

APPLICATION REPORT – 17/00514/FULMAJ

Validation Date: 19 May 2017

Ward: Pennine

Type of Application: Major Full Planning

Proposal: Rehabilitation centre, comprising pool complex, gym and therapy building, seventeen accommodation cabins, car park, access road, running (sprint) track and associated plant.

Location: Land 100M East Of Wheelton House Brinscall Mill Road Wheelton

Case Officer: Chris Smith

Applicant: Ms Ann Nikolakis

Agent: Mr John Welbank

Consultation expiry: 16 June 2017

Decision due by: 18 August 2017

RECOMMENDATION

1. The application is recommended for refusal.

SITE DESCRIPTION

2. The application site is located in an Area of Other Open Countryside and lies to the south east of Brinscall Mill Road. The site contains a mixture of rough grassland and woodland and two open reservoirs are situated towards the north west portion of the site.
3. Land levels across the site vary, with the western and central most parts of the site being flatter and the site generally rising towards the northern end.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. The application seeks planning permission for the erection of a rehabilitation centre to provide care for people in the following clinical areas:
 - Physical rehabilitation following acute trauma
 - Sports injury
 - Dementia treatment
 - Alzheimer treatment
5. The facilities on site would comprise
 - A two storey gym/therapy building
 - A two storey pool building
 - Parking area with 31 parking space (plus four disabled spaces)
 - 17 single storey log cabins (with associated car parking)
 - A running track, measuring approximately 9m by 74m

6. The application is a resubmission of planning application 16/00926/FULMAJ which Members will recall was refused at the committee meeting in March this year for the following reasons:
 - the proposed developments location in the Open Countryside;
 - the remote and inaccessible nature of the application site which would be harmful to the rural character of the area and highway safety;
 - harm to visual amenity; and
 - insufficient information in respect of ecological impacts.
7. This application is as per the previous application except the proposed vehicular access to the site has been altered so that it is located approximately 35m to the north east of the junction of Chapel Lane and Brinscall Mill Lane on the adopted section of Brinscall Mill Lane. The previous application proposed a vehicular access route which would have been accessed from an unadopted section of Brinscall Mill Lane approximately 130m to the north of the junction with Chapel Lane.
8. Additional information has also been provided in the form of a Visual Impact Assessment and an Environmental Mitigation Plan. These have been submitted in response to the previous application being refused the grounds of harm to visual amenity and that insufficient information had been supplied in respect of the ecological impacts of the scheme.

RELEVANT HISTORY OF THE SITE

Ref: 14/00097/FULMAJ **Decision:** Application withdrawn **Decision Date:** 19 February 2014
Description: Erection of a sport and military rehabilitation centre including the modification of the two existing water tanks to provide a 50m swimming pool, the creation of an athletics track, on-site accommodation and associated parking areas.

Ref: 15/00838/SCE **Decision:** EIA not required **Decision Date:** 9 September 2015
Description: Request for Screening Opinion Pursuant to Regulation 5 of The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 for a rehabilitation centre incorporating therapy building and gym, swimming pool and facilities block, 17 Log Cabins, Running Track and associated parking

Ref: 16/00926/FULMAJ **Decision:** Refused **Decision Date:** 8 March 2017
Description: Rehabilitation centre, comprising pool complex, gym and therapy building, seventeen accommodation cabins, car park, access road, running (sprint) track and associated plant.

REPRESENTATIONS

9. Twelve letters of objection have been received on the following grounds:
 - The proposal is inappropriate development in a rural area and is not in accordance with Policy BNE2 of the Chorley Local Plan;
 - The development would result in a loss of valuable green space when there are other suitable alternative sites within the borough and where there would be less environmental impact;
 - The application site is in an Area of Other Open Country with an impressive array of flora and fauna;
 - The development would irreversibly change the nature and character of Heapey;
 - There is no evidence of demand for this type of business in the area and no infrastructure in the area to support it;
 - There is no basic infrastructure to support any sizeable business, other than farming and country pursuits;
 - The proposed development in Heapey is admirable in its intentions but its long term viability cannot be guaranteed;
 - The creation of a multiple exist/access point at the junction of Brinscall Mill Road and Chapel Lane could lead to an accident;

- Local roads are not wide enough to accommodate increased traffic which would arise from the development;
 - The new access point would be dangerous as traffic would approach from six directions;
 - The junction at Tithe Barn Lane, Brinscall Mill Road and Chapel Lane is dangerous and Brinscall Mill Road is in an extremely poor state of repair;
 - Titherbarn Lane and Chapel Lane are very busy with heavy vehicles including farm tractors and there has been heavy usage from the Kittiwake estate;
 - The properties at Wheelton House have been lovingly and painstakingly restored by Primrose Developments in conjunction with the local Conservation Officer and the report produced in support of the application states that the harm will be minor and that the benefits outweigh the impacts. It therefore acknowledges that there will be a detrimental effect.
10. One letter of support has been received which stated that the proposed development should be approved for the following reasons:
- The proposed development is an excellent proposal put forward with private investment;
 - The land to be developed is of limited use given its history and the proposed development would have far reaching benefits to those in need of such a facility and to the town of Chorley.
- **Heapey Parish Council** – Raised concerns regarding vehicular access to the site, see main body of report.

