

Item 4f **12/00305/FUL**

Case Officer **Mrs Nicola Hopkins**

Ward **Chisnall**

Proposal **Proposed partial demolition of the existing building and the erection of a replacement building for Festive Lights (resubmission of 12/00091/FUL)**

Location **Festive Lights Disklok House Preston Road Charnock Richard Chorley**

Applicant **Festive Lights Ltd**

Consultation expiry: **18 April 2012**

Application expiry: **16 May 2012**

Proposal

1. The application relates to the existing Festive Lights premises in Charnock Richard. The application seeks planning permission for the redevelopment of the existing site to accommodate a mixed-use building comprising a Class B1 administrative office and Class A1 retail sales area / showroom.
2. It is proposed to demolish the existing brick building on the site but retain the steel frame section and then reconstruct the whole building as a steel frame office and showroom. At the same time additional car parking will be provided on the site and it is proposed to demolish the breeze block building at the rear of the site.
3. The site is currently occupied by a modern warehouse building occupied by Disklok UK and a two storey office complex with retail showroom. Car parking is located to the front and the site is accessed directly from Preston Road with a secondary access from Croston Lane.

Recommendation

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

Main Issues

5. The main issues for consideration in respect of this planning application are:
 - Application Site
 - Background information
 - PPS4 Assessment
 - Impact on the Green Belt
 - Impact on the neighbours
 - Design
 - Flood Risk
 - Traffic and Transport
 - Sustainability
 - Noise and Light

Representations

6. **Charnock Richard Parish Council** have no objections

Consultations

7. **Environmental Health (Noise and Light)** have made the following comments:
- There have been no previous complaints concerning statutory nuisance associated with this property and it would appear that this proposal should not present any adverse impact on any neighbouring dwellings.
 - The proposal has a substantial glass area to the front of the building which (dependant on operational hours) may be an issue in respect of possible light overspill to any neighbouring properties.
8. **The Environment Agency** have no comments to make.
9. **Lancashire County Council (Highways)** have confirmed that the application is a resubmission of application no: 12/00091/FUL to which I had no highway objection. The revised application is of no material highway change and as such I would again have no objection.
10. **Chorley's Waste & Contaminated Land Officer** has no objection
11. **The Council's Policy and Design Team Leader** has commented in respect of design which is addressed below.

Applicants Case

12. The following points have been provided by GVA Grimley on behalf of the applicants in support of the proposals:
- The planning application proposal made by Festive Lights fulfils their aspiration to upgrade their accommodation on the site at Preston Road in order to expand and develop the performance of their business. The proposal involves a part-demolition and redevelopment of existing buildings on site to provide a modern development with sufficient accommodation and internal configuration to support showroom and retail sales areas as well as administrative and internet and tele-sales space.
 - The proposed scheme involves a minor reduction in floorspace at the site but with an increase in the overall building height. This is a key requirement for the business in order for the larger product lines to be effectively displayed on site. The new accommodation will also present a modern arrangement which is suited to their wider business profile which trades successfully with a number of multi-national retailers.
 - The development proposal includes retail floorspace (in an out-of-centre location) and development within the Green Belt. The retail policy assessment shows that the proposal meets the clear tests in regard to impact and sequential alternatives as contained formerly within PPS4 and now within the NPPF.
 - In regard to Green Belt development it is held that the scheme would not lead to a disproportionate additions or a materially larger building than the one that is presently on the site. On this basis the development is considered to meet the NPPF 'exception test' which provides limited examples of development within the Green Belt which is not considered to be inappropriate.

- Notwithstanding this position, it is also evident that the proposal benefits from a strong business need case. By virtue of the very limited harm that would be conveyed to the Green Belt land and the overriding benefits of the scheme, which amount to very special circumstances, it is concluded that the planning application is compliant with the provisions of the NPPF in regard to development within the Green Belt and upon this basis we seek the support of Chorley Borough Council in granting planning permission.

