

APPLICATION REPORT – 18/01202/FUL

Validation Date: 7 January 2019

Ward: Ecclestone And Mawdesley

Type of Application: Full Planning

Proposal: Erection of 3no. single storey light industrial work units (Use Class B1c) following removal of three existing storage containers and hard standing.

Location: Unit T5 Towngate Works Dark Lane Mawdesley Ormskirk L40 2QU

Case Officer: Caron Taylor

Applicant: Mr Andrew Mawdsley

Agent: Mr Martin Boardman

Consultation expiry: 6 March 2019

Decision due by: 5 April 2019

RECOMMENDATION

1. It is recommended that the application is approved.

SITE DESCRIPTION

2. The application site is a small part of Towngate Works, an existing industrial estate located in the Green Belt, outside the village inset of Mawdesley.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. The proposed units would be erected where there are currently three storage containers (permitted under ref: 12/00176/FUL). They are located in the north east corner of the Towngate Works site, immediately to the north of Unit T5 behind 16 Dark Lane. The existing containers are painted green to the front and are in total 7.5m wide and 5.5m deep and 2.9m high.

RELEVANT HISTORY OF THE SITE

4. The industrial estate has a long planning history. The most relevant planning history to this application is the planning permission for the existing three storage containers ref: 12/00176/FUL.

REPRESENTATIONS

5. A lengthy letter of objection has been received from a planning consultant acting on behalf of the resident of no. 16 Dark Lane, which is located immediately behind the application site.
6. The grounds of objection can be summarised as:
 - The inadequacy of the information submitted;
 - Impact on neighbouring properties, such as significantly increased noise levels and amenity impact;

- Amenity levels given the proximity to neighbouring properties. The proposal would result in a significant loss of privacy and light;
- The proposal is contrary to the Development Plan and national policy.

CONSULTATIONS

7. Regulatory Services - Environmental Health - Are satisfied that the proposed B1c use of the units would ensure that there would not be an excessive disturbance to locally sensitive properties and, therefore, an acoustic report would not be required.
8. United Utilities – Have stated that the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. The National Planning Practice Guidance clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. They ask the applicant to consider the following drainage options in the following order of priority:
into the ground (infiltration);
to a surface water body;
to a surface water sewer, highway drain, or another drainage system;
to a combined sewer.
They recommend a condition to secure this.
9. Mawdesley Parish Council - No comments have been received.
10. CIL Officers – Comment that this development is currently exempt from CIL under Reg.42 - Exemption for Minor Development as the new floor space is less than 100sqm, and does not constitute a new dwelling.

PLANNING CONSIDERATIONS

Principle of development

11. Towngate Works and the immediate surrounding area are located in the Green Belt.
12. In accordance with the National Planning Policy Framework (the Framework) paragraph 145, Local Planning 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.

13. In assessing the current application against paragraph 145, the Framework defines previously developed land in the glossary in Annex 2 as:

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

14. The application site is located wholly within the curtilage of Towngate Works, an industrial estate, which it is considered falls within the definition of previously developed land in Annex 2 of the Framework.

15. Therefore the application is assessed against criterion g) of paragraph 145 of the Framework.

16. The proposed development would involve the removal of three existing storage containers and associated hard standing and replacement with three light industrial unit buildings. Therefore, it would be the partial redevelopment/infilling of the planning unit that is Towngate Works. This is not inappropriate in the Green Belt subject to the first caveat above that the development would not have a greater impact on the openness of the Green Belt than the existing development.

17. The existing three shipping containers are each 2.4m wide, 2.6m tall and 5.5m deep. They are stood on small stilts approximately 72cm high but the height of these varies as the land rises slightly to the south.

18. The cumulative volume of the three containers is approximately 103m³. This does not include the volume below the containers, which would at most add an additional 10m³.

19. Three new units are proposed (labelled Units T6, T7 and T8 on the plans). Unit T6 would be attached to an existing unit (Unit T5), whereas units T7 and T8 would be attached to each other but separated from Unit T6 by approximately 1.5m. The units would have a mono-pitched roof with roller shutter door in the front (west elevation), two side windows and a pedestrian door.

20. The units would measure externally as follows:

	Width	Depth	Height at Front	Height at Rear	Volume
Unit T6	4.80m	7.24m	3.91m	3.20m	148.2m ³
Units T7 and T8	8.30m	7.70m	3.98m	3.29m	232.3m ³

21. Overall proposed volume is 380.5m³

22. The test is whether the proposal would have a greater impact on openness of the Green Belt than the existing development.