CONSULTATIONS

Natural England – See main body of report.

Ramblers' Association (Chorley Branch) – Stated that concerns remain as strong as those for the previous application. See main body of report for further details.

Health & Safety Executive – Initially stated they are not in a position to provide thorough informed comment due to lack of blast zone reports. Requested time extension for comments to 1st of December 2017.

Campaign for the Protection of Rural England (Lancashire Branch) – No comments received.

Lancashire Highway Services – Stated the location of proposed access is acceptable, however, approval should be resisted due to cumulative impacts of the proposed development. See main body of report for more information.

Greater Manchester Ecology Unit (GMEU) – No objections to the proposed development subject to imposition of conditions - see main body of report for further comments.

Planning Policy (Open Space) – Confirmed that application does not require an open space response.

Conservation Officer – No objections, see main body of report.

Lead Local Flood Authority (LLFA) – No objections see main body report.

Chorley Council Tree Officer – No objections see main body of report.

United Utilities (UU) – Have no objections subject to the inclusion of recommended conditions.

Lancashire County Council Public Rights Of Way – No comments received.

Environment Agency (EA) – Have no objection in principle subject to the inclusion of conditions.

Community Infrastructure Levy (CIL) Officers – This is a CIL liable application.

Lancashire Fire and Rescue Service – Stated it should be ensured that the scheme meets all requirements of Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service'.

Lancashire Archaeological Advisory Service – No objections subject to the imposition of one condition.

Chorley Council's Parks and Open Spaces Officer – No objections, see main body of report.

PLANNING CONSIDERATIONS

Principle of the development

Open countryside

11. The application site is located within an Area of Open Countryside as identified in the Local Plan. Policy BNE2 of the Local Plan sets out the types of development that can be carried out within these areas. Development will be permitted provided that:
 - a) It is needed for the purposes of agriculture or forestry or other uses appropriate to a rural area;
 - b) It involves the rehabilitation and re-use of existing rural buildings where their form, bulk and general design are appropriate to the character of the surrounding countryside
12. Due to the scale and nature of the proposed development, including all of the various elements involved, the scheme does not fall to be considered a use that falls within these criteria and as such it is considered that the proposals are contrary to policy BNE2 of the Local Plan.
13. There is an existing reservoir, that would remain, on the site with its associated hard engineering elements, however it is considered that the erection of two large new buildings, the creation of a significant area of hardstanding (to be used for a variety of purposes), erection of log cabins and formation of a running track would have a significantly greater impact on the openness and character of this rural area than the current reservoir does.
14. The Council has published a Rural Development Supplementary Planning Document (SPD) which sets out the Council's approach to development in rural areas. Whilst the SPD does acknowledge that rural recreational development, which involves the restoration of damaged land, should be considered prior to the development of new facilities, this is only applicable where the scheme would not require new buildings in the countryside which would not be applicable in this case.
15. The SPD advises that applicants should consider the scale and intensity of use of a proposed scheme, ensuring that activities which attract relatively large numbers of people are readily accessible by public transport, and located within or as close to existing settlements as possible. The accessibility of the site is discussed further below.
16. Although elements of the proposals could be considered to be outdoor sport and recreation which can be considered as appropriate development within rural areas, it is not considered that the majority of the development proposed falls within this definition and the scale of the proposals would result in a development which does not fall within the above criteria.
17. The applicant has put forward the following justification for the proposals:

- i) Rural location: The rural location on the edge of the West Pennine Moors is a critical component within the rehabilitation process. The supporting sequential test demonstrates that there are no other alternatives within the District.
- ii) Appropriate scale of associated development: Although the two main structures are large they meet the functional needs of the proposal. A large pool area is critical for different groups to be able to work at the same time. Other facilities including treatment centre, gym and communal dining areas are the minimum size required for the numbers of patients and staff proposed. The lodges are located to the north of the site. The design aims to cluster the lodges but keep sufficient space between buildings to maintain sufficient tree screening.
- iii) Minimum impact on the openness of the countryside: Every effort has been made to use both existing landform and tree cover to screen the development. Although the two main buildings are large, the location, screening and use of natural materials will mitigate impact.
- iv) Transport impact: The site is only 2.5km from the centre of Chorley. The site would be accessed from the junction of Chapel Lane/Brinscall Mill Lane. To improve connections to the public transport network the business will implement a Green Travel Plan that will encourage staff to travel by foot, bike or private minibus. Patients themselves will also be encouraged to use the private minibus. This will provide a direct link to Chorley railway station.
- v) The applicant disagrees with the case officer's interpretation of policy BNE2 provided in the assessment of the previous application 16/00926/FULMAJ. In the supporting information submitted with the application it is claimed that the case officer's justification of why the proposed development would not be in accordance with this policy was incorrectly worded. The previous report stated that:

"The applicants have highlighted benefits for users of the centre being located within a rural setting, it should be noted, however, that this is not the same as demonstrating that the building is needed for a use that is appropriate to a rural setting, e.g. barn for agricultural purposes. The proposed use could equally be provided within a settlement, and clients could be transported to suitable locations to access outdoor recreation nearby. It is felt that the proposal represents inappropriate development which will harm the open and rural character of the location".

