings at The Old Manse and 2 Park Street.
4. Outline planning permission ref. 19/00909/OUTMAJ was granted at the site for the erection of up to eight dwellings, with all matters reserved, save for access, in January 2020. This permission has since lapsed. Prior to this, planning permission for the construction of a two-storey office building and associated car park was approved in April 2019 (ref. 18/00946/FUL).

DESCRIPTION OF PROPOSED DEVELOPMENT

5. Full planning permission is sought for the erection of a three-storey apartment block with rooms in the loft space, comprising of 20 no. apartments, including vehicular access to/from Water Street and associated parking. Each apartment would have two bedrooms.
6. The proposals would involve some ground levelling work and the introduction of a retaining wall, as depicted in a cross-section drawing (ref. 20/021/S01) and the site layout (ref. 20/021/P01 Rev B) submitted in support of the application. The proposed building would be set back from the retained (albeit reduced in height) stone frontage wall by approximately 3m and this area would be soft landscaped.
7. Some off-street parking would be provided to the rear of the building whilst the main parking area will be contained within a new car park to the east side of the site. The proposal seeks to be contained generally within the footprint of the demolished building and re-use some of the existing retaining walls, along the north (rear boundary). The proposal would necessitate the removal of some trees and those that remain would create an open green space to the rear of the site.

REPRESENTATIONS

8. Representations have been received from 17 addresses in objection to the proposal. The issues raised have been summarised below:
 - The design and materials are not in keeping with the Conservation Area / out of character / harmful to it
 - Flood risk
 - The plans include an area marked with a blue edge that forms part of a historic road, Teck Street, of which others have a right of access and so should not be developed
 - Insufficient level of parking
 - Out of scale with other residential properties
 - Overbearing
 - Waste collection – number of bins required
 - Groundwork has already taken place – tree and archaeology harm, coal mine risk
 - Tree loss
 - Ecological harm
 - Rat problems
 - Harm to mental health
 - Insufficient local services / amenities
 - Anti-social behaviour
 - Loss of light, privacy / overlooking
 - Insufficient local consultation
 - Doesn't fit the history of the site, previously three Victorian houses

- Increased traffic, noise and disturbance
- Highway safety
- Health and safety concerns from mineshafts
- Odours from bins and cooking
- Loss of the wall to the front of the site
- Land stability
- Conflict with the St Laurence's Conservation Area Management Plan

CONSULTATIONS

9. Lancashire County Council Archaeology Service: have responded with no objection to the proposal and state the following:

"The proposed development has been identified in the Chorley Extensive Urban Survey (English Heritage/Lancashire CC, 2006) as lying in an area likely to contain archaeological remains dating to the medieval and/or Post-medieval periods. Although the construction of the former Mormon Church, and its subsequent demolition sometime in 2007-09, will have caused some damage to any surviving remains, these works are not considered likely to have resulted in the total destruction of such remains across the whole of the site.

Consequently, I would advise that the applicant be required to undertake an archaeological watching brief on the proposed groundworks, and that work is secured by means of a suitably worded planning condition."

Lancashire County Council Archaeology Service have recommended the wording of a condition in accordance with the above.

10. The Coal Authority: have responded with no objection to the proposal and state the following:

"The Coal Authority concurs with the conclusion / recommendations of the Coal Mining Risk Assessment, dated 15 December 2020 based on the professional opinion of EnviroSolutions Ltd that there is currently a risk to the proposed development as a result of the recorded on-site mine entry (CA shaft ref: 358417-008). In order to mitigate the risk (confirm the exact location / condition of the mine shaft) and inform the extent of remedial / mitigatory measures that may be required to ensure that the development is safe and stable (NPPF paras. 178 and 179), intrusive site investigations should be undertaken prior to commencement of development."

The Coal Authority have recommended the wording for conditions in accordance with the above.

11. Greater Manchester Ecology Unit: have responded with no objection, subject to conditions.
12. Lancashire Police: Have responded with some suggestions for the applicant to incorporate into the scheme in order to minimise the risk of crime. This has been forwarded to the applicant's agent for consideration but has no impact on the proposal in Planning terms.
13. Tree Officer: has commented as follows:

"The proposal would see the majority of the trees along the front edge of the site, adjacent Water Street, removed. While the majority of the trees in the back half of the site, adjacent The Old Manse, Park street, retained.

