

## **APPLICATION REPORT – 18/00328/FULMAJ**

**Validation Date: 3 April 2018**

**Ward: Euxton North**

**Type of Application: Major Full Planning**

**Proposal: Erection of units in use class B1 and B8 with associated landscaping and erection of a double garage (following demolition of existing buildings in use class B8)**

**Location: Guest House Farm Runshaw Lane Euxton Chorley PR7 6HD**

**Case Officer: Simon Forster**

**Applicant: Mr Kitchin**

**Agent: Sophie Marshall**

**Consultation expiry: 10 July 2018**

**Decision due by: 17 August 2018**

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### **RECOMMENDATION**

1. It is recommended that full planning permission is granted subject to conditions.

### **SITE DESCRIPTION**

2. The application site is approximately 1ha in area, and is located in the Green Belt approximately 900m west of the Euxton settlement boundary. The site comprises two agricultural type units of stone, concrete block or steel construction and a large timber shed structure. The buildings are set in extensive areas of concrete hard standing used for vehicle parking and storage of various materials including potted trees and shrubs associated with the business operated from the site.
3. The existing B8 use of the site for the operation of a commercial landscaping business was confirmed by the issue of a Lawful Development Certificate for an existing use in January 2018. Two businesses, comprising BRK Landscaping Contractors and BRK Farming and Holding Nursery Ltd operate from the application site.
4. The boundaries of the application site are defined by a combination of hedgerows, fences and walls.
5. To the north of the application site, a number of dwellings arranged in a linear form are located along Runshaw Lane at a distance of approximately 100m from the existing buildings on the application site. There are also dwellings located to the west of the application site further along Runshaw Lane at a distance of approximately 170m. Open fields are located to the east and south of the application site.

## **DESCRIPTION OF PROPOSED DEVELOPMENT**

6. This application seeks planning permission for the erection of two buildings comprising offices (class B1) and storage and distribution uses (class B8) with associated landscaping and the erection of a double garage following the demolition of existing storage buildings.
7. The two proposed units would have eaves and ridge heights of 5.0m and 7.0m respectively.
8. A total of 50 car parking spaces would be provided along with parking and turning spaces for HGV's.
9. The initial intention was that there would be 750sqm of B1 office space and 1,200sqm of B8 storage use provided within the two units proposed. Some of the units would have a mezzanine floor whilst others would not. The proposed facing materials would comprise random natural stone and dark green vertical cladding with roller shutter doors and dark grey roofing.
10. The was amended since the application was first submitted with one of the proposed buildings being reduced in size, the amount of B1 office use being reduced to 320sqm and the amount of B8 storage use being increased to 1320sqm.

## **REPRESENTATIONS**

11. No representations have been received.

## **CONSULTATIONS**

12. Lancashire Highway Services have confirmed that the amended plans are acceptable from a highways perspective.
13. United Utilities have made general comments in relation to water and drainage.
14. Euxton Parish Council have confirmed that they do not object to the proposed development.
15. Greater Manchester Ecology Unit have confirmed that they have no objections to the proposed development subject to conditions.

## **PLANNING CONSIDERATIONS**

### Principle of development

16. The government expresses its support for sustainable economic growth within the NPPF, paragraph 19 is of particular note in relation to this proposal:
17. *"The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system."*
18. The NPPF encourages Local Plans to support a prosperous rural economy, and this is detailed at paragraph 84 which states that:
19. *"Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and*

*sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.”*

20. These sentiments are expressed at the local level by Core Strategy policy 13 on the Rural Economy, which includes the following section that is of relevance to the application:  
*“Allowing limited extension and replacement of existing buildings, with a preference for commercial, tourism and live/work uses.”*
21. 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.
22. 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.
23. 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.
24. It also states that local authorities should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:
  - a) buildings for agriculture and forestry;*
  - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
  - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
  - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
  - e) limited infilling in villages;*
  - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
  - g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
    - not have a greater impact on the openness of the Green Belt than the existing development; or*
    - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.**
25. The application site is previously developed land and therefore engages with paragraph 145 g) of the Framework on the basis that any development should not have a greater impact on the openness of the Green Belt than the existing development.
26. Policy BNE5 criteria (d) of the Chorley local Plan 2012-2026 reflects this and 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.’*
27. 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’.

