

Item 4e **12/00253/FUL**

Case Officer **Matthew Banks**

Ward **Lostock**

Proposal **Use of Building C as Wood Workshop with Landscape Gardening Workshop Use to be Retained**

Location **Jumps Farm 147 South Road Bretherton Leyland Lancashire**

Applicant **S & A Wignall**

Consultation expiry: 6 July 2012

Application expiry: 8 May 2012

Proposal

1. Application for use of Building C as Wood Workshop with Landscape Gardening Workshop Use to be retained.

Recommendation

2. It is recommended that this application is approved subject to conditions and the signing of a Unilateral Undertaking.

Main Issues

3. The main issues for consideration in respect of this planning application are:
 - Background Information;
 - Principle of the development;
 - Design and impact on the streetscene;
 - Impact on the neighbour amenity;
 - Access and parking;
 - Impact on the Bretherton Conservation Area;
 - Impact on public footpath;
 - Unilateral Undertaking.

Representations

4. To date, 2no. letters of objection have been received, the comments received can be summarised as follows:
 - There is no definition as to what the landscaping gardening business entails;
 - The application states that land is available for unmarked parking, however, no plan has been submitted to show the exact location or amount;
 - The hours of operation should be appropriately conditioned;
 - The submitted site plan does not show the route of a nearby public footpath and the site can be seen from this public footpath;
 - Building B is being unlawfully used as a wood workshop;
 - Consideration should be given to the double doors on Building C which face the boundary with Church House Barn and the resulting increase in noise as a result of the development;
 - The doors of Building C should be re-positioned to face south and should be closed shut;
 - Building C should be insulated to meet the current legislation on permitted noise levels;
 - Maximum noise levels should be imposed at the boundary;
 - Application 10/00560/COU should be revoked;
 - Permission should not be granted without the imposition of various planning conditions;
 - The following conditions are required:
 - Hours of operation;

- Restricted use at the site and no importation of material;
- There must be an overall noise limit for the Jumps Farm site as a whole;
- The building should be sound insulated;
- The use of the wood chipper should be off site only;
- Vehicular parking for employees should be defined and conditioned.

Consultations

5. **Lancashire County Council Highways** - No objections.
6. **Lancashire County Council Rights of Way officer** – No objections subject to informatives.
7. **CBC Conservation Officer** – no objections.
8. **CBC Environmental Health Team** – raise no objection provided a condition is imposed stipulating that works are undertaken inside the building with the doors closed at all times during any noisy activity.
9. **CBC Planning Policy Team** – no objections
10. **Parish Council** – none received

Assessment

Background Information

11. The application site has a lengthy and varied planning history. The site originally comprised a poultry farm, but has evolved over time with many of the original buildings now demolished.
12. The application site now essentially comprises 3 buildings. These include:
 - Building A, which was recently granted planning permission (ref: 11/00989/FUL) to remove condition 2 (use of the building) and condition 5 (personal permission) to enable the building to have 'unrestricted' office use;
 - Building B which was formally used by 'Norris Garden Buildings' as a wood workshop and benefits from an extant planning permission to be re-built and be used permanently as a wood workshop (ref: 10/00560/COU) and;
 - Building C which benefits from planning permission to be used as a workshop in connection with the applicant's landscaping and gardening business (ref: 04/00753/COU).
13. Historically, development of this site has come about in an ad-hoc manner over a lengthy period, resulting in a detailed planning history and combination of permanent and temporary planning permissions. This uncoordinated approach has resulted in the Council authorising enforcement action at the Development Control Planning Committee on the 13th December 2011.
14. As a result of the above, the applicant now proposes a coherent and structured approach to developing the site in a bid to appease neighbour tensions and ensure the site maximises its financial potential. The removal of Conditions 2 and 5 from planning permission 10/00563/COU was the first stage in this process (application ref 11/00989/FUL).
15. Following consideration and approval of the application 11/00989/FUL by Members at the Development Control Planning Committee on the 7th February 2012, it was made clear to the applicant that applications had to be submitted within 28 days from the decision notice to regularise the outstanding development at the site to avoid enforcement action being initiated.
16. As a result, the applicant submitted a series of planning applications which include the following:
 - 12/00253/FUL - Use of Building C as Wood Workshop with Landscape Gardening Workshop Use to be Retained;
 - 12/00254/FUL - Change of Use of Building B for Storage Purposes and;