- 18. The applicant claims that the use of the word 'needed' was incorrectly applied by the case officer of the previous application as the word was transposed onto the second part of the sentence i.e. 'needed for other uses appropriate to a rural setting'. It is considered, however, that the case officer correctly interpreted policy BNE2 and it is quite clear that policy BNE2 permits development provided that the applicant can demonstrate that 'it is needed for other uses appropriate to a rural area'. The word 'needed' quite clearly applies to all uses described at bullet point a) of Policy BNE2.
- 19. The key consideration for this application as with the previous is whether or not the proposed development is needed for uses that are appropriate to a rural area. This has not been demonstrated given that the proposed outdoor recreational uses for rehabilitation purposes e.g. orienteering and wild camping could still be provided in the event that the main rehabilitation centre was located at a different site and it is not considered that the proposed development is needed for a use that is appropriate to a rural area.
- 20. The supporting statement acknowledges the rural location of the site within an area designated as 'open countryside' and that the ecological and landscape impacts of the proposed development would be key considerations in the assessment of the acceptability of the proposal. They accept that the scale of the development and new build nature are clearly beyond what would normally be considered appropriate rural development and the proposed use would not be specifically recreational.

21. They consider that a functional need for the facility has been demonstrated, there are no other equivalent facilities in the district or the North West, therefore the proposal meets the exception test. The applicant states that the accompanying sequential assessment demonstrates that there are no other alternative sites locally that would meet the function needs of the business (this is discussed further below).

Sequential Assessment

22. The National Planning Policy Framework (the Framework) is clear that the preference for the location for recreational development is within town centre locations. As the proposals are outside the town centre and over 2,500 square metres in size it is required to show evidence of sequential testing showing that all town centre options have been thoroughly addressed before considering less central sites. Once it has been demonstrated that there are no suitable town centre sites, preference will then be given first to edge of centre and then to out of centre sites and these should be examined before sites outside the urban area are considered.
23. The applicant has provided a Sequential Test and Impact Assessment in support of the application. A series of sites have been considered as potential alternative locations for the proposed development, comprised of allocated sites, sites on the market and other greenfield sites.
24. It is confirmed that the three Local Plan listed sites are allocated for employment use (EP1.1, EP1.6 and EP1.12) and are being brought forward for B-class employment uses, and would not be suitable for the proposed use.
25. In relation to the site located at Back House Farm; it is confirmed that the location of this within the Green Belt would not be supported.
26. In relation to the assessment of other greenfield sites:
- Site 1 is largely comprised of site EP1.1 referred to above,
 - Site 2 is part of EP1.3 which is an employment allocation and the remainder of the site is allocated as Green Belt, and
 - Site 3 is currently in use as the Mormon temple and associated curtilage, and the remainder of the site is identified as BNE4 – Area of separation.
- It is therefore confirmed that no sequentially preferable sites have been included within the sequential test.
27. The impact assessment has demonstrated that there are no equivalent facilities within or around Chorley, and that there is unlikely to be an impact on the main town centre uses if the development were to come forward. It is also agreed that the disaggregation of the uses would result in reduced viability.

Sustainable development

28. The golden thread running through the Framework is sustainable development. Policy 1 of the Central Lancashire Core Strategy confirms that growth and investment will be focussed on well-located brownfield sites and the Strategic Location of Central Preston, the Key Service Centres of Chorley and Leyland and the other main urban areas in South Ribble, whilst protecting the character of suburban and rural areas. Some greenfield development will be required on the fringes of the main urban areas. To promote vibrant local communities and support services, an appropriate scale of growth and investment will be encouraged in identified Local Service Centres, providing it is in keeping with their local character and setting, and at certain other key locations outside the main urban areas. Policy 1 confirms that growth and investment will be concentrated in Chorley Town (as a key service centre), some growth and investment at Adlington, Clayton Brook/Green, Clayton-le-Woods (Lancaster Lane), Coppull, Euxton and Whittle-le-Woods (as Urban Local Service Centres).
29. Limited growth and investment will be encouraged at the following Rural Local Service Centres to help meet local housing and employment needs and to support the provision of services to

the wider area: Brinscall / Withnell, Eccleston and Longton. This site is however outside the defined boundary of Brinscall/ Withnell and is not therefore in a Rural Local Service Centre.