28. 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".
29. 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 145 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.
30. The volume of existing development across the application site includes units A1, A2 and A3 and units B and C in their entirety. Unit A5 is excluded as there is no roof and there is very little in the way of built volume that that could be used as a reference for the scale of any proposed buildings on the site. The Framework does not specify an allowance for the inclusion of demolished or removed buildings therefore to engage with the exceptions of paragraph 145 of the Framework, the test relates to the existing development, and unit A5 cannot be considered in the assessment of the impact on openness.
31. Based on the amended drawings that reduced the volumetric size of building B, it is not considered that the proposed development would be materially larger than the existing development on site and would not therefore have a greater impact on the openness of the Green Belt than the existing development.
32. The proposed double garage is located within the domestic curtilage of Guest House Farm and it is proposed to be used solely for domestic purposes. The proposed garage would be considered inappropriate development in the Green Belt under the provisions of the Framework and Local Plan 2012 – 2026. However, the Council takes a pragmatic approach to the development of domestic outbuildings within a residential curtilage and makes provision for the equivalent of a double garage, a small shed, and a small greenhouse on a single dwelling in the countryside through the Householder Design Guidance SPD. It is recommended that a suitably worded condition be attached to any grant of planning permission to secure the use of the garage for domestic purposes only.
33. The erection of the garage would not exceed the recommendations set out within the Householder Design Guidance SPD in rural areas, and is commensurate with the existing dwelling and plot. It is therefore considered that the erection of the garage within the curtilage of the existing dwelling house would not represent inappropriate development in the Green Belt.
34. It is not considered that there would be any greater impact on the openness of the Green Belt than the existing development. Consequently, the test in paragraph 145 g) can be met and the proposed development is therefore considered to be in accordance with the Framework, policy HS5 of the Chorley Local Plan 2012 – 2026 and Householder Design Guidance SPD.

#### Business development

35. Policy EP3 stipulates that proposals for new business, industrial and storage and distribution uses, including extensions to existing premises, will be permitted if they satisfy number of criteria. The proposed development is considered against these criteria as set out below:
  - a. *They are of a scale and character that is commensurate with the size of the settlement;*
36. The proposed development is considered to be very similar in scale and character to the existing buildings within the application site.