- 12/00255/FUL - Application to Change Use of Land for Storage and Recycling in Connection with Landscape Gardening Business.
17. The application for consideration in this report is 12/00253/FUL and relates to the use of Building C as Wood Workshop with the Landscape Gardening Workshop Use to be retained.
 18. The aim of the above 3 applications is to adopt a coherent and structured approach to developing the site and to regularise activity. As a show of their intent to achieve this, the applicant has removed a large static caravan (to the immediate south of Building B) and multiple storage containers (to the south of Building C) from the site.
 19. Aside from the above, it has been noted that there has been little historical definition as to exactly what activities comprise the applicant's landscape gardening business. However, as part of this application, the applicant has provided additional information to clarify this.
 20. In terms of general operations, any type of landscaping work is undertaken including: fencing, flagging, turfing, planting, water features, ponds, brickwork and site tidy ups. The applicant also offers full maintenance packages which include: mowing, strimming, hedge cutting, pruning, chemical weed control / spraying, weeding and litter picking. The applicant offers a full Arboricultural service including: tree felling and pruning, tree stump removal, crown lifting and reduction, conifers topped, removal of windblown trees, hazard assessments; £5million insurance coverage work carried out to BS3998 and a wood chipping service.
 21. The landscape gardening business also extends to a number of other services including specialist in topsoil supply Grade I and II and all sand/soil, power washing, graffiti removal, winter gritting, knotweed removal and new fence installation and maintenance.

Principle of the development

22. The application site is within the Green Belt and so paragraphs 79-92 of the National Planning Policy Framework (the framework) and Policy DC1 of the Adopted Chorley Borough Local Plan Review apply.
23. The framework states that local planning authorities should regard the construction of new buildings as inappropriate within the Green Belt unless the development falls within one of the exceptions outlined in paragraph 89. The framework also states that the re-use of buildings is not inappropriate development provided the buildings are (1) of permanent and substantial construction and (2) preserve the openness of the Green Belt and do not conflict with the purposes of including land within the Green Belt.
24. The proposed development is to retain the existing use of Building C as a workshop in connection with the applicant's Landscape Gardening Business, but also use Building C as a wood workshop for the part-occupancy of 'Norris Garden Buildings' who are currently located in Building B.
25. In Green Belt terms, Building C is of substantial and permanent construction as it currently houses the applicant's landscape gardening business and is constructed of substantial materials, affixed to the ground by foundations. The only external alterations proposed as part of this application involves the installation of two wooden doors to the front (west) elevation in the interests of neighbour amenity. As such, it is considered the proposed development is appropriate in Green Belt terms in accordance with the framework.
26. In addition to the above, the proposed development also finds support within the framework which states that development that is sustainable should go ahead without delay.
27. The framework also states that local planning authorities should support existing business sectors, taking account of whether they are expanding or contracting. Paragraph 20 of the framework states that significant weight should be placed on the need to support economic growth through the planning system, and Paragraph 28 states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.

28. The framework advises that to promote a strong rural economy, local and neighbourhood plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings.
29. At a local level, the Adopted Central Lancashire Core Strategy, Policy 13 (The Rural Economy) sets out to achieve economic and social improvement for rural areas by sustaining and encouraging appropriate growth of rural businesses in a number of ways. Criterion b) supports business and storage activities. Additionally, Policy DC7A of the Adopted Chorley Borough Local Plan Review promotes the re-use of existing buildings within the Green Belt for commercial, business and employment uses.
30. The proposed development would result in the reconfiguration of an existing business at the site which provides employment and services to residents at a local level. The site is in a rural setting and contributes to the local economy thereby benefiting from the above policies.
31. As such, it is considered the development is acceptable in principle.

