

APPLICATION REPORT – 18/00410/FULMAJ

Validation Date: 26 April 2018

Ward: Chorley South East

Type of Application: Major Full Planning

Proposal: Demolition of existing unit and construction of new manufacturing and warehousing facility and minor alterations to hard-surfacing (resubmission of 17/01006/FULMAJ)

Location: Pasquill Wigan Lane Chorley PR7 4BU

Case Officer: Simon Forster

Agent: Mr Mark Bassett

Consultation expiry: 22 May 2018

Decision due by: 26 July 2018

RECOMMENDATION

1. It is recommended that the application is approved subject to conditions.

SITE DESCRIPTION

2. The 3.2ha application site is currently occupied by the Pasquill timber manufacturing and distribution facility within three large units set in a site that overall covers 6.2ha. This includes substantial areas of hard standing used for parking and manoeuvring of vehicles associated with the distribution side of the business. The facility is located within the Green Belt, immediately adjacent to a Biological Heritage Site (BHS) and Yarrow Valley Park and is set in open countryside, albeit immediately adjacent to the A49, Wigan Lane with the former Ellerbeck open cast mine site a short distance to the south east.
3. There are a number of residential properties in the area, to the north of the site. The nearest is a property known as 'The Firs', which is immediately to the north of the site boundary, approximately 19 metres away. The next nearest is 'The Cottage', followed by 'Avon Lea', 18 Wigan Lane and Grundy's Farm that are approximately 113, 130, 134 and 163 metres away respectively.
4. The site is surrounded by woodland, mostly within the BHS and the valley park but there is also a line of trees along the highway frontage. The site is set at a lower level than the adjacent highway which, coupled with established landscaping, effectively screens most of the site from view.

DESCRIPTION OF PROPOSED DEVELOPMENT

5. This application seeks planning permission for the demolition of an existing unit, which is now life expired, and the construction of a new manufacturing and warehousing facility and minor alterations to hard-surfacing. It is proposed that the works would be completed in a series of phases. The application is a resubmission of planning application 17/01006/FULMAJ which also sought planning permission to replace the existing buildings

on the site and make minor alterations to the existing area of hardstanding. Application 17/01006/FULMAJ was granted planning consent subject to conditions in January 2017.

6. The only difference between the resubmission scheme and the scheme with extant planning consent would be a 2m increase in the height of the proposed building. This increase in height would allow the proposed building to be served by plant and an overhead internal crane which would improve the efficiency of stock and materials movement.

REPRESENTATIONS

7. No neighbour representations have been received.

CONSULTATIONS

8. The Coal Authority have confirmed that they concur with the recommendations of the Phase 1 Preliminary Site assessment and recommend that a condition be imposed requiring the submission for approval of a Mine Shaft Remediation Scheme.
9. Regulatory Services - Environmental Health have not provided comments on this application.
10. Waste & Contaminated Land Officer has confirmed that they have no comments to make on this application.
11. Lancashire Highway Services have confirmed that there are no highways objections.
12. Greater Manchester Ecology Unit have confirmed that their advice remains unchanged from application 17/01006/FULMAJ.
13. United Utilities have confirmed that the proposals are acceptable in principle

PLANNING CONSIDERATIONS

Principle of development

14. The application site is located wholly within the Green Belt. The Government attaches great importance to Green Belts. 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.
15. The National Planning Policy Framework (The Framework) states that there is a general presumption against inappropriate development in the Green Belt and advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.
16. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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.
17. It also states that local authorities should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include:
 - Bullet point 6 – 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.

