

**Item 4d**                      **13/00056/FUL**

**Case Officer**              **David Stirzaker**

**Ward**                              **Eccleston And Mawdesley**

**Proposal**                      **Demolition of single storey part stable/part hobby room building and construction of classroom, recreational and associated single storey building, closure of existing access, creation of new access and formation of new car parking area**

**Location**                      **The Legacy Rainbow House Salt Pit Lane Mawdesley Ormskirk**

**Applicant**                      **The Legacy Rainbow House Board of Directors**

**Consultation expiry:** **11 April 2013**

**Application expiry:**    **23 April 2013**

### **Proposal**

1. The site, known as The Legacy, Rainbow House, is located on Salt Pit Lane, Mawdesley and is in the Green Belt. Access to the site is via Salt Pit Lane and to the south of the site is a large group of trees which are the subject of a Tree Preservation Order (TPO). The site includes the main facilities building and the smaller timber building which is to be replaced.
2. The Legacy Rainbow House is a charity which works with children with acquired brain injury, multiple disabilities and complex health needs which has operated from the site since planning permission was granted in 2006 (Ref No. 06/00023/FUL) for the redevelopment of the former industrial site.
3. This application seeks planning permission for the erection of a new building following the demolition of an existing timber building, part of which has been converted to a class room. The new building is single storey and will have a footprint of 19.6m by 19.3m and an eaves height of 2.4m and maximum roof height of 5m and comprises 4 no. classrooms, a meeting room, kitchen, office, changing rooms, toilets, cleaners store, recreation area, entrance and refuse store. The central part of the building will have a pitched glazed roof whilst the sections of the building to either side will also have pitched roofs. The elevations of the parts of the building to either side of the glazed central section will be timber clad whilst the roofs will be covered with profiled metal cladding. The existing building is L shaped and has a smaller footprint and an overall height of 4.5m.
4. It is also proposed to close of the existing access and form a new access which will be located 33m further along Salt Pit Lane to the southeast. The existing car parking arrangements will also be rationalised and this includes a new area of hardstanding to provide car parking towards the southern site boundary.

### **Recommendation**

5. It is recommended that this application is granted conditional planning approval.

## Main Issues

6. The main issues for consideration in respect of this planning application are:
  - Principle of the development
  - Impact on the neighbours
  - Design
  - Impact on locality
  - Trees and landscape
  - Traffic and parking

## Representations

7. To date, no letters of objection have been received,
8. To date, four letters of support have been received, the contents of which can be summarised as follows: -
  - No other facility or service exists to provide therapy to our children.
  - The site is in a fantastic setting.
  - Our children depend on the routine to aid their development and continuity of services is vital.
  - The site helps with sharing problems between parents and there is a sense of community between parents whose children attend the site.
  - Relocating the access will improve safety.
  - The need for more space is crucial and imperative to the current and future children who are in need of this service.
  - As professional external auditors, we have acted for The Legacy Rainbow House for the past year but have already been hugely impressed with their commitment and enthusiasm for their cause.
  - Whilst working at the premises, it is clear to see the care and dedication of the staff which in turn carries through to the managers and directors.
  - The additional space would be a tremendous boost to the local community and north west as a whole.
  - The new unit would allow additional independent living education to further enhance the lives of children, making them more independent and able to share in our community.
  - The centre is already very well established but a new unit would allow longer term growing children access to larger better adapted facilities with more space.
9. **Mawdesley Parish Council** do not raise any objections to the application subject to a condition being attached to any planning permission granted preventing the building being made any higher in the future. The Parish Council also state that the foundations should only be suitable for single storey development.

## Consultations

10. **The Environment Agency** do not raise any objections and refer to standing advice.
11. **The Architectural Design and Crime Reduction Advisor** do not raise any objections and advises that the current security arrangements at the site are satisfactory and that the relocation of the access will be a benefit to road safety in this location.
12. The **Director People and Places** do not raise any objections to the application.
13. **United Utilities** do not raise any objections.