30. Policy 1 does confirm that in other places (smaller villages, substantially built up frontages and Major Developed Sites) development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes. The proposal would not meet any of these exceptions.
31. It is noted that the development will provide 20 new jobs which clearly is a positive consideration in respect of the local economy. The Rural Development SPD confirms that it is important that employment opportunities exist in rural areas, firstly, to enable local people to access employment close to where they live, secondly, to help avoid excessive levels of commuting to urban areas and thirdly to ensure that local communities remain vibrant and sustainable. However it does confirm that employment development proposals should be conveniently located in relation to the surrounding road network, provide a safe access, be adequately serviced or can be serviced at a reasonable cost which would need to be demonstrated in respect of this site. Similar job creation could be facilitated if this development was located elsewhere.
32. It is not considered that the site is readily accessible by modes of transport other than the private car. The nearest bus stop that appears to be in use (according to information on the Lancashire County Council website) is on Heapey Road and served only by a school bus service. There are no bus services along Brinscall Mill Road and given the lack of footpaths along the road access on foot to the closest bus stop is severely restricted.
33. A Transport Statement and Draft Green Travel Plan have been submitted in support of the application. This is the same as the Transport Statement and Draft Green Travel plan submitted with the previous application and therefore the comments provided by the planning policy section for the previously refused planning application (ref 16/00926/FULMAJ) are still considered relevant. They advised that it is not considered that the anticipated level of public transport usage accurately reflects the needs of those target users of the centre, particularly those with restricted mobility or diminished responsibility (through dementia and Alzheimer's disease). The applicant considers that the travel plan is based upon the best estimate of likely use at this stage of development. It is a new venture where the final mix of clients will change over time, dependent upon demand. Given the remote location of the site, the lack of pedestrian access and bus service it is not considered that the site is in a sustainable location and as a result if permitted the majority of staff and visitors to the site would access it by private car. It is not therefore in a sustainable location.
34. The proposal is therefore considered contrary to policy and unacceptable in principle.

Landscape and Visual Impact

35. Landscape character is the physical make up and condition of the landscape itself. It arises from a distinct, recognisable and consistent pattern of physical and social elements, aesthetic factors and perceptual aspects. Visual amenity is the way in which the site is seen and appreciated; views to and from the site and, their direction, character and sensitivity to change.
36. Policy 21 of the Central Lancashire Core Strategy requires that new development be well integrated into existing settlement patterns, appropriate to the landscape character type and designation within which it is situated and contribute positively to its conservation, enhancement or restoration or the creation of appropriate new features. The previous application (16/00926/FULMAJ) was not supported by a full Landscape and Visual Impact Assessment (LVIA); however, a full assessment has been submitted with this application.
37. This has been reviewed by the Council's Parks and Open Spaces Officer who advises that the landscape visual impact assessment (LVIA) appears to have been prepared in accordance with the GLVIA Second Edition (GLVIA 2) - Assessment Methodology Page 1. The most up to date guidance is the GLVIA Third Edition (GLVIA 3). The LVIA should

take account of both the landscape and visual elements which combine to create the existing landscape and visual character. The assessment appears to be limited to visual receptors only.

38. In addition, the Parks and Open Spaces Officer states that he is not convinced that given the height of the proposed gym and swimming pool structures, that further long distance views towards the site would not result in the identification of additional receptors and subsequent additional effects. The proposal would introduce a number of incongruous elements into the rural landscape, and although it is acknowledged that efforts have been made to design the scheme in sympathy with existing land levels, it is considered that the proposed gym and pool building would be readily visible from outside of the site, along Brinscall Mill Road (which is also a Public Right of Way) in particular it is clear that the proposed scheme would involve the substantial shift in land use from unmanaged agricultural land to a built form with probable detriment to the site and its surroundings.
39. It is therefore clear that some significant effects on the landscape and visual amenity as a result of the proposed development, are inevitable. The judgement to be made is whether or not the significant effects identified would be unacceptably adverse.
40. It is accepted that the proposal could retain features which are attractive, such as existing vegetation and following a visit to the site, the council's Parks and Open Spaces Officer stated that his earlier comments regarding methodology would still stand; however, having viewed the site it would appear that the area proposed for development would be visually contained by both topography and vegetation.
41. Updates to the LVIA to include comments regarding landscape character at site level were requested by the Council's Parks and Open Spaces Officer. It was considered that this would be relevant in the context of assessing the overall landscape and visual effect. This information was added to the LVIA and the Parks and Open Spaces Officer subsequently confirmed that he would be able to support the application in terms of its landscape and visual impact.
42. Despite some potential for impact on the surrounding landscape and possible visual amenity impacts, it is not considered that these impacts would be unacceptably adverse so as to warrant refusal of the application. Following comments from the Council's Parks and Open Spaces Officer regarding the site being screened by topography and vegetation, it is considered that the impact landscape and visual impact of the proposed development would be acceptable and the application is therefore acceptable in this respect.

