

Item B. 5 **06/00629/OUT Permit Outline Planning Permission**

Case Officer **Miss Nicola Bisset**

Ward **Chorley East**

Proposal **Outline application for the erection of three industrial units, class B2, each 250 square metres with access from canal side**

Location **Cowling Business Park Canal Side Chorley PR6 OQL**

Applicant **David McKeown**

Proposal The proposal incorporates the erection of three industrial units for B2, General Industrial use. The site is located to the west of the Leeds and Liverpool Canal and to the east of Cowling Mill.

The proposal incorporates one unit immediately adjacent to the Canal and the other two units are proposed on the area of land located between the private road, Canal Side, which serves the site and Cowling Mill. Cowling Brow Industrial Estate is located to the south of the site.

Each of the units are 250 Square Metres in size. They measure 10 metres by 25 metres. The units are 4.5 metres high to eaves height and 5.4 metres to ridge height.

Planning Policy GN1- Settlement Policy- Main Settlements
GN9- Transport Accessibility
EP4- Species Protection
EP10- Landscape Assessment
EM2- Development Criteria for Industrial/Business Development
Policy 7- Parking Joint Lancashire Structure Plan.
Access and Parking SPG

Planning History **05/00550/FUL-** Outline application for the erection of three steel portal frame buildings for the purposes of general industrial use (B2 use) (2 units) and other industrial use with ancillary office area (B1 use) (1 unit). Withdrawn July 2005.

Applicant's Case A design statement has been submitted with the application, which contains the following points:

- The proposal aims to provide appropriate commercial growth for an EM8 area whilst remaining sensitive to its surrounding area
- The proposal will sit comfortably within its surroundings as it is set 5m back from the Canal boundary and is flanked by a private road with mainly B2 classification buildings.
- An ecology assessment has been undertaken which has found no protected species or habitats in the site area.
- The proposal requires no established trees to be removed and it is intended that more Hawthorn trees would be planted along the canal boundary to help screen the proposal

- Bus routes 312 and 315 link the site to surrounding areas and the site is accessible by car.
- The roundabout at the entrance to Canal Side was designed by Lancashire County Council and is well able to deal with a small increase in traffic.
- 18 car parking spaces are provided in accordance with Lancashire County Council's parking standards.
- Pedestrian access will be improved by the provision of pavements on both sides of Canal Side and formalising the existing link to the canal.
- Disabled access and parking has also been incorporated into the scheme.

Representations

4 letters of objection have been received from neighbouring residents raising the following points:

- How will the units be screened?
- What types of noise, vehicular activity, working hours will the units generate?
- Why are there proposals to improve an unauthorised access route?
- A dry stone wall on the opposite side along with the one proposed would be appropriate
- Why have the trees and hawthorn bushes already been removed?
- The unit of most concern is the one proposed next to the canal
- Concerns about overlooking to the three storey town houses on Bridge Mill Court.
- The noise and vehicles associated with the new uses.
- The new mini roundabout has created a blind exit and more traffic will make this more dangerous
- The removal of the trees will be wrong for the environment and the residents.
- The building will tower over the hedges and block the light which presently passes through them
- Loss of outlook, loss of light and loss of privacy
- Impact on wildlife
- What materials will be used?

Consultations

Chorley Community Safety Partnership- initially had concerns about the boundary treatment however these details will be submitted at the reserved matters stage and the agent for the application is happy to discuss appropriate boundary treatments with the Architectural Liaison Officer. The Architectural Liaison Officer is happy with this.

Lancashire County Council's Highway Engineer initially had a number of concerns in relation to the proposal. These concerns were:

- The layout of the unit between Canal side and the canal has vehicular access to Canal Side. The alignment makes it difficult for service/operational vehicles to utilise and large vehicles will protrude onto the footway and carriageway. Access and servicing can be achieved from the rear.
- The access points should be a minimum of 7.3 metres wide.
- Car parking should be in accordance with the adopted

standards

- The footways should be a minimum of 1.8 metres wide and continuous with the footways at the junction of Cowling Brow.

Amended plans have been received addressing the concerns raised by the Highways Engineer. The Highways Engineer is happy with the amended scheme and has requested that the car park layout and construction of the footways should be completed prior to the occupation of the first unit.

The Director of Streetscene, Neighbourhoods and the Environment (Highways) has no comments to make, as the road is to remain private. The Section 278 Highway Works were completed some time ago for this site access.

The Director of Streetscene, Neighbourhoods and the Environment (Environmental Services) has no comments to make.

Lancashire County Council's Ecologist has raised the following points in reference to the Ecological Habitat Assessment submitted with the application:

- The ecological survey report submitted contains errors and omissions
- Further ecological information is required to determine the impact of the proposed development and to inform the need for mitigation/compensation methods
- The surveys should demonstrate that the proposed development will not result in any net loss of ecological value
- The ecological assessment needs to adequately assess the potential impact on species of principal importance and to inform the need for mitigation/ compensation measures.
- The applicant should ensure that the landscaping associated with the proposed development will make contributions to targets specified in the UK and Lancashire Biodiversity Action Plans
- The design of any development of this site should also address the maintenance and enhancement of habitat connectivity
- Works should be avoided during the bird breeding season (March to July inclusive)
- A programme of control/eradication of this Japanese Knotweed in accordance with Environment Agency guidelines.