14. **Lancashire County Council (Highways)** have provided detailed comments on the application which can be summarised as follows: -
- Salt Pit Lane has a narrow carriageway with no room to accommodate on-street parking - it is therefore essential that adequate provision is made to enable all staff and visitor's vehicles to be accommodated on-site.
  - Based on the staff numbers, the site should have 44 parking spaces including 3 for mobility impaired drivers so the number of spaces proposed falls 17 short.
  - A secure and covered cycle store should be provided for 10 cycles.
  - A parking area for 4 motorbikes should also be provided.
  - The proposed relocation of the vehicle access means that pedestrians are likely to be present anywhere along the site frontage and given the 60mph speed limit of the road, it is vital that pedestrian's needs are catered for. In this regard, the footway from Blue Stone Lane/Salt Pit Lane which currently ends north of the existing vehicle access should be extended south for the entire length of the applicant's boundary.
  - Salt Pit Lane is subject to 60mph and the recommended visibility splay for an access to this road will be 2.4m x 215m.

### **Applicants Case**

15. The applicant has submitted a statement of support with the application. The applicant advises that the centre has thrived and has secured a reputation for offering a unique approach involving conductive education, rehabilitation and habitation for children with brain injury and disability due to birth, trauma, accidents and now illness, where they are now receiving an increased intake from children with acquired disability due to childhood cancer. The centre provides services for over 90 children and young people each week suffering from brain injury and disability.
16. Over the past year The Legacy Rainbow House (TLRH) have taken responsibility for raising funds and have created and implemented a Community Interest Nursery where the surplus money is reinvested into the charitable services. The nursery is the only one in the area which provides one-one care for children with life limited conditions.
17. TLRH also provides short break services off site and these services meet the needs of over 150 children. TLRH also has a real connection to the local community as it was founded and created by a local mother.
18. The applicant advises that from a health perspective, TLRH provides services which can reduce the likelihood of secondary conditions occurring such as trauma, circulation and respiratory conditions. TLRH also works closely with schools in providing free consultations from Physiotherapists and support from other professional staff when required. TLRH also has considerable support in the wider community and is supported by a number of regionally and nationally known businesses. TLRH also works closely with local businesses in the area.
19. In terms of funding, the applicant advises that VEOLIA environmental trust have agreed to provide £110,000 of funding for the external build. Other companies will also be approached to pledge skills to finish the building and so far donations have been pledged in relation to plastering, electrical work, flooring, the kitchen and the toilets. TLRH truly believe that this is a community project.
20. The building will enable TLRH to continue the good work currently done with young people as the current building is too small to fit their ever increasing needs in terms of equipment and personal hygiene. TLRH wish to support young people whilst developing services for young adults with acquired brain injury through accident and illness.

21. It is not envisaged that the building will lead to an increase in service usage as it will just create a building which meets the current needs. A meeting room is required to provide space for professional meetings which are currently held in the kitchen for one to one private meetings with parents. An office is required as at the moment, the professional team currently share an office with the fundraising team which is not appropriate with regards to data protection.
22. TLRH have developed strong relationships in the area and are well known and respected. The Legacy was built at the site due to its location as Mrs Mawdesly used to have to travel to Liverpool for health related services. TLRH is located in a rural area where the relatively quiet and attractive environment provides children with much needed calm.
23. As a consequence of the success of TLRH, there is a need for a fuller range of services to be provided on site not just for the affected children but also their parents and siblings. TLRH believes in its community and believes in change and helping others. TLRH has proved its worth as a charity and a business although its true reason for being here has never been lost. TLRH is needed because it may stop families from breaking down, it may prevent a child from being wheelchair bound for the rest of their life.
24. The applicant states that TLRH has helped her to personally cope with her own problems with raising a disabled child and that TLRH has been created for parents and their children but the service cannot be continually provided without the additional accommodation proposed by this application.