13. The following points have been provided the applicants in support of the proposals:

- A large proportion of the customers buy through the internet, but people still like to view products before they buy and see that an internet company has a viable base. We have looked at various options in the past to relocate with our main aim to keep in the Chorley area.
- The first option was to buy the Bentwood Brothers building on Water Street in Chorley (now Curry's store). We came up against several obstacles i.e. the asking price kept increasing seemingly as we became more interested in the property. We persevered and had plans drawn up to outline the proposed building to include showroom, warehousing, offices and seasonal retail store.
- We did meet up with Chorley Planning Department and our local MP Lindsay Hoyle to put forward our proposals and the advantages to Chorley of having this type of business i.e. a 'Christmas Wonderland' to attract more visitors to Chorley and to increase the amount of employees required from the local area. At the time the Planning Dept. were very restrictive on the type of products we could sell to the point of listing products and not deviating from this. Meanwhile the purchase price did keep increasing to the point that the project became untenable.
- The next option was to demolish our own existing building and erect new offices. This was in 2002 and the plans were passed, but at the time as the business was growing, we found we needed more warehousing as a priority and funds would not allow us to do both.
- Further down the line we have looked at several properties on the Matrix development on Buckshaw Village, but these did not meet the criteria and were too expensive when considering the added costs of warehousing somewhere else.
- We decided that because we could not find a property in the Chorley area that could satisfy our criteria i.e. showroom height, offices, warehousing and position, that the only option was to buy some land and build our own bespoke building.
- Land for sale became available on Buckshaw Village next to Tesco. We had plans drawn up for a bespoke building but the land was in fact for lease and not for sale to buy outright. The land had so many sub leases and covenants on it that the bank eventually said no to the funding of the project.
- Kath Burns the economic development officer at Chorley looked at other land options Myles Standish Way, Chorley, Botany Bay, Chorley, but again these were not suitable for type of building we require or not yet being developed.
- To buy land at approx £450,000, then build a specialist building plus relocating costs is extortionate. In the present climate the bank has told us this is not an option. We have

come to realise we have already got the land and a building. The current building is not fit for purpose and does not fit our business profile as a modern business going forward hence the reasons why we are progressing the planning application we have made.

Planning Policy

National Planning Policy:

- The relevant national planning policy guidance is as follows:
- National Planning Policy Framework (NPPF)
- The NPPF confirms that for 12 months from the day of publication (27th March 2012), decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework.
- In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:
 - the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- In respect of the Green Belt the NPPF states within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles include *take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;*
- The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- The NPPF states that *when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.*
- The NPPF goes on to state that the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:
 - buildings for agriculture and forestry;
 - provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
 - the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
 - limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
14. Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:
- mineral extraction;
 - engineering operations;
 - local transport infrastructure which can demonstrate a requirement for a Green Belt location;
 - the re-use of buildings provided that the buildings are of permanent and substantial construction; and
 - development brought forward under a Community Right to Build Order.
15. The proposals involve a business within the Green Belt. The NPPF supports economic growth in rural areas by taking a positive approach to sustainable new development. The NPPF states that to promote a strong rural economy, local and neighbourhood plans should:
- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
 - promote the development and diversification of agricultural and other land-based rural businesses;
 - support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and
 - promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.
16. In respect of retail developments the NPPF states that planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. In drawing up Local Plans, local planning authorities should:
- recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;
 - define a network and hierarchy of centres that is resilient to anticipated future economic changes;
 - define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations;
 - promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres;
 - retain and enhance existing markets and, where appropriate, re-introduce or create new ones, ensuring that markets remain attractive and competitive;

- allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres. It is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability. Local planning authorities should therefore undertake an assessment of the need to expand town centres to ensure a sufficient supply of suitable sites;
 - allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available. If sufficient edge of centre sites cannot be identified, set policies for meeting the identified needs in other accessible locations that are well connected to the town centre;
 - set policies for the consideration of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres;
 - recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites; and
 - where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity.
17. Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.
18. This sequential approach should not be applied to applications for small scale rural offices or other small scale rural development.
19. When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of:
- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
 - the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.
20. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.
21. Ultimately, in decision making, the NPPF (paras. 186 and 187) directs LPAs to:
- Approach decision taking in a positive way to foster delivery of sustainable development;
 - Look for solutions rather than problems with decision-takers at every level seeking to approved applications for sustainable development where possible; and

- Work proactively with applicants to secure developments that improve the economic, social and environmental conditions of an area.

