

Item 4e **12/00297/FUL**

Case Officer **Caron Taylor**

Ward **Chisnall**

Proposal **Demolition of existing commercial workshop and a detached garage and erection of 3 no. detached houses with attached garages.**

Location **Land North of 272 Preston Road Coppull Lancashire**

Applicant **David Rothwell**

Consultation expiry: **16 May 2012**

Application expiry: **21 May 2012**

Proposal

1. Demolition of existing commercial workshop and a detached garage and erection of 3 no. detached houses with attached garages.

Recommendation

2. It is recommended that this application is refused.

Main Issues

3. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Density
 - Levels
 - Impact on the neighbours
 - Design
 - Trees and Landscape
 - Flood Risk
 - Traffic and Transport
 - Drainage and Sewers
 - Sustainability

Representations

4. A letter of objection have been received from Staveley's Eggs to the north of the site on the grounds that the application site is adjoining their intensive poultry farm and at regular intervals, manure is moved off site in trailers and muck spreaders, passing within 15m of the proposed dwellings, creating strong manure smells. The site is also adjacent to their over night lorry parking (which is also approximately 15m away), with trucks starting and leaving and entering all night, 2am, 3am, 4am, 5am etc. without any previous noise complaints. Both these activities have been happening in the course of their business, in excess of 25 years. They state they do not wish to be in conflict with potential neighbours and would request that the Council take the above points into consideration in deciding the planning application.

Consultations

5. **The Environment Agency**
Have no objection.
6. **Chorley Council Planning Policy**
The development does not accord with any of the criteria in Local Plan Policy DC1. Whilst the proposal is located within the confines of Coppull Moor, where limited infilling in accordance

with Policy DC4 is allowed under criterion e), this proposal does not constitute infilling as it does not involve the development of single plot for a single dwelling and the proposal does not lie within a group of buildings, with buildings on either side.

7. The proposal does not relate to any of the first five criteria in the NPPF on Green Belts. In terms of criterion 6) most of the site may be considered brownfield (the commercial workshop and curtilage); however part of the site would be considered greenfield if it consists of private residential garden land. However, whilst criterion 6) allows the partial or complete redevelopment of brownfield land it is considered that this proposed redevelopment with three detached dwellings would have a greater impact on the Green Belt than the buildings which are currently on the site, so would not accord with criterion 6).
8. As with the previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I do not consider that there are very special circumstances that would outweigh the harm to the Green Belt in this case.
9. As this proposal involves the loss of a commercial workshop, it should be assessed against the provisions of Policy EM9 in the Local Plan, which aims to protect employment sites. For sites that are suitable for employment re-use proof of marketing is normally required for proposals for non-employment uses in accordance with the associated Supplementary Planning Guidance. This has not been undertaken. However, in this case the proposed residential development is not considered appropriate in principle due to the Green Belt location. In addition the proximity of the site to the neighbouring egg business has the potential to result in unacceptable amenity issues for residents so it may not be prudent to encourage residential use of the site. These factors would not be outweighed by a marketing exercise demonstrating no realistic prospect of an employment re-use or redevelopment of the site, or that employment redevelopment would not be economically viable.
10. **Environmental Health**
State ordinarily they would want to condition the fitting of 'acoustic insulative measures' to the dwellings to protect the occupants from the possibility of noise from the movement of vehicles. The question of ventilation within rooms in the dwelling will also need to be addressed.
11. Problems with odours are more difficult to address. Over the years they have received complaints, generally, from residents within Chorley Borough concerning the movement of and the spreading of chicken manure to land. Chicken farms and the manure that they produce are inherently odorous. The control of this is supremely difficult.
12. Therefore, as there are no control measures which the applicant could employ to mitigate odours within the dwellings it is more likely that they are minded to recommend refusal of the application based on this.
13. The provisions of the Environmental Protection Act 1990 mean that effectively new residents of these properties could move in one day and make a formal complaint about nuisance the next. The Council would have to investigate this and would come under a certain amount of criticism when there is severe difficulty in failing to regulate an already inherently odorous process.
14. **United Utilities**
Have no objection.
15. **Lancashire County Council (Highways)**
The A49 Preston Road is a main distributor road with a speed limit of 30mph. It is single lane in each direction and from site observations they would adjudge speeds to be subjectively around 30mph. A traffic count in Oct 2009 recorded traffic volumes approaching 10,000veh/day. The road is an incline running uphill in the north to south direction and there is a slow double bend in the road alignment on approach to the site from the southerly direction.