23. Case law has established that whether the development would preserve the openness of the Green Belt does not mean that a proposal can only be regarded as not inappropriate in the Green Belt if the openness of the Green Belt would be left entirely unchanged. Otherwise any infilling, by definition, would impact on the openness of the Green Belt and could never

be permitted. Rather development must preserve openness in the sense of not being harmful to it.

24. When considering the harm that a development would cause to the openness of the Green Belt the decision maker must have regard to the visual impact, as well as the spatial impact, the context of the application site and its immediate surroundings.
25. The proposed development would result in an increase in volume over and above the current volume of the containers and would result in a spatial impact on openness. The nature of the application site is such, however, that the development would have a very limited effect on the perception of openness in a visual sense, not only from beyond the boundary of the Towngate Works site, but also within the immediate vicinity of the part of the site where the units would be located. This is due to the well-developed nature of what is an established industrial site that incorporates a plethora of buildings and structures and extensive areas of hard standing. The visual impact resulting from the proposed units would be especially limited due to their proposed positioning within the site, existing boundary treatments and existing surrounding buildings. This would further reduce the visual impact of the proposed development on the openness of the Green Belt.
26. It is accepted that the proposed units would be larger in size than what exists at present, resulting in a spatial impact on openness, however, it is considered the development would result in very limited, if any, visual impact on the openness of the Green Belt. On balance, and in the context of an extensively developed industrial site, it is considered that there would be no greater impact on the openness of the Green Belt than the existing development, which in this instance incorporates the entire Towngate Works site. Therefore, the proposed development is not inappropriate development in the Green Belt and is acceptable in principle.
27. The proposal would provide three employment units on an existing industrial estate. The Framework states that decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. Paragraph 84 goes on to say that 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. The use of previously development land and sites that are physically well-related to existing settlements should be encouraged where suitable opportunities exist. The proposed development is considered to be in compliance with the Framework in this regard.

Design and appearance

28. The proposed units would be constructed of materials that would match the existing units to the south – block work sides with brick front elevations and metal cladding and sheet roofs, uPVC windows and doors and metal roller shutter doors.
29. The design and appearance of the units would be in keeping with those existing on the industrial estate and are considered acceptable.

Impact on neighbouring occupiers

30. Towngate Works sits to the rear (west) of the properties located on Dark Lane, with the application site immediately to the rear of no. 16 Dark Lane. The occupiers of this property have objected, via a planning consultant, to the application on a number of grounds.
31. Policy EP4: Employment Development in Residential Areas of the Chorley Local Plan 2012 - 2016 states that new small-scale employment development (Use Classes B1, B2, B8, A1, A2), will be permitted in areas where housing is the principal land use provided there would be no detriment to the amenity of the area in terms of scale, character, noise, nuisance, disturbance, environment and car parking.
32. Although the site is not within a wholly residential area as it is on an existing industrial estate, the estate does back onto existing residential properties on Dark Lane. In terms of impact on amenity of the occupiers of neighbouring properties, the units are to be used for

uses falling within Use Class B1(c). These are industrial business uses which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. As the nature of the uses that could use the units are controlled by the Use Class designation itself, it is not considered that businesses using the units would have an unacceptable impact on the amenity of the occupiers of residential properties to the east and it is not considered that the application needs to be accompanied by a noise assessment.

33. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) allows changes of use (subject to prior approval) for uses falling within the 'A Use Class' to C3. It is not considered these uses would be acceptable or appropriate on an industrial estate and, therefore, a condition is recommended restricting the units to the use applied for.
34. The existing three shipping containers are 2.6m tall, but they are stood on small stilts approximately 72cm high which reduce in size as the land rises slightly to the south. The proposed units would back onto no. 16 Dark Lane and would be 3.2m and 3.29m high respectively at the rear closest to this residential property, rising to 3.91m and 3.98m at the front via a monopitch roof.
35. No. 16 is a bungalow with a pitched roof and a detached pitched roof garage accessed down a side driveway.
36. The proposed units would have a similar relationship to no. 16 as the existing units to the rear of no. 18 Dark Lane. Although the proposed units would be 3.2m and 3.29m high respectively at the rear, they would be positioned slightly off the rear boundary of the garden of no. 16. Proposed unit T6 would be largely screened from no. 16 by a detached garage in the rear garden of this property. Although units T7 and T8 would not, it is considered that their height combined with vegetation on the boundary would result in the units having an acceptable relationship with no. 16.
37. The units would not result in overlooking to the residential properties to the rear as there are no windows or doors proposed in the rear elevation of the units.

