

APPLICATION REPORT – 21/00550/FUL

Validation Date: 17 August 2021

Ward: Coppull

Type of Application: Full Planning

Proposal: Change of use to storage of scaffolding and associated equipment, including storage of racking and a container unit (retrospective)

Location: Land Rear of And Adjacent To 44A Mill Lane Coppull

Case Officer: Johndaniel Jaques

Applicant: Mrs Anne-Marie Woodcock

Agent: Extended Design Limited

Consultation expiry: 22 September 2021

Decision due by: 8 February 2022 (Extension of time agreed)

RECOMMENDATION

1. It is recommended that planning permission is refused for the following reason:

The change of use of the land to storage of scaffolding and associated equipment, including the storage of racking and a container unit, causes noise and disturbance that are unacceptably harmful to the amenity of residential occupiers who live close to the site. This is contrary to the National Planning Policy Framework and policy BNE 1 (Design Criteria for New Development) of the Chorley Local Plan 2012-2026.

SITE DESCRIPTION

2. The application site is located at the side and rear of 44A Mill Lane in Coppull, to the south of that property. It is a rough hardstanding/geo textile surfaced and grassed area. There are gates at the entrance to the site and a gravel board fence to the southern boundary. To the boundary with 44A Mill Lane is a timber fence. There is no boundary treatment or definition to the west or north west site boundaries.
3. The surrounding area is mainly residential in character, however, there is a commercial self-storage operation located to the south of the application site. The rear elevations of dwellings that lie on Mavis Drive, to the west of the site, look out over the site, and the terraced properties on Mill Lane, to the east of the site, are also in close proximity to it.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. The application seeks planning permission retrospectively for a change of use to storage of scaffolding and associated equipment, including storage of racking and a container unit. The racking is constructed from metal scaffolding poles. The applicant submits the use began on 1 July 2020, and the hours of operation are between 0800 – 1800 hours, 7 days a week.
5. A noise survey assessment report has been submitted to support the application. This concludes that there is a potential adverse impact to properties on Mill Lane, however the subjective assessment is that the activity is in line with adjacent uses given the low

frequency and short duration of noisy events at the site. In terms of the impact on properties at Mavis Drive, a 2.4m high fence is recommended to reduce the impact to a level that it would not be significantly adverse.

REPRESENTATIONS

6. Two letters have been received to the original proposal and a further three letters have been received following receipt of the noise survey, including from Cllr Holgate, citing the following grounds of objection:
 - The land is being used to work from rather than just as storage which causes noise early in the morning (06:30-07:00am) on some days.
 - The noise is not minimal and disturbs those who are working at home.
 - The noise comes from clattering metal poles, loading a pickup truck, grinding rust off equipment, loud music from inside vehicles and generally having no consideration for those who live near the site.
 - It is impossible for residents to know when they can relax in their gardens / conservatories as the noise can be at any time and often many times a day.
 - It is queried whether all of the land could be used beyond the site boundary which would mean operations would be closer to properties on Mavis Drive?
 - The racking system extends beyond that shown on the site plan and closer to residential properties, and has been extended higher than was originally the case (it is at least 4m high). Not only is it an eyesore but it is in effect a giant set of tubular bells and a 2.4m high fence would not mitigate noise from this.
 - The submitted noise assessment is seriously flawed because the commissioner of the report knew in advance when the noise monitoring was to take place and, therefore, arranged the works schedule to create a far lesser noise and activity impact than what is usual. Therefore, permission should be refused.
 - The noise survey records noise at much lower levels than the objectors which peak at 85db, because when it was carried out activities were undertaken to in a way that reduced noise.
 - The noise assessment is full of inaccuracies and attempts to show that the proposal does not cause serious noise and disturbance to surrounding properties when the opposite is the case.
 - The site has been operating without the benefit of planning permission because they have no regard for residents.
 - The portacabin to provide welfare facilities was installed after the initial operations on the site started, meaning there were no toilet facilities on the site for some months.
 - The noise report says that loading and unloading of the scaffolding truck takes place typically 1-2 times per week, which is inaccurate. There are 2 trucks and sometimes both are loaded twice in one day. On the 18 October there were 4 separate visits to load the pick-up truck and the wagon. In late October there were 9 visits, which is not as busy a time as in the summer when residents cannot enjoy their gardens.
 - The Supplementary Planning Statement submitted by the agent states on page 3 that "2 flatbed trucks have access to the site no more than 4 times a day". This accords with the reality of residents' experience of loading and unloading at the site but contradicts what the noise assessment sets out that this only takes place 1-2 times a week.
 - The noise assessment says there is no ongoing complaint, which is not the case.
 - The noise report attempts to show it complies with the Framework, but clattering of scaffolding poles does not enhance the local environment and is not appropriate between two rows of residential properties, as it has a significant adverse impact on resident's lives.
 - This type of enterprise should be based on an industrial estate, not between residential properties.
 - The noise survey reports levels of noise which it says are required to be avoided or prevented. For example the rating level during the daytime is 11dba higher than the typical background which BS 4112 sets out is "likely be an indication of a significant adverse impact".
 - The planning application states hours of opening to be between 8am and 6pm to include Saturday and Sunday. The noise assessment states the hours of operation as between

