

Item B.1 **06/00023/FUL** **Permit Full Planning Permission**

Case Officer **Mr Simon Pemberton**

Ward **Eccleston And Mawdesley**

Proposal **Re-development of industrial site and erection of Conductive Education Centre for disabled children.**

Location **Land At Junction Of Salt Pit Lane And Bluestone Lane Mawdesley Lancashire**

Applicant **Rainbow House**

Site: This application proposes the demolition of the existing industrial buildings and the construction of a replacement single storey building comprising accommodation for Rainbow House who intend to operate a conductive education centre for disabled children.

The site is located at the corner of Salt Pit Lane and Bluestone Lane, Mawdesley. Access to the site is from Bluestone Lane. The site is currently split into two parts, that used for industrial purposes and the adjacent part upon which accommodates a domestic stable building.

The existing industrial buildings comprise a single storey timber building with a footprint of 266m². They are surrounded by extensive hardstanding areas that are currently used for open storage and vehicular parking/turning. The industrial building is split into four units one of which is occupied by a wrought iron manufacturing business. The others are used for low key storage by business occupying premises at Towngate Works.

The stable building is of brick built construction and does not appear to be in active use for the permitted purpose. Access is obtained through the industrial estate, and there is an area of hardstanding to the front of the building. Land to the south of the stables is also owned by the applicants but is excluded from the site boundary. This land is currently used as a paddock.

Planning History: In 1995 an application was made for a certificate of lawfulness of the existing buildings on the site for industrial purposes. This was permitted.

An application was subsequently submitted under reference 04/00165/FUL to demolish the existing building and erect four industrial units (one Class B2, three Class B8). However this was refused permission on Green Belt impact because of the additional size of the proposed building, and its design and facing materials, contrary to Policies 4 and 25 of the Structure Plan and Policies DC1, GN5 and DC9 of the Local Plan. Very special circumstances to outweigh the presumption against the development had not been advanced. In addition it was considered that inadequate facilities for lorries to park and turn clear of the highway was being provided.

A subsequent application, reference 04/00781/FUL, overcame these issues and permission was granted for the erection of a similar development (albeit different design) comprising one Class B2 General Industrial unit and three Class B8 Warehousing units. The permission created a building with a footprint of approximately 330m². This permission remains valid.

The existing stable building was permitted by planning application, reference 01/00440/FUL.

Proposals: This application proposes the construction of a single storey double skinned building on the same footprint as that permitted for the industrial building. The building incorporates two class rooms, a nursery school, physio therapy facilities and other associated accommodation.

The existing hardstanding to the north of the building will be replaced with a specially adapted outdoor soft play area. Areas of other hardstanding will be retained to provide staff and visitor parking facilities together with associated vehicle manoeuvring areas. It is intended to use the existing stable building as a riding for the disabled centre associated with the activities in the main building.

The proposed accommodation will allow the charity to expand its activities, for which it advises there is a considerable shortage in the North West. The existing conductive education which takes place from the existing building in Eccleston will be relocated to this purpose built facility. The charities headquarters will remain at Eccleston.

Planning Policies: The site is located within the Green Belt where Policy DC1 of the Chorley Borough Local Plan Review 2003 applies. In addition, as the site is currently in industrial use Policy EM4 which protects rural employment sites is also applicable. In addition general policies such as GN5 and TR4 also apply.

Consultation: Mawdesley Parish Council – No objection as long as the property is for use by Rainbow House, appropriate screening of the buildings from the road, limiting the height of the roof. Reduction of speed limit on Bluestone Lane and Salt Pit Lane.

Lancashire County Council Highways – Raises no objections subject to the provision of a footway between the site and Bluestone Lane and various conditions.

Neighbours: Bluestone House – No objections but suggest that the speed limit in Bluestone Lane and Salt Pit Lane are reduced from 60mph to 40mph.

3 Coronation Villas, Bluestone Lane - No objections but draws to the Councils attention excessive speed of vehicles in this vicinity which, bearing in mind road conditions and lack of lighting, may pose a significant danger to the users of the development.

Issues: The main issues relevant to the appeal are the appropriateness of the proposed development in the Green Belt, the loss of the existing employment uses, accessibility, and the general design and form of the proposed development. These issues are dealt with in turn below.

Green Belt

The proposed buildings are not for a purposes that is identified as being appropriate in the Green Belt either in policy DC1 of the Local Plan or the advice in PPG2: Green Belts. The proposals therefore represent inappropriate development in the Green Belt. Permission should not be granted unless the applicant has demonstrated very special circumstances that outweigh the harm.

In this respect the applicant has referred to the following pertinent points:

- The presence of an existing non-conforming use within the Green Belt that includes various elements of open storage etc.
- That the proposed building will have a similar footprint to the permitted industrial building;
- That the existing areas of hardstanding will be substantially reduced;
- That there is scope for additional landscaping which will further screen the site from public vantage points;
- The charitable nature of the end user of the building and the important support they provide to disabled children and their families;
- The improved design of the buildings from that which exists and that permitted.

The building is of different design than that previously permitted. Its roof is pitched and whilst higher at the ridge, is overall no more bulky than the building permitted previously. However, it is considered that the development will have no greater impact on the openness of the green belt than either the existing or previously permitted use / building.

Weighing up these material considerations, it is considered that these circumstances are very special and, bearing in mind the limited impact of the proposals of the Green Belt, outweigh the harm that is created.