18. Policy BNE5 criteria (d) of the Chorley local Plan 2012-2026 states that in the case of redevelopment of previously developed land in the Green Belt *'the appearance of the site as a whole is maintained or enhanced and that all proposals including those for partial redevelopment, are put forward in the context of a comprehensive plan for the site as a whole.'*
19. Bullet point 6 states that partial redevelopment of previously developed sites is only considered not to be inappropriate when there would be no greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
20. Whilst the test for sites such as this relates to the impact on openness it is important to note that the Framework contains no specific definition of 'openness'.
21. It is considered that in respect of the Framework that the existing site has an impact on the openness of the Green Belt. However, it is important to note that merely the presence of an existing building on the application site does not justify any new buildings. The new buildings must also not "have a greater impact on the openness of the Green Belt".
22. Whether the new buildings have a greater impact on openness is a subjective judgment which is considered further below. Objective criteria could include the volume of the existing buildings although it is important to note that the Framework does not include such an allowance or capacity test. To engage with the exceptions of paragraph 89 of the Framework, which is reflected in policy BNE5 of the Local Plan, the test relates to the existing development. The openness of an area is clearly affected by the erection or positioning of any object within it no matter whether the object is clearly visible or not. The openness test relates to the whole of the application site.
23. The volume of existing development includes all the existing structures across the application site including buildings 1, 2 and 3 and the unnumbered storage building, which is proposed to be demolished adjacent to building 3. The 2m increase in height of the proposed building would create additional volume of built development in comparison with the extant permission, however it is not considered that the increased volume would result in the proposed building being materially larger than the existing buildings on site and would therefore not cause harm to the openness of the Green Belt. Consequently, the test in bullet point six of paragraph 89 would be met.
24. On this basis, the proposed development is therefore considered to be in conformity with the Framework and policy BNE5 of the Chorley Local Plan (2012-2016).

Industrial development

25. Policy EP3 states that, *'Proposals for new business, industrial and storage and distribution uses, including extensions to existing premises, will be permitted if they satisfy the following criteria:*
 - a. *They are of a scale and character that is commensurate with the size of the settlement;*
 - b. *The site is planned and laid out in a comprehensive basis;*
 - c. *The proposal will not prejudice future or current economic activities within nearby areas;*
 - d. *The proposal will not cause unacceptable harm, eg noise, smells to surrounding uses;*
 - e. *The site has an adequate access that would not create a traffic hazard or have an undue environmental impact;*
 - f. *The proposal will be served by public transport and provide pedestrian and cycle links to adjacent areas;*
 - g. *Open storage areas should be designed to minimise visual intrusion;*
 - h. *Adequate screening is provided where necessary to any unsightly feature of the development and security fencing is located to the internal edge of any perimeter landscaping;*
 - i. *On the edges of industrial areas, where sites adjoin residential areas or open countryside, developers will be required to provide substantial peripheral landscaping;*

- j. *The development makes safe and convenient access provision for people with disabilities;*
- k. *The buildings are designed, laid out and landscaped to maximise the energy conservation potential of any development, and to minimise the risk of crime;*
- l. *The proposal will not result in surface water, drainage or sewerage related pollution problems; and*
- m. *The proposal incorporates measures which help to prevent crime and promote community safety.*

26. Planning application 17/01006/FULMAJ was assessed comprehensively against each criteria of Policy EP3 and was found to be policy compliant.
27. The proposed development differs from extant planning permission 17/01006/FULMAJ only in respect of the height of the proposed buildings, which has a potential impact on criteria (a) of Policy EP3. It is considered that the proposed development would be similar in scale to the existing buildings both within the application site and the wider site as a whole and would not have an adverse effect on the character of the wider area. It is therefore considered that the proposed development is consistent with the provisions of Policy EP3.

Impact on the amenities of neighbours

28. Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, the development would not cause harm to any neighbouring property by virtue of overlooking, overshadowing or by creating overbearing impacts.
29. It is noted that no neighbour representations have been received in relation to this application.
30. In the context of the existing use of the site and the scale of the existing buildings, it is considered that the proposed development would not result in any harm to the level of amenity currently enjoyed by neighbours.
31. The proposed development would also not impact on the operations of any neighbouring businesses and would support the continued viability of the existing business.

Design and impact on the character and appearance of the locality

32. Policy BNE1 of the Chorley Local Plan 2012 – 2026 states:
- 'Planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, where relevant to the development the layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area.'*
33. The proposed development, including the 2m of additional height proposed in comparison to extant permission 17/01006/FULMAJ, would be a functional building, broadly similar in scale and character to the existing facility and to other buildings within the wider site. The extensive existing landscaping to the periphery of the application site would help to assimilate the development comfortably in this location.
34. The proposed development is, therefore, considered to be in conformity with policy BNE1 of the Chorley Local Plan (2012-2016) with respect to its design.

Highway safety

35. In terms of highway issues, the proposed development does not differ from the extant permission and this is confirmed by LCC highways.