Highway Safety

43. The application site would be accessed by vehicles and pedestrians from an entrance located approximately 35m to the north east of the junction of Chapel Lane and Brinscall Mill Lane.
44. Several amendments during the application process have been made proposing various site entrance locations. The most recent set of plans propose to locate the main access approximately 35m to the north east of the junction with Chapel Lane and the proposed access is considered to be in an acceptable location by Lancashire Highways Services.
45. There are a number of other concerns however with regards to the proposed development and its impact on highway safety and the wider local highway network. The access to the site is a narrow single track road, with limited passing places. Roads leading to Brinscall Mill Road (such as Chapel Lane and Tithe Barn Lane) are also narrow, country lanes. The proposal would cater for up to 60 residents and 20 staff, up to eight of whom would be resident on site. Given the scale of the development and its remoteness it is considered that the site would generate a significant number of vehicle movements, many by people likely to be unfamiliar with the local road network.

46. Lancashire Highways Services draw attention to the number of vehicle movements which would occur as a result of the development. They state that it is recommended by the Department for Transport (DfT) that for narrow 2-way roads such as Chapel Lane and Tithe Barn Lane, even if there are available passing places, two-way vehicular flow should not exceed 300 vehicles per hour in order to prevent traffic delays. It should be noted that in this case, the two roads do not have passing places and the applicant's survey of traffic flows shows that 389 vehicles currently use these roads in both directions per 12 hours, which is less than the DfT recommendation as quoted by the applicant on page 27 of the Transport Statement. There is, however, no scope within the highway to provide standard passing places on these roads.
47. Lancashire Highways Services also state that the site is in a low accessible area in terms of local services and amenities that can be reached on foot, with the nearest local facilities such as shops and schools being located approximately 2km away in Wheelton. There are no cycle routes in the area and the only two bus stops near the site are approximately 1.7km and 2km away in Heapey and Wheelton. Despite proposals to transfer patients and visitors to and from the site using mini buses, it appears that access to the site would mostly be dependent on private cars. In addition to this they consider that there would be no scope within the narrow surrounding highways such as Chapel Lane and Tithe Barn Lane to provide standard passing places on these roads. The applicants citing of 'home zones' to demonstrate that these roads can provide safe access is inappropriate as home zones are most suitable for low speed residential streets.
48. Concerns about the impact of the proposed development on highway safety were also raised by the Ramblers Association. They were concerned about the suitability of local highways including Brinscall Mill Lane, Chapel Lane and Tithe Barn Lane for the increase in traffic which could potentially occur as a result of the proposed development. They state that it would be essential that the safety of walkers is not compromised.
49. Lancashire Highways Services have confirmed that they are of the opinion that approval of planning permission should be resisted as the cumulative impacts of the proposed development might compromise the efficient functioning and operation of the surrounding highway network.
50. The Framework is clear that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Based on comments from LCC Highways it is considered that given the nature of the location and roads leading to the site that unacceptable harm to highway safety is likely to arise from a development of this size and scale.
51. Despite the acceptability of the proposed site entrance, the cumulative impact of the development on surrounding wider highway network with regards to safety and sustainability means that the proposal is contrary to policies ST3 and BNE1 of the Local Plan. It is still considered that the cumulative highways impact of the development would be so severe so as to warrant refusal of the application. The site is in an inaccessible area in terms of local services and amenities that can be reached on foot and both Chapel Lane and Tithe Barn Lane have no footways. Due to this lack of accessibility it is considered that visitors of the site would mostly rely on private cars meaning that the proposed development would be unsustainable in highways terms. This increase in private car journeys would also have the potential to compromise highway safety as it would not be compatible with the surrounding road network which comprises of narrow lanes not built to accommodate a high number of vehicles.

Health and Safety

52. The application site lies to the south of the explosives site located at 'Redcliffe International (Shipping) Ltd', also known as the Heapey Depot. The Health and Safety Executive (HSE) commented on the previous application (16/00926/FULMAJ) and stated that due to the tight deadline, they would not be able to conduct a full analysis of

the blast zones which fall either just within or alongside the proposed development site and would not therefore be able to provide a thorough informed comment.

53. The HSE were notified again following submission of the current application. Again they confirmed that they would still not be in a position to provide thorough informed comments. They also stated that they had now met with the managers of the explosives site and requested that they conduct a full analysis of the blast zones which fall either just within or alongside the proposed development.
54. Following this the applicant and operators of the explosives site have confirmed that they have held discussions regarding the blast impact zones. The site operators stated that the development lies outside the impact zone as demonstrated by the company's own risk assessment. They also stated that they have undertaken a full review of the original modelling and explosives calculations. This was to ensure the safeguarding distances are still appropriate for its operations in the light of this planning application and that the main structures are currently sited beyond the existing vulnerable building safeguarding line required under explosives legislation. Further to this, they stated that they are concerned that the proposed development could impact on their business in the future and in particular the location of the proposed swimming pool.
55. The operators of the explosives site have, however, stated that they would be prepared to work with the applicant and the HSE to ensure that the eventual detailed design reduces any potential risk from its proximity to the existing explosives site. They suggest a condition is applied which would require that final building positions and specifications shall be agreed prior to commencement of the development. This cannot, however, be agreed via a condition given that this is an application for full planning permission which if permitted would fix the building positions.
56. Further feedback from the HSE was sought following receipt of the above comments and the carrying out of a risk assessment of the explosives site by the operators of Redcliffe International (Shipping) Ltd. The HSE now advise that based on the information provided, the Explosives Inspectorate has considered the effect that the explosives operations allowed under the licence they have granted might have on the development. If the development is allowed to proceed the external population density permitted in this reference zone for this explosives facility will be exceeded. They conclude that whilst the probability of a major accident involving explosives is low, the consequences to people at the development could be serious.
57. If further information would be provided regarding the structural capability of the proposed building including cladding and glass to withstand blast overpressure and its capacity to withstand impact from debris then the conclusion could be reviewed.
58. They therefore advise that should planning permission be granted for the development, the Explosives Inspectorate would review the explosives facilities licence. The planning authority may wish to note that this review may result in the facilities explosives capacity being significantly reduced, putting its commercial viability in jeopardy.
59. Therefore although the probability of a major accident is considered low, given the potential consequences of an explosion is it considered that the applicant has failed to demonstrate that the development can take place as applied for, without either a risk to the public or without putting the explosives facility in jeopardy.