British Waterways have no objection in principle to the proposed development. However the provision of pedestrian access to the towpath via Canal Side may not be appropriate in this location. Such an access would need to be formally agreed with British Waterways and appears unnecessary given the close proximity of the existing access point to the north of Cowling Bridge. British Waterways have also provided a number of provisions that will be required to be implemented during the construction process.

The Environment Agency have raised the following points. Part of the site is within Flood Zones 2 and 3 although the buildings lie within Flood Zone 1 and no flood risk assessment was deemed to be necessary. However the Environment Agency has provided an

informative to attach.

The watercourse adjoining the site is designated as Main River and is therefore subject to Land Drainage Byelaws. No trees/shrubs may be planted, fences, buildings or pipelines may be erected within 8 metres of the top of any bank/ retaining wall of the watercourse without prior consent of the agency. In this instance permission is unlikely to be granted due to the need for future maintenance.

Assessment

The application is an outline application relating to the siting of the units and the means of access to the units. The design, external appearance and landscaping of the units will be submitted at the reserved matters stage if Development Control Committee are minded to grant the outline planning application.

The application incorporates the erection of three industrial units for B2 General Industrial Use. The units measure 25 metres by 10 metres and are 4.5 metres high to eaves level. Two of the units will be located on the west side of Canal Side next to the Black Brook and the remaining unit will be located on the east side of Canal Side next to the Leeds and Liverpool Canal.

There are varying land levels across the site and therefore some earth works will be required in order to accommodate the units. On the western side of Canal Side the land slopes with a variation in land levels of 5 metres from the edge of the highway to the bottom of the site. On the eastern side of Canal Side the land rises approximately 2 metres from the edge of the highway to the centre of the site. A topographical survey has been incorporated onto the existing site plan indicating the existing levels at the site.

The proposed two units on the western side of Canal Side will be located at a lower level than the highway due to the significant slope across the site. Whereas the unit on the eastern side of Canal Side will be approximately 2 metres higher than the highway level. Plans indicating the sections of the proposed units have been included within the submitted plans, which indicate how the units will fit into the surrounding area.

The difference in land levels ensures that the two units on the western side of the highway will be at a lower level than the highway and subsequently will have a reduced impact in terms of visual amenities on the surrounding area. The unit on the eastern side of the highway will be more visible within the surrounding area due to its elevated position.

The immediate surrounding area is characterised by industrial units and therefore the industrial units will not create an incongruous feature within the immediate locality. To the south of the site further along Canal Side is Cowling Brow Industrial Estate and Cowling Mill, a large mill building, is located to the west of the site on the opposite side of Black Brook. Therefore in this location the introduction of three industrial units will not adversely impact on the visual amenities of the area.

Objections have been received from the occupiers of four of the properties on Bridge Mill Court. Their main reasons for objecting

are due to the potential noise created by the units, loss of outlook, light and privacy, loss of vegetation and wildlife, the retention of the unauthorised canal access and the proposed screening of the units. The residents main concern relates to the unit proposed next to the Canal, which is closest to their properties. The remaining two units will be some distance away from their properties and therefore will not impact on the amenities that the neighbours could reasonable expect to enjoy. The agent has written directly to the objectors in an attempt to alleviate their concerns. Copies of these letters can be found on file.

The unit of most concern will be 4.5 metres high to eaves level and 5.5 metres high to ridge level. The unit will be over 25 metres from the properties on Bridge Mill Court and due to this distance will not lead to any loss of amenity in terms loss of light, loss of outlook. The erection of three units on this site will require the removal of some vegetation as the site is currently densely vegetated.

In terms of the unauthorised canal access the plans have been amended removing this and a section of Hawthorn hedge will be planted in its place. In terms of the noise implications the units will be used for B2 use and at this stage there is no indication of what types of business will use the units however the use will be restricted to General Industrial Use. There is no outside storage associated with the units and a Hawthorn Hedge will run along the Canal boundary, which will act as a screen. Further landscaping will be incorporated and details of this will be submitted at reserved matters stage. Due to the distance of the properties away from the site and the screening proposed it is unlikely that the unit will generate a significant level of noise detrimental to the neighbours amenities.

The proposal includes the provision of 18 car parking spaces along with motorcycle and bicycle parking. The units on the western side of the highway will have the parking located along the highway boundary whereas the parking for the unit on the eastern side of the highway will be located along the Canal boundary and accessed to the south of the existing industrial unit next to the application site. Servicing areas and turning spaces have been incorporated into the scheme.

The Highways Engineer at Lancashire County Council had concerns in relation to the originally submitted scheme, which are listed above. However the plans have been amended and these amendments satisfy the Highway Engineers concerns. The servicing area to the unit on the eastern side of the highway has been removed and servicing will be achieved at the rear. The access points are 7.3 metres wide. Motorcycle and bicycle parking has been incorporated. The footways are now 1.8 metres wide and continuous with the junction at Cowling Brow. Therefore the proposed scheme complies with Policy 7 of the Joint Lancashire Structure Plan and the Access and Parking SPG.

