

**Development Control Committee  
Urgent Business report**

Electoral Division affected: Chorley Rural West
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**Chorley Borough: Application Number. LCC/2020/0010  
Construction of a 2 metre wide tarmacadam path and timber footbridge  
providing new rear access to school. Land south of Eccleston Primary School  
forming part of the Millennium Green, Eccleston.**

Contact for further information:  
Susan Hurst, 01772 534181  
[DevCon@lancashire.gov.uk](mailto:DevCon@lancashire.gov.uk)

**Executive Summary**

Application – Construction of a 2 metre wide tarmacadam path and timber footbridge providing new rear access to the school. Land south of Eccleston Primary School forming part of the Millennium Green, Eccleston.

**Reason for Urgency**

All formal meetings of the council, including meetings of the Development Control Committee, have been cancelled. However, the government still requires council's to prioritise decision-making to ensure the planning system continues to function. Therefore, it has been agreed that any planning decisions the Development Control Committee was due to consider will now be determined in accordance with the Urgent Business Procedure.

This decision is therefore being taken on behalf of the Committee by the Chief Executive or Executive Director in consultation with the Chair and Deputy Chair of the Committee in accordance with the provisions of Standing Order D15(1).

**Recommendation – Summary**

Subject to the views of the Chair and Deputy Chair of the Development Control Committee, the Chief Executive proposes to agree that planning permission be **granted** subject to conditions controlling time limits, working programme and protection of trees and amphibians.

**Applicant's Proposal**

Planning permission is sought for a new path to provide a pedestrian access to the rear of the school. An existing fence panel on the southern boundary of the school would be replaced with a galvanised steel rail panel gate providing access to a new

timber foot bridge across a culvert then to a new 2 metre wide tarmacadam path approximately 30 metres long, leading to existing paths on the Millennium Green.

### **Description and Location of Site**

Eccleston Primary School is located off Doctor's Lane in the centre of Eccleston approximately 7km west of Chorley. Residential properties are located to the north, east and west of the school. The Millennium Green is located to the south of the school. Residential properties are located to west of the Green on Beechfields, east on the B5250 (The Green) and south on Red House Lane.

The proposed footpath would connect from the existing pathway within the Millennium Green to a new 4 metre long foot bridge to go over a small brook leading to the southern boundary of the school.

### **Background**

There is no relevant planning history.

### **Planning Policy**

National Planning Policy Framework

Paragraphs 11 and 12, 96-101, 102 and 124 are relevant with regards to the requirement for sustainable development, protection of open and recreation space, promoting sustainable transport and the need for good design.

Chorley Local Plan

Policy BNE1 – Design Criteria for New Development

Policy BNE9 – Biodiversity and Nature Conservation

Policy BNE11 – Species Protection

Policy HW2 – Protection of Existing Open Space, Sport and Recreational Facilities

### **Consultations**

Chorley Borough Council – No observations received.

Eccleston Parish Council - No observations received.

LCC Highways Development Control – No objection.

LCC Ecology Service – No objection. Conditions should be added in regards to protection of protected species and trees, shrubs and hedgerows, submission of habitat/landscaping plan and no external lighting without prior approval.

Environment Agency – No observations received.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. Fifteen objections and 2 letters of support have been received raising the following issues:-

### Objections

- The proposal would cause congestion and dangerous roadside parking on Red House Lane and Beechfields due to parents parking then walking their children to school through the Millennium Green, during drop off and pick up times.
- Red House Lane is a cul-de-sac and quite narrow. It is a busy road leading to three housing estates, all using the same exit. There is a lack of room for additional cars to turn around. They will have to make a 3 point turn using private drives or at the junction with Rookwood. This will cause further congestion and is an accident waiting to happen.
- There are drainage problems on The Green which is water logged for most of the winter months. Pathways already flood or have large puddles on them - the extra pathway will only make things worse and children will arrive at school wet and muddy.
- It is not safe for young children to be walking near a pond which is not fenced off.
- There is no lighting on The Green making it unsafe for children to walk home alone during winter months.
- It is not safe for children to be crossing Red House Lane so a safety crossing officer should be put in place at school times.

### Support

- The new footpath would promote children walking to the school and reduce the impact on Doctors Lane. However, it is suggested that H bar markings be used to prevent obstructive parking over private drives on Red House Lane.

### **Advice**

The proposal is for a new footpath to provide an additional pedestrian entrance to Eccleston Primary School to connect the existing pathway within the Millennium Green to the southern boundary of the school.

The school can currently only be accessed via the main entrance off Doctors Lane. Due to a significant increase in pupil numbers over the last 5 years (from 160 to 206), only having one entrance to the school is now causing considerable traffic and parking issues on Doctors Lane during drop off and pick up times. Other services on Doctors Lane including the vets and the Doctors are facing issues because of the increase in traffic. Congestion, irresponsible and illegal parking is causing friction between parents, residents and the school. Such parking is also a danger to the children and to other traffic and there have been instances of damage to vehicles, motor accidents and children have been hit by vehicles. The school has worked hard to address these issues but they are still ongoing.

The school therefore propose to create an additional pedestrian entrance to try to resolve these issues. The additional entrance would make it easier for parents who

live to the south of the school to walk their children to school rather than drive and other parents who must drive would have the option of an entrance other than Doctors Lane to access the school thereby distributing the congestion at drop off and pick up times over a wider area. The new path would also enable more pupils to walk to school having wider environmental and health benefits.

The main issues relate to highways and impacts on the Millennium Green.