36. The proposal is therefore considered to meet the requirements of Policy BNE1 (d) of the Chorley Local Plan (2012-2016) and Paragraph 32 of the Framework in that the residual highways impact would not be severe and the scheme is not prejudicial to any safety issues. A suitably worded condition has been proposed that would secure this.

Ecology

37. In terms of ecological issues, the proposed development does not differ from the extant permission and this is confirmed by the Greater Manchester Ecological Unit.
38. The site sits adjacent to a designated Biological Heritage Site (BHS), which is located to the south and west of the site. The application is supported by an Extended Phase 1 Habitat Survey and Bat Roost Potential Survey and a Great Crested Newt Survey Report. A suitably worded condition would secure appropriate mitigation measures and their implementation as suggested by the Greater Manchester Ecology Unit (the Council's ecological advisors).
39. The proposed development is, therefore, considered to be in conformity with policy BNE9 of the Chorley Local Plan (2012-2016).

Arboricultural impact

40. The proposed development does not differ from the extant permission in terms of its impact on trees.
41. Whilst no trees would be affected by the proposed development the application includes a proposal for tree protection during the construction period. A suitably worded condition is proposed that would secure this.
42. The proposed development is, therefore, considered to be in conformity with Chorley Local Plan (2012-2016) policy BNE10.

Flooding and drainage

43. The proposed development does not differ from the extant permission in terms of its impact on flooding and drainage.
44. The site lies outside the flood zone. Suitably worded proposed conditions would secure the design of an appropriate drainage scheme for the site, as suggested by United Utilities to complement and improve the existing network.
45. The proposed development is, therefore, considered to be in conformity with policy 29 of the Central Lancashire Core Strategy.

Sustainable resources/Energy Efficiency

46. The proposed development does not differ from the extant permission in terms of its impacts on sustainable resources and energy efficiency.
47. Policy 27 of the Core Strategy seeks to incorporate sustainable resources into new development through a number of measures. The proposed development is within the threshold category of criterion b of the policy which requires either additional fabric insulation measures or appropriate decentralised, renewable or low carbon energy sources are to be installed and implemented to reduce CO2 emissions by a minimum of 15%. This is in addition to achieving a BREEAM 'very good' rating for energy efficiency.
48. The application is supported by an energy statement. In summary the report concludes that in the first stage of the energy hierarchy, a number of passive and high efficiency measures have been applied to reduce the energy consumption of the building through improving U-values, system efficiencies, etc. These are stated to save up to 13% CO2 emissions.

49. In the second stage of the energy hierarchy, the report determines that inclusion of 160m² of PV panels could save 15% CO₂ from the efficient baseline equivalent to 98.1 t (CO₂) per annum. The overall carbon reduction achieved across the site, once all steps have been completed, is stated as being approximately 28%.
50. Suitably worded proposed conditions would secure the development in terms of sustainable resources. The proposed development is, therefore, considered to be in conformity with policy 27 of the Core Strategy.

CONCLUSION

51. The proposals do not constitute inappropriate development in the Green Belt and would have no unacceptable adverse impact on the character of the immediate locality or neighbouring amenity. The proposed development would also not result in any unacceptable impact on trees, ecology, sustainable resources or highway safety and would meet the development criteria for industrial development. It is, therefore, considered that the proposed development is in accordance with The National Planning Policy Framework (The Framework), Policies 27 and 29 of the Central Lancashire Core Strategy 2012 and Policies HS5, EP3, BNE1, BNE9, BNE10 of the Chorley Local Plan 2012 – 2026. Consequently, it is recommended that the application be approved subject to conditions.

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.

RELEVANT HISTORY OF THE SITE

Ref: 02/00180/ADV **Decision:** PERADV **Decision Date:** 19 April 2002

Description: Erection of two non-illuminated free standing signs,

Ref: 94/00706/FUL **Decision:** PERFPP **Decision Date:** 20 December 1994

Description: Extension to Existing Storage Shed.

Ref: 05/00233/INV **Decision:** REC **Decision Date:**

Description: Two free standing signs to the front of the entrance and aluminium letter and logos to front elevation

Ref: 05/00540/ADV **Decision:** PERADV **Decision Date:** 11 July 2005

Description: Retrospective application for two free standing signs outside the perimeter fence by the entrance, aluminium letters and logos to the front elevation of the property

Ref: 17/01006/FULMAJ **Decision:** PERFPP **Decision Date:** 17 January 2018

Description: Demolition of existing unit and construction of new manufacturing and warehousing facility and minor alterations to hard-surfacing.