An Ecological Habitat Assessment has been submitted with the application. However the Ecologist at Lancashire County Council has a few issues of concern in respect of the submitted survey. The survey contains errors and omissions. Therefore further Ecological information is required to determine the impact of the

proposed development. The Ecologist considers that this further information can be conditioned and should be submitted at reserved matters stage. If it is determined that the proposal will have an adverse ecological impact then adequate compensation/mitigation methods can be incorporated into the development.

British Waterways have no objections in principle to the scheme but do consider that access to the Canal is not appropriate in this location. This element has been removed from the amended proposal. British Waterways have included a number of provisions that should be adhered to during construction to ensure that the proposal does not adversely impact on the waterway, which will be attached as informatives.

It is considered that the proposed units will not have an adverse impact on the visual amenities of the surrounding area or the amenities of the occupants of the nearby residential properties. The development of this site will enhance the employment use of the area as a whole, which would be beneficial. The application includes provisions for parking and the site is also accessible by other modes of transport. The proposal is therefore considered acceptable.

Recommendation: Permit Outline Planning Permission Conditions

1. The proposed development must be begun not later than three years from the date of this permission.

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

2. The approved plans are:

Plan Ref.	Received On:	Title:
100/SK/01D	29 th June 2006	Proposed Site Plan
	26 th May 2006	Site Location Plan
100/005A	26 th May 2006	Existing Site Plan
100/SK/02A	26 th May 2006	Proposed Section

Reason: To define the permission and in the interests of the proper development of the site.

3. Before the development hereby permitted is first commenced, full details of all reserved matters namely the design, external appearance of the buildings and the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: The permission is in outline only and in accordance with Policy Nos. GN5 and EM2 of the Adopted Chorley Borough Local Plan Review.

4. The application for approval of reserved matters shall be accompanied by full details of existing and proposed ground levels and proposed building slab levels (all relative to ground levels adjoining the site), notwithstanding any such detail shown on previously submitted plans. The development shall only be carried out in conformity with the approved details.

Reason: To protect the appearance of the locality, in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review.

5. The application for approval of reserved matters shall be accompanied by full details of the position, height and appearance of all fences and walls to be erected to the site boundaries (notwithstanding any such detail shown on previously submitted plans). No building shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.

Reason: To ensure a visually satisfactory form of development, to protect the amenities of occupiers of nearby property and in accordance with Policy Nos. GN5 and EM2 of the Adopted Chorley Borough Local Plan Review.

6. No part of the development hereby permitted shall be occupied or used until the footways have been constructed in accordance with the approved plans.

Reason: In the interests of highway safety and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.

7. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The scheme shall indicate all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform.

Reason: In the interests of the amenity of the area and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interest of the appearance of the locality and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.

9. The development hereby permitted shall not commence until full details of the colour, form and texture of all external facing materials to the proposed building(s) (notwithstanding any details shown on the previously submitted plan(s) and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.

Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review.

10. Before the development hereby permitted is first occupied, the car park and vehicle manoeuvring areas shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.

Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in accordance with Policy No. 7 of the Joint Lancashire Structure Plan.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2, Part 8, Class A) or any Order revoking or re-enacting that Order, no extension or alteration shall be carried out in respect of the buildings to which this permission relates.

Reason: To prevent an intensification in the use of the premises, in the interests of the visual amenities of the area and the amenities of local residents and in accordance with Policy No. EM2 of the Adopted Chorley Borough Local Plan Review.

12. No materials or equipment shall be stored on the site other than inside the building.
Reason: In the interests of the amenity of the area and in accordance with Policy No. EM2 of the Adopted Chorley Borough Local Plan Review.

13. Notwithstanding the previously submitted information the application for approval of reserved matters shall be accompanied by further ecological information which is required in order to determine the impact of the proposed development and to inform the need for mitigation/compensation methods. The information should include:* The results of Phase 1 habitat survey that fully conforms to the standard JNCC methodology. This should be extended to include an assessment of the potential of the various habitats to support species of ecological interest, including species of principal importance, Red list species etc* All semi-natural habitats, or habitats that may be of at least local importance, should be surveyed to Phase 2 level* An assessment of the potential impact on species of principal importance to inform the need for mitigation/compensation methods.* It should be demonstrated that the landscaping associated with the development will make contributions to targets specified in the UK and Lancashire Biodiversity Action Plans.* The design of the development should address the maintenance and enhancement of habitat connectivity between the Leeds Liverpool Canal and the Black Brook and along these habitat corridors. In the event that the proposed development will result in any ecological impacts appropriate mitigation/ compensation methods shall be incorporated within the submitted Ecological Survey to demonstrate that there will be no net loss of ecological value. Reason: To protect the ecological value of the site and in accordance with Policies EP4 and EP10 of the Adopted Chorley Local Plan Review, Planning Policy Statement 9: Biodiversity and Geological Conservation and Policy 21 of the Joint Lancashire Structure Plan