The Development Plan

22. The development plan comprises the saved policies of the Adopted Chorley Borough Local Plan Review 2003, the Sustainable Resources Development Plan Document 2008 and the North West of England Regional Spatial Strategy 2008 (RSS).
23. The starting point for assessment of the application is Section 38 of the Planning and Compulsory Purchase Act 2004 that states if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Regional Spatial Strategy (RSS)

24. At the current time the Regional Spatial Strategy (RSS) for the North West is still in force. The Secretary of State's intention to revoke RSS, and how that intention should be considered has been a matter for the courts, with the outcome that RSS remains part of the development plan, and that the intention to revoke can be regarded as a material consideration in the determination of planning applications.
25. Section 109 of the Localism Act has already come into force which gives the Secretary of State the power to revoke the whole or part of any Regional Spatial Strategy. Consultation on Strategic Environmental Assessment (SEA) which considers the environmental impacts of revocation expired on 20 January 2012. The Government has indicated that it intends to revoke RSS by April 2012.
26. The relevant policies of the RSS are as follows:
- **Policy DP1 – Spatial Principles** - This policy outlines broad spatial sustainability principles that should be adhered to.
 - **Policy DP4 – Make the Best Use of Existing Resources and Infrastructure** - This policy seeks to make the best use of existing infrastructure.
 - **Policy RDF4 – Green Belts** - This policy relates to the general extent of the Region's Green Belt
 - **Policy W5- Retail Development** - This policy relates to new retail development in the region

Adopted Chorley Borough Local Plan Review

27. The relevant policies of the Local Plan are as follows:
- DC1- Green Belt
 - EP4 - Species Protection
 - EM5- Extensions to Rural Enterprises
 - TR4- Highway Development Control Criteria

Sustainable Resources DPD:

- Policy SR1 – Incorporating Sustainable Resources into New Development

Emerging Policy Considerations

Central Lancashire Local Development Framework Joint Core Strategy

28. Central Lancashire Core Strategy – Publication Version December 2010: Chorley Council is preparing a Core Strategy jointly with Preston City and South Ribble Councils which was submitted for examination in March 2011 and an Examination in Public took place in June 2011. In July 2011, the examining Inspector expressed doubts whether the document in its

December 2010 published form could be found sound in providing for sufficient new housing (Policy 4). The examination was suspended and in November 2011 the three Councils produced a Proposed Housing Related Changes document. This was subject to public consultation during November and December 2011. The consultation period ended on 13 December 2011. The examination re-opened and closed on 6 March 2012.

29. As a whole the Core Strategy as a document is at an advanced stage.
30. The following Core Strategy Policies are of relevance to this application:
 - **Policy 2:** Infrastructure
 - **Policy 11:** Retail and Town Centre Uses and Business based tourism
 - **Policy 13:** Rural Economy
 - **Policy 17:** Design of New Buildings
 - **Policy 27:** Sustainable Resources and New Developments

Site Allocations & Development Management Policies DPD (Preferred Option Paper)

31. Local Development Framework: Site Allocations and Development Management Policies Development Plan Document. The Council has recently completed consultation on the Preferred Option Paper for the Chorley Site Allocations and Development Management Policies Development Plan Document (DPD). This document will accord with the broad content of the Central Lancashire Core Strategy but will provide more site-specific and policy details. The purpose of this document is to help deliver the aims of the Central Lancashire Core Strategy by setting out development management policies and allocating or protecting land for specific uses. This DPD is at a relatively early stage of preparation, and can be afforded limited weight.

Assessment

Application Site

32. The application site covers approximately 0.165 hectares is bounded by Preston Road and Croston Lane. The surrounding area incorporates residential dwellings located to the immediate south of the application site and beyond Croston Lane to the north. The area to the immediate east of the site beyond Preston Road comprises open grazing land and a golf course.

Background Information

33. The site was originally occupied by Preston Road Garage incorporating a dwellinghouse with attached motor accessory shop (approved in 1978). In 1979 planning approval was granted to convert the ground floor of the dwellinghouse to extend the motor accessory shop with a first floor extension for living accommodation. For both of these applications the retail element was restricted to the sale of motor accessories. In 1992 an application was submitted to erect a bicycle storage building and change of use of the premises to allow bicycle assembly and sales. However this application was withdrawn although it was noted at the time that the sales of bicycles was not authorised as the previous approvals restricted sales from the site as set out above and the applicant was advised to regularise the situation by applying for the sales element also.
34. In 2002 planning permission was granted to erect a replacement warehouse building and to erect replacement storage/ office building, to replace the existing building on site, for the use by a car security business. Although it does not appear that the replacement storage/ office building was constructed.