7am and 6pm and only until 1pm on a Saturday with no mention of a Sunday. The objector has video evidence of loading on a Sunday.

- The applicant is just saying what they think they need to and if planning is passed they will not respect any restrictions.

CONSULTATIONS

7. Coppull Parish Council – Have objected on grounds of the loss of amenity for neighbours, noise pollution and that it contravenes the residential use of land. They have reiterated their original comments following the submission of the noise survey.
8. Environmental Health – Have commented that although the noise assessment report follows a BS4142:2014 protocol, it may not reflect the true situation on the site. Some recommendations are made on the basis that noise is of short duration or frequency, but it is difficult to prove that this is not accurate. There is an ongoing noise complaint at the site, so the noise assessment report is not accurate regarding that. Environmental Health have not undertaken monitoring at the site, due to the relatively short durations of activity that have been recorded since by a complainant since October. However, the complainant does appear to have information suggesting frequent use of the site. Mitigation is proposed in the form of a 2.4m high acoustic barrier, but this would not have any effect on noise caused from use of the higher scaffold racking system. Current information is insufficient to show that a statutory noise nuisance does exist. However, if activity does increase (compared to the activity recorded by the complainant since October) and cause a statutory noise nuisance, there appear to be few mitigation options that could be used. It is also noted that the noise assessment report says that activities on the site as applied for are to commence at 7am on weekdays with some operations on Saturday mornings. In general, if noisy activities were to start prior to 7am when the background noise level is lower, any noise may be more apparent to nearby residents which may lead to complaint.
9. Waste & Contaminated Land – Have confirmed that they have no comments to make.
10. Lancashire County Council Highway Services – Have no objections.

PLANNING CONSIDERATIONS

Principle of development

11. 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, subject to material planning considerations. The site lies within the settlement of Coppull and, therefore, the principle of development of the site is considered acceptable subject to other material considerations.

Economy

12. The National Planning Policy Framework (the Framework) sets out at 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 business that provides jobs and other economic benefits for the area needs to be given some weight in the planning balance, although this would be relatively limited given the nature of the business and jobs provided.