Ecology

60. Insufficient information in respect of ecological impacts was a reason for refusal of the previous application.
61. The applicant has submitted an Environmental Mitigation Plan in support of this application. The appraisal comprises a Site Ecology and Mitigation Plan; a survey and assessment of all habitats for statutorily protected species; an evaluation of the

ecological significance of the site, identification of development constraints and any mitigation and enhancement measures that may be required and identification of any further surveys or precautionary assessments that may be required. The report concludes that although bats are known to occur in the local area, there was no conclusive evidence of protected species regularly occurring on the site. A number of mitigation measures are proposed. It also states that the protection of trees on the site boundary and landscaping will promise structural diversity of the canopy and at ground level and will encourage a wider variety of wildlife.

62. The Greater Manchester Ecology Unit (GMEU), the council's ecology advisor, initially advised that the new application would increase the number of trees to be planted, which would be welcomed, but the location of some of these would be inappropriate; tree planting has been proposed on the existing area of heath and acid grassland, which would result in additional loss of these habitats. In response to this, the Environmental Mitigation Plan was amended to show that areas of heath would not be included in the tree planting scheme. GMEU confirmed that these amendments would be sufficient to allow the proposed development to be considered acceptable in terms of its ecological impact.
63. In addition to the above changes, GMEU stated that a detailed long term management plan would be required to ensure the mitigation/compensation is implemented. Mitigation measures and management could be secured by the imposition of planning conditions.
64. GMEU has confirmed that the evidence provided within the reports submitted, supports the description of the habitats as being of high ecological value, and that the impact on the woodland areas is not just on the trees alone, but includes for example the ground flora. GMEU considers that the changes made to the Environmental Mitigation Plan are satisfactory and there are now adequate mitigation and compensation measures for the impacts of the proposed development on the ecological interests of the site.
65. The Framework states that pursuing sustainable development involves seeking positive improvements in the quality of the natural environment, including moving from a net loss of biodiversity to achieving net gains for nature. Core planning principles in the Framework state that planning decisions should contribute to conserving and enhancing the natural environment.
66. The Framework goes on to state that the planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including establishing coherent ecological networks. Planning decisions should address the integration of new development into the natural environment and opportunities to incorporate biodiversity in and around developments should be encouraged.
67. Policy BNE9 of the Local Plan sets out how development should safeguard biodiversity. Any adverse impacts on biodiversity should be avoided, and if unavoidable should be reduced or appropriately mitigated and/or compensated. Policy BNE11 states that planning permission will not be granted for development which would have an adverse effect on a priority species, unless the benefits of the development outweigh the need to maintain the population of the species in situ.
68. Taking into consideration the comments made by GMEU it is now considered that the applicant has fully demonstrated that the proposals would safeguard biodiversity and in particular that the habitats within the sites would not be adversely affected by the proposals, subject to conditions.
69. The application site is approximately 730m from West Pennine Moors Site of Special Scientific Interest (SSSI). This falls within Natural England's Impact Risk Zone (IRZ) for water supply. This designation was not in place at the time of the last application hence

it was not a factor in the determination of the previous proposal. The board of natural England approved the SSSI on 19 July 2017, part way through the assessment of this application.

