

## **APPLICATION REPORT – 21/01473/FULMAJ**

**Validation Date: 25 January 2022**

**Ward: Chorley North East**

**Type of Application: Major Full Planning**

**Proposal: Demolition of the former Grill & Grain Public House and erection of a two storey office building and change of use of the former annex building from ancillary accommodation to commercial use (falling within Use Classes E(a) display or retail sale of goods, other than hot food, E(b) sale of food and drink for consumption (mostly) on the premises, E(c) i financial services, E(c)ii professional services (other than medical services) and/or E(g)i office) with associated car parking, landscaping and works**

**Location: The Boatyard Bolton Road Hoghton**

**Case Officer: Johndaniel Jaques**

**Authorising Officer:**

**Applicant: Kingswood Homes UK Ltd**

**Agent:**

**Consultation expiry: 28 February 2022**

**Decision due by: 20 June 2022 (Extension of time agreed)**

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### **RECOMMENDATION**

1. That planning permission is granted subject to conditions.

### **SITE DESCRIPTION**

2. The application site has an area of 0.81 ha and is currently occupied by part of the external shell of the former Grill and Grain public house which is central to the site, and a single storey linear building set into an adjacent slope comprising six units of overnight accommodation to the west of the site running parallel with Bolton Road. Due to the topography of the site this building is not particularly visible from the main road. The site slopes down from the south towards the canal to the north, with the area where the former pub building. The site also incorporates significant areas of hardstanding providing car parking spaces along with a wooded area. The site lies within the Green Belt as defined by the Chorley Local Plan Policies Map,
3. The site lies adjacent the Leeds and Liverpool Canal which forms its northern boundary. To the east of the site on the canal is Finningtons Marina. The site is accessed from the A675, Bolton Road which runs along its south western side. To its south eastern side is agricultural land.

### **DESCRIPTION OF PROPOSED DEVELOPMENT**

4. The proposal is for the demolition of the former Grill & Grain Public House and erection of a two storey office building and change of use of the former annex building from ancillary accommodation to commercial use (within Use Classes E(c) i. financial services and ii. professional services (other than medical services) and E(g) i. office) with associated car parking and landscaping
5. The two storey office building would be the office headquarters for the applicant. This would be in a similar location to the former pub building but would be rectangular in form. The building would be two storey with pedestrian access to it at first floor given the levels on the site. The design of the office building has been inspired by the rural character of the site and its previous use as a boat buildings yard. It has been designed to be in keeping with this character in terms of building form and materiality.
6. 50 car parking spaces are proposed with thirty three serving the new office building involving an extension to the existing hard surfaced area into the wooded area to the southern part of the site, seven serving the former annex building and ten spaces for use by the marina. 4 are designed to be accessible for disabled users.
7. The total floorspace would be 1062 sqm, with the new building providing 864 sqm of office space and the change of use providing a total of 198 sqm of flexible uses within those specifically specified under Class E (E(a) display or retail sale of goods, other than hot food, E(b) sale of food and drink for consumption (mostly) on the premises, E(c) i financial services, E(c)ii professional services (other than medical services) and/or E(g)i office
8. At the site entrance, entrance walls incorporating discreet bin/cycle storage are proposed.

#### **RELEVANT HISTORY OF THE SITE**

9. None.

#### **REPRESENTATIONS**

10. At the time of report preparation 2no. representations have been received. One supports the proposal because it would result in a derelict site that has become an eyesore being redeveloped into an attractive and sympathetic use. The other representation neither supports nor objects to the proposal; it is from the Withnell Angling Club who have used the site for parking and would welcome the opportunity to discuss whether they could make use of the site for parking in the future.

#### **CONSULTATIONS**

11. Canal & River Trust – No objections.
12. Greater Manchester Ecology Unit – No objections
13. Lancashire Fire And Rescue Service – No comments received.
14. Waste & Contaminated Land - No objections.
15. Lancashire Highway Services – No objections.
16. Lead Local Flood Authority – No objections.
17. Police – No objections.
18. United Utilities – No objections.
19. Regulatory Services - Environmental Health - No comments received.