Impact on the amenity of neighbouring occupiers

13. Policy BNE1 (Design Criteria for New Development) 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.
 - 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;
 - cause unacceptable degree of noise disturbance to surrounding land uses
14. Although it was a number of years ago, an appeal against the council's decision to refuse planning permission for the change of use of the site(87/00185/FUL) from vacant land to vehicle dismantling was dismissed on the basis that "it would cause unacceptable levels of noise and disturbance to neighbours, would spoil the outlook from neighbouring dwellings and would make the area a very much less pleasant place in which to live".
15. Although there are commercial premises located to the south of the site, the application site lies in close proximity to several residential properties, and the operations carried out at this site differ. Whilst a noise assessment survey report has been provided, this contains inaccuracies, and is not consistent with the submitted Planning Statement in relation to the scale of operations at the site. Although the council's Environmental Health officer have confirmed that no statutory noise nuisance is caused by the operation of the business at this time, there is an ongoing complaint regarding noise from the business operation in this location. They also have concerns that if activity does increase, and causes a statutory noise nuisance, there appear to be few mitigation options that could be used.
16. In consideration of the objections received, it also appears that operations on the site during the monitoring period that the noise survey assessment report was undertaken were reduced to potentially ensure that noise emanating from operations at the site was also reduced. It also bases its conclusions and recommendations on a subjective assessment of the site and activity which it recognises may potentially be more regular, but it relies on information provided by the applicant.
17. It is clear from the objections raised that noise from the use causes disturbance to neighbours which detrimentally affects their enjoyment of their homes and gardens, and therefore their quality of life. The noise originates from the use of the site for the storage of scaffolding and associated equipment, but it is noted that the site is not simply being used as a storage area. It appears that the (scaffolding) business operates from the site as its base, which means that there are likely to be more comings and goings from the site with associated noise and disturbance from the loading and unloading of scaffolding poles and equipment on a regular basis than if it was solely used for storage. This noise can occur a number of times a day and sometimes early in the morning, and also at weekends, and as such it is considered that it has an unacceptable impact on the amenity of neighbouring occupiers through excess noise and disturbance.
18. Although the applicant has sought to restrict the area of the wider site by restricting the red line, it is the case that currently there is nothing to physically prevent the use expanding perhaps on an ad-hoc basis beyond the red line boundary of the site and, therefore, encroaching even closer to residential properties on Mavis Drive. This would be likely to serve to exacerbate noise and disturbance issues. The noise assessment report suggests the erection of a 2.4m high fence along the redline boundary at the rear of the site (to its western and part of the northern boundary) but this would not prevent noise from the use of the racking system causing disturbance to residents. Nor would it prevent disturbance to residents of Mill Lane from the general use of the site when in their homes or rear yards/gardens.

19. It is not considered that any amendments to the proposal would be able to effectively overcome the detrimental issues that the proposal would cause.
20. Therefore, the development is contrary to the Framework and policy BNE1 of (Design Criteria for New Development) of the Chorley Local Plan 2012-2026 in respect of amenity considerations.

Highway safety

21. Policy BNE1 (Design Criteria for New Development) 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.
22. LCC Highway Services do not have any objections and are of the opinion that the development would not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.
23. Having regard to the above, it is not considered that the proposal would be detrimental to highway safety.

Coal Risk

24. Although the site lies in the Low Risk Coal Referral Area, the proposal would not be affected by this.

CONCLUSION

25. The development is considered to result in noise and disturbance that exceeds that which can be reasonably expected by residential occupiers, and would be harmful to the amenity of residential occupiers who live close to the site. This is contrary to the Framework and policy BNE 1 (Design Criteria for New Development) of the Chorley Local Plan 2012-2026. The harm to amenity is such that it is considered to carry significant weight such that it outweighs the benefits associated with the need to support economic growth, and it is, therefore, recommended that planning permission be refused.

RELEVANT HISTORY OF THE SITE

Ref: 76/01016/FUL **Decision:** REFFPP **Decision Date:** 12/04/1977

Description: Retention of use of land as builders yard

Ref: 77/00864/FUL **Decision:** WITH **Decision Date:** 31/12/1977

Description: Proposed lock up garages and proposed change of use of office building to small workshop for manufacture of garments

Ref: 77/00866/OUT **Decision:** OUT **Decision Date:** 03/01/1978

Description: Outline application for Lock up garages

Ref: 82/00147/FUL **Decision:** WITH **Decision Date:** 31/12/1982

Description: Use of land to store building materials, erection of single storey storage building, refurbishment of existing offices

Ref: 87/00185/FUL **Decision:** REFFPP **Decision Date:** 26/05/1987

Description: Change of use from vacant land to vehicle dismantling (Appeal Dismissed 14/03/1998)

Ref: 89/00196/FUL **Decision:** FPP **Decision Date:** 13/06/1989
Description: Use of land for storage of caravans

Ref: 00/00190/OUT **Decision:** OUT **Decision Date:** 24/05/2000
Description: Outline application for the erection of 2 detached houses

Ref: 00/00701/FUL **Decision:** FPP **Decision Date:** 25/10/2000
Description: Erection of two detached dwellings

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.