70. Due to this, Natural England requested clarification about how the proposed development would be supplied with water. In particular, Natural England asked that the developer confirm whether the site would be supplied with mains fed or abstracted water.
71. The applicant's agent has confirmed that the site would be supplied with mains fed water and also states that details of planting and meadow management would be provided in a final landscape and ecological mitigation plan and the location of SUDs ponds would form part of the final detailed drainage design.
72. Natural England also advise that the developer would need to obtain an Environment Agency (EA) permit if permission was granted. This would be to cover any pollution which might be discharged into Brinscall Brook which runs through the site. The applicant's agent has stated that a permit would be obtained as a part of the post planning process. Natural England have confirmed that an EA permit would not be required prior to determination of this application.
73. In addition to the above, Natural England consider that the plans to restore heathland would be good and approve of this. They also think that it would be good to see a mixture of sustainable drainage systems (SUDS) ponds in woodland and open areas so that a diversity of habitat is created, rather than just wooded ponds. They believe that some selected woodland planting seems legitimate, but other areas should be kept open. In this way existing woodland could be interspersed with some meadow and wildflower planting given that nectar and seed is what many rarer upland birds are missing. Many of the smaller birds that exist on the moorland edge such as Linnet, Reed Bunting and Twite use a mixture of upland and lowland habitats. There is plenty of upland heath and heather on blanket peats but little in the way of seed sources. Woodland with frequent open parcels or large glades sown with an appropriate wildflower mix would work really well.
74. Following confirmation that the site would be mains fed, Natural England confirmed that no further information would be required but the enhancements relating to SUDs and meadow management should be highlighted. This could be secured by the imposition of a condition.

Trees

75. The application would necessitate the removal of a large number of trees (approximately 140) from the application site, particularly in the mid part of the site.
76. The council's Tree Officer states that there is a mixture of tree species within the site including species of birch, willow, alder and oak. Due to the nature of the proposed development it is likely that a number of trees will require removal, however, the council's Tree Officer has confirmed that the trees requiring removal are not of highly significant individual or collective value and are low quality trees of limited merit.
77. The Tree Officer also states that a minimum number of trees should be removed and a planned programme of replanting be put in place. A tree replanting programme has been submitted by the applicant. This has been deemed to be acceptable in terms of its ecological and visual impact and could be controlled by a planning condition.

Flood risk

78. A Flood Risk Assessment has been submitted with the application. Part of the application site is within Flood Zone 3, predominantly the area adjacent to Brinscall Brook running through the site. The flood zone does not extend over the whole of the

site and the lodges to be used as accommodation would be located in Flood Zone 1 (the lowest category). It is also proposed to set the floor levels of the other buildings above the flood levels to mitigate the risk of flooding. The Environment Agency has confirmed that they have no objections to the proposals.

79. The Lead Local Flood Authority (LLFA) has also confirmed that they have no objections to the proposed development. They state that it is evident from the Flood Risk Assessment that the applicant intends to discharge surface water into Brinscall Brook. Although this is not the first drainage option in the established Planning Practice Guidance (PPG) hierarchy for surface water disposal, which prefers that surface water is discharged into the ground, discharge into a surface water body is the second preferred option and in this case the LLFA have no objections to proposals to discharge surface water into Brinscall Brook. This would be subject to a condition being imposed which would require the applicant to submit an appropriate drainage scheme prior to the commencement of the development.

Historic Environment

80. Lancashire Archaeological Advisory Service (LAAS) state that the site is considered to be of some historical interest, probably dating from the first half of the 19th century, having undergone a number of changes in response to changes in agricultural practices and economics throughout the late 1800s and early years of the 20th century. They also state that the demolished farmstead might be affected by the proposals and there is therefore a potential for buried below-ground remains to be encountered.
81. The area is also known for extensive occupation from the prehistoric period onwards with upstanding remains noted during field surveys of the adjacent moors. It is probable that such activity continues into this site but the site has not been assessed and therefore merits archaeological investigation.
82. In order to mitigate any potential impacts on these remains they request a condition securing the implementation of a programme of archaeological work.
83. In addition to the above, there are a number of Grade II listed buildings adjacent to the north western boundary of the site: Wheelton House and the barn to the rear. These properties have been recently renovated. Lower House Fold Farmhouse to the north of the site is also Grade II listed.
84. There are no designated heritage assets within the application site boundary. A heritage assessment has been provided with the application. The report concludes that there is very little potential for the site to contain any significant buried archaeological remains. It also states that the proposed development would not alter the contribution of the setting of the adjacent listed building's significance.
85. The council's Conservation Officer states that the proposed development is too far distant from the adjacent listed buildings at Wheelton House to have any material impact upon their setting. The proposed development is therefore considered to be acceptable.
86. In accordance with the Framework the proposed scheme would have 'less than substantial harm' and thus, in heritage terms, the 'benefits outweigh the impacts'. The proposal is therefore considered to be acceptable in this respect.

Sustainable Resources

87. Policy 27 of the Central Lancashire Core Strategy requires the minimum energy efficiency standards for all other new buildings will be 'Very Good' (or where possible, in urban areas, 'Excellent') according to the Building Research Establishment's Environmental Assessment Method (BREEAM). A number of other criteria are also required to be met. The applicant has provided an Energy Resource Conservation

Statement with the application showing how the proposal aims to meet the criteria of policy 27. This could be secured by condition should the proposal be granted.

Environmental Impact Assessment (EIA)

88. The development falls to be considered Schedule 2 development under column 1, part 12c of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 as holiday villages and hotel complexes outside urban areas and associated developments. However as the proposal involves the creation of a rehabilitation centre with all of the proposed elements intrinsically linked to the main use as a rehabilitation centre and as such part 12c is not applicable. A screening opinion was therefore issued in 2015 confirming that an EIA is not required to support this planning application.

