

Item 4	09/00825/OUTMAJ Outline App Permitted with Legal Agmnt
Case Officer	Mr Andy Wiggett
Ward	Brindle And Hoghton
Proposal	Demolition of existing buildings, erection of 15 units for mixed use of office and living accommodation, formation of new access to Finnington Lane, landscaping and laying out of new road and parking areas together with provision of washroom/W.C. building for canal-boat users.
Location	Finnington Industrial Estate Finnington Lane Feniscowles Withnell
Applicant	MAS Site Services
Proposal	<p>The application relates to the redevelopment of an isolated site adjacent to the Leeds and Liverpool Canal within the Green Belt. The site is close to junction 3 of the M65 motorway on the A674 road to Feniscowles. The site at present is a collection of various industrial buildings which was previously used as a hatchery and prior to that as a sewage treatment works and isolation hospital. The site comprises a number of dilapidated and poorly maintained buildings used for a variety of B1 and B2 uses including car repairs, vehicle storage/dismantling.</p> <p>There is a short terrace of five houses on the road frontage to the northwest of the proposed development.</p> <p>The development would consist of the provision of fifteen office/live work units. The development also includes improvements to the access arrangements and facilities to serve the occupiers of moored boats on the adjacent canal.</p>
Policy	<p>Planning Policy Guidance 2: Green Belts</p> <p>Planning Policy Guidance 6: Planning for Town Centres Northwest Regional Spatial Strategy 2008</p> <p>Chorley Borough Local Plan Review DC1- Development in the Green Belt EP4 – Species Protection EP5 – Wildlife Corridors EP13 – Under-used, Derelict and Unsightly Land EM2– Development Criteria for Industrial/Business Development TR4 – Highway Development Control Criteria GN5 – Building Design</p>
Planning History	<p>01/00324/FUL – Demolition of existing building, erection of 2 office blocks, formation of new access. Withdrawn</p> <p>08/00796/FULMAJ - Demolition of existing buildings, erection of 5 office units with ancillary residential use, erection of 5 affordable housing units, formation of a new access to Finnington Lane, landscaping, new road and parking areas. Including the</p>

provision of washroom/WC building for canal boat users.

Withdrawn

09/00332/FULMAJ - Demolition of existing buildings, erection of 5 office units with ancillary residential use, erection of 5 live/work units, erection of 5 affordable housing units, formation of new access to Finnington Lane, landscaping, laying out of new road and parking areas together with the provision of washroom/ .wc building for canal boat users.

Refused

Consultations

County Highways The application should be refused on highway safety grounds in its current form.

United Utilities:

No objections, the water mains in the area may need extending into the site.

Lancashire County Archaeological Service:

No comments.

Architectural/Crime Reduction Advisor:

The development should be constructed to full Secure by Design standards. Requires a properly designed signal controlled access.

Neighbourhoods:

There is the potential for ground contamination and therefore, conditions should be attached requiring ground condition investigations and any remediation works found to be necessary.

Policy:

Not a major developed site in Green Belt so need to demonstrate special circumstances. PPS6 represents changed circumstances from previous application and makes it clear that trip intensive uses should be located where there is a realistic choice of transport modes. New RSS emphasises that accessibility by public transport is a key consideration for development in rural areas. The proposal does not satisfy the requirements in Policy SR1, Incorporating Sustainable Resources into New Development. The site provides a source of local employment opportunities and could also be used for B1 uses. No evidence had been put forward as to how Policy EM9 has been satisfied.

Lancashire County Ecologist:

Require an inspection of the cellars to supplement the bat survey. Work should be conditioned to avoid the bird breeding season.

British Waterways Board:

No objections subject to conditions covering protection of the waterway from pollution and boundary treatment.

Representations

Two letters have been received. One letter from a nearby resident expresses concern about the relationship of the application to their garage and parking space and also that the 'B' units might overlook their property. The second letter is from the owner of adjoining farmland stating that some of the application site is within their ownership and concerned about rights of way.

Applicant's Case

The development is in the Green Belt but very special circumstances exist in terms of regeneration of the site, improvement of the access, improvement in the visual amenity of the site, the removal of bad neighbour uses from the site, enhanced employment facilities and facilities for users of the Canal.