None of the trees to be removed are of particular importance individually, though collectively they offer a fairly high level of visual amenity. Should the development go ahead, replanting should take place to replace the amenity in the long term. Retained trees should be protected through strict adherence to the recommendations contained within BS 5837:2012"

14. Environment Agency: have responded with no objection to the proposal but have made some informative comments for the applicant which would be attached to the decision notice, should planning permission should be granted. The information states that the River Chor is culverted under Water Street at this location and The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for specific works within 16 metres of the culvert.
15. Lancashire County Council Highway Services (LCC Highway Services): initially responded to request:
 - sight lines be shown on the submitted drawing to ensure vehicles can egress the site safely and show any walls, hedges etc. within the sight lines be no higher than 1m;
 - vehicle tracking be provided to show a turning head can be accommodated within the site to enable refuse and emergency vehicles to turn within the site;
 - two secure cycle spaces be provided for each property;
 - for the promotion of sustainable forms of transport and aid social inclusion it is requested that the applicant contributes towards a bicycle wheel ramp on the steps to the east of the site. The steps are part of the PROW and are Footpath 29;
 - A Traffic Management Plan is provided to protect existing road users and to maintain the operation and safety of the local highway network and to minimise the impact of the construction works on the local highway network;
 - The removal of a bus stop marking and poles; and
 - A suite of conditions be attached to secure the above and other issues, such as the construction and marking out of the car parking spaces before the first occupation of any of the units.

Revised plans were subsequently submitted to the satisfaction of LCC Highway Services. It is not considered that a ramp is a suitable option due to harm to the historic character of the steps and so this part of the suggested scheme improvements has not been requested of the applicant.

16. Lead Local Flood Authority: initially objected to the proposal and requested the applicant provide further details, including the submission of an acceptable surface water sustainable drainage strategy. Following the submission of detailed drainage details from the applicant, the Lead Local Flood Authority responded to withdraw its objection and have recommended a suite of conditions to be attached to any grant of planning permission to secure the proposed drainage scheme and its ongoing management and maintenance.
17. United Utilities: have responded with no objection, subject to conditions.
18. Lancashire County Council (Education): No contribution is required from the proposal.

PLANNING CONSIDERATIONS

Principle of development

19. The National Planning Policy Framework (The Framework) states that housing applications should be considered in the context of the presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved without delay. One of the core principles of National Planning Policy Framework (the Framework) is that development should be focussed in locations that are sustainable. It is considered that the site is located in a sustainable location with good access to public transport and a wide range of amenities.
20. Chorley town is identified as a key service centre and the focus of growth and investments under Core Strategy policy 1 (b).
21. Policy V2 of the Chorley Local Plan 2012 – 2026 states that within the settlement areas excluded from the green Belt, and identified on the Policies Map, there is a presumption in

favour of appropriate sustainable development, subject to material planning considerations and compliance with other Development Plan policies.

22. Therefore, it is considered that the principle of the proposal is acceptable.

Impact on designated heritage asset

23. Policy BNE8 of the Chorley Local Plan 2012 – 2026 seeks to protect and enhance designated heritage assets. The application site is located on Water Street within the St Lawrence's Conservation Area, and close to the grade II listed Chorley Unitarian Chapel. It lies opposite dwellings and a car park of entirely modern, late 20th Century era and of no particular historic, architectural or cultural significance and is at a significantly lower level to the Chorley Unitarian Chapel. Any proposed development would not, therefore, affect the setting or significance of this building.

24. The Council's heritage advisors, Growth Lancashire, have commented as follows:

"The approved St Lawrence's Conservation Area Appraisal and Management Proposals identifies the site as being a negative open space following demolition of the former Church building.

From my visit whilst the site is showing signs of natural regeneration, I agree that it is not a positive space in terms of the stated key characteristics of the CA. The site lies within Character Area 3: Water Street/Hollinshead Street/Union Street which is marked by the change in level from the higher Park Road/Park Street level to the lower Water Street level. The CAA identifies that this area has seen the most change within the conservation area with three storey buildings having been erected which have a neutral effect on the area's quality, whilst key historic public buildings continue to have a positive influence.