16. There is a quality bus stop on the opposite side of the road approximately 40m north of the site. As such there will be occasions for vehicles to use both lanes to overtake a waiting bus. The site is presently served by a dropped vehicle crossing and the intention of the application is to utilise the existing crossing. The existing crossing is 4.5m wide. For the purpose of the multiple vehicle use the access should be improved to that of a radius type with min 3mR radii to aid vehicles entering and leaving in the interest of general road safety. A radii access will also help to ensure the entrance is more conspicuous.
17. Visibility at the existing access is however limited and in order for the access to work safely the applicant would be required to improve existing sightline to give 2.4m x 43m visibility splays. The visibility in the lead direction is satisfactory therefore it is in the secondary direction where the improvement is needed, and which should be possible to achieve by removing the existing hedgerow.
18. The existing footway fronting the site is approximately only 1.3m wide and would be required to be improved to 2m wide.
19. Due to the general highway alignment and the presence of the nearby bus stop, any vehicle parked on the highway whether they be serving/deliver/car, will have a likely adverse affect on general road safety and operation of the highway network at the locality. Stopped vehicles will obstruct normal northbound traffic flow along the road, forcing vehicles to overtake by crossing the centreline marking, and will also obstruct visibility at the access. Together with limited forward visibility and the possibility that vehicles approaching from the northerly direction may also be wanting to overtake a parked bus at the bus stop, there would be significant potential for vehicular accident with serious road injury.
20. It is therefore important that any residential development on the site provides adequate means for the houses to be serviced away from Preston Road and that all other vehicles are equally discouraged from parking on the highway. For this reason, it would be necessary for the development to provide a suitable vehicle turning space on the site enabling access for refuse collection. The turning facility should be capable of accommodating a standard 3-axle refuse wagon and which would also cater for most types of delivery and emergency vehicles.
21. An amended plan has been received altering the internal turning head which LCC Highways state they are now happy with.
22. In terms of numbers 270-272 Preston Road enjoys business use as well as residential. As such LCC Highways state the applicant would also be required to first demonstrate that following the loss of the adjoining land the premises will continue to enjoy an adequate level of parking and operational space provision to meet general requirements.
23. The applicant has submitted an amended plan in response to this and LCC Highways state they are now satisfied all of the highway requirements listed in their initial comments are now addressed. They now do not have any overriding highway objection to the proposed development subject to conditions.
24. **Chorley's Waste & Contaminated Land Officer**
Requests a condition requiring a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures if the application is approved.
25. **Police Architectural Liaison Officer**
Does not object to the application.

Applicant's Case

26. Thought has been given to the surrounding housing needs of the community through research done via estate agents in the area. Family accommodation was the priority. It seemed logical to follow the design and style of local detached houses along with

consultation with council planning and urban design teams and following the council written guide lines brochure the scheme was formed.

27. The width of the site allowed for one detached house to the front infill plot which has been kept in line with the existing properties and the rear gardens like wise, due to the demolition of existing workshop to rear this area also allows for two further detached properties along with substantial gardens and off road parking.
28. The new properties will be built in complementary bricks and roofing tiles to those of surrounding properties. In terms of access parking will be formed within the development this will assist the off road parking problems common to many areas.