20. Parish Council – No comments received.
21. CIL Officers – The development would be CIL liable and chargeable.

## **PLANNING CONSIDERATIONS**

### Principle of the development and impact on the Green Belt

22. Paragraph 7 of the National Planning Policy Framework (the Framework) sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
23. Paragraph 8 of the Framework sets out that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
  - a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
  - b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
  - c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
24. At the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).
25. For decision-taking this means:

approving development proposals that accord with an up-to-date development plan without delay; or  
where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
26. The Framework sets out (paragraph 81) that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. Paragraph 83 recognises that decisions should recognise and address the specific locational requirements of different sectors. The requirement to support a proposal that would provide jobs and other economic benefits for the area would be given weight in the planning balance.

27. Paragraphs 84 and 85 of the Framework deal with supporting a prosperous rural economy, setting out that planning policies and 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. It says that it should be recognised 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. Therefore 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.
28. This part of Hoghton is not specified as an area for growth within Core Strategy Policy 1 and falls to be considered as an 'other place'. Criterion (f) of Core Strategy Policy 1 reads as follows:
- "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."
29. The proposal constitutes a major development and, therefore, exceptional reasons are required to justify the proposal.
30. Core Strategy policy 9 (Economic Growth and Employment) seeks to provide economic growth and employment in a number of ways including locating more local office schemes in Chorley town centre.
31. Core Strategy policy 11 (Retail and Town Centre Uses and Business Tourism) of the Central Lancashire Core Strategy seeks to deliver retail and main town centre uses in a number of ways, including by focusing main town centre uses in defined town centres.
32. The Framework at paragraph 87 sets out that a sequential test should be applied to applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.
33. When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.
34. The application is accompanied by a sequential test which assesses various sites including all designated retail centres within the defined catchment area and also any available commercial properties identified online. The assessment concludes that there are no suitable or available sites within the catchment area for the proposed development. It is considered that the sequential test is passed and that the site can reasonably be considered.
35. The Framework at paragraph 84 seeks to retain accessible local services, including public houses, Policy HW6 of the Chorley Local Plan reflects this approach and sets out that such facilities will only be allowed to be lost if they satisfy the following criteria:
- a) The facility no longer serves the local needs of the community in which it is located;*

The existing public house/restaurant site has been vacant for more than five years and at the time of officer site visit only the remains of the shell of the building was remaining as a result of a fire. As such the pub no longer contributes as a community facility.

*b) Adequate alternative provision has been made, or is already available, in the settlement or local area;*

There are existing operation public houses in the local area including the Royal Oak pub and Hoghton Arms.

*c) The use is no longer financially viable;*

The former site owner has provided confirmation that following the fire at the pub it was not considered viable to rebuild it, given the competing successful pubs close to the site.

*d) The facility is in an isolated location remote from public transport routes; or e) There is an amenity or environmental reason why the facility is no longer acceptable.*

The site has remained vacant and is an eyesore which negatively detracts from the visual amenities of the area.

36. Having regard to the above, it is considered that the proposal accords with Policy HW6.

37. The application site is located within the Green Belt and falls within the definition of previously developed land provided within the Framework. Section 13 of the Framework confirms that 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.

38. The Framework sets out that the Green Belt exists to achieve five purposes as set out below.

*138. Green Belt serves five purposes:*

*a) to check the unrestricted sprawl of large built-up areas;*

*b) to prevent neighbouring towns merging into one another;*

*c) to assist in safeguarding the countryside from encroachment;*

*d) to preserve the setting and special character of historic towns; and*

*e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

39. Development will only be permitted within the Green Belt, under certain exceptions in accordance with the Framework, except where very special circumstances can be demonstrated. The Framework confirms that '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.

40. Paragraph 149 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt but lists a number of exceptions. An exception relevant to this case is listed at paragraph 149 of the Framework where development may not need to be considered as inappropriate development in the Green Belt. This is:

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.