Key to environment around this site are the 'Chapel Steps' which were originally constructed in the early 18th century to provide access to the Unitarian Chapel on Park Street. The steps were reconstructed in 1985.

I note that existing mature trees provide screening to the upper level of Park Street and from the lower level of Water Street there is little inter-visibility between the buildings.

The character around the site is residential with a mix of modern 2 storey and single storey dwellings opposite and a more traditional 2 storey brick terrace immediately to the east. In this context whilst the CA has some larger 3 storey buildings, including some buildings of note/importance i.e. Chorcliffe House, I do not feel this provides a template for new 3 storey buildings.

Having considered the previous schemes and the current proposal I find the increased scale of this apartment building will result in an imposing new building and one which does not represent a positive attribute/characteristic of the CA. The considerable height difference between this 3/4 storey building and the adjacent brick terrace will be marked. This is evidenced in the streetview sections which show the new building being set at a higher level and being a considerably higher than the terrace to the side. Given the general large scale of the building and its single mass form I find that the building will be overly prominent within the CA and rather than providing an opportunity for improving the current vacant site, I feel the scheme will result in harm to the appearance of the CA. This prominence of the new building is made worse by the fact that the site/new building is to be set higher than road level (approx. 0.7 – 1.3m) which raises the building further above those existing 2 storey properties adjacent.

Mindful of the current poor state of the site I feel the scheme would represent a low level of harm and will fall at the lower end of the less than substantial category as defined by P.202 of the NPPF. The harm could be diminished by simply reducing the scale of the building and presenting a more representative 2 storey form/building height. It seems the fall-back situation for the LPA is the more suitable residential scheme presented and approved under

application 19/00909. I have no information before me to show that scheme is not a viable one.

The NPPF requires LPA's to consider the desirability of sustaining and enhancing the significance of heritage assets. Whilst any harm caused to heritage assets is regrettable this must be balanced by the overall benefits being achieved by the scheme. Paragraph 202 of the NPPF allows LPA's to consider the harm caused to a heritage asset (in this instance St Laurence's Conservation Area) and to weigh this against any public benefits generated by the proposal. More information on public benefits is included in the Planning Practice Guidance and can be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8).

In undertaking that weighted balancing exercise the LPA must give great weight (NPPF P.199) to any harm to a designated heritage asset in its planning balance.

Conclusion

As I am required to do so, I have given the duty imposed by s.72 of the P(LBCA) Act 1990 considerable weight in my comments.

I consider that the proposed scheme would not meet the statutory test 'to preserve' and would cause harm (low level less than substantial harm) to the appearance of the St Laurence's CA. As such, the proposal does not meet the objectives of Chapter 16 of the NPPF and is therefore also at odds with Policy 16 of the Central Lancashire Core Strategy and Policies BNE1(e) and BNE8 of the Chorley Local Plan 2012-2026.

If in undertaking that weighted balance the LPA consider the benefits generated by the scheme outweigh the less than substantial harm to the conservation area then I would recommend that suitable Conditions are applied to permission requiring full details of facing materials to be agreed and that further details are provided re the methodology for the retention of the existing stone wall which front Water Street."

25. Taking the above comments into account, it is clear that the proposal would be harmful to the appearance of the St Laurence's Conservation Area. This harm is of a low level and less than substantial scale but must be given great weight in the planning balance. The proposal therefore conflicts with the aforementioned policies that seek to sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the historic environment.
26. The Local Planning Authority must therefore consider the wider public benefits of the proposal against the level of harm to the significance of the heritage asset affected in its planning balance. The site has laid vacant for approximately 20 years and is now overgrown offering no positive contribution to the Conservation Area. It is considered that significant weight should be attributed to its redevelopment. The proposed build would also deliver social and economic benefits from construction work, whilst the delivery of new housing at a time when the Council has a housing shortfall is a significant benefit. The scheme would also create natural surveillance in an area of the town which can suffer from anti-social behaviour, and would help to act as a deterrent.
27. On balance it is considered that the benefits of the proposal outweigh the harm caused to the Conservation Area.