Ref: 94/00639/FUL **Decision:** PERFPP **Decision Date:** 7 October 1994

Description: Siting of portakabin to rear of existing office

Ref: 93/00462/FUL **Decision:** PERFPP **Decision Date:** 6 August 1993

Description: Renewal of consent on 9/91/357 for siting of portakabin to rear of existing offices

Suggested 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 development hereby permitted shall be carried out in accordance with the approved plans below:

Title	Plan Ref	Received On
Location Plan	N/A	24 April 2018
Proposed Site Plan	16-1110-02 Rev A	24 April 2018
Proposed Section and Elevations	025A	24 April 2018
Phasing Diagram	16-1110-06 Rev A	24 April 2018

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The external facing materials, detailed on the approved plans, shall be used and no others substituted unless alternatives are first submitted to and agreed in writing by the Local Planning Authority, when the development shall then be carried out in accordance with the alternatives approved.

Reason: To ensure that the materials used are visually appropriate to the locality.

4. The development hereby permitted shall not commence unless the local planning authority has been provided with either:
 - a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 (as amended) authorizing the specified activity/development to go ahead; or
 - b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To safeguard protected species and their habitats.

5. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

- h) Use of protective fences, exclusion barriers and warning signs.
- i) The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the Biological Heritage Site.

- 6. No development shall take place until two owl boxes are placed in suitable positions, as recommended in section 5.2 of the Extended Phase 1 Habitat Survey (dated May 2017 Ref 16-1204.01)

Reason: to compensate for the loss of the owl roost in Building 5.

- 7. No removal of or works to any hedgerows, trees or works to or demolition of buildings or structures that may be used by breeding birds shall take place during the main bird breeding season 1st March and 31st July inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To avoid harm to suitable bird nesting habitats.

- 8. Prior to occupation of the development hereby approved, a "lighting design strategy for biodiversity" for areas to be lit shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To avoid harm to bat foraging habitat.

- 9. A scheme for the Biodiversity Enhancement Measures, as set out in section 5.2 of the Extended Phase 1 Habitat Survey (dated May 2017 Ref 16-1204.01) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development (or in accordance with a phasing plan which shall first be agreed in writing with the local planning authority) and shall be retained thereafter.

Reason: To secure biodiversity enhancement.

- 10. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

11. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Drainage Statement (Ref No. 063368, Dated 22nd September 2017) which was prepared by Curtins. No surface water will be permitted to drain directly or indirectly into the public sewer. Any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. The development shall be completed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

12. Prior to commencement of development, and in accordance with the recommendations of the Phase 1 Preliminary Site Assessment (20 July 2017, prepared by Curtins), a mine shaft remediation including any foundation designs which may be required for building within influencing distance of them, shall be submitted to and approved in writing by the Local Planning Authority. The remediation scheme shall subsequently implemented in accordance with the approved scheme.

Reason: To protect the public and the environment in mining areas.

13. The building hereby permitted shall be constructed to achieve a minimum Building Research Establishment (BREEAM) standard of 'very good'. Within 6 months of occupation a 'Post Construction Stage' assessment and a Final Certificate shall be submitted to the Local Planning Authority certifying that a BREEAM standard of 'very good' has been achieved.

Reason: In the interests of minimising the environmental impact of the development.

14. During the construction period, all trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standards.

Reason: To safeguard the trees to be retained.

15. The new construction element of the development hereby permitted shall not commence until details of the number, size and location of any solar pv panels has been submitted to and received approval in writing from the local planning authority. The approved scheme shall thereafter be implemented and not varied unless approval in writing has first been obtained.

Reason: to secure the design of the proposed development.

16. The development hereby approved shall be undertaken in accordance with the control measures as outlined within Section 5.6 of the submitted Design and Access Statement.

Reason: To ensure that noise and dust levels are kept to an acceptable level such that the amenity of neighbouring properties is protected.

17. Demolition or construction works shall adhere to the Chorley Council document, 'Code of Practice for Construction and Demolition'

Reason: To protect the amenities of the nearby residents.