Assessment

Principle of the development

29. The site is in the Green Belt. The Government have issued the National Planning Policy Framework (NPPF) which replaces previous national guidance including PPG2. Although Local Plan Policy DC1 on Development in the Green Belt is largely consistent with the National Planning Policy Framework (NPPF) there are some differences between them. As such this application should be assessed against Policy DC1 and the NPPF, but where there are differences greater weight should be given to the NPPF.
30. The proposal involves the demolition of an existing commercial workshop and a detached garage and the erection of 3 detached houses with attached garages and is a form of development that does not accord with any of the criteria in Local Plan Policy DC1. Whilst the proposal is located within the confines of Coppull Moor, where limited infilling in accordance with Policy DC4 is allowed under criterion e), this proposal does not constitute infilling as it does not involve the development of single plot for a single dwelling and the proposal does not lie within a group of buildings, with buildings on either side.
31. In terms of the NPPF, this states that new buildings are inappropriate in the Green Belt unless they are:
 - a. buildings for agriculture and forestry;
 - b. provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does 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, and limited affordable housing for local community needs under policies set out in the Local Plan; or
 - f. limited infilling or the partial or complete redevelopment of previously developed sites(brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
32. The proposal therefore needs to be considered against these criteria. The proposal does not relate to any of the first four criteria. In terms of criterion 5) the proposal does not involve limited infilling in a village and does not propose affordable housing for a local community need.
33. In terms of criterion 6) of the NPPF most of the site may be considered brownfield (the commercial workshop and curtilage); however part of the site would be considered greenfield as it consists of private residential garden land. However, whilst criterion 6) allows the partial or complete redevelopment of brownfield land it is considered that this proposed redevelopment with three detached dwellings would have a greater impact on the Green Belt than the buildings which are currently on the site, so would not accord with criterion 6).
34. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In this case it is not considered that there are

very special circumstances that would outweigh the harm to the Green Belt and the application is considered unacceptable in principle.

35. There are other issues in that the application site is partly currently in commercial use (the larger building to the rear of the site) and has not been marketed in line with policy before it may be permitted to go to residential use, however the proposal has been found to be unacceptable in Green Belt terms and therefore even if the marketing had been carried out it would not make it acceptable in Green Belt terms.

Density

36. The application would result in development equivalent to 15.3 dwellings per hectare, which is considered low density however a higher density would result in greater impact in relation to highways and noise/odour issues and is therefore considered to be appropriate to the layout of the area.

Levels

37. The land drops from west to east away from Preston Road, however it is considered acceptable finished floor levels can be achieved on site subject to a condition.

Neighbour Amenity

38. Nos. 270 and 272 are in the same ownership as the application site and are in part commercial use. There would be 10m from the first floor windows of the proposed properties to the rear boundary of these buildings.
39. It is not considered that the proposal will have an unacceptable impact on the properties on Chisnall Lane which are bungalow that back on to the land. The proposed properties will be side on to them with their main habitable room windows facing east and west.
40. Within the site the layout will accord with the Council's interface distances in relation to the distances between windows and boundaries.
41. In terms of the amenity of the residents of the proposed properties, Staveley's Eggs adjoins the site immediately to the north and have objected to the application as they are concerned that new properties will conflict with the use as an intensive poultry farm. They state at regular intervals, manure is moved off site in trailers and muck spreaders, passing within 15m of the proposed dwellings, creating strong manure smells. The site is also adjacent to their over night lorry parking (which is also approximately 15 m), with trucks starting and leaving and entering all night at 2am, 3am, 4am, 5am etc. without any previous noise complaints. Both these activities have been happening in the course of our business, in excess of 25 years.
42. The Council's Environmental Health Team has been contacted for advice on this matter. They state that in terms of noise the properties could be conditioned to be fitted with acoustic insulative measures to protect the occupants from the possibility of noise from the movement of vehicles. However, they state that problems with odours are more difficult to address and chicken farms and the manure that they produce is inherently odorous and its control supremely difficult. There are no control measures which the applicant could employ to mitigate odours within the dwellings and they recommend refusal of the application.
43. The amenity of residents of the proposed properties is a material consideration in determining the application. Although there are provisions of the Environmental Protection Act 1990 that mean Environmental Health can respond to complaints, the planning system should not rely on this as a solution to granting planning permission therefore creating a problem. The planning system must consider whether the proposal will result in unacceptable living conditions for the residents of the proposed properties. In this case it is considered that allowing the properties in such close proximity to an intensive poultry farm would result in unacceptable living conditions for the future occupiers that could not be overcome by planning conditions. The application is therefore considered unacceptable in this respect.