Impact on character and appearance of locality

28. Policy 17 of the Core Strategy seeks to ensure that the design of new buildings takes into account the character and appearance of the local area, including among other things, linking in with surrounding movement patterns and not prejudicing the development of neighbouring land; and protecting existing landscape features and natural assets.
29. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, among other things,

the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials; that the layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area; and that the proposal would not have a detrimental impact on important natural habitats and landscape features such as historic landscapes, mature trees, hedgerows, ponds and watercourses. In some circumstances where on balance it is considered acceptable to remove one or more of these features, then mitigation measures to replace the feature/s will be required either on or off-site.

30. When considering any development proposal, the Council must be mindful of The Framework that states that the Government attaches great importance to the design of the built environment and good design is a key aspect of sustainable development. The Framework also states that planning policies and decisions should aim to ensure that developments (amongst other things) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
31. Chorley Council plans positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes and seeks to create well-mixed and integrated developments, which avoid segregation and have well-planned public spaces that bring people together and provide opportunities for physical activity and recreation.
32. The topography of the site with the substantial change in levels to the rear allows the building to be seen in the context of the backdrop of a green banking with trees and buildings.
33. The form and visual grain of the immediate surroundings varies but to the west of the site there is a row of 8 No. bay fronted terraced houses (red smooth brick and grey slate roof) and then Lingmell House a 3-storey office block beyond (red facing brick with grey concrete tile roof). Opposite the site there are predominantly semi-detached houses and bungalows with red multi facing brick with grey concrete tile roof.
34. The proposal clearly represents a visual change to the site and the surrounding area, given the previous building was removed some 20 years ago. It would be much taller than the nearest dwellings, however, this is not an uncommon scenario within town centres and is not necessarily harmful. In this instance it is considered that the presence of other similarly sized buildings in the vicinity means the situation already exists in the area and this softens the impact of introducing another building of similar scale. The final choice of materials can be agreed by planning condition.
35. It is not considered that the proposal would harm the character and appearance of the locality. The development therefore complies with policy BNE1 of the Chorley Local Plan 2012 - 2026.

Neighbour amenity

36. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, where relevant to the development the proposal would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact; and that the proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses.
37. With regards to noise, dust and other pollution during the construction period, these would be short in duration and limited in intensity. Such impacts could be adequately controlled through the requirement to comply with the Council's Code of Practice for Construction and Demolition. This can be required through the imposition of a planning condition.

38. The residential uses in proximity to the application site are on the same side of Water Street as the application site, to the south and on the opposite side of the street, to the south. The orientation and separation distance of the buildings to the proposed building means there would be no harm to residential amenity as a result of the proposal through loss of privacy, overshadowing or overbearing.
39. In light of the above, it is considered that the proposal is acceptable in terms of amenity impacts and accords with national policy and policy BNE1 of the Chorley Local Plan in this regard.

Highway safety

40. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that the residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction.
41. Policy ST1 (New provision of Footpaths, Cycleways, Bridleways and their associated facilities in existing networks and new development) stipulates that new development and highways and traffic management schemes will not be permitted unless they include appropriate facilities for pedestrian, cycle parking facilities, and /or cycle routes. The policy requires, among other things, that proposal should provide for facilities for pedestrians and cyclists to facilitate access on foot and by bicycle to nearby residential, commercial, retail, educational and leisure areas, where appropriate; and additional footpaths, bridleways and cycleway routes between the countryside and built up areas where appropriate.
42. Policy ST4 of the Local Plan 2012-2016 sets out the Council's parking standards. Apartments require two spaces for two-bed apartments, which would ordinarily require 40 spaces. Policy ST4 however indicates that a lower level of provision is acceptable in sustainable locations, close to amenities and/or public transport links. The applications site is located in the town centre and so the proposed 20 spaces is acceptable in this instance. LCC Highways Services agree with this conclusion and have also requested two secure cycle storage spaces per apartment.
43. Lancashire County Council is the Local Highway Authority that manages and maintains the highway network in Lancashire and promotes safe travel and developments in accessible and sustainable locations within the county. As such, at certain stages in the planning process Chorley Council formally seeks the views of the County Council as a statutory consultee to assist in making an informed decision about proposed development.
44. As explained earlier in this report, LCC Highway Services requested amendments to the scheme during the consideration period which were subsequently reflected in revised plans submitted by the applicant. That is, all except the request that the applicant contributes towards a bicycle wheel ramp on the steps to the east of the site. The steps are part of the PROW and are Footpath 29. This was however not considered appropriate by the case officer as it would result in harm to the heritage value of the steps.
45. The proposal site would offer a choice of transport options. For those who wish to walk or cycle to the amenities in the town centre or other locations, this would be achievable. The occupants would not be car dependent. There would also be sufficient parking for those wishing to drive.
46. The applicant would be expected to enter into a S278 agreement to secure the reinstatement for the formation of the car park accesses, reinstatement of existing vehicle access and the removal of the bus stop marking and poles.