41. Paragraph 150 of the Framework also states that:

Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

(d) the re-use of buildings provided that the buildings are of permanent and substantial construction;

42. Whilst the test for previously developed sites such as this relates to the impact on openness, the Framework does not contain a specific definition of 'openness'. It is a subjective judgment, which is considered further below, along with objective criteria in making that assessment. It is considered that in respect of the Framework, the existing site currently 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 site currently does not justify any new buildings. The new buildings must also not "have a greater impact on the openness of the Green Belt".
43. To engage with the exceptions of paragraph 149 of the Framework, which is reflected in policy BNE5 of the Chorley Local Plan 2012 – 2026, 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 site.
44. Policy BNE5 of the Chorley Local Plan 2012 – 2026 relates to the redevelopment of previously developed sites in the Green Belt and states that redevelopment of previously developed sites in the Green Belt will be permitted providing that 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.
45. Whether harm is caused to openness depends on a variety of factors, such as the scale of the development, its locational context and its spatial and/or visual implications. At present, the site is occupied by a building. The presence of this existing development already causes harm to openness by its mere existence; and case law has established that for there to be a greater impact, there must be something more than merely a change.
46. The proposal involves the change of use of the former annex building from ancillary accommodation to commercial use. It is considered that this would preserve the openness of the Green Belt because it would not increase the size, scale or height of the existing building and as such the resultant building, and would have no greater impact on the openness of the Green Belt than the existing building. It would not conflict with any of the purposes of including land within the Green Belt as set out at paragraph 138 of the Framework and the building is of relatively recent construction and is a permanent construction and fully intact. Therefore, it is considered that the change of use of the former annex building is appropriate development in the Green Belt as it satisfies the exception of paragraph 150 (d) of the Framework.
47. The proposal also involves the demolition of the remainder of the external shell of the former Grill and Grain public house, which helps to a limited degree to offset the harm caused to openness which would arise from the proposed development. In volumetric terms, as there is no full building on the site the proposed office building would involve an uplift in the volume from the current zero cubic metres to 3885 cubic metres.
48. When considering this uplift, regard is given to the principle of replacing a building in the Green Belt, which is permissible under paragraph 149 of the Framework, with the Rural Development Supplementary Planning Document, setting out of threshold that a 30% increase in volume would not be materially larger. Therefore, in this instance where there is no existing volume the proposed building would be materially larger and would not meet the exceptions set out in paragraph 149 (g). The proposed building would, therefore, be inappropriate development in the Green Belt, which is harmful by definition, and to which substantial weight must be attached.
49. The proposed development would result in definitional harm to the Green Belt therefore any other harm caused by the development must also be considered and added to the definitional harm. Although the applicant submits that the proposal would have no greater

impact on the openness of the Green Belt, there would also be some harm to openness through the replacement of the remnants of the former public house building with one that is materially larger. It is, however, noted that from a visual perspective that the proposed building would be an improvement to the existing arrangements.

50. Consideration must also be given to whether the development would conflict with the purposes of including land in the Green Belt. The purposes are set out in the Framework at paragraph 138. The development would be contained within the curtilage of the site and would not conflict with any of the purposes set out at paragraph 138.
51. Overall, it is considered that the proposed development would result in definitional harm to the Green Belt and would harm openness. Such development should not be approved except in 'Very Special Circumstances', which will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. This will be considered further in the report.
52. Policy EP3 of the Chorley Local Plan sets out that proposals for new business, industrial and storage and distribution uses will be permitted if they satisfy the following criteria. The officer's assessment of the proposed scheme is provided below each of the criteria.
53. *a) they are of a scale and character that is commensurate with the size of the settlement;*  
The new building would be of a similar size to that of the former pub, prior to the fire and would be a two storey building with a footprint of 491 square metres, meaning that a large area of the site would be able to be landscaped or retained as a wooded area.
54. *b) the site is planned and laid out on a comprehensive basis;*  
It is clear from the submission that the proposals have been carefully planned and consider the whole site and its surroundings in a comprehensive manner.
55. *c) the proposal will not prejudice future, or current economic activities within nearby areas:*  
The proposal would reuse an existing (but now vacant) former site, bringing economic benefits. It would also provide car parking for the adjacent marina, and the regeneration of the site is likely to make the marina more attractive to users. Therefore, it would not prejudice this business or any other business.
56. *d) the proposal will not cause unacceptable harm e.g. noise, smells to surrounding uses;*  
It is not considered that the proposal would be likely to have any significant impact in terms of noise smells or other unacceptable harm to surrounding uses.
57. *e) the site has an adequate access that would not create a traffic hazard or have an undue environmental impact;*  
Access would be taken from the existing access off Bolton Road. The acceptability of the highway impact is assessed in detail below.
58. *f) the proposal will be served by public transport and provide pedestrian and cycle links to adjacent areas;*  
Public transport is available with bus stops located 700m and 900m from the centre of the site. Footways in the area are adequate and the nearest formal cycle routes are within the recommended distance of 5km from the site meaning that cycling could be a substitute for short car journeys. The nearest railway station is Pleasington which is less than 5km from the site and as such could offer linked cycle trips. In addition, the canal towpath along its northern side provides walking and cycling links to surrounding areas.