Design and Impact on the streetscene

32. At a national level the framework states that the Government attaches great importance to the design of the built environment and good design is a key aspect of sustainable development.
33. The framework also states that planning policies and decisions should aim to ensure that developments (amongst other things) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
34. At a local level, Policy 17 of the Central Lancashire Core Strategy states that the design of new development should take account of the character and appearance of the local area, including (amongst other things) design, materials and ensuring development is sympathetic to surrounding land uses.
35. The existing building comprises block work walls clad with green metal profile sheeting for the elevations and a roof comprising green metal profile sheeting. The building is considered to be of permanent and substantial construction.
36. The proposed use of Building C in connection with the applicant's Landscaping business and as a wood workshop would not involve any external alterations to the existing building other than the installation of wooden doors to the front (west) elevation in the interests of neighbour amenity. These have already been installed by the applicant and have been coloured to reflect the appearance of the existing building.
37. The doors are considered to respect the character of the locality and the Bretherton Conservation Area and are the minimum size necessary to achieve the suggested noise mitigation measures.
38. Taking into consideration the minor external alterations it is not considered the use of Building C in connection with the applicant's Landscaping business and as a wood workshop will result in any significant detrimental harm to the streetscene or character of the surrounding area than is currently experienced at present.
39. As such, the development is considered to be in accordance with the framework, Policy 17 of the Adopted Central Lancashire Core Strategy and Policy GN5 of the Adopted Chorley Borough Local Plan Review.

Impact on neighbour amenity

40. At a national level, the framework states within one of its twelve core planning principles that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

41. Policy 17 of the Central Lancashire Core Strategy states that the design of new development should take account of the character and appearance of the local area, including ensuring that the amenities of occupiers of the development will not be adversely affected by neighbouring uses and vice versa. The Central Lancashire Core Strategy also states that development should be sympathetic to surrounding land uses and occupiers, and should not result in demonstrable harm to the amenities of the local area.
42. Jumps Farm has developed historically in an ad-hoc way with a number of industrial based activities on site. These namely include the applicant's landscaping business (which primarily involves activity off site) and 'Norris Garden Buildings' who currently occupy Building B, using it as a wood workshop.
43. The application site is positioned on the fringe of the settlement boundary and so is within close proximity to nearby residential properties. The Council's Environmental Health Team have visited the site on numerous occasions to investigate complaints of noise and disturbance, however, this has not resulted in information sufficient to prove a statutory noise nuisance from activity at the site.
44. As such, in determining this application, it is relevant to note the past uses of Building C, what impact this has had on neighbouring residents and how this will compare if the proposed application is approved. It is also relevant to note comments received from the EHT and efforts taken by the applicant to ensure the impact on neighbouring residential properties is kept to an acceptable level.
45. Building C currently benefits from planning permission 04/00753/COU which permitted a change of use of a former poultry farm workshop to a workshop to be used in connection with the applicant's landscape gardening business (including structural alterations to the building). As such, in assessing the resulting impact of the proposed development in relation to neighbour amenity, the existing use and relationship should be taken into consideration as a fallback position (in terms of noise and disturbance) when determining the current application.
46. Building C is situated to the southern extremity of the Jumps Farm site approximately 65m south of Jumps Barn and 70m east of Church House Barn. To the immediate south of Building C is an area of hardstanding which is proposed to be used for storage and recycling in connection with the applicant's landscape gardening business (currently under consideration with the application 12/00255/FUL). To the immediate east is a parcel of land known as 'Land 100m South of 133 South Road, Bretherton'.
47. In terms of establishing the impact of the proposed development on neighbour amenity, the Council's EHT was consulted to provide specialist advice. The EHT has acknowledged statements made by the applicant within the supporting planning statement which essentially indicate that as a result of the application, the wood workshop 'activity' would be further from the noise sensitive dwelling of Church House Barn. The applicant argues that the proposed use would be more than a sufficient distance from this property to prevent any material impact on their residential amenity.
48. Taking this information into consideration, the Council's EHT advised that such a claim must be substantiated through the submission of an acoustic report.
49. The applicant subsequently submitted a detailed acoustic report (carried out by an appropriately qualified acoustic consultant) which measured a number of issues. These included the current operational noise, the likely existing background noise (at the nearest noise sensitive receptors) and compared those to the likely noise emitted from the building as a result of the development.
50. The report concludes that the predicted residual noise level at the garden of the nearest dwelling (Church House Barn) from Building C is considerably less than the existing noise levels. Therefore the use of Building C (as proposed within this application) is unlikely to