47. In light of the above, on balance, it is considered that the highway safety and parking related aspects of the proposal are acceptable and comply with the aforementioned policies.

Drainage and flood risk

48. Policy 29 (Water Management) of the Core Strategy seeks to improve water quality, water management and reduces the risk of flooding in a number of ways including, among other things, appraising, managing and reducing flood risk in all new developments. The policy is considered to be consistent with the Framework and should be attributed full weight.
49. The site is in Flood Zone 1 (the lowest risk) as identified by the Environment Agency. Site drainage plans have been submitted in support of the planning application that identifies that surface water would be drained into the existing culverted watercourse beneath Water Street at a reduced rate via oversized attenuation pipes and hydrobrake. This will require separate land drainage consent from the Lead Local Flood Authority and a permit from the Environment Agency. Foul water would drain to an existing sewer.
50. The Planning Practice Guidance (PPG) establishes a hierarchy for surface water disposal, which encourages a Sustainable Urban Drainage System (SuDS) approach. Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:
- into the ground (infiltration);
 - to a surface water body;
 - to a surface water sewer, highway drain, or another drainage system;
 - to a combined sewer.
51. Following the receipt of additional information in the form of an updated drainage plan and associated surface water attenuation calculations, the Lead Local Flood Authority (LLFA) have responded with no objections to the proposal, subject to conditions. United Utilities have no objection to the proposal.
52. The submitted drainage strategy identifies that ground infiltration would be unlikely to be feasible due to the underlying geology of the site. That said, the Lead Local Flood Authority (LLFA) have requested that further investigation is required by the applicant to meet the requirements of planning conditions before any development commences at the site.
53. The conditions requested by the LLFA require, amongst other things, the full details of the surface water drainage strategy to be submitted to the Local Planning Authority for approval and to be subsequently implemented. As such, the proposal is considered to be acceptable with regards to drainage and flood risk and complies with the aforementioned related policies.

Impact on ecological interests

54. Policy BNE9 (Biodiversity and Nature Conservation) of the Chorley Local Plan 2012 – 2026 stipulates that Biodiversity and Ecological Network resources will be protected, conserved, restored and enhanced; and that priority will be given to, among other things, protecting, safeguarding and enhancing habitats for European, nationally and locally important species. The policy also requires, among other things, that where there is reason to suspect that there may be protected habitats/species on or close to a proposed development site, the developer will be expected to carry out all necessary surveys in the first instance; planning applications must then be accompanied by a survey assessing the presence of such habitats/species and, where appropriate, make provision for their needs.
55. The applicant has submitted an ecological assessment in support of the proposal which found invasive species, nesting bird habitats but no evidence of roosting bats at the site. The Council's ecological advisors have reviewed the submitted assessments and raise no objection to the proposal, subject to conditions to ensure the eradication of invasive species, the protection of nesting birds and the delivery of net gains in biodiversity.

56. The proposal is considered to be acceptable in terms of its impacts upon ecological receptors, subject to conditions to safeguard protected species and the implementation of biodiversity enhancement measures. The proposal is considered to be acceptable with regards to potential impacts upon ecological receptors and complies with policy BNE9 of the Chorley Local Plan 2012-2026.