35. The current premises functions as a shop selling lights however planning permission was never granted for this retail function. An element of retail has previously been approved at the site however this was strictly controlled as set out above. Additionally the previous use of the premises was for office/ storage accommodation and as such the authorised use would appear to be for office/ storage use.
36. In 2002 the premises were being used by a car security business for offices and warehousing and as such Festive Lights have not operated from the premises for in excess of 10 years (which would result in the retail use being authorised).
37. Festive Lights supply indoor/ outdoor lights and festive lighting in the UK. The company was established in 1999 and the business has significantly grown and diversified in the subsequent period. The business predominantly focuses on Christmas related products including artificial trees (up to 8 metres including pre-lit, fibre optic and LEDs options) and has an extensive decorations range (including lighting for weddings and general display) and also homeware range (mood lighting candles etc.).
38. The proposals incorporate a modern showroom with sufficient space for visitors to view the product lines.

Retail Proposals

39. As set out above the use of the premises by Festive Lights is not an authorised use however this planning application seeks to regularise this situation. This is an application for economic growth, in respect of the retail proposals of the development. Retail development is a main town centre use; and this development will be sited outside of a defined shopping area.
40. With regard to the mechanism of assessment of a retail proposal, prior to the publication of the NPPF Planning Policy Statement 4 incorporated several tests. Following the publication of the NPPF ensuring the vitality of town centre is still a key Government objective. The NPPF requires the application of a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan.
41. It is noted that this sequential approach is not applicable to small scale rural development however Festive Lights do not have the benefit of planning permission for retail use on this site and this application includes a significant level of retail floorspace. The proposals are considered to be of a scale where the sequential approach should be applied.
42. GVA Grimley have assessed the site in this regard on behalf of the applicant. The submitted document confirms that in assessing applications for retail development which are not in accordance with an up-to-date Local Plan, the NPPF (para. 26) details that local planning authorities (LPAs) should require the following:
 - Impact Assessment; applicant required to assess:
 - 2 The impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
 - 2 The impact of the proposal on town centre vitality and viability including local consumer choice and trade in the town centre and wider area.
 - Sequential Test; applicant required to demonstrate that there are no suitable incentre sites or failing that accessible edge or out-of-centre sites which are well connected to a town centre.

43. GVA Grimley, on behalf of the applicants have made the following assessment in respect of the NPPF:

1) Impact Test

- Whilst the NPPF details that LPAs should require an impact assessment if a proposed development is outside of a defined town centre and not in accordance with an up-to-date Local Plan, the guidance does however go on to state that an assessment should only be provided if the development is over a proportionate, locally set floorspace threshold or if there is no locally set threshold then 2,500 sqm.
- On the basis of this policy guidance, having regard to the nature of the application proposal, it is clear that no impact assessment is required in this instance given that:
 - 2 There is no locally set floorspace threshold; the Borough Council's emerging Joint Core Strategy is not sufficiently progressed at this stage to either determine local thresholds or be apportioned sufficient material weight in any policy-based assessment of the application proposals.
 - 2 The quantum of floorspace proposed by the application is substantially below the 'default' floorspace threshold established by NPPF.
- In any event, as detailed in the PPS4 Statement submitted as part of the application, the proposal would not adversely impact on the vitality and viability of Chorley town centre as a whole given the bespoke and specialised nature of Festive Lights retail operation which is reflected in the range of retail goods currently sold on site (i.e. artificial Christmas trees and indoor / outdoor decorative lighting). The vitality and viability of Chorley town centre is clearly not underpinned by any retail sector to which the proposal relates.

2) Sequential Compliance

- As set out in the PPS4 Statement submitted with the application, the proposed development cannot be realistically accommodated in Chorley town centre given the bespoke nature of the retail operation (size of Christmas trees etc.). There is recognition within the PPS4 practice guidance (para. 6.31) which details that the size and bulk of goods sold will influence the size and type of unit / site required.
- Whilst the constraints of locating the proposed retail use in the town centre have been established, a detailed assessment of sequentially preferable units within Chorley town centre or indeed on its edge or outside the centre has been undertaken for the purposes of robustness.
- It is clear from site visits that the majority of current vacant units within Chorley town centre are simply unsuitable by virtue of being too small and constrained in terms of width and height to accommodate the applicant's full range of goods.
- The Borough Council must have regard to both the operational and viability constraints facing the applicant in seeking to significantly improve the nature of the business. We consider that there are no sequentially preferable alternatives which would meet the operational and financial constraints facing the applicant.