present any level of noise nuisance. The report states that it is very likely that at the normal usage times of the equipment, the operational noise would be completely inaudible at the nearest noise sensitive receptor.

51. As part of the application the applicant has added a set of wooden doors to the west elevation, covering the existing roller shutter doors. This mitigation was suggested in the noise report and states that if such measures are implemented, sufficient noise insulation would be maintained.
52. The key issue raised by the report was that the doors should remain closed during any noisy operation in order to guarantee minimal potential for noise intrusion to neighbouring residential properties.
53. The Council's EHT has commented on the submitted acoustic report and noted it covers the main points of concern in relation to noise and the operation of the wood workshop. The Council's EHT therefore conclude that no significant detrimental harm is likely to come to the amenity of residential properties in the vicinity, provided a condition is imposed stipulating that when works are undertaken inside the building, the doors are closed at all times during any noisy activity.
54. As such, it is not considered the proposed development will result in any significant detrimental harm to the amenity of neighbouring residents to warrant refusal of the application. It is not considered the development would raise any other significant neighbour amenity issues.
55. The development is therefore considered to be in accordance with the framework, Policy 17 of the Central Lancashire Core Strategy and Policy EP20 of the Adopted Chorley Borough Local Plan Review.

Access and parking

56. The framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
57. This application would result in the wood workshop re-locating from Building B to Building C. The wood workshop business is separate from the applicant's landscape gardening business and is secured through a lease arrangement.
58. As such, the wood workshop business has its own employees and delivery vehicles coming to and from the site and so it is appropriate in this case to ensure Building C has its own allocated off-road parking space available to accommodate both businesses.
59. In response to this, the applicant submitted a proposed parking plan which indicates an area immediately north of Building C to be kept freely available for the parking of cars.
60. As part of the application Lancashire County Council (LCC) Highways have been consulted to provide specialist highway advice with regard to the proposed development. LCC Highways raise no overriding objection to the proposed development as Building C currently benefits from planning permission to be used as a workshop in connection with the applicant's landscaping and gardening business.
61. The site has ample hardstanding and vehicle manoeuvring space to accommodate traffic and so is not considered the proposal will result in any detriment to highway safety. The development is therefore in accordance with the framework and Policy TR4 of the Adopted Chorley Borough Local Plan Review.

Impact on the Bretherton Conservation Area

62. The use of Building C in connection with the existing landscape gardening business and as a wood workshop will not result in any external alterations to the building other than the installation of wooden doors to the front (west) elevation.

63. As established previously, these are considered to be appropriate in context and do not result in any significant detrimental harm to the character or appearance of the conservation area.
64. It is not considered the proposed development will result in any significant detrimental harm to the character of the Designated Heritage Asset that is the Bretherton Conservation Area and so the development is in compliance with paragraphs 126-141 (Conserving and enhancing the historic environment) of the framework.

Impact on public footpath

65. Building C is within 10m of a public footpath (PROW16) which runs in a north-south direction through the application site and parallel with the rear site boundary. The route of this public footpath is currently left unobstructed barring vehicles used in connection with the applicant's landscape gardening business moving around the site.
66. As part of the application comments have been received from LCC with regard to the impact of the development on this public footpath. LCC have noted that it is unlikely that the proposed use of Building C for both the landscape gardening business and as a wood workshop will have a direct impact on this footpath. However, LCC have suggested that this effect can be mitigated by adding an informative to ensure that the developer is made aware that the right of way should not be obstructed.