Impact on trees

57. Policy BNE10 (Trees) stipulates, among other things, that proposals that would result in the loss of trees, woodland areas or hedgerows which make a valuable contribution to the character of the landscape, a building, a settlement or the setting thereof will not be permitted. Replacement planting will be required where it is considered that the benefit of the development outweighs the loss of some trees or hedgerows.
58. A Tree Survey accompanies the application. The Council's tree officer has identified that the proposal would see the majority of the trees along the front edge of the site, adjacent Water Street, removed, while the majority of the trees in the back half of the site, adjacent The Old Manse, Park street, would be retained. None of the trees to be removed are of particular importance individually, though collectively they offer a fairly high level of visual amenity. Should the development go ahead, replanting should take place to replace the amenity in the long term. Trees to be retained would be required to be protected during site works and this can be controlled by planning condition. A landscaping plan would also be required by condition to compensate for the loss of trees. The proposal is considered to be acceptable in this regard and complies with the above policy.

Land stability / Coal mining legacy

59. The application site is located within a Development High Risk Area for historic coal mining. Paragraphs 183 and 184 of the Framework require applicants to demonstrate to the satisfaction of the LPA that the application site is safe, stable and suitable for development.
60. Policy 17 of the Central Lancashire Core Strategy requires that proposals ensure that contaminated land, land stability and other risks associated with coal mining are considered and, where necessary, addressed through appropriate remediation and mitigation measures.
61. Policy BNE7 of the Chorley Local Plan 2012-2026 seeks to ensure that development on unstable or potentially unstable land is fully investigated and remediated where necessary to ensure it is safe for developing.
62. The applicant has submitted a Coal Mining Risk Assessment which is based upon a Coal mining Report produced by the Coal Authority. The Report concludes that has concluded that the risk associated with coal mining related issues cannot be ruled out based on information from the Coal Authority and geological interpretation.
63. The principal risks to the development arise from:
- the presence of a recorded mine shaft present within the site boundary;
 - mine gas
 - unrecorded mine entries;
64. It is therefore recommended that further intrusive ground investigations are undertaken. These might include rotary drilling to determine the location of the shaft, superficial thickness and depth of the base of the shaft. If found, it is recommended that the mineshaft is stabilised by drilling and grouting and capped to a current recommended specification.
65. The Coal Authority has no objection to the proposal, subject to conditions to secure further investigations and validate any remediation measures undertaken. It is considered that the proposal complies with the aforementioned paragraphs of the Framework and policy BNE7 of the Local Plan and policy 17 of the Core Strategy with regards to site stability. Issues relating to contaminated land are addressed below.

Affordable housing

66. The Framework requires that affordable housing should only be sought for residential developments that are major developments (in this context, the Framework defines major development as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more).
67. An affordable housing contribution of 30% would normally therefore be required in accordance with Core Strategy Policy 7 and the Framework as part of this proposal. This equates to 6 affordable dwellings or a financial contribution of £216,264.
68. The applicant submitted a Viability Appraisal in support of the application which seeks to demonstrate that the development of the site is not viable if the affordable housing requirement is imposed by the Council in full.
69. Viability is a material planning consideration. Paragraph 58 of the National Planning Policy Framework (the Framework) states:

“Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.”

70. It has been agreed that the scheme can deliver £100,000 of total contributions, to include the Public open Space contribution detailed below. The agreed commuted sum therefore for borough-wide affordable housing provision required from this proposal is £51,340 which would be secured via a S106 legal agreement.

Public open space (POS)

71. Policy HS4 of the Chorley Local Plan 2012 – 2026 requires public open space contributions for new dwellings to be provided in order to overcome the harm of developments being implemented without facilities being provided.

Amenity Greenspace

72. Local Plan Policy HS4A sets a standard of 0.73 hectares per 1,000 population. 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 0.03504 hectares. A maintenance cost of £14,000 is also required for a 10-year period if private maintenance is not proposed.

Provision for children/young people

73. Local Plan Policy HS4A sets a standard of 0.08 hectares per 1,000 population. There is currently level provision in Chorley North West in relation to this standard, a contribution towards new provision in the ward is therefore required from this development – towards extended provision/providing additional equipment at site ref 1435 Astley Park playground. The amount required is £134 per dwelling.

Parks and Gardens

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

Natural and Semi-Natural Greenspace

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

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

77. 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.