Out-of-Centre Sites

- In terms of out-of-centre opportunities, the Borough Council in its own policy-based assessment (application consultation response) has identified the former Comet Unit at Highfield Industrial Estate (779 sqm) in Chorley as a sequentially preferable out-of-centre location given its proximity and accessibility to the town centre.
- Whilst it is accepted that the former Comet Unit constitutes a better out-of-centre location in accessibility terms, it is considered that the site is not available, suitable or viable for the applicant on the following basis:

- 2 The unit is not actively available by the freeholder (Comet formerly leased the unit); there are no marketing details available and no suggestion that the unit will be actively re-used for retail purposes at this time.
 - 2 It would not be financially viable for the applicant to relocate / trade from the unit; the applicant simply could not afford a comparable level of rent to what a former national electrical retailer chain is likely to have paid. The retail element of the business only achieves a turnover of c. £280,000 and there is no opportunity to operate as a Class A1 retail business.
44. In respect of the impact assessment taking into account guidance contained within the NPPF it is not considered that an impact assessment is required in respect of this proposal and this notwithstanding due to the specialised nature of the business, which can be controlled by condition, the proposals will not adversely impact on the vitality or viability of Chorley Town Centre.
45. In respect of the sequential assessment undertaken by GVA Grimley of all of the premises assessed the reasons for discounting the premises include them being too small, too low (in respect of ceiling heights), incorporate insufficient parking space and not financially viable from the business perspective. It is acknowledged that the nature of the business is specialised and requires bespoke accommodation and as such it is not considered that there are any sequentially preferable sites which could accommodate the business.

Impact on the Green Belt

46. The application site is located within the Green Belt where there is a presumption against inappropriate development. The NPPF sets out development which is considered appropriate within the Green Belt.
47. It is noted that the definition of 'appropriate development' has been extended, when compared to PPG2, to include extension or alteration of any building in the Green Belt, not just dwellings however this is on the proviso that the alterations do not result in disproportionate additions over and above the size of the original building. It also noted that the NPPF guidance states that the replacement of a building is not inappropriate provided the new building is in the same use and not materially larger than the one it replaces.
48. In this case the height of the building is increasing by 3.1m and although the proposals result in a reduction of 13 sq.m. of floorspace this is due the fact that at first floor level the scheme includes a large void to allow for large Christmas trees to be displayed in the building. It is considered that this proposal is a replacement building given that only a small part of the existing building will be retained and the building is considered to be materially larger than the one it replaces. As such it is not considered to be appropriate development in the Green Belt in accordance with the above definitions and very special circumstances are required for this application.
49. In this case there is an existing building on the site which is a material consideration in respect of this site. It is proposed to demolish the existing brick building on the site but retain the steel frame section and then reconstruct the whole building as a steel frame office and showroom.
50. The internal layout includes a large void at first floor which will be a full height showroom where large trees etc can be displayed. The retained building at present is used largely for smaller displays, this building will be used for the same purpose but the existing and

proposed showrooms will be linked together. There will be no bulk storage on site this will be taken care of off-site in the purpose built storage and distribution unit.

51. It is proposed to raise the eaves height of 4.9 to 5.6m to allow for ceiling heights internally that will work within a commercial building and allow for heating and lighting services within ceiling voids.
52. The roof is proposed to be constructed with a slate roof to respect the surrounding properties. This increases the height to 10.6m opposed to the existing height of 7.5m.
53. The footprint has been proposed to line in the rear of the proposed with the existing steel framed building. The front elevation has been stepped out by approximately 2.5m around the entrance which then steps back to the main building.

54. The floor space split is as follows:

	Existing	Demolished	Proposed
Ground Floor	328m ²	169m ²	289m ²
First Floor	275m ²	154m ²	159m ²
Outbuilding	138m ²	138m ²	
Total	741m²	461m²	448m²

55. This results in a total decrease of 13m² of floor area however this does not include the large void at first floor and includes the demolition of the outbuilding, which is not a consideration when assessing the impact on the Green Belt.
56. The actual variation in floor space is an increase of 143 m² (448 m² ground floor and 280 m² first floor) when compared to the existing building on site. In volume terms the existing building is 2,015 m³ and the resultant building will be 3,805 m³.
57. GVA Grimley have assessed the impact of the proposals in respect of the Green Belt and consider that the proposals are appropriate development within the Green Belt for the following reasons:
 - The proposed development is of a scale and nature which remains consistent with the existing buildings on site. Indeed, the proposal results in an overall reduction in floorspace at the site and no alterations to the car park, access or landscaped areas of the site.
 - Our assessment of the proposal is that it is not disproportionately or materially larger than the original building on the site for the following reasons:
 - 2 Whilst the overall height of the building will increase by 3.1m this impact is softened by the 30 degree roof pitch and architectural style of the building which is purposely 'quasi-residential'; and
 - 2 The development allows for a more efficient use of space by Festive Lights, resulting in a 13 sq.m. reduction in the present quantum of floorspace at the site.
 - Upon the basis of these factors it is considered that the overall impact of the proposal is not significant when considered against the existing baseline position and for this reason the development proposal should not be held as materially larger or a disproportionate increase from the existing building size. Upon this basis we consider the development to fall within the exceptions provided under NPPF policy (paragraph 39) regarding the inappropriateness of development within the Green Belt. The development should not therefore be held to be inappropriate and is therefore worthy of support.