## **Assessment**

### Principle of the development

25. The application site is located in the Green Belt. Given the replacement building is materially larger than the existing building in that the volume of the replacement will be more than 255% greater than the existing; it is considered that the new building is not in accordance with guidance on replacement buildings in the Green Belt set out in paragraph 89 of the NPPF. This being the case, the proposed development is by definition 'inappropriate development'. The applicant has therefore submitted a statement of 'very special circumstances' in support of the application which seeks to demonstrate that the proposed building is essential to the continued operation of the services provided at the site.
26. The application concerns a highly specialist education facility for Special Educational Needs (SEN) and disabled children of a particular type. The Centre is now well established and has been an extraordinary success. It is certain that the community in a broad sense has played a large part in that success.
27. The applicant also advises that the children who attend The Legacy Rainbow House (TLRH) must have better opportunities to attend education appropriate for their highly specialist and varied needs. Furthermore, their parents must be given better opportunities to enable them to cope with the very demanding pressures which parenting such children involves. Being able to send them to specialist facilities in the right location is essential but not currently possible. The proposed building would make this possible.
28. The applicant advances the fact that TLRH is now performing a role within the SEN framework operated by Lancashire County Council proves not just the bona fide nature of the institution but its necessity. Moreover, TLRH is a service provider as part of the 'Aiming High' programme which is administered through Lancashire County Council in its capacity as SEN provider. The applicant advises that Government statistics indicate that there are 570,000

disabled children in England and around 100,000 of these have complex care needs and need support from a wide range of services. TLRH is helping to meet the needs of some of these children at the moment but now wishes to meet those needs in a more comprehensive way by improving the facilities on the site.

29. The applicant also states that the NPPF recognises that planning should facilitate and promote sustainable rural development by making suitable land available in line with social objectives to improve people's quality of life. The facilities proposed must be provided alongside the established educational centre and cannot be located elsewhere. This is both on the basis that it is wholly impractical to transport children off site to such facilities but, in fact, there are no such facilities for them to go to.
30. Whilst economic reasons are not enough for justifying the development in isolation, the applicant advises that it is a fact that TLRH employs 16 members of staff full time and 11 members of staff part time and is an excellent local employer. Furthermore, they and the parents make use of various local facilities ranging from the local (thriving) post office/convenience shop, public houses, restaurants and businesses.
31. It is considered that the 'very special circumstances' submitted by the applicant demonstrate that the benefits of granting planning permission for the replacement building, to enable improved facilities to be provided on the site, outweigh the harm that would be caused to the openness of the Green Belt by reason of inappropriateness. In terms of specific harm to the openness of the Green Belt and notwithstanding the 'very special circumstances', the issue of the design, scale and impact on the locality is examined in more detail in the following paragraphs. This being the case, it is considered that the 'principle' of the development proposed is an acceptable one, subject to the material considerations set out hereinafter.

#### Impact on the neighbours

32. There are residential properties on the opposite side of Salt Pit Lane to the south west of the site. There are also residential properties to the north of the site on Blue Stone Lane. The new access is to be relocated further along Salt Pit Lane approximately 31m from its present position. The existing access will be closed. The new position of the access will mean noise from vehicle movements will change as they drive further along Salt Pit Lane before entering the site. However, given there is already an access from Salt Pit Lane, the change in its position, from the perspective of noise generated by its use, should not cause undue disturbance to local residents, particularly those opposite the site on Salt Pit Lane. However, the issue of the location of the access is still a matter being evaluated by LCC (Highways) who need to be satisfied that adequate sight lines can be provided.
33. In terms of the physical impact of the access, to relocate it necessitates a new opening in the existing boundary wall and as stated, the existing opening will be closed. In terms of the impact of the building and its use, due to the modest overall height of the replacement building, it will not be prominent when seen from outside of the site given there is an existing boundary fence along Salt Pit Lane and between this and the highway is an existing row of young trees which when in leaf, will provide an effective screen to the site.

#### Design

34. The replacement building is larger than the building it will replace in terms of footprint and height. However, the utilisation of three pitched roofs to the building results in a maximum height of 5m. If a single pitched roof had been utilised, this height would be greater than 5m. The building is simple in design terms and the central glazed section of the building breaks up its massing further. The use of timber boarding to the elevations and profiled metal

cladding to the roof are considered appropriate to the locality as materials such as these are often found on buildings in rural locations.

35. With regards to the car parking spaces, these are sited in close proximity to the existing built development on the site hence it is not considered that they will result in the openness of the Green Belt being detrimentally harmed given the site is well screened and the parking areas are sited in close proximity to the existing building.