Total contribution proposed

Amenity greenspace	= £14,000 (if private maintenance is not proposed)
Equipped play area	= £2,680
Parks/Gardens	= £0
Natural/semi-natural	= £0
Allotments	= £0
Playing Pitches	= £31,980
Total	= £48,660

Employment skills provision

78. 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.
79. It is, therefore, recommended that a condition requiring an employment and skills plan is attached to any grant of planning permission.

Community Infrastructure Levy

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

CONCLUSION

50. The decision is finely balanced as the proposal would be harmful to the appearance of the St Laurence's Conservation Area. On balance it is considered that the wider public benefits of the proposal in the form of delivering a much needed form of housing accommodation in a sustainable location on a brownfield site and its associated social and economic impacts, outweigh the harm caused by the proposal.
51. The proposal accords with the aims of policies within the Framework and the Chorley Local Plan 2012 – 2026 that seek to achieve sustainable development. It is also considered that the proposed development would not give rise to undue harm to the amenities of

neighbouring residents, highway safety or flood risk and would not pose a risk from land instability and is accordingly recommended for approval.

RELEVANT HISTORY OF THE SITE

Ref: 5/1/01713 **Decision:** PERFPP **Decision Date:** 3 January 1962
Description: Erection of small factory for the manufacture of clothing and offices adjoining.

Ref: 76/00093/FUL **Decision:** PERFPP **Decision Date:** 26 April 1976
Description: Extension to Clothing Factory

Ref: 82/00541/FUL **Decision:** PERFPP **Decision Date:** 14 September 1982
Description: Change of use of industrial premises to Church

Ref: 84/00201/FUL **Decision:** PERFPP **Decision Date:** 1 May 1984
Description: New front facade

Ref: 07/00770/FUL **Decision:** PERFPP **Decision Date:** 5 September 2007
Description: Construction of new offices/resource centre.

Ref: 18/00946/FUL **Decision:** PERFPP **Decision Date:** 10 April 2019
Description: Construction of two storey office building and associated car park

Ref: 19/00909/OUTMAJ **Decision:** PEROPP **Decision Date:** 17 January 2020
Description: Outline application for the erection of 8no. dwellings with associated parking (with all matters reserved save for access)

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

Suggested conditions

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

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

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

Title	Plan Ref	Received On
Location Plan	20-021-L01	22 December 2020
Proposed Floor Plans	20-021-P02	22 December 2020
Proposed Elevations & Section	20-021-P03	22 December 2020
Proposed Street Scenes	20/021/S01	22 December 2020
Proposed Site Plan	20/021/P01 Rev B	11 January 2023
Proposed Site Plan	20/021/P01 Rev B	23 March 2023

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

3. Before the development hereby permitted is first commenced, excluding site preparatory work, full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out strictly in conformity with the approved details.

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

4. No excavation works on the application site, including any required for clearance/demolition or site preparation shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological works, to include a formal watching brief to the standards and guidance set out by the Chartered Institute for Archaeologists as an integral part of the groundworks required for the development. This watching brief must be carried out by an appropriately qualified and experienced professional contractor and in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority and shall include a contingency plan for the unexpected discovery of significant remains.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site.

5. No works to trees or shrubs shall occur or external building works commence between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.

Reason: Wild birds and their eggs are protected under Part 1 of the Wildlife and Countryside Act 1981, which makes it illegal to kill or injure a bird and destroy its eggs or its nest whilst it is in use of being built.

6. Prior to any works taking place above DPC level, excluding demolition, a scheme for the landscaping of the development and its surroundings shall be submitted and approved in writing by the Local Planning Authority. These details shall include all existing trees and hedgerows on the land; detail any to be retained, indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform, proposed finished levels, means of enclosure, minor artefacts and structures. The scheme should include a landscaping/habitat creation and management plan which should aim to contribute to targets specified in the UK and Lancashire Biodiversity Action Plans. Landscaping proposals should comprise only native plant communities appropriate to the natural area.

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

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

7. The Chorley Council document "Code of Practice for Construction and Demolition" shall be adhered to throughout the construction period.

Reason: To protect the amenities of the nearby residents.

8. The measures of tree protection specified in BS 5837:2012 shall be implemented throughout the approved works at the site.

Reason: To safeguard the trees to be retained.