Loss of Employment

The site is currently predominantly in B8 use that provides little employment opportunity in real terms. Storage is not a significant employment generating activity and as a consequence the existing building has limited value to the local economy.

The applicants advise that they anticipate that the proposed centre will employ 13 staff with the scope for this to rise to 18 after the first year. The proposed use will therefore actually result in increased employment opportunities. As a consequence, and bearing in mind the circumstances surrounding the application, it is not considered that the proposals conflict with the intention of policy EM4.

Highways and Accessibility

The County Highways Officer is satisfied with the submitted application subject to appropriate conditions. Whilst the issues raised by the Parish Council and third parties in relation to speed of vehicles are noted the proposal will not have any greater impact than that which could be created by the existing use of the site. It would therefore not be reasonable to require the applicant to secure a reduction in the speed limit.

The site is in an isolated position in a rural area and is not well served by public transport. Nor is the use in this location likely to encourage alternative modes of travel to the car.

However, given the nature of the people using the site it is most unlikely that either public transport or walking /cycling would be viable modes in any respect. In addition, the applicant has indicated that they will consider a school bus service at the end of their first year if permission is granted. This would reduce individual trips to the centre.

Design

The building has been designed of brick construction with a low pitched roof in order to minimise the impact of the development. It will be necessary to carefully select the materials as a reasonable quality brick will be necessary to create an acceptable external appearance. This however, can be the subject of conditions attached to any permission.

There are opportunities for additional landscaping at the front of the site and at strategic locations within it. This includes between the existing stable building and the proposed building. This landscaping will soften the impact of the development helping to integrate the site with its environs. The removal of existing areas of hardstanding (some of which is used for open storage) would also be a significant benefit to the visual appearance of the site.

Conclusions:

For the reasons discussed above, it is considered that the application is for inappropriate development in the Green Belt. However, it is considered that it will have no greater impact on the openness of the Green belt than the existing lawful use and previously permitted development. As such this, together with the other points identified in support of the application above, represent very special circumstances that outweighs the presumption against the development. In terms of employment use, the existing use is low key and inappropriate in the area. The loss of employment generating activity will not be significant and in real terms the proposed use is likely to create as much employment as currently exists on the site.

On balance it is therefore considered that the proposed development is acceptable and is therefore recommended for approval subject to the following conditions.

Recommendation: Permit Full Planning Permission Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. 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 unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.

3. Prior to the commencement of development full details of the colour, form and texture of all hard landscaping (notwithstanding any such detail shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved, unless otherwise first agreed in writing by the Local Planning Authority, and shall be completed in all respects before the final completion of the development and thereafter retained.

Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.

4. Prior to the commencement of any development, full details of the alignment, height and appearance of all fences, gates, walls or other means of enclosure to be erected (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times. Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 no further fences, gates, walls or other means of enclosure shall thereafter be erected unless express planning permission is first obtained.

Reason: To ensure a visually satisfactory form of development and to protect the amenities of occupiers of nearby property and in accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.

5. Details of any floodlighting to be installed shall be submitted to and approved in writing by the Local Planning Authority before any such installation is carried out. The installation shall then be implemented precisely in accordance with these agreed details which shall then not be varied without express written permission. Furthermore, no additional external lighting shall be installed without the express written permission of the Local Planning Authority.

Reason: To safeguard the amenities of the area and to minimise the possibility of inconvenience to nearby residents in accordance with policy GN5 of the Chorley Borough Local Plan Review 2003.

6. Before the development hereby permitted is first occupied, the car park and vehicle manoeuvring areas shall be surfaced or paved, drained and marked out all in accordance with the approved plan and to a specification first agreed in writing with the Local Planning Authority. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.

Reason: To ensure adequate on site provision of car parking and manoeuvring areas in and accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

7. Before the development is commenced, proposals for the landscaping of the site, to include provision for the retention and protection of existing trees and shrubs, if any, thereon, together with any means of enclosure proposed or existing within or along the curtilage of the site shall be submitted to and approved by the District Planning Authority by means of a large scale plan and a written brief. All proposed and existing trees and

shrubs shall be correctly described and their positions accurately shown. Upon approval such new planting shall be carried out during the planting season October/March inclusive, in accordance with the appropriate British Standards for ground preparation, staking, etc., in BS4428:1989 (1979), immediately following commencement of the development. The landscaping shall thereafter be maintained for five years during which time any specimens which are damaged, dead or dying shall be replaced and hence the whole scheme shall thereafter be retained.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and the locality.

8. No materials or equipment shall be stored on the site other than inside the building.

Reason: In the interests of the amenity of the area and in accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.

9. This permission shall enure solely for the benefit of the applicant, Rainbow House, and not for the benefit of the land to which the application relates, and on Rainbow House ceasing to occupy the premises the use shall revert to a D1 use as identified by the Use Classes Order 1987 (as amended)

Reason: The Council has had regard to the special circumstances of the applicant.

10. That part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmac, concrete, block pavements or other materials approved by the Local Planning Authority prior to the building hereby permitted being brought into use.

Reason: To prevent loose material being brought onto the highway causing a danger to other road users in accordance with policy TR4 of the Chorley Borough Local Plan Review 2003.

11. Prior to the first occupation of the building hereby approved a footway to adoptable standards to a specification to be agreed with the Local Planning Authority shall be provided between the site access and the existing footway to the west of the site.

Reason: To secure adequate visibility splay from the site entrance and in the interests of pedestrian safety in accordance with policy TR4 of the Chorley Borough Local Plan Review 2003.