Assessment

The site has a complicated planning history in that the Council in

2003 wished to see it redeveloped for office uses and was only frustrated in that aim by the Government Office for the Northwest who decided that there had to be a public inquiry to resolve the Green Belt policy issues. The Council lobbied hard that this was an unreasonable approach as there were sufficient exceptional circumstances to make the redevelopment of the site for employment purposes beneficial and in the wider public interest. Since that time there have been changes in Government Policy namely PPS6 – Planning for Town Centres and PPS7 – Sustainable Development in Rural Areas which need to be taken into account as well as the changed position of the Highway Authority who initially accepted an improved traffic light junction but are now of the view that the site needs a completely new access.

The main issues concerned with the application, however, still relate to Green Belt Policy, landscape and environment related to the Leeds and Liverpool Canal, business development and access details.

Green Belt

The site is located within the Green Belt and as such the applicant has to provide a justification as to why inappropriate development should be allowed. The applicant has put forward a range of benefits that the development will bring involving regeneration and the replacement of a bad neighbour activity on the site next to the terrace of houses adjacent. The site has not been identified in the Local Plan as a major developed site but Inspectors have used the criteria in Annex C of PPG2 as a guide to how to assess redevelopment of sites in the Green Belt, provided that there are very special circumstances to justify this. These are that the scheme should have no greater impact than the existing development on the openness of the Green Belt and the purposes of including land in it, contribute to the achievement of the objectives for the use of land in Green Belts, not exceed the height of the existing buildings and not occupy a larger area of the site than the existing building.

The site in its current form damages the local environment and impacts adversely on the Leeds and Liverpool Canal. It does not meet one of the defined objectives of Green belt, namely to retain attractive landscapes and enhance landscapes near to where people live. On that basis the redevelopment of the site represents a very special circumstance.

Business Development

The scheme proposes 2 detached 3 bedroom live work units to include 716sq ft of office space, 3 bedroom live work units to include 591 sq ft of office space and 10 4 storey units comprising a 3 bedroom apartment and 514 sq ft of office space.

The live/work units could be justified as an exception to Green Belt in that they may fall within the scope of guidance in PPS7 – Sustainable Development in Rural areas. This states that the Government is supportive of the replacement of suitably located, existing buildings of permanent design and construction in the countryside for economic development purposes. This is where the replacement building would bring about an environmental improvement in terms of the impact of the development on its surroundings and the landscape.

However, it still does not follow the guidance in PPS6 and its emphasis that office developments should focus on local service centres.

Policy EP13 of the Local Plan seeks to deal with underused, derelict and unsightly land and one of the locations identified for regeneration is the Leeds and Liverpool Canal.

The proposed live work units on the scale intended can be viewed as an experiment to demonstrate that there is a demand for this form of employment as a catalyst for rural regeneration in terms of meeting a local employment need. There are very few sites in rural locations where such units could be built and this one has the added benefit of dealing with an environmental eyesore but a S106 agreement will be needed to ensure that together with the design of the units they do not simply become homes within the countryside without an employment base.

Landscape and Environment

The design of the buildings has been developed from the scheme considered by the Council in 2001 and would not exceed the height of the existing buildings on the site. The materials and style are appropriate for the context being adjacent to the Canal and therefore in conformity with Policy LT9. The site and buildings are generally well absorbed into the landscape and will not be prominent features except when viewed in close up from Finnington Lane and the Canal towpath. The ecological report accompanying the application suggests that the existing dense landscaping to the north and east of the site should be retained in order to continue as a wildlife corridor as well as the existing trees and vegetation at the rear of the terrace of houses adjacent to the development.

The ecological survey concluded that there was no evidence of rare or fragile plant species on the site. There was no evidence of bats in the buildings or cellars or the presence of other protected species or fauna.

As the proposed development is one to which the new adopted DPD document – Sustainable Resources applies and the application needs to meet the criteria set out in Policy SR1 but as the application is in outline form this can be secured by condition. The Type B units would be located at least 39m from the rear of the terraced house on Finnington Lane. This is sufficient to avoid any problems with regard to overlooking especially as the units are 2.5 storey in this part of the site. The remaining units on the site are four storey but these are situated on the other side of the access road and face the end gable of the terrace. The site slopes down from the canal and the Type A units are at a lower level than the houses and would appear as three storey due to the changes in ground level.