- b. The site is planned and laid out in a comprehensive basis;*
37. The scheme is considered to be a comprehensive proposal for the site as a whole.
- c. The proposal will not prejudice future or current economic activities within nearby areas;*
38. This is an existing employment site and the proposed development is considered to enhance and sustain economic activity in the immediate area.
- d. The proposal will not cause unacceptable harm, eg noise, smells to surrounding uses;*
39. The proposed development comprises storage and distribution and office uses and the application site is already in use for storage and distribution. Given the distance to neighbouring residential properties it is not considered that any unacceptable harm would be caused.
- e. The site has an adequate access that would not create a traffic hazard or have an undue environmental impact;*
40. LCC highways have confirmed that the scheme is acceptable from a highways perspective
- f. The proposal will be served by public transport and provide pedestrian and cycle links to adjacent areas;*
41. The site is located along the Lancashire Southern Loop (Cycle Route 91) on road cycle route, which follows Runshaw Lane and is therefore accessible by cycle. The application site is located within 10 minutes' walk of bus stops on Runshaw Hall Lane, however, it is noted that there are no footways on either side of Runshaw Lane in the vicinity of the application site. As such the site is not particularly accessible, however, as it is already in employment use the principle has been established.
- g. Open storage areas should be designed to minimise visual intrusion;*
42. The proposed development would include a comprehensive landscaping scheme, to be secured via condition, which would minimise the visual intrusion of the proposed development.
- 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;*
43. The proposed development would include a comprehensive landscaping scheme, to be secured via condition, which would minimise the visual intrusion of the proposed development.
- i. On the edges of industrial areas, where sites adjoin residential areas or open countryside, developers will be required to provide substantial peripheral landscaping;*
44. The proposed development would include a comprehensive landscaping scheme, to be secured via condition, which would minimise the visual intrusion of the proposed development.
- j. The development makes safe and convenient access provision for people with disabilities;*
45. Access to the site is level and all ground floor accommodation will be accessible to 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;*
46. A suitable condition will be attached to secure the environmental credentials of the proposed development.
- l. *The proposal will not result in surface water, drainage or sewerage related pollution problems; and*
47. The application site is not located in a flood risk area and it is noted that United Utilities have not objected to the application nor recommended the attachment of any conditions.
- m. *The proposal incorporates measures which help to prevent crime and promote community safety.*
48. The proposed development incorporates an automatic barrier at the entrance to the site from Runshaw Lane. It is not considered that any further measures to prevent crime and promote community safety are necessary.
49. With reference to the above, it is considered that on balance, the proposed development is consistent with the provisions of Policy EP3.
50. Policy EP9: Development in Edge of Centre and Out of Centre Locations states that small scale town centre uses outside of the town, district and local centres will be permitted if they satisfy a number of criteria. The proposed development is considered against the criteria of Policy EP9 below:
- a. *The proposal meets a local need and can be accessed by walking, cycling and public transport;*
51. The proposed development is intended, in part, to secure a long term future for the two existing businesses, which operate from the application site. The applicant has provided a number of letters of interest from local businesses demonstrating additional demand for the facilities. The site is located along the Lancashire Southern Loop (Cycle Route 91) on road cycle route which follows Runshaw Lane and is therefore accessible by cycle. The application site is located within 10 minutes walk of bus stops on Runshaw Hall Lane, however, it is noted that there are no footways on either side of Runshaw Lane in the vicinity of the application site. As such the site is not particularly accessible, however, as it is already in employment use the principle has been established.
- b. *Does not harm the amenity of an adjacent area*
52. The proposed development is located on a site which is already in use for B8 storage and distribution. It is considered that the proposed development would visually enhance the site and the proposed buildings are not considered to be materially larger than those they would replace. It is therefore not considered that the proposed development would harm the amenity of an adjacent area.
- c. *The sequential test and impact assessment are satisfied setting out how proposals do not detract from the location function, vitality and viability of the borough's hierarchy of centres."*
53. Paragraph 25 of the NPPF states that "*the sequential test approach should not be applied to applications for small scale rural offices or other small scale rural development.*" There is no threshold provided for what constitutes a "small scale rural development" however the General Permitted Development Order 2015 allows a maximum of 500sqm of agricultural use to be changed to office use under permitted development. It is therefore considered that 500sqm represents a reasonable threshold for the definition of 'small scale rural development' and that the 320sqm of B1 use class proposed would not require a sequential test to support the application.

54. On balance, it is considered that the proposed development is consistent with the provisions of Policy EP9.

#### Impact on the amenities of neighbours

55. *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.*

56. It is noted that no neighbour representations have been received in relation to this application.

57. In the context of the existing use of the site, the scale of the existing buildings and the distance to neighbouring dwellings, it is considered that the proposed development would not result in any harm to the level of amenity currently enjoyed by neighbours.

#### Design and impact on the character and appearance of the locality

58. 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.'*

59. The proposed development is considered to be of an appropriate design, broadly similar in scale and character to the existing facility. A comprehensive landscaping scheme is proposed, to be secured via condition, which would help to further assimilate the development into the landscape in this location.

60. 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 and impact on the character and appearance of the locality.