Unilateral Undertaking

67. As established previously, the site has a varied and lengthy planning history which has resulted in a number of permissions and refusals at the site.
68. An extant permission of particular relevance to the current application relates to the re-building of building B and permanent use as a wood workshop (ref: 10/00560/COU). This application could still be implemented, expiring on the 8th October 2013 and so at present the applicant could demolish Building B and re-build it to house the wood workshop business in a permanent arrangement.
69. Planning permission 10/00560/COU is clearly relevant because the current application seeks permission to re-locate the wood workshop business from Building B to Building C. The result being, if permission is granted, two wood workshops could potentially exist on site at the same time.
70. As such, the applicant has submitted a Unilateral Undertaking to covenant that if permission is granted they will not implement planning permission 10/00560/COU as a wood workshop.
71. This agreement will ensure only one wood workshop is present on site and is required to ensure significant detrimental harm does not come to the amenity of neighbouring residents.

Overall Conclusion

72. On the basis of the above, the development is considered to be appropriate within the Green Belt and would not result in significant detrimental harm to the character of the streetscene. It is considered that with appropriately worded planning conditions the development would not result in any significant detrimental harm to neighbour amenity to warrant refusal of the application.
73. The development is not considered to raise any significant highway issues and would retain adequate off-road parking on a specific part of the site. The development would sustain the significance of the Bretherton Conservation Area and is not considered to have any impact on a public footpath PROW16.
74. As such, the application is accordingly recommended for approval subject to conditions and the signing of the associated Unilateral Undertaking.

Planning Policies

National Planning Policy Framework

Planning History

The site history of the property is as follows:

Ref: 04/00303/COU **Decision:** WDN **Decision Date:** 14 May 2004
Description: Retrospective application for a change of use of a former poultry cabin (building 'B') to storage in connection with a landscape gardening business, and structural alterations,

Ref: 04/00304/COU **Decision:** WDN **Decision Date:** 14 May 2004
Description: Retrospective application for the change of use of a former poultry farm workshop (building 'C') to a workshop in connection with a landscape gardening business, and structural alterations,

Ref: 04/00370/FUL **Decision:** PERFPP **Decision Date:** 7 June 2004
Description: Retrospective application for excavation of pond and construction of banking,

Ref: 04/00371/FUL **Decision:** PERFPP **Decision Date:** 8 June 2004
Description: Erection of single storey extension to rear,

Ref: 04/00752/COU **Decision:** PERFPP **Decision Date:** 27 October 2004
Description: Retrospective application for a change of use of a former poultry cabin (building 'B') to storage in connection with a landscape gardening business, and structural alterations,

Ref: 04/00753/COU **Decision:** PERFPP **Decision Date:** 27 October 2004
Description: Retrospective application for the change of use of a former poultry farm workshop (building 'C') to a workshop in connection with a landscape gardening business, and structural alterations,

Ref: 05/00603/FUL **Decision:** REFFPP **Decision Date:** 1 August 2005
Description: Relocation of joiners workshop to Building C, (to include a variation of condition No 3 on planning permission 9/95/00760/COU to permit the manufacture of other wood products), and the demolition and rebuilding of Building A for domestic use ancillary to the farm house

Ref: 06/00035/FUL **Decision:** REFFPP **Decision Date:** 7 March 2006
Description: Demolition and rebuild of existing workshop,

Ref: 07/00874/COU **Decision:** PERFPP **Decision Date:** 10 September 2007
Description: Temporary change of use of existing store as workshop during re-building of existing workshop,

Ref: 09/00530/COU **Decision:** WDN **Decision Date:** 3 March 2010
Description: Application for permanent use of previous store to wood workshop (previously permitted on a temporary basis)

Ref: 11/00989/FUL **Decision:** PERFPP **Decision Date:** 8 February 2012
Description: Section 73 application to remove Conditions 2 (use of building) and 5 (personal permission) attached to planning approval 10/00563/COU.

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- Use of Building C as Wood Workshop with Landscape Gardening Workshop Use to be retained.
- Approve subject to conditions.
- 8 May 2012.