Access Details

The application was accompanied by a Transport Assessment which proposes an access with an improved priority junction with a traffic calming scheme comprising warning signs and road markings on the approaches. The proposed access junction improvement options both provide a positive benefit over the existing substandard access provision to the site, improving sightlines to the south west and providing visual warnings for drivers travelling along Finnington Lane on the approaches to the site. The previous application for office blocks gave rise to

concern from the Government Office with regard to an increased volume of trips to an out of town location in the Green Belt. The current Traffic Assessment compares an existing daily vehicle movement of 88 mainly heavy goods vehicles with an anticipated 40 daily vehicle movements if the proposed scheme is implemented. The provision of 36 car parking spaces is considered reasonable and not excessive. The scheme shows the provision of four parking spaces for the residents of the terraced house adjacent to the development. One of the houses has its own existing space off the main road.

The site is located on a bus route with a segregated access to the bus stop along the canal towpath. The canal towpath also provides a pleasant walking and cycling route towards Withnell Fold, Wheelton and Chorley to the south west and Fennisowles and Blackburn to the north east.

Conclusion

The planning history of the site shows that the Local Planning Authority was prepared to accept redevelopment in this location as representing a beneficial proposal as it would bring highway improvements, safeguard and improve the amenity of nearby residents and improve the visual amenity of the Green Belt. This assessment has not changed but the nature of the scheme is different in that it comprises live/work units rather than offices. The proposal is to be supported as representing the only one that has come forward to redevelop the site and improve the existing substandard access. The fall back position of further sub-division of the existing buildings on the site into small units with an unconstrained B2 established use would intensify an unacceptable situation in this rural Green Belt location. The proposal satisfies the criteria in PPG2 and very special circumstances have been demonstrated to justify a redevelopment scheme. However, this is a marginal proposal but on balance it would be in the community's interests to grant permission and see if the market will respond and carry out the development. There is no certainty that the development will take place but as a rural experiment to resolve this long running problem it is to be supported.

Recommendation: Outline App Permitted with Legal Agmnt Conditions

1. Prior to the commencement of development details of appropriate mitigation measures to prevent pollution of the waterway during and after construction of the proposed development shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

Reason: In order to avoid contamination of the waterway and ground water from wind blow, seepage or spillage in accordance with the guidance in PPS23 – Planning and Pollution Control.

2. Notwithstanding the submitted plans prior to the first occupation of the units, details of the proposed boundary treatment (showing height, specification, colour, materials and/or planting) shall first have been submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

Reason: To ensure that the external appearance of the development is satisfactory in accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.

3. 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.

4. The development hereby permitted shall not commence until the applicant has submitted to and had approved in writing by the Local Planning Authority a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures. The report should include an initial desk study, site walkover and risk assessment and if the initial study identifies the potential for contamination to exist on site, the scope of a further study must then be agreed in writing with the Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures. The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.

Reason: In the interests of safety and in accordance with the guidance set out in PPS23 – Planning and Pollution Control 2004.

5. Notwithstanding the submitted plans no development shall take place until a detailed scheme for the access in accordance with the plans shown in the report by PSA Design received on the 17th November 2009 has been submitted to and agreed in writing by the Local Planning Authority in consultation with the Highway Authority and thereafter implemented in accordance with the agreed plan.

Reason: In the interests of highway safety and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

6. The approved units shall be used for a mixed residential and office use (classes C3 and B1(a), (b) of the Use Classes Order) and for no other use unless agreed in writing by the Local Planning Authority.

Reason: To safeguard the Green Belt from inappropriate development and in accordance with Policy EP13 of the Adopted Chorley Borough Local Plan Review and the guidance in PPS7 - Sustainable Development in Rural Areas.

7. The application for approval of Reserved Matters shall be accompanied by full details of the predicted energy use of the development expressed in terms of carbon emissions and a schedule setting out how energy efficiency is being addressed, including benchmark data. It will show the on-site measures to be installed and implemented so as to produce a minimum of 10%, or locally set targets (whichever is the higher) in place at the receipt of the reserved matters, of the predicted energy use of the development by means of low carbon energy sources. Appropriate on-site measures include rainwater/brown water recycling. No development shall commence until the scheme has been submitted to and approved in writing by the Local Planning Authority. Such details as may be approved shall be implemented and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the proper planning of the area, in line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1 and Chorley Borough Council's Sustainable Resources DPD.

8. Before the development hereby permitted is first commenced, full details of the following reserved matters (namely appearance and landscaping) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: The permission is in outline only and in accordance with Policy Nos. GN5 and EP13 of the Adopted Chorley Borough Local Plan Review.