Design

44. The properties would be two-storey detached dwellings with chimneys and ground floor bay windows and benefit from attached single garages. There is a wide variety of properties in the vicinity, including two-storey buildings immediately to the south. The design of the properties is therefore considered acceptable.

Trees and Landscape

45. A tree report has been submitted with the application. The land contains a number of individual trees and the perimeter of site is bordered in parts by a hedgerow. The trees on the site are mainly towards the centre of site. The report advises that all appear in good health showing moderate vitality.

46. There are five juvenile stems that have been pruned over time to produce compact fruit trees. There are also single Beech, Silver birch and Laburnum trees which are all juvenile to early-semi-mature.

47. It is considered the trees are either of small size or in a position to the rear of the site that would warrant a tree preservation order. The trees on the frontage to Preston Road that contribute to the amenity of the area are within the grounds of Staveley's Eggs.

Flood Risk

48. The site is not within a flood zone area identified by the Environment Agency and is less than 1 hectare in area. It does not therefore require a flood risk assessment.

Traffic and Transport

49. The properties proposed will each have a driveway of a length sufficient to hold two cars and an integral garage of a size sufficient to be counted as an additional parking space which is considered acceptable subject to a condition that the garages be retained for the parking of vehicles.

50. Lancashire County Council Highways originally had concerns about the proposed internal layout and parking/access arrangements for numbers 270 and 272 Preston Road. An amended plan has been submitted and they state they are now satisfied all of the highway requirements as listed in their initial comments are now addressed subject to conditions.

51. The application is considered acceptable in terms of highways and parking.

Drainage and Sewers

52. United Utilities have no objection to the proposal subject to a condition that if possible the site should be drained on a separate system with only foul drainage connected to the foul sewer. They also ask for informative notes to be placed on any permission. Subject to conditions the application is considered acceptable in this respect.

Sustainability

53. The scheme is required to be built to Level 3 of the Code for Sustainable Homes, it is considered this is could be secured by condition.

Overall Conclusion

54. The application is considered inappropriate development in the Green Belt as it is considered the proposed redevelopment of three detached dwellings would have a greater impact on the Green Belt than the buildings which are currently on the site. In this case it is not considered that there are very special circumstances that would outweigh the harm to the Green Belt and the application is considered unacceptable in principle.

55. There are other issues in that the application site is partly currently in commercial use (the larger building to the rear of the site) and has not been marketed in line with policy before it may be permitted to go to residential use, however the proposal has been found to be unacceptable in Green Belt terms and therefore even if the marketing had been carried out it would not make it acceptable in Green Belt terms.

56. In addition it is not considered that measures could be secured to ensure an acceptable level of amenity for the residents of the proposed properties in terms of smells from the adjacent Steveley's Eggs site.
57. Highway issues are considered acceptable subject to conditions had the application been recommended for approval.
58. The application is recommended for refusal.

Planning Policies

National Planning Policies:
NPPF

Adopted Chorley Borough Local Plan Review
Policies: DC1, HS4, TR4

Chorley's Local Development Framework

- Policy SR1: Incorporating Sustainable Resources into New Development
- Sustainable Resources Development Plan Document
- Sustainable Resources Supplementary Planning Document

Planning History

There is no planning history relevant to the current application.

Recommendation: Refuse full planning permission

Reasons

1. It is not considered that measures could be secured to ensure an acceptable level of amenity for the residents of the proposed properties in terms of smells from the adjacent Steveley's Eggs site. The proposal is therefore considered unacceptable in terms of the NPPF.
2. The application is inappropriate development in the Green Belt as it is considered the proposed redevelopment of three detached dwellings would have a greater impact on the Green Belt than the buildings which are currently on the site. In this case it is not considered that there are very special circumstances that would outweigh the harm to the Green Belt and the application is considered unacceptable in principle in accordance with Policy DC1 of the Adopted Chorley Borough Local Plan Review and the NPPF.