

Item 4d 12/01211/OUTMAJ

Case Officer Caron Taylor

Ward Brindle And Hoghton

Proposal Application to extend the time limit to implement previous permission ref: 09/00825/OUTMAJ which was an outline permission for 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 (Section 73 application).

Location Finnington Industrial Estate Finnington Lane Feniscowles Withnell

Applicant Cholsey Investments

Consultation expiry: 6 February 2013

Application expiry: 4 April 2013

Proposal

1. Application to extend the time limit to implement previous permission ref: 09/00825/OUTMAJ which was an outline permission for 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 (Section 73 application).
2. The original permission was granted in 2009 (ref: 09/00825/OUTMAJ).
3. The application is being made under the procedure brought in by the Government in October 2009 to extend the time limit for implementing the permission previously granted. This was introduced in order to make it easier for developers to keep planning permissions alive for longer during the economic downturn. A new planning permission is applied for to replace the existing permission.

Recommendation

4. It is recommended that this application is granted.

Main Issues

5. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Neighbour Amenity
 - Traffic and Transport

Representations

6. No representations have been received.

Assessment

Principle of the development

7. 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.

8. 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.
9. There is a short terrace of five houses on the road frontage to the northwest of the proposed development.
10. 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.
11. As this application is to extend the time limit to implement the previous Government guidance states that when determining such applications the development will by definition have been judged to be acceptable in principle at an earlier date (in this case by permitting application ref: 09/00825/OUTMAJ). While such applications must be made in accordance with the plan unless material considerations indicate otherwise, Local Planning Authorities should in making their decision focus their attention on development plan policies and other material consideration which may have changed significantly since the original grant of planning permission.
12. The original application was assessed against national planning policy PPG2: Green Belts and Planning Policy Guidance 6: Planning for Town Centres as well as the Northwest Regional Spatial Strategy 2008 and Local Plan Policies DC1 (Development in the Green Belt), EP4 (Species Protection), EP5 (Wildlife Corridors), EP13 (Under-used, Derelict and Unightly Land), EM2 (Development Criteria for Industrial/Business Development), TR4 (Highway Development Control Criteria) and GN5 (Building Design).
13. PPG2 and PPG6 have now been superseded by the National Planning Policy Framework (The Framework) and this is the most up-to-date policy position of all the above policies.
14. The site has a complicated planning history in that the Council in 2003 (application ref: 01/00324/FUL) resolved to approve an application for the erection of 2 office blocks on the site on the basis that it would bring about highway safety improvements, safeguard and improve the amenities of nearby residents, improve the amenity of the canal and assist in rural regeneration. The Council's aim of getting the site redeveloped for office uses was only frustrated 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. The application was eventually withdrawn by the applicant.
15. The site is located within the Green Belt and as such the applicant had previously to provide a justification as to why inappropriate development should be allowed and 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 report from the time noted that the existing 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 it was concluded that the redevelopment of the site represents a very special circumstance.
16. The Framework differs from its predecessor on Green Belts PPG2, as it includes within appropriate development the 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. It is not considered the proposal will have more impact than the existing site and the proposal is therefore considered to comply with the Framework in terms of the Green Belt.
17. The Framework also states that planning policies should support economic growth in rural

areas in order to create jobs and prosperity by taking a positive approach to sustainable new 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 591sq ft of office space and 10 4 storey units comprising a 3 bedroom apartment and 514sq ft of office space. It is therefore considered the proposal also supports rural economic growth.

18. 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.
19. Since the previous application the Core Strategy has been adopted and Policy 27 covers sustainable resources. The requirements of this policy will need to be secured by conditions.

Neighbour Amenity

20. It is not considered that there has been a change in the impact of the proposal of the adjoining properties. 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.

Traffic and Transport

21. The original 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. It is not considered that there has been a change in circumstances in terms of highways since the previous application. It is still considered that 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 still 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 Framework now sets criteria for highway consideration, one of which is that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
22. 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 Feniscowles and Blackburn to the north east.
23. The issue of access to agricultural land beyond the site has been dealt with as part of the layout and this is clearly marked on the plan as "right of way".

Conclusion

24. At the time of the previous application was granted it was considered a marginal proposal in that it was inappropriate development in the Green Belt under PPG2, however on balance it was considered very special circumstances had been demonstrated. There has been a change in policy at national level in terms of the introduction of the Framework since that time but it is considered this is more supportive of the redevelopment of previously developed sites in the Green Belt than its predecessor PPG2. The Framework is also supportive of

economic growth in rural areas which the proposal will support. The proposal is therefore considered acceptable in policy terms.

25. It is not considered that the issues surrounding the technical aspects of the proposal, such as neighbour amenity and the access have changed.
26. It is not considered necessary to refer the application to the Government Office for the North West as it is not considered that the development will by reason of its scale or nature or location have a significant impact on the openness of the Green Belt from what is there now.

Planning Policies

National Planning Policies:

The National Planning Policy Framework

Adopted Chorley Borough Local Plan Review

Policies: DC1, EP4, EP5, EP13, EM2, TR4, GN5

Core Strategy

Policy 27

Planning History

01/00324/FUL – Demolition of existing building, erection of 2 office blocks, formation of new access. Withdrawn January 2003.

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 provision of washroom/WC building for canal boat users. Withdrawn October 2008.

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/W.C. building for canal boat users. Refused July 2009.

09/00825/OUTMAJ which was an outline permission for 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. Permitted February 2011.

Recommendation: Permit Full Planning Permission 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 National Planning Policy Framework.
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 National Planning Policy Framework.
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 17 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 National Planning Policy Framework.
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.