58. However as set out above it is considered that the proposals do not constitute appropriate development and in this regard GVA Grimley have provided the following very special circumstances in support of the proposals:
- The application proposal is made to support the development and expansion of a rural business. The business provides an important source of well-paid employment to a localised workforce. The development would support the economic development of Chorley and provide the opportunity to create further employment as the business grows;
 - A series of alternative options within Chorley have been explored however no suitable premises or development land have been identified which can enable Festive Lights to provide a viable new home for their business. On this basis a redevelopment of the site at Preston Road is the only means of upgrading their current accommodation unless they were to move away from the Borough;
 - The localised nature of the workforce means that relocation away from the Borough of Chorley would lead to less sustainable travel patterns and the potential loss of skilled employees. Festive Lights clear brief is to retain their business headquarters within the Borough of Chorley and this is considered to be a sensible business decision in order to retain their key staff upon which the future development of the business relies upon;
 - The need for new headquarter premises is now a key priority for Festive Lights. There is excellent potential to secure sales expansion through international trade and internet sales, albeit a new high quality building commensurate with the profile of customer expectations is a prerequisite for the target growth the business seeks to achieve;
 - The present accommodation arrangements are insufficient; the headquarter building on Preston Road is outdated, has insufficient floor to ceiling heights in which to display stock and is of a poor internal configuration in which to manage the retail/showroom alongside the offices and sales areas.
59. In conclusion GVA Grimley consider that the business need case which underpins the planning application rationale is one which amounts to very special circumstances. The limited impact conveyed by the redevelopment proposal itself is quite clearly outweighed by the very special circumstances case and on this basis it is concluded that the development is found to be compliant with the NPPF tests on development within the Green Belt.
60. The proposals are considered to be inappropriate development within the Green Belt which, in accordance with the NPPF, are by definition harmful to the Green Belt. Such development should not be approved except in very special circumstances. In this case the fact that there is an existing building on the site is taken into consideration along with the business aspirations of the applicants. The specialised nature of the retail use on this site can be controlled by condition to ensure that a general A1 retail use cannot be accommodated on the site and in this case it is not considered that the proposals will have a significantly greater impact on the Green Belt.

Impact on the neighbours

61. The immediate residential neighbours to the site are Holmlea, Pervill and Elsdale. Holmlea is a small timber built bungalow which is sited immediately adjacent to the car park located at the front of the existing building. The existing building is sited adjacent to the rear garden area associated with Holmlea.
62. The part of the existing building which will be retained as part of the development is steel frame of the structure adjacent to the boundary with Holmlea. The roof of the existing building slopes away from Holmlea, the existing eaves height of this part of the building is 3.8 metres

high adjacent to the boundary and the ridge extends to 7.3 metres at its highest point (which is approximately 6 metres from the boundary with Holmlea.

63. The proposed development retains the same eaves height (3.8 metres) adjacent to the boundary with Holmlea and the roof slopes away from the boundary to replicate the existing situation on site. It is noted that the roof of the proposed building is higher than the existing building however within 6 metres of the boundary the maximum height of the building is 7.3 metres identical to the existing situation. As such it is not considered that the proposals represent a materially greater impact on the residents of Holmlea than the existing building.
64. There are no existing windows in the side elevation of the existing building which faces Holmlea. The proposed building also does not incorporate any windows within this elevation ensuring that the amenities of the neighbours are protected.
65. Pervill is a detached two storey dwellinghouse which is the neighbouring property to Holmlea however as the property is set back from the highway it is visible from the application site. The building lines up with Pervill however there is over 20 metres retained between the building and the existing dwellinghouse. The relationship of the application site and Pervill is similar to the relationship with Holmlea although there is a greater distance retained between the properties. It is considered that as the roof design and window location replicates the existing situation the proposals will not adversely impact on the amenities of the residents of Pervill.
66. Elsdale is a detached bungalow located to the rear (south west) of the application site. Within the application site there is an existing detached building, adjacent to the boundary with Elsdale, which will be demolished as part of the proposals. The south-west elevation of the building faces the boundary with Elsdale and is sited approximately 27.5 metres from the common boundary (although the boundary is not straight at this part of the site and directs away from Elsdale) and approximately 40 metres from the side elevation of Elsdale.
67. The existing building has 4 first floor windows (one obscurely glazed) and 2 doors at ground floor level within the south-west elevation. The proposals incorporate 2 first floor windows, which serve the proposed sales/ accounts office area, ground to eaves height windows which serve the reception area at ground floor and the proposed sales/ accounts office area at first floor, roller shutter doors at ground floor level to serve the proposed store and a door into the showroom area within the south-west elevation.
68. The proposed eaves height of the building is approximately 0.3 metres higher than the existing building and the proposed building is approximately 4 metres closer to the common boundary than the existing building. The proposed windows will face the side elevation and front garden of Elsdale however as over 27 metres is retained to the boundary and taking into account the fact that there are existing first floor windows within the existing building it is not considered that the proposals will create loss of privacy to a degree which warrants refusal.