**Recommendation: Permit (Subject to Legal Agreement)
Conditions**

1. The use of Building C hereby permitted as a wood workshop and landscape gardening business shall only enure for the benefit of the applicant S & A Wignall and/or 'Norris Garden Sheds'.
Reason: To protect the amenity of local residents in accordance with the National Planning Policy Framework and Policies EP20, EM2 and HT7 of the Adopted Chorley Borough Local Plan Review 2003.
2. The building hereby permitted as a wood workshop and landscape gardening business shall be used for no other purpose (including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or any provision equivalent to that use class in any subsequent instrument revoking or re-enacting that Order).
Reason: To protect the amenity of local residents and the character of the conservation area. In accordance with the National Planning Policy Framework and Policies EP20, EM2 and HT7 of the Adopted Chorley Borough Local Plan Review 2003.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), (Part 8, Classes A to D), or any Order amending or revoking and re-enacting that Order, no extensions or alterations shall be undertaken to Building C hereby permitted, (other than those expressly authorised by this permission).
Reason: To protect the character and appearance of the area and to protect the residential amenity of the surrounding residential properties. In accordance with the National Planning Policy Framework and Policies DC1, EM2 and EP20 of the Adopted Chorley Borough Local Plan Review 2003.
4. The 'wooden doors' installed over the existing roller shutter door to the west elevation of Building C shall be retained in perpetuity unless replaced by doors of similar size and specification.
Reason: To ensure the amenities of neighbouring residential properties are protected and in accordance with the National Planning Policy Framework and Policy EM2 and EP20 of the Adopted Chorley Borough Local Plan Review.
5. The 'wooden doors', roller shutter door and access door to the west elevation of Building C shall remain permanently closed when any operations are being carried out within the building.
Reason: To ensure the amenities of neighbouring residential properties are protected and in accordance with the National Planning Policy Framework and Policy EM2 and EP20 of the Adopted Chorley Borough Local Plan Review.
6. No industrial, display or storage activities shall take place on the site other than inside the building hereby permitted.
Reason: To protect the amenity of local residents and in the interests of preserving the character and appearance of the Conservation Area. In accordance with the National Planning Policy Framework and Policies EP20, EM2 and HT7 of the Adopted Chorley Borough Local Plan Review 2003.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order, with or without modification), no windows shall be inserted or constructed at any time in Building B.
Reason: To safeguard the amenities of local residents and in accordance with the National Planning Policy Framework, Policy 17 of the Adopted Central Lancashire Core Strategy and Policies EM2 and EP20 of the Adopted Chorley Borough Local Plan Review.

8. The use of Building C hereby permitted as a wood workshop and landscape gardening business shall be restricted to the hours between 08.00am and 18.00pm on weekdays, between 08.00am and 13.00pm on Saturdays and there shall be no operation on Sundays, Bank Holidays or any Public Holiday.

Reason: To safeguard the amenities of local residents and in accordance with the National Planning Policy Framework, Policy 17 of the Adopted Central Lancashire Core Strategy and Policies EM2 and EP20 of the Adopted Chorley Borough Local Plan Review.

9. The proposed parking area hatched red on the submitted location plan (received: 22nd June 2012; Plan Ref: 1944-5) shall not be used for any other purpose other than for the parking and manoeuvring of vehicles in connection with Building C and shall be retained only for this purpose thereafter.

Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in accordance with Policies TR4 and EM2 of the Adopted Chorley Borough Local Plan Review.

10. The approved plans are:

<u>Received on:</u>	<u>Plan Ref:</u>	<u>Rev:</u>	<u>Title:</u>
9 th March 2012	411/20	A	Site plan
9 th March 2012	411/21	-	Existing wood workshop / proposed store.
9 th March 2012	411/22	-	Existing workshop in connection with landscape gardening business / proposed wood workshop.
22 nd June 2012	1944-5		Extended Parking Area. Hatched in Red.

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

11. The proposed development must be begun not later than three years from the date of this permission. *Reason:*

Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.