9. The development shall not commence until an Employment and Skills Plan that is tailored to the development and will set out the employment skills opportunities for the construction phase of the development has been submitted to and approved by the council as Local Planning Authority (unless otherwise agreed in writing by the council). The development shall be carried out in accordance with the Employment and Skills Plan (in the interests of delivering local employment and skills training opportunities in accordance with Core Strategy Policy 15: Skills and Economic Inclusion).

Reason: In the interests of delivering local employment and skills training opportunities as per the Central Lancashire Core Strategy Policy 15: Skills and Economic Inclusion and the Central Lancashire Employment Skills Supplementary Planning Document September 2017. No Employment and Skills Plan was submitted with the application.

10. No part of the development hereby approved shall commence until a scheme for the construction of the site access and reinstatement of existing access has been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

Reason: To satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.

11. Before the access is used for vehicular purposes the visibility splays measuring 2.4 metres by 25 metres in both directions to be provided, measured along the centre line of the proposed new accesses from the continuation of the nearer edge of the existing carriageway of Water Street, to the satisfaction of the Local Planning Authority. The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.

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

12. The private car parking to be marked out in accordance with the approved plan, before occupation of the associated dwellings and permanently maintained thereafter.

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

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

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

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

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

15. The cycling facilities to be provided in accordance with a scheme to be approved by the Local Planning Authority and the cycling facilities to be provided in accordance with the approved plan, before the use of the premises hereby permitted becomes operative and permanently maintained thereafter.

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

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

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

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

17. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the surface water sustainable drainage strategy "DRAINAGE STRATEGY v2" uploaded to the planning website on 11/01/2023. The measures shall be fully implemented prior to occupation of the development and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority in consultation with the Lead Local Flood Authority.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

18. No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the Local Planning Authority.

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

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

- a) Sustainable drainage calculations for peak flow control and volume control for the:
 - i. 100% (1 in 1-year) annual exceedance probability event;
 - ii. 3.3% (1 in 30-year) annual exceedance probability event, with an allowance for urban creep;
 - iii. 1% (1 in 100-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep
- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
 - i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
 - ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels; to include all existing and proposed surface water drainage systems up to and including the final outfall;
 - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;

- iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
- v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;
- vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
- vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components to prevent blockage;
- c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with BRE 365.
- d) Evidence of an assessment of the existing on-site culverted watercourse to be used, to confirm that these systems are in sufficient condition and have sufficient capacity to accept surface water runoff generated from the development.
- e) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.

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

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

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

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

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

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

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue surface water flood risk on-site or elsewhere during any construction phase in accordance with Paragraph 167 of the National Planning Policy Framework.

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

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

- a) A timetable for its implementation;
- b) Details of the maintenance, operational and access requirement for all SuDS components and connecting drainage structures, including all watercourses and their ownership) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
- d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;

- e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
- f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- g) Means of access for maintenance and easements.

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

Reason: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the sustainable drainage system is subsequently maintained pursuant to the requirements of Paragraph 169 of the National Planning Policy Framework.

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

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

Reason: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the development as constructed is compliant with the requirements of Paragraphs 167 and 169 of the National Planning Policy Framework.

22. During the full period of construction, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site. The roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.

23. No development shall commence until;
a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by the on-site mine entry (CA shaft ref: 358417-008), and;
b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. This should include the submission of the approved site layout plan that illustrates the exact location and calculated zone of influence of the mine entry in order that the area at risk in the event of a catastrophic failure of the mine entry can be seen, and which highlights areas where mitigation measures are likely to be required.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

24. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure the development is safe for occupation.

25. Prior to the commencement of development (including demolition, ground works, vegetation clearance), an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Japanese Knotweed cotoneaster and montbretia on site. The measures shall be carried out strictly in accordance with the approved scheme.

Reason: To avoid the spread of an invasive species.

26. A scheme for the Biodiversity Compensation and Enhancement Measures, as set out in section 5 of the Preliminary Ecological Appraisal by Bowland Ecology dated December 2020, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development (or in accordance with a phasing plan which shall first be agreed in writing with the Local Planning Authority) and shall be retained thereafter.

Reason: To ensure biodiversity mitigation is delivered.

27. Prior to their installation, images and specifications of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.

Reason: To ensure that the materials used are visually appropriate to the locality.