#### Highway safety impact

61. It is noted that LCC Highways have not objected to the proposed development.

62. The parking provisions would meet with the standards set out in the Chorley Local Plan 2012 – 2026 at appendix A. The proposal is considered to meet the requirements of Policy BNE1 (d) of the Chorley Local Plan (2012-2026) 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.

#### Impact on ecology

63. The planning application is supported by a bat inspection survey and a Great Crested Newt Survey. The Greater Manchester Ecological Unit have confirmed that the proposed development is acceptable subject to a number of conditions being attached any planning permission.

64. The proposed development is, therefore, considered to be in conformity with policy BNE9 of the Chorley Local Plan (2012-2026).

## Sustainable resources/Energy Efficiency

65. 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.
66. 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**

67. The proposal development does 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 economic prosperity, trees, ecology, sustainable resources or highway safety. 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, EP9, BNE1, BNE9 of the Chorley Local Plan 2012 – 2026. Consequently, it is recommended that the application be approved subject to conditions.

## **RELEVANT HISTORY OF THE SITE**

**Ref:** 96/00612/FUL **Decision:** PERFPP **Decision Date:** 28 October 1996  
**Description:** Extension to agricultural building,

**Ref:** 17/01098/CLEUD **Decision:** PEREUD **Decision Date:** 8 January 2018

**Description:** Application for a Certificate of Lawfulness for an existing use in respect of the site being used for the operation of a commercial landscaping business (B8 Use Class).

**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.

## 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:

<b>Title</b>	<b>Plan Ref</b>	<b>Received On</b>
Location Plan	1998-01 Rev P3	03.04.2018
As Proposed Block Plan	1998-015 Rev C	23.07.2018
Unit A Proposed Plans and Elevations	1998-020 Rev C	25.06.2018
Unit B Proposed Plans and Elevations	1998-021 Rev D	25.06.2018
As Proposed Landscaping Plan	1998-016 Rev P3	31.07.2018



*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. No demolition shall occur during the bird nesting season (March to August) unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to demolition and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA or a general license issued by Natural England authorising destruction of the nests provided to the LPA.

*Reason: To avoid harm to nesting birds.*

5. 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.*

6. The premises hereby permitted shall be constructed with either appropriate decentralised, renewable or low carbon energy sources installed and implemented to reduce the carbon dioxide emissions of the development by at least 15% or additional building fabric insulation measures installed beyond what is required to achieve the relevant BREEAM 'very good' rating. Within 6 months of occupation, a Carbon Reduction Statement shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the required energy conserving measures have been implemented.

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

7. The garage hereby permitted shall only be used for purposes incidental to the enjoyment of the dwellinghouse, including the parking of cars. The garage shall not be used for any trade or business purposes.

*Reason: In order to safeguard the residential amenity and character of the area.*

8. The premises hereby permitted shall provide a maximum of 320sqm for uses falling within the B1a use class (of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

*Reason: To protect the function, vitality and viability of the borough's hierarchy of centres.*

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (Schedule 2; Part 3; Class I;) or any subsequent re-enactment thereof no change of use will be permitted without express planning permission first being obtained.

*Reason: To protect the amenities of local residents.*

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the earlier, and any trees or

plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

*Reason: In the interest of the appearance of the locality.*

11. The development hereby permitted shall be restricted to the operating hours of 07:00 and 18:00 Monday to Saturday and at no time on Sunday and Bank Holidays. These restrictions do not apply to BRK Landscaping Contractors and BRK Farming and Holding Nursery Ltd (or any subsequent registered change in company name to these existing businesses operating from the application site), or the domestic use of the garage.

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

12. The development shall not commence until an Employment and Skills Plan that is tailored to the development and will set out the employment skills opportunities for the construction phase of the development has been submitted to and approved by the council as Local Planning Authority (unless otherwise agreed in writing by the council). The development shall be carried out in accordance with the Employment and Skills Plan.

*Reason: in the interests of delivering local employment and skills training opportunities in accordance with Core Strategy Policy 15: Skills and Economic Inclusion.*