Although this is not a particularly accessible location, it is previously developed and as set out above the Framework encourages the use of such sites and also recognises that sites to meet local business may be in locations that are not well served by public transport.

Therefore, on balance it is considered that the proposal would be acceptable in terms of its accessibility resulting from its location.

59. *g) open storage areas should be designed to minimise visual intrusion;*  
No open storage areas are proposed, and bin storage is integrated within the entrance walls.
60. *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;*  
Bin storage is integrated within the entrance walls, and it is not considered that the proposal contains other unsightly features. Security fencing is not proposed.
61. *i) on the edges of industrial areas, where sites adjoin residential areas or open countryside, developers will be required to provide substantial peripheral landscaping;*  
The site would retain a relatively large wooded area along its south eastern boundary and landscaping is proposed along the canal where car parking is currently provided. There is only a small section of the site that adjoins a residential property which is 7 Botany Bay, and the area of the site that adjoins is proposed to provide car parking, which on balance is considered acceptable rather than providing landscaping in this small area of the site.
62. *j) the development makes safe and convenient access provision for people with disabilities;*  
Safe and convenient access for people with disabilities is included. For example, there are accessible parking bays, level access to both floors of the main office building and a lift.
63. *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;*  
The proposals incorporate various features which help to maximise the energy conservation of the proposal including curtain walling to the north elevation which provides benefits from diffused light in office areas minimising the need for artificial lighting. The building benefits from passive solar heating during the winter months whilst roof over sails minimise overheating during the summer months, reducing the need for mechanical heating and cooling. In order to comply with Building Regulations Part L2'A' requirements, certain elements may also be required to be implemented to reduce Carbon Emissions.
64. *l) the proposal will not result in surface water, drainage or sewerage related pollution problems;*  
The applicant has submitted a Drainage Strategy plan which has been assessed by the Lead Local Flood Authority (Lancashire County Council), this is covered in more detail below.
65. *m) the proposal incorporates measures which help to prevent crime and promote community safety.*  
The proposal incorporates measures to prevent crime and promote community safety, including bollards front entrance to deter unwanted vehicular intrusion, whilst it is noted that pedestrian access cannot be restricted due to the nature of the marina and proximity to the public towpath, the proposal would incorporate panoramic CCTV. The building entrances would be subject to access control and the reception areas would be manned. Parking areas would be overlooked by the buildings providing natural surveillance over them.
66. Given the above it is considered that the proposals would accord with Policy EP3 of the Chorley Local Plan and therefore are acceptable.

#### Design and Impact on the character and appearance of the area

67. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 - 2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials; and that 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.

68. The application is accompanied by a comprehensive Design and Access Statement which considers the site's history and context, the landscape character of the site and its topography, as well as opportunities and constraints to provide an appropriate and high quality design, that has carefully considered various aspects of the proposal .
69. The proposed building would replace a derelict previously developed site which is an eyesore, and has a detrimental impact on the character and appearance of the site and wider area including the canal corridor. The proposed development would improve the appearance of the site and have a positive impact on the character of the area, providing a carefully considered and high quality designed new building on the site and bring back into use the former annex building.
70. The proposed new office building draws upon the site's heritage, which was for many years a boatbuilder's yard, reflected in the former pub's name for many years. The appearance of the new building as a result of its simple form and massing including its length and shallow pitched roof mimics that of a typical 'boatshed', whilst the black timber finish creates a more industrial, weathered look which establishes the building within its landscape surroundings and ties it into rich, dark greenery of the woodland behind. The fenestration especially at first floor level would help to break up the mass of the building whilst the overhang roof features to the gable ends would provide further interest.
71. Although the building would be longer than the previous pub building it would also be narrower meaning that its front would be set further back from the canal edge, helping to reduce its prominence when viewed from the canal and its northern towpath.
72. The topography of the site would enable the building to be seen against the backdrop of the higher plateau that exists to the rear of the site when viewed from the canal's northern towpath thereby reducing its prominence. When viewed from the approach to the main entrance to the building it would appear as a single storey building as a result of the site topography, thereby reducing its overall visual scale when viewed from this perspective.
73. The proposal would remove a large area of hardstanding that is adjacent the canal, and instead would be a landscaped area at the front of the new building. This would provide major improvement to the setting and appearance of this canal side site, removing views of vehicles, and providing an attractive waterside setting for the site.
74. Bin and cycle storage would be provided within new feature stone entrance walls at the site entrance. Such stone walls are characteristic in the surrounding rural area. As a result of the reduction in the hardstanding alongside the canal which was floodlit, floodlighting on the site is not required. Instead low key timber bollards would be provided which would be in keeping the sites waterside and rural aesthetic.
75. It is considered that the proposal would accord with Policy BNE1 of the Chorley Local Plan 2012 -2026 in this regard.

