

## **APPLICATION REPORT – 21/00674/FUL**

**Validation Date: 10 June 2021**

**Ward: Chorley South East And Heath Charnock**

**Type of Application: Full Planning**

**Proposal: Change of use of former pumping station for use as Class B2 and B8 facilities depot and storage facility (retrospective)**

**Location: Land South Of Red Bank Scout Hut Little Carr Lane Chorley**

**Case Officer: Mrs Hannah Roper**

**Applicant: KKC Facilities Management Ltd**

**Agent: Mr Andrew Cunningham, Andrew Cunningham Building Design Ltd**

**Consultation expiry: 22 July 2021**

**Decision due by: 5 August 2021**

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### **RECOMMENDATION**

1. It is recommended that planning permission is refused for the following reasons:
  1. The use of the site for Class B2 and Class B8 purposes results in an unacceptable impact on the occupiers of neighbouring residential dwellings, located less than 1m away, by virtue of increased comings and goings, movement of vehicles, tools and commercial goods and the requirement for access over the 24 hour period. Given the nature of the operation it is not considered that satisfactory mitigation measures could be put in place to reduce any detrimental impact to the directly adjacent residential properties. The proposal is, therefore, contrary to policy BNE1 of the Chorley Local Plan 2012 - 2026.
  2. The use of the site for Class B2 and Class B8 purposes would result in a detrimental impact to mature trees on the site and potentially those adjacent to the site. No mitigation measures have been proposed to counteract the detrimental impact and as such the proposal fails to accord with policy BNE10 of the Chorley Local Plan 2012 – 2026.

### **SITE DESCRIPTION**

3. The application relates to an area of land located to the south of Red Bank Scout Hut that was formerly occupied by a pumping station. There is new residential development, and its associated carpark, at Duxbury Gardens located to the south and west and on the opposite side of Melrose Way there is a large commercial use.
4. The site is accessed from Melrose Way, via existing gates, and the existing building has a modest red brick building with roller shutter doors.
5. The land slopes down from the road to the west adjacent to the side elevation of numbers 1-11 Duxbury Gardens.

6. There are several mature trees located on the site and directly adjacent to it, including a tree belt to the north which is protected by a Tree Protection Order.

#### **DESCRIPTION OF PROPOSED DEVELOPMENT**

7. The application seeks planning permission retrospectively for the use of the land for Class B2 and Class B8 purposes.
8. The application form states that the use would be operational 24hours.

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

9. There is no recent relevant planning history.

#### **REPRESENTATIONS**

10. Five representations have been received citing the following grounds of objection:
  - Reduction of privacy to neighbouring residents as the fencing is open
  - Parking of vehicles down the rear of properties
  - Storage materials leaning against fencing
  - Noise from unloading and loading and manoeuvring of vehicles at potentially antisocial hours
  - This site is directly adjacent to residential properties
  - Not suitable for B8 purposes

#### **CONSULTATIONS**

11. Lancashire County Council Highway Services – Have no objections.
12. Regulatory Services - Environmental Health – No comments have been received.
13. Council's Tree Officer – Have raised concerns regarding the surfacing and the impact on tree roots.
14. CIL Officers – Comment that the proposal is not CIL liable.

#### **PLANNING CONSIDERATIONS**

##### Principle of the development

15. *The National Planning Policy Framework (The Framework) states that plans and decisions should apply a presumption in favour of sustainable development and for decision making 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 the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.*
16. The application site is located in the core settlement area of Chorley. Policy V2 of the Chorley Local Plan 2012 - 2026 states that within the settlement areas excluded from the Green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development.
17. The principle of the proposed development is, therefore, considered to be an acceptable one, subject to material planning considerations.

### Design and impact on the character of the area

18. *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 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.*
19. The site slopes down from the road resulting in a natural element of screening for the site, assisted by the surrounding tree belt.
20. Whilst there are residential properties located to the rear, a large commercial building is located on the opposite side of Melrose Way and as such the commercial nature of the site is not out of keeping with the surrounding streetscape. The proposal is, therefore, considered to be acceptable with regard to its impact on the streetscene.

### Impact on the amenity of neighbouring occupiers

21. *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 (amongst other things):*
  - b) The development does not cause harm to any neighbouring property by virtue of overlooking, overshadowing or overbearing*
  - g) The proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses*
22. The site is located directly adjacent to the north east corner of the gable end of the residential properties along Duxbury Gardens and the front amenity space associated with these properties. The open fence allows views into this space from the site and the bin store which is located to the gable end of these properties.
23. On visiting the site, it was found to be in operation for the storage of vehicles in association with a local commercial use, albeit the application seeks planning permission for general Class B2 and Class B8 use. The use of the site for this purpose is likely to generate additional comings and goings over and above the previous lawful use and these are likely to be at more anti-social times in connection with the commercial use of the business. In this case the storage of vehicles is likely to require a number of manoeuvres to move them in and out of the site and the application forms states that the use whilst occasional, would be in use for 24 hours a day.
24. Whilst the site is partially adjacent to the car park of the adjacent residential units, the vehicles being stored are likely to be larger and associated with the movement of commercial goods, requiring an element of loading and unloading and associated noise.
25. Whilst the issues of overlooking and privacy could to some degree be resolved by the erection of more appropriate fencing, given that the site is less than 1m from the gable wall of a residential property at its closest point and that the site would be in operation for 24 hours a day, it is not considered that the use of the site for Class B2 and Class B8 uses, which are by their nature noise generating, is appropriate and would result in a detrimental impact on the amenity of the adjacent residents. The proposal is, therefore, recommended for refusal on this basis.

### Highway safety

26. Policy BNE1 of the Chorley Local Plan 2012-2026 states that developments must not cause severe residual cumulative highways impact or prejudice highway safety, pedestrian safety, the free flow of traffic, or reduce the number of on-site parking spaces.

27. Concerns have been raised from neighbouring residents regarding the parking of vehicles in close proximity to the site, however Lancashire County Highway Services have assessed the application and have raised no objection to the use of the site for Class B2 and Class B8 purposes. From a highway safety perspective the requirement to move vehicles to access others is not considered detrimental, however as discussed above this may raise issues in relation to residential amenity. In terms of highway safety, however, the application is considered to accord with policy.

#### Impact on trees

28. Policy BNE10 of the Chorley Local Plan 2012-2026 states that proposals which would result in the loss of trees and/or involve inappropriate works to trees which contribute positively to the character of the landscape, a building, a settlement or the setting thereof will not be permitted. Replacement planting will be required where it is considered that the benefit of development outweighs the loss of some of the trees or hedgerows.
29. There are several mature trees both on the site and directly to the north of the site including some that are protected by a TPO. No information has been submitted in relation to these trees and the impact of the proposed use.
30. The Council's Tree Officer has viewed the site whilst in use and has commented that stone has been laid within the RPA of four mature poplar trees on the site to create space for the storage of the vehicles on the site. This is likely to result in a negative impact on these trees.
31. These trees are a prominent feature of the streetscene, providing a positive contribution and screening for the site. As such, damage to these trees is not considered acceptable and the proposal, therefore, fails to accord with policy BNE10 of the Chorley Local Plan 2012-2026

#### **CONCLUSION**

32. The proposed development would not have an unacceptable adverse impact on the character of the surrounding area or highway safety, however due to its noise generating potential results in harm to the amenity of neighbouring residents. It also has potential to impact on the adjacent mature trees, including those covered by a TPO with no appropriate mitigation put forward. It is, therefore, recommended that planning permission should be refused.

**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.