#### Impact on Locality

36. In terms of impact on the wider area, it is not considered that the building will be overly prominent from outside of the site due to its relatively low height. Also, the site is bounded by an existing fence along Salt Pit Lane which is approximately 2m high so this, coupled with the existing landscaping between the fence and the highway, limits views of the site from Salt Pit Lane and therefore will limit views of the building. The existing building has a maximum height of 4.5m and the new building has a maximum height of 5m. To the east and north, mature trees provide a visual barrier to views into the site from longer distances.
37. The modest difference in height between the existing building and the proposed building coupled with the roof design of the new building helps to minimise its impact outside of the site. The nature of the site boundaries further minimises the outward impact of the building and therefore its impact on the locality. The impact on Green Belt openness is therefore limited to within the confines of the application site.
38. With regards to the new areas of hardstanding, these constitute an engineering operation and the NPPF states that such forms of development are not inappropriate in the Green Belt as long as openness is preserved and they do not conflict with the purposes of including land within the Green Belt. The proposed areas of car parking are not such that they will result in the openness of the Green Belt being detrimentally harmed given the site is well screened and the parking areas are sited in close proximity to the existing building.

#### Trees and Landscape

39. The proposed hardstanding area will accommodate 7 no. car parking spaces and manoeuvring space. The tree survey submitted with the application details the removal of only 2 trees to facilitate formation of the new access and a small area of small trees adjacent to the parking spaces for mobility impaired drivers.
40. The hardstanding area will not encroach into the Root Protection Zones of the retained trees to the south of the new car parking spaces. Other than the loss of the existing grassland to the car park and the aforementioned trees, the proposed development will not lead to the loss of a significant area of landscaping or trees within the site.

#### Traffic and Parking

41. The existing access is to be closed and relocated further along Salt Pit Lane. In terms of car parking, the site at present has 27 no. parking spaces and the same level of car parking is to be provided once the access has been relocated further along Salt Pit Lane. This level of car parking also includes 3 no. spaces for mobility impaired drivers.
42. However, LCC (Highways) have requested the provision of 33 spaces which includes 3 spaces for mobility impaired drivers. This requirement has been put to the applicant and amended plans have been sought so comments on this element of the application will be reported on the Addendum.

43. In terms of the relocated access, the applicant is currently exploring whether or not this can be provided with the necessary levels of visibility. As with car parking, an update on this issue and whether or not the access is still proposed to be relocated will therefore be provided on the Addendum.

### **Overall Conclusion**

44. As a result of the 'very special circumstances' put forward by the applicant in accordance with the NPPF, the proposed replacement building is considered to be acceptable in 'principle', subject to other material considerations.
45. In terms of the impact of the building and additional hard standing area on the openness of the Green Belt, the enclosed nature of the site, particularly when seen from Salt Pit Lane, means that the building will not be prominent in the wider landscape. The building will be well contained within the site and only 0.5m higher than the existing building. This being the case, it is not considered that the building will cause significant harm to the openness of the Green Belt.
46. With regards to design and scale, the building is considered to be of satisfactory design given the building will be faced with timber boarding and the roof will be covered metal profiled cladding, as both of these materials are commonly found in rural areas. In terms of scale, the use of 3 ridged roofs has minimised the bulk and visual impact of the building and the glazed central element provides a lightweight structure which breaks up the massing between the elements of the building which are faced with timber boarding.
47. There are no concerns with regards to neighbour amenity impact as the building will be well contained in the site and largely screened from view by virtue of the existing boundary fence and landscaping. The bulk and scale of the replacement building is such that it will not impact on the living conditions of local residents and given the site is already established and in use, noise and disturbance, given staff and pupil numbers are not anticipated to increase. Also, there are no impacts on protected trees from the development.

### **Other Matters**

#### Public Consultation

48. The applicant advises that communications have taken place with Mawdesley Parish Council and the immediate neighbours to the site who originally opposed the previous plans for developing the whole site. Specifically, since the withdrawal of the previous application, TLRH advise that Mawdesley Parish Council and the immediate neighbours have been kept informed of the proposals which are now the subject of this planning application and this has included the Board of Directors meeting with one of the neighbours, Mawdesley Parish Council and the local Councillor.