Parking provision

38. The application is made by the owners of Towngate Works and a blue edge is shown around the wider industrial estate showing their ownership. Parking on site is not provided for individual units but rather shared communally across the site. It is considered that parking across the site as a whole is acceptable and vehicles could also park outside the proposed units if necessary.

Trees

39. The agent has stated that they do not intend to make any changes to the existing trees and hedges on the boundary and the works would not require removal of any.

Other matters

40. The foul drainage for the units would be connected to the existing foul drains.
41. Most of the site is hard surfaced. The agent advises that surface water from the Towngate Works site has its own separate drainage system that finally discharges into the adjacent New Read Brook. It is proposed that the surface water from the roofs of the proposed units would also connect to the existing surface water system and would, therefore, also drain to the New Read Brook watercourse. This is considered acceptable in accordance with the drainage hierarchy.

Response to points of objection not covered above

42. The objection letter states that the previous planning permission for the storage containers ref: 12/00176/FUL should be considered within this application as a material consideration. They state the case officer clearly outlined at paragraphs 64 and 65 of their report that buildings in this location should not be considered acceptable and they quote from the report

- a) *“64. It is considered that a new building (rather than containers) could have more impact on the openness of the Green Belt as well as the neighbour to the east.*
- b) *65. For this reason the application is recommended for approval subject to a condition requiring it to be painted green to the sides and rear to reduce the impact on the neighbouring property.”*

43. From this quote it is not accepted that the case officer stated that buildings in this location would not be acceptable. The report states that buildings, rather than containers could have more impact on openness. For this application an assessment has been undertaken and come to the conclusion that buildings would not.

44. The consultant states that the proposed development fails to accord with the Paragraph 145(d) of the Framework. However this criterion is not relevant to the proposal as it refers to replacement of buildings providing the new building is in the same use as the existing.

45. The 'need' for the units may come into the assessment of a proposal in the assessment of a development that is inappropriate development as part of a case for very special circumstances. The applicant has not argued such a case in this instance.

46. The consultant states that the increased effect on the openness of the Green Belt has been established within the case officer's report for the application for the existing storage containers and they have included a photograph extract of the report at Appendix 2 of their objection. Unfortunately the consultant has quoted paragraph 61 of the case officer's report from the planning permission for the storage containers out of context. The consultant quotes it as though it is the case officer's view, however when viewing the report in full, paragraph 61 is under the section titled 'Applicant's Case'. This paragraph was written by the applicant's planning consultant for the shipping containers as their case as to why the application should be approved.

47. The objection letter states that the applicant did not undertake any pre-application engagement with the Council or third parties and the application should be refused for this reason. The Council cannot refuse a planning application on these grounds.

48. The objection states that the materials of the proposed buildings are not compatible within the design of buildings in the Green Belt. Green Belt policy in the form of Framework does not set out criteria for the design of buildings in the Green Belt.

49. The objection states that the site is not an employment allocation in the Local Plan. The purposes of such an allocation is to allocate land for new employment purposes, this is an existing site and, therefore, the proposed development is not therefore contrary to policy EP1 of the Chorley Local Plan 2012 - 2026.

50. It is considered that sufficient information has been submitted with the application for the Local Planning Authority to determine the application.

CIL

51. The development is currently exempt from CIL.

CONCLUSION

52. The proposed development is not considered inappropriate development in the Green Belt for the reasons set out in this report and is considered acceptable in all other respects. The application is, therefore, recommended for approval.

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

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

Title	Plan Ref	Received On
Proposed Site Plan	000-013	18 December 2018
Proposed Plan	000-011	18 December 2018
Proposed Elevations	000-012	18 December 2018
Existing Site Plan (Location Plan)	000-003	28 February 2019

2. 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.

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 units hereby permitted shall be used for uses falling within Class B1(c) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: To protect the amenities of local residents and safeguard Towngate Works as an industrial estate.

5. Foul drainage for the units shall be connected to the existing foul drains for the site. Surface water from the units shall drain via a surface water drain that finally discharges in to the adjacent New Read Brook.

Reason: To secure proper drainage.

6. There shall be no outside storage of any kind associated with the units hereby approved.

Reason: In the interests of maintaining neighbour amenity and the character and appearance of the area.