

APPLICATION REPORT – 21/01171/FUL

Validation Date: 30 September 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: 2 November 2021

Decision due by: 9 December 2021 (Extension of time agreed)

RECOMMENDATION

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

SITE DESCRIPTION

2. 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.
3. The site is accessed from Melrose Way, via existing gates, and the existing building has is a modest red brick building with roller shutter doors.
4. The land slopes down from the road to the west adjacent to the side elevation of numbers 1-11 Duxbury Gardens.
5. 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

6. The application seeks planning permission retrospectively for the use of the land for Class B2 and Class B8 purposes.
7. The application form states that the hours of use would be 08:30 until 4:45pm.

REPRESENTATIONS

8. Five representations 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, loading, manoeuvring and repairing of vehicles of vehicles at potentially antisocial hours
 - This site is directly adjacent to residential properties
 - Not suitable for B8
 - Being used as a dumping ground for rubbish
 - The site has already been breaching planning for years

CONSULTATIONS

9. Lancashire County Council Highway Services – Have no objections.
10. Regulatory Services - Environmental Health – Have no objections.
11. Council's Tree Officer – Have raised concerns regarding the surfacing and the impact on tree roots but cannot conclude that there has been harm to the trees.
12. CIL Officers – Comment that the proposal is not CIL liable.

PLANNING CONSIDERATIONS

Principle of the development

13. *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.*
14. 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.
15. 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

16. *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.*
17. The site slopes down from the road resulting in a natural element of screening for the site, assisted by the surrounding tree belt.
18. 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

19. *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

20. 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.

21. 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 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 in this case the storage of vehicles is likely to require a number of manoeuvres to move them in and out of the site.

22. Since the previous application the applicant has amended the proposed times of operation of the site to 08:30am - 4:45pm Monday to Friday only. This is the time when surrounding residents would be out at work and where general background noise would be at its highest.

23. In addition, acoustic fencing along the residential boundaries and planting have both been suggested as a means to both improve the visual appearance of the site, reduce visibility between the site and its direct residential neighbours and reduce the transmission of any daytime noise.

24. The fencing would be closest to the gable end of the adjacent residential apartments and the carpark. There are no windows in this gable end and the building is angled away from the application site. As a result, the erection of the 2.5m high fencing would not itself, detrimentally impact of the occupants of the residential apartments.

Highway safety

25. 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.

26. Concerns have been raised from neighbouring residents regarding the parking of vehicles in close proximity to the site, however LCC 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, The proposal is therefore considered to accord with policy.

Impact on trees

27. 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.

28. There are a number of mature trees both on the site and directly to the north of the site including some that are protected by a TPO. The applicant has submitted an Arboricultural Assessment that assesses the trees to the northern boundary.

29. The Council's Tree Officer has viewed the site whilst in use and has commented that the existing trees make a positive visual contribution to the site. Based on the submitted survey the trees do not to date appear to have been impacted despite the retrospective nature of the proposal. Therefore, there is nothing to suggest that the use and the laying of hard standing has impacted detrimentally on the trees. As such the application is in accordance with policy BNE10 of the Chorley Local Plan 2012-2026.

CONCLUSION

30. The proposed development would not have an unacceptable adverse impact on the character of the surrounding area or highway safety. Reduced operational hours, acoustic fencing and planting would reduce any noise impact of the proposed use without impacting on residential amenity and appropriate conditions are recommended. The application is therefore recommended for approval.

RELEVANT HISTORY OF THE SITE

Ref: 21/00674/FUL **Decision:** WDN **Decision Date:** 6 September 2021
Description: Change of use of former pumping station for use as Class B2 and B8 facilities depot and storage facility (retrospective)

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:

Title	Plan Ref	Received On
Proposed Site Plan	1050_02	5 November 2021
Existing Site Plans	1050_01	30 September 2021

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

2. The uses hereby approved shall only operate between the hours of 08:30am and 4:45pm Monday to Friday with no operation on weekends or public holidays.

Reason: In the interests of protecting the amenity of neighbouring properties.

3. Within 6 weeks of the date of this permission the 2.5m high acoustic fencing shown on details 'Jakoustic Reflective' received by the Local Planning Authority on the 5th November 2021, shall be installed in accordance with plan 1050_02, dated 14.04.2021 and received by the Local Planning Authority on the 5th November 2021. The fence shall be retained in perpetuity for the lifetime of the use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting the amenity of neighbouring properties.