#### Impact on the amenity of neighbours

76. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, where relevant to the development the proposal would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact; and that the proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses.
77. The proposal would provide offices on the site and potentially some other uses within the former annex building, and it is likely that the nature of these uses would have less potential impact on residential amenity than the former pub/restaurant use.

78. Although longer than the former pub building that existed on the site previously, the new office building would be located in a similar position to it, and the same distance from the main road. Given its size, location and the nature of the new building it is not considered that there would be harm to the amenity of neighbours as the nearest residential property is located more than 60m to the west of the proposed building site on the opposite side of the main road. Given the location of the former annex building which is set at a lower level than the main road and the nature of its proposed use, and the separation that exists to the nearest residential property on the opposite side of the road almost 20m away, it is not considered that there would be harm to the amenity of the nearest neighbours.
79. It is considered that the proposal would accord with Policy BNE1 of the Chorley Local Plan 2012 -2026 in this regard.

#### Impact on highway safety

80. Policy BNE1 (d) of the Chorley Local Plan 2012-2026 sets out that that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that the residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below stated standards unless there are other material considerations which justify the reduction.
81. As set out above the Framework encourages the use of previously developed sites which may not be in locations well served by public transport. LCC Highways Services recognise this, and consider that if improvements were requested to make the site sustainable they would not be reasonable given the scale of the development proposed. They have no objections to the proposal, and it is considered that it would not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. Therefore, it is not considered that the proposal would be detrimental to highway safety.
82. The proposed development would provide 50no. parking spaces in total, which accords with the Council's parking standards as set out at Appendix A of the Chorley Local Plan.
83. Appropriate condition can be secured relating to a Construction Management Plan, implementation of visibility splays, site access works and the provision of parking and manoeuvring areas.
84. It is considered that the proposal would accord with Policy BNE1 of the Chorley Local Plan 2012 -2026 in this regard.

#### Impact on ecological interests

85. Policy 22 of the Core Strategy seeks to conserve, protect and enhance biodiversity and geodiversity and policies BNE 9 and 11 of the Chorley Local Plan 2012 – 2026 seek to protect biodiversity and nature conservation assets.
86. A Preliminary Ecological Survey has been undertaken (Envirotech Report Ref: 7493) along with further points of clarification in a letter dated 21<sup>st</sup> February 2022. This
87. The Council's ecological advisors GMEU have reviewed the ecological assessment and further information provided and not raised any objections to the application and consider that site would have negligible potential to support bats or great crested newt. Indeed, they consider the replacement of car parking adjacent the canal with landscaping would be beneficial to bats subject to an appropriate condition being applied to ensure that lighting levels at the site boundary are limited appropriately. Although badgers are not present on site as they could present in the wider landscape, reasonable avoidance measures during construction as recommended in the submission could be secured through an appropriate condition. There is a very low risk of other protected species (such as otters and water voles) utilising the site, therefore informatives are recommended to address this risk. Other

conditions relating to breeding birds, invasive species, protection of the canal during construction works and the provision of native trees and nest boxes for loss of bird nesting opportunities to secure biodiversity enhancements are recommended.