CONCLUSION

89. The application is a re-submission of refused application ref: 16/00926/FULMAJ which was refused on the grounds that the principle of the development within the Open Countryside was unacceptable. The previous application was also refused on the grounds it could not be demonstrated that development of the site would not have a harmful impact on the surrounding landscape, highways and a lack of information in respect of the ecological impacts of the proposal.
90. Additional information and plans submitted with this application have attempted to address these reasons for refusal. The application has been accompanied with a new site entrance plan, a Landscape and Visual Impact Assessment and an Environmental Mitigation Plan.
91. It is considered that the Landscape and Visual Impact Assessment submitted with this application has successfully demonstrated that the impact of the proposed development on the surrounding landscape would not be unacceptably adverse and as such it is considered the proposal is now acceptable in terms of its landscape and visual impact. In addition to this, a full Environmental Mitigation Plan has been submitted and following consultation with the Greater Manchester Ecology Unit it is now considered that there are satisfactory and adequate mitigation and compensation measures for the impacts of the proposed development on the ecological interests of the site. It is therefore considered that these two previous reasons for refusal have been overcome.
92. The previous application was also refused due to concerns about the sustainability impact of creating an isolated facility which is primarily car orientated within this rural area. Whilst the applicant has submitted plans which demonstrate that a safe site entrance can be created which Lancashire Highway's Authority do not object to, the position is still that the approval of the planning application be resisted as the cumulative impacts of the proposed development might compromise the efficient functioning and operation of the surrounding highway network. This would have the potential to have an impact on highway safety given the design and layout of the surrounding highways which comprise of narrow lanes with no footpaths. The proposed development as per the previous application would still have an unacceptable impact in terms of sustainability given the isolated position of the site, its inaccessible nature and the reliance on private transport as a means of accessing the site.
93. As with the previous application, one of the key considerations in respect of the proposed development is the potential for adverse impact on the surrounding rural area. These adverse impacts include the impact on highway safety, the sustainability of the proposal and the impacts of locating a large development of this type in an area of open countryside when it has not been demonstrated that the proposed development is needed for a use appropriate to a rural area. The previous application did not provide sufficient information to justify why a facility of the type proposed would need to be located in the Open Countryside. No further evidence has been submitted with this application to justify the location of the proposed development.

94. The Framework sets out the three dimensions to sustainable development including ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and by contributing to protecting and enhancing our natural, built and historic environment.
95. Taking into account the requirements of the Framework as described above, the proposed development would not be considered a sustainable form of development. Whilst it might lead to the formation of a high quality built environment it would not be an accessible local service.
96. Policy 1 of the Central Lancashire Core strategy sets out various locations for growth and investment including Chorley town and also states that limited growth and investment will be encouraged at several Rural Local Service Centres to help meet housing and employment needs. It also states that in other places (smaller villages, substantially built up frontages and Major Developed Sites) development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes. The proposal would not meet any of these exceptions.
97. While the sequential assessment has demonstrated that there are no equivalent facilities within or around Chorley, and that there is unlikely to be an impact on the main town centre uses if the development were likely to come forward, the site is in an isolated rural location that is inaccessible by modes of transport other than private vehicle and has not been identified for growth in either the Central Lancashire Core Strategy or The Local Plan given that the site is located in an Area of Other Open Countryside where development which is not needed for uses appropriate to a rural area is prohibited. The proposal is therefore considered to be contrary to the Framework, the Central Lancashire Core Strategy and policy BNE2 of the Local Plan.
98. Although it has been shown that a safe site entrance could be provided, it has not been demonstrated that the overall and cumulative highways impact of the development would be acceptable and significant concerns remains with regards to highway sustainability and therefore safety due to the nature of the surrounding road network. This therefore remains a reason for refusal.
99. Overall, the proposal has been found to be unacceptable in principal and in terms of highways. Although the material considerations in favour of the application put forward by the applicant have been considered, it is not considered that in the overall planning balance, they outweigh the harm which would arise from the proposed development.
100. The proposal is therefore considered unacceptable and recommended for refusal for the following reasons:
 1. The proposed development would be located within the Open Countryside (as defined by the Local Plan). The proposal does not fall within any of the types of development identified in policy BNE2 as being acceptable in the Open Countryside. Insufficient reasons have been put forward to justify an exception to this policy.
 2. By reason of the remote and inaccessible nature of the application site, the proposal would give rise to an unacceptable degree of vehicle movements that would be both harmful to the rural character of the area, sustainability and highway safety. The proposal is therefore contrary to policy ST3, BNE1 of the Local plan and the Framework.
 3. Although the probability of a major accident is considered low, given the potential consequences of an explosion it is considered that the applicant has failed to demonstrate that the development can take place as applied for, without either a risk to the public or without putting the explosives facility in jeopardy contrary to the National Planning Policy Framework.

RELEVANT POLICIES: In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/ guidance considerations are contained within the body of the report.