### **Planning Policies**

#### National Planning Policies:

National Planning Policy Framework (NPPF)

#### Adopted Chorley Borough Local Plan Review

Policies: GN5 / DC1 / EP9 / TR4

Supplementary Planning Guidance:

- Design Guide

#### Chorley's Local Development Framework

- Policy SR1: Incorporating Sustainable Resources into New Development

- Sustainable Resources Development Plan Document
- Sustainable Resources Supplementary Planning Document

Joint Core Strategy (2012)

Policy 13 / Policy 17

Publication Version of Chorley Local Plan

ST4 / BNE1 / BNE9

**Planning History**

10/00252/OUTMAJ - Outline application for the erection of a hydrotherapy pool, free standing lodges (6 No) for the provision of holidays, short breaks, respite for brain injured/disabled children and young people and their siblings. The erection of a unit for the rehabilitation of children and young people with acquired brain injuries. Relocation of the wheel chair park and associated infrastructure works including car parking and roadways, servicing, drainage and landscaping – Withdrawn

09/00735/SCE - EIA screening opinion for the provision of bespoke facilities for Rehabilitation of Children with Brain Injuries – EIA not required

09/00266/FUL - Formation of a play area with wheelchair access and external alterations to former stable building – Approved

09/00133/FUL - Retrospective application for conversion of stable to form classroom - Withdrawn

06/00023/FUL - Re-development of industrial site and erection of Conductive Education Centre for disabled children - Approved

04/00781/FUL - Erection of one Class B2 General Industrial unit and three Class B8 Warehousing units, following demolition of existing units - Approved

04/00165/FUL - To erect four industrial units (one Class B2, three Class B8) following demolition of existing industrial units – Refused

95/00004/CLEUD - Application for a Certificate of Lawfulness for existing use, i.e. use of Units 1,3 and 4 within Class B8 and Unit 2 within Class B2 of the UCO 1987 and the use of adjoining land for parking, manoeuvring and (un)loading - Approved

83/00079/OUT - Outline application for 5 Bungalows – Refused

81/01041/OUT - Outline application for 4 bungalows with garages - Refused

80/01021/OUT - Outline application for 3 detached bungalows - Refused

79/00517/FUL - Bungalow and Riding Establishment - Refused

**Recommendation: Permit Full Planning Permission Conditions**

1. **The parking and associated manoeuvring facilities shown on the site plan hereby approved shall be surfaced or paved, drained and marked out and made available in accordance with the approved plan prior to the first use of the building hereby permitted and such parking facilities shall thereafter be permanently retained for that**

purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 1995).

*Reason: To ensure provision of adequate off-street parking facilities within the site.*

2. A scheme for the landscaping of the development and its surroundings shall be submitted prior to the commencement of the development. These details shall include all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; 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.

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.*

3. No part of the development hereby approved shall commence until a scheme for the construction of the footway along the site frontage has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority. The scheme shall include full details of how the existing drainage ditch will be culverted to facilitate the provision of the footway. The footway shall be provided in accordance with the approved details prior to the first use of the building hereby permitted.

*Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the footway are acceptable before work commences on site.*

4. The development hereby permitted shall only be carried out in accordance with the Tree Survey Schedule, Tree Constraints Plan and Tree Impact Plan prepared by Bowland Tree Consultancy Ltd dated February 2013.

*Reasons: To define the permission and the scope of tree works associated with the proposed development.*

5. Prior to the commencement of development samples 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.*

6. During the narrowing of the existing vehicle access to that of pedestrian, what remains of the vehicle access shall be physically and permanently closed and the existing verge/footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads (concurrent with the formation of the new access).

*Reason: To limit the number of access points to, and to maintain the proper construction of the highway.*

7. Before the access is used for vehicular purposes, any gateposts erected at the access shall be positioned 5m behind the nearside edge of the carriageway and visibility

splay fences or walls shall be erected from the gateposts to the existing highway boundary, such splays shall be 45° to the centre line of the access. The gates shall open away from the highway. Should the access remain un-gated 45° splays shall be provided between the highway boundary and points on either side of the drive measured 5m back from the nearside edge of the carriageway.

*Reason: To permit vehicles to pull clear of the carriageway when entering the site and to assist visibility.*

8. 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*