88. Some trees would be removed to provide the car parking area serving the new office building, and although they provide a moderate level of visual amenity, none are of exceptional merit and trees around the edges of this area would be retained. High quality landscaping would also be provided elsewhere on site to compensate for this loss and therefore the proposals are considered to be acceptable subject to the tree protection measures set out in the tree survey and arboricultural impact assessment being implemented which can be adequately controlled by an appropriate condition..
89. It is not, therefore, considered that the site has substantive nature conservation importance and it is noted that GMEU do not object to the proposed development on nature conservation grounds. It is therefore considered that the proposal accords with Policy 22 of the Core Strategy and policies BNE 9 and 11 of the Chorley Local Plan 2012 – 2026.

#### Drainage

90. Policy 17 of the Core Strategy promotes designs that will be adaptable to climate change and adopting principles of sustainable construction including Sustainable Drainage Systems.
91. The application is accompanied by a drainage strategy plan which indicates that surface water from the site would be stored in an attenuation tank under proposed car parking with a hydrobrake control and the existing surface water petrol interceptor employed before water is discharged to the canal. Existing and proposed foul water would connect to an existing foul water pumping station that connects to the existing foul sewer. The Lead Local Flood Authority (LLFA), United Utilities and the Canals and Rivers Trust do not raise objections to the drainage proposals but recommend an appropriate condition to secure the proposals and ensure that the proposal would accord with Policy 17 of the Core Strategy.

#### Other matters

92. The site lies within the low risk coal consultation zone, and therefore an informative is recommended regarding this.
93. The use of the car park in the future by the Withnell Angling Club would be an issue for them to discuss with the applicants.

#### Community Infrastructure Levy (CIL)

94. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development would be CIL liable and any charge is subject to indexation in accordance with the Council's Charging Schedule.

#### Green Belt balancing exercise

95. The change of use of the former annex building on the site accords with the exception set out at paragraph 150 (d) of the Framework and therefore is appropriate development in the Green Belt. However, the proposed building constitutes inappropriate development in the Green Belt as it does not satisfy any of the exceptions listed at paragraph 149. The development as a whole, is therefore, inappropriate development.
96. The applicant has put forward a number of circumstances for consideration in the assessment of the proposal. Although they consider that a reduction in the footprint of the building compared to that of the previous building can be considered, which involves a reduction from 555 square metres to 491 square metres, it is considered that this can be only be afforded limited weight due to the former pub building no longer existing, although it is recognised that the hardstanding that supported the building still exists.

97. Other benefits of the proposal include that it would remove a significant area of hardstanding adjacent the canal and the provision of landscaping that would minimise the visual impact of the proposal on the canal and be likely to improve biodiversity and be beneficial to bats.
98. The site is vacant and becoming an eyesore and is previously developed land which paragraph 85 of the Framework encourages the use of where suitable opportunities exist. Paragraph 145 of the Framework also supports proposals to improve damaged and derelict land within the Green Belt. It would provide a high quality and well-designed solution to the current vacant and derelict site. The proposed design is sensitive to the character of the site, with the modern sympathetic design which is considered to reflect the historic use of the site as a boatyard. It also minimises its impact by utilising the topography of the site to enable it to be set against the backdrop of a wooded raised plateau thereby reducing its prominence. The visual betterment of a high-quality designed scheme is afforded significant weight.
99. The proposal would also improve access to open spaces for employees of the company, which will also boost opportunities for health in line with the requirements of paragraph 92 (c) of the Framework for decisions to enable and support healthier lifestyles with opportunities for walking and cycling.
100. A range of employment opportunities would be retained and created through the proposed development, supporting economic growth and investment. The new office would create local employment opportunities and provide support and create revenue for local businesses.
101. Cumulatively, it is considered that these amount to very special circumstances to justify the proposed development in the Green Belt. These circumstances are sufficient to outweigh the harm to the Green Belt by reason of inappropriateness and harm to openness.

## **CONCLUSION**

102. Whilst the main element of the proposal would be inappropriate development by definition in the Green Belt, there are very special circumstances that clearly outweigh the definitional harm caused to the Green Belt as a result of inappropriateness, and harm to openness. The proposal constitutes inappropriate development in the Green Belt and would harm openness, however, very special circumstances are identified to justify the proposal. In addition, the proposal would significantly improve the character and appearance of the site and area. These circumstances also amount to the exceptional reasons to justify the proposal under policy 1 of the Core Strategy. The proposal would not be harmful to neighbour amenity or highway safety, and ecological concerns and drainage could be controlled by conditions. It is, therefore, recommended that the application is 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.

### Suggested Conditions

To follow.