Local residents have concerns over the potential traffic congestion and additional parking on Red House Lane and Beechfields, both of which are residential estate roads. The proposal would make it more likely that parents would park on these roads in order to access the school via the new path. Red House Lane is also a cul-de-sac and therefore any cars parking on this road in order to access the new path would have to turn around in order to leave the estate. However, the road is subject to a 20 mph speed limit with traffic calming and Lancashire County Council Highways have no objection to the proposal. It is accepted that both Red House Lane and Beechfields are currently unaffected by school traffic and might experience an increase in on street parking during pick up and drop off times. However, the properties on these roads all have their own driveways and neither of these roads appear to be affected by on street parking. There is therefore plenty of capacity to accommodate additional parking demands for a small part of the day without causing unacceptable highway conditions. On balance it is considered that the impacts on Red House Lane and Beechfields would be outweighed by the highway benefits on Doctors Lane. It is therefore considered that the proposal would be acceptable from a highways perspective. The comments of residents with regard to the need for 'H' bar markings are noted but it is considered that these are unnecessary for the development to be acceptable.

In relation to the impacts of the path itself, the Millenium Green is designated as open space in the Chorley Local Plan. Policy HW2 requires that existing open space will be protected unless it can be demonstrated that the loss of the open space would not lead to a deficit of provision in the local area in terms of quantity and accessibility. The proposal would not take away any open space but would enhance the area as the proposed path would only encourage more use in this area.

The nearest residential properties are located on Beechfields approximately 20m away from the proposed pathway. There are a number of trees between the boundaries of the properties and the proposed pathway which would help to screen the new development. As the proposed pathway would be located in an existing public park it is also considered that it would give rise to no greater impact on local or residential amenity by virtue of noise or disturbance.

Issues relating to the suitability of The Green are concerns over drainage, safety of the pond and lack of lighting. Residents have pointed out that parts of The Green, in particular where the proposed path would be, are waterlogged for most of the winter months. The applicant proposes to construct the path at a higher raised level with a 'run-off' to avoid the path from being flooded. Also suitable warning signs will be erected around the pond, to ensure parents and children are aware of the dangers of the pond. Lighting is not considered necessary as children will be arriving and leaving the school in daylight hours, even during the winter months.

A number of mature, native deciduous trees are located near the proposed footbridge and it would be necessary to ensure that the construction of the bridge would not impact on their condition or survival. A condition is recommended requiring all trees within the site area be protected during the construction period. Also due to the location of the pond and to avoid impacts on amphibians a condition is recommended that risk avoidance measures as detailed in the submitted Ecological Appraisal are implemented in full. The construction of the new path would not require removal of any trees within the Millennium Green and therefore the condition on additional landscaping suggested by LCC Ecology is not required.

Taking into account the above issues, it is considered that the proposal complies with the policies of the National Planning Policy Framework and the Chorley Local Plan.

### Human Rights

The Human Rights Act 1998 requires the county council to take into account the rights of the public under the European Convention on Human Rights and not to act in a manner incompatible with those rights. Article 1 of the 1<sup>st</sup> Protocol states that an individuals' peaceful enjoyment of their property shall not be interfered with except as is necessary, in accordance with law and as is proportionate.

This application were it to be approved would be unlikely to generate such an impact on neighbouring properties which would breach those rights.

### Recommendation

That planning permission be **Granted** subject to the following conditions:

#### Time Limits

1. The development shall commence not later than 3 years from the date of this permission.

*Reason: Imposed pursuant to Section 91 (1)(a) of the Town and Country Planning Act 1990.*

#### Working Programme

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:
  - a) The Planning Application and supporting statement received by the County Planning Authority on 4 February 2020.
  - b) Submitted Plans and documents:

Drawing No B01 - Location Plan

Drawing No B02 - Proposed Plan

*Reason: To minimise the impact of the development on the amenities of the area and to conform with Policy BNE1 of the Chorley Local Plan*

### **Landscaping**

3. All trees, shrubs and hedgerows adjacent to the application area shall be adequately protected during construction

*Reason: In the interests of visual and local amenity and the local environment and to conform with Policy HW2 and BNE9 of the Chorley Local Plan.*

4. In order to avoid impacts on amphibians, including Great Crested Newt, the Risk Avoidance Measures detailed in section 7.2.2 of the Ecological Appraisal (Simply Ecology Limited, January 2020, ref SE/LCCQ133/01) shall be implemented in full at all times during the construction of the path.

*Reason: To avoid an adverse effect on protected species and to comply with Policy BNE11 of the Chorley Local Plan.*

5. No external lighting associated with the development shall be installed without prior approval, in writing, from the County Planning Authority

*Reason: In the interests of visual and local amenity and to conform with Policy BNE1 and HW2 of the Chorley Local Plan.*

6. Prior to the new path being brought into use the following works shall be undertaken:-

- a) A pedestrian guard rail shall be erected on the pavement alongside Redhouse Lane at the point where the path from The Green emerges onto the public highway.

- b) H bar markings shall be marked out adjacent to the kerb on the northern side of Redhouse Lane extending for a distance of 10 metres on either side of the location where the path from The Green emerges onto Redhouse Lane.

*Reason: In the interests of highway safety and to conform with Policy BNE1 of the Chorley Borough Local Plan.*

### **Notes**

The applicant is reminded that, under the Wildlife and Countryside Act 1981 (as amended) it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Trees, shrubs and scrub on site are likely to contain nesting birds between 1 March and 31 August inclusive. They should therefore not be impacted on during this period, unless a recent survey has been undertaken by an ecologist to assess the nesting bird activity on site during this period and has shown that nesting birds are not present.