Design

69. From a design perspective it is not considered that the existing building, which is broken up in terms of its scale and massing by a different roof heights, variation in surface materials, and has a footprint that is residential in character, represents an architecturally significant building which makes a significant 'impact' on the streetscene.
70. It is considered that the replacement building has the potential to be more appropriate to its use and will create a focal building that enhances the streetscene.

71. The Council's Policy and Design Team Leader has recommended that high quality materials should be secured and consideration be given to an enhanced boundary treatment.
72. Clarification of any security measures has been sought as external security shutters is not appropriate. Additionally it is not considered that the proposed external lighting is needed, given the extent of glazing that allows the building to be lit internally and it has been suggested that any signage is backlit. Signage will be subject to a separate application for advertisement consent.

Trees and Landscape

73. There are two existing mature trees within the boundary of the application site adjacent to the existing detached outbuilding which will be demolished. The proposed site plan details that these 2 trees will be retained and as the building they are immediately adjacent to will be demolished this should ensure the future health of these trees.

Traffic and Transport

74. There are two existing buildings on the site and Festive Lights have operated from the premises for a number of years although the retail element of the business does not have the benefit of planning permission. The existing site includes parking to the front and rear of the premises with sufficient space for 14 vehicles. The proposed site layout includes provision for 21 vehicles (8 to the front of the premises and 13 to the rear).
75. In July 2009 a partial review of the RSS in respect of parking standards was submitted for consultation. In the absence of locally set standards these parking standards have been applied to this application. The standards require 1 space per 40sqm in respect of A1 retail warehouses and 1 space per 30sqm in respect of B1 office space.
76. With a retail showroom area of 460 m² there is a requirement for 11.5 spaces and a office space of 67 m² there is a requirement for 2 spaces. The proposed parking exceeds this number however it is considered that given the rural nature of the location and the nature of the business, primarily aimed at bulk purchases, an excess of parking is suitable for this site.
77. The Highway Engineer has assessed the proposals and confirmed that he has no objection to the proposals.
78. Concerns were raised in respect of the previous application about lack of sufficient parking at the site. As set out above it is considered that the parking provision is sufficient for the size of premises proposed and no concerns have been raised by the Highway Engineer. As such from a traffic and parking perspective the proposals are considered to be acceptable.

Sustainability

79. In September 2008 the first policy document, Sustainable Resources DPD, within Chorley's new Local Development Framework (LDF), was adopted. Policy SR1 of the Council's Adopted Sustainable Resources DPD requires minimum energy efficiency standards for new buildings to be 'very good' of the Building Research Establishment's Environmental Assessment Method (BREEAM). Although the development only incorporates partial demolition of the building and the retention of the steel frame section of the building it is considered that the amount of new build development required represents a new building on the site for which this Policy is applicable. This will be addressed by condition on any positive recommendation.

80. The second part of the Policy requires planning permission for non-residential units of 500 sq metres or more floor space to meet certain renewable energy criteria. It is acknowledged that the proposed floor area is under 500sqm however this is mainly due to the large first floor void. The resultant building will have a floor area of 728 m² and as such the requirements of this part of the Policy is also applicable in this case. This can also be addressed by condition.

Noise and Light

81. The Council's Environmental Health Officer has commented that from a noise perspective it is not considered that the proposals will adversely impact on the neighbours amenities. The Officer has however raised an issue with the substantial glass area to the front of the building which (dependant on operational hours) may be an issue.
82. Although the opening hours are not included on the submitted application forms the web-site for Festive Lights confirms that the premises opens from 9am to 5pm Monday to Friday and this has been reflected in the hours condition attached to the recommendation (along with the inclusion of Saturdays opening which it is not considered will adversely impact on the neighbours amenities). Due to the hours proposed it is not considered that light spill will be an issue in respect of the neighbours amenities.

Overall Conclusion

83. Due to the bespoke nature of the proposed business it is not considered that the out of centre location for the retail elements of the business will adversely impact on either the vitality or viability of Chorley Town Centre. Although the development constitutes inappropriate development within this Green Belt location the very special circumstances forwarded in support of this application are considered, in this case, to justify the erection of a replacement building for the use by Festive Lights. As such the application is recommended for approval.

Planning History

- 9/78/186-** Extension for accessory shop. Approved June 1978
- 9/79/1207-** Extension and alterations to shop and house. Approved 1980
- 9/80/25-** Non illuminated sign. Approved 1980
- 9/80/317-** Temporary residential caravan. Approved 1980
- 9/80/746-** Canopy over Petrol Station Forecourt. Approved 1980
- 92/00508/FUL-** Proposed bicycle storage building and change of use to allow bicycle assembly and sales. Withdrawn
- 02/00191/FUL-** Demolition of existing storage shed and erection of new storage building to side. Approved April 2002
- 02/00924/FUL-** Demolition of existing offices and erection of new offices. Approved March 2003
- 06/00774/FUL-** New entrance with fascia panels/canopies over entrance and front windows. Approved August 2006
- 12/00091/FUL-** Proposed partial demolition of the existing building and the erection of a replacement building for Festive Lights. Withdrawn.

Recommendation: Permit Full Planning Permission 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 approved plans are:**

Plan Ref.	Received On:	Title:
PR11-196/03 Rev A	19 March 2012	Location Plan
PR11-196/3D1 Rev A	19 March 2012	3D Image
PR11-196/01	19 March 2012	Existing Plans and Elevations
PR11-196/02	19 March 2012	Proposed Floor Plans and Elevations

Reason: To define the permission and in the interests of the proper development of the site.

3. Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building slab 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 plans. The development shall only be carried out in conformity with the approved details.

Reason: To protect the appearance of the locality, in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review.

4. During the construction period, all trees to be retained shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2005 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the areas so fenced. All excavations within the area so fenced shall be carried out by hand.

Reason: To safeguard the trees to be retained and in accordance with Policy Nos. EP9 of the Adopted Chorley Borough Local Plan Review.

5. The development hereby permitted shall not commence until full details of the colour, form and texture of all external facing materials to the proposed buildings (notwithstanding any details shown on the previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.

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

6. The car park and vehicle manoeuvring areas shall be provided in accordance with the approved details prior to first occupation of the premises as hereby permitted. 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.

7. Prior to the commencement of the development details of a 'Design Stage' assessment and related certification shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved assessment and certification.

Reason: In the interests of minimising the environmental impact of the development and to accord with the requirements of Policy SR1 of the Sustainable Resources DPD

8. Within 6 months of the completion of the development hereby approved a 'Post Construction Stage' assessment shall be carried out and a Final Certificate, certifying that a BREEAM standard of minimum 'very good' has been achieved, shall be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of minimising the environmental impact of the development and to accord with the requirements of Policy SR1 of the Sustainable Resources DPD
9. Prior to the commencement of the development full details of the on-site measures to reduce the carbon emissions of the development (related to predicted energy use) by 15% shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be completed in accordance with the approved details
Reason: To ensure the development is in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.
10. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected to the site boundaries (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No building shall 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.
Reason: To ensure a visually satisfactory form of development, to protect the amenities of occupiers of nearby property and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review.
11. The use hereby permitted shall be restricted to the hours between 9am and 5pm on weekdays, between 9am and 5pm on Saturdays and there shall be no operation on Sundays or Bank Holidays.
Reason: To safeguard the amenities of local residents and in accordance with Policy Nos. EP20 of the Adopted Chorley Borough Local Plan Review.
12. The premises hereby permitted shall be used for the sale and display of indoor and outdoor lighting products associated with Festive Lights Ltd. and for no other purpose (including any other purpose in Class A1 of the Schedule of Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
Reason: The very special circumstances forwarded in support of this application relate directly to the use of the premises by Festive Lights Ltd. To protect both the vitality and viability of Chorley Town Centre and the Green Belt. In accordance with Government guidance contained in the National Planning Policy Framework.