

Item 4f **12/00254/FUL**

Case Officer **Matthew Banks**

Ward **Lostock**

Proposal **Change of Use of Building B for Storage Purposes**

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

Applicant **S & A Wignall**

Consultation expiry: **18 April 2012**

Application expiry: **8 May 2012**

Proposal

1. Application to change the use of Building B for Storage Purposes.

Recommendation

2. It is recommended that this application is approved subject to conditions.

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.

Representations

4. To date, 2no. letters of objection have been received, the comments received can be summarised as follows:

- 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. The site can be seen from this public footpath;
 - Building B is being unlawfully used as a wood workshop;
 - Building B should be used for storage only in connection with the applicant's landscape gardening business;
 - Storage space should not be rented to other users;
 - Restrictions should be in place to ensure the development will have no impact on neighbouring residential properties;
 - Double doors on the south elevation of Building B should be removed to restrict vehicle manoeuvring and noise adjacent to the hedge boundary.
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- 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 informative
7. **CBC Conservation Officer** – no objections.
8. **CBC Environmental Health Team** – no objections.
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 conditions 2 (use of the building) and 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 which benefits from an extant planning permission to be re-built and 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 the 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 concerning a number of issues 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 (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 and 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 12/00254/FUL and relates to the change of use of Building B for Storage Purposes.

18. The aim of the above 3no. 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 already 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 also 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. 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.
25. 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.
26. In addition to the above, the proposed development finds support within the framework which indicates that development that is sustainable should go ahead without delay. The framework states that a presumption in favour of sustainable development should therefore be the basis for every planning decision.
27. The framework 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 also states 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. The proposed development is for the re-use of an existing building (of substantial and permanent construction) for storage purposes in connection with the applicant's landscape gardening business and involves no external alterations. As such, it is considered the principle of the development is acceptable in a Green Belt location subject to other material planning considerations.
30. The principle of the development is therefore considered in accordance with the framework, Policy 13 of The Adopted Central Lancashire Core Strategy and Policies DC1 and DC7A of the Adopted Chorley Borough Local Plan Review.

Design and Impact on the streetscene

31. 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.
32. 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.
33. At a local level, Policy 17 of the Adopted 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.
34. The proposed use of Building B as a store in connection with the applicant's landscape gardening business would not result in any external alterations to the existing building. The building currently has elevations and a roof comprising green metal profile sheeting and is considered to be of permanent and substantial construction.
35. As such it is not considered the use of Building B as a store will result in any greater impact on the character of the area than is experienced at present and therefore is not considered to result in any significant detrimental harm to the streetscene.
36. The development is therefore 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

37. The application site has historically developed with a number of industrial based activities on site. These namely include the applicant's landscaping business (which involves activity both on and off site) and 'Norris Garden Buildings' which previously occupied Building B, using it as a wood workshop.
38. 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.
39. As such, in determining this application, it is relevant to consider both the past lawful uses of Building B, the impact this has had on neighbouring residents and how this will compare to the proposed storage use in connection with the landscape gardening business.
40. Building B has historically been used as a store in connection with the applicant's landscaping business until more recent years where a temporary planning permission (ref: 07/00874/COU) was granted for 2 years to allow the building to be used as a wood workshop (operated by 'Norris Garden Buildings'). This permission was granted to allow 'Norris Garden Buildings' to relocate temporarily whilst the adjacent building (Building A) was being rebuilt as allowed at appeal (06/00035/FUL).

41. The temporary permission as a wood workshop has now lapsed (on 1st March 2009) and Building B now only benefits from an extant planning permission (ref: 10/00560/COU) to be re-built Building B and use it permanently as a wood workshop (this permission has not been implemented).
42. The current application seeks to use Building B as a store in connection with the applicant's landscape gardening business, with a view to re-locating the wood workshop business to Building C (which is being considered under the application 12/00253/FUL).
43. With regard to the impact on neighbour amenity, it is considered the storage use will have a lesser impact in terms of noise and disturbance on the amenity of neighbouring occupiers, particularly those which reside at 151 South Road and Church House Barn, when compared to the use as a wood workshop.
44. 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, provided a condition is imposed restricting the use of the building for storage purposes only. It is not considered the development would raise any other significant neighbour amenity issues.
45. The development is therefore considered to be in accordance with the framework, Policy 17 of the Adopted Central Lancashire Core Strategy and Policy EP20 of the Adopted Chorley Borough Local Plan Review.

Access and parking

46. The framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
47. This application proposes no alterations to the access or parking arrangements at the site and the building would be used in connection with the applicant's landscaping business which is operated from the site.
48. 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 because (1) Building B has previously enjoyed lawful use for storage purposes (used in connection with the applicant's landscaping business) prior to use as a wood workshop and (2) the use as a store in connection with the primary use at the site is not considered to result in any greater demand for off-road parking provision.
49. The site has ample hardstanding and vehicle manoeuvring areas and so is not considered the proposal will result in any detriment to highway safety and is therefore in accordance with the framework and Policy TR4 of the Adopted Chorley Borough Local Plan Review.

Impact on the Bretherton Conservation Area

50. The use of Building B for storage purposes in connection with the landscape gardening business will not result in any external alterations to the building. As such, it is considered the proposed development will have no greater impact on the Designated Heritage Asset that is the Bretherton Conservation Area than is currently experienced at present.
51. It is not considered the proposed development will result in any significant detrimental harm to the character of 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

52. Building B is within 6m 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.

53. 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 B for storage purposes in connection with the landscape gardening business will have a direct impact on this footpath. However, LCC have suggested that an informative is added to any planning permission informing the developer they have an obligation to ensure the right of way is not obstructed.

Overall Conclusion

54. 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 impact neighbour amenity would not result in any significant detrimental harm to warrant refusal of the application.
55. 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.
56. As such, the application is recommended for approval subject to conditions.

Planning Policies

National Planning Policy Framework

Central Lancashire Core Strategy

Policies 13 and 17

Adopted Chorley Borough Local Plan Review

Policies: DC1, DC7A, EM2, EP20 and TR4.

Planning History

The site history of the property is as follows:

Ref: 04/00303/COU 2004	Decision: WDN	Decision Date: 14 May
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 2004	Decision: WDN	Decision Date: 14 May
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 2004	Decision: PERFPP	Decision Date: 7 June
Description: Retrospective application for excavation of pond and construction of banking,		
Ref: 04/00371/FUL 2004	Decision: PERFPP	Decision Date: 8 June
Description: Erection of single storey extension to rear,		
Ref: 04/00752/COU October 2004	Decision: PERFPP	Decision Date: 27
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 October 2004	Decision: PERFPP	Decision Date: 27

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:** PERFPF **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:** PERFPF **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.

Application Number- 12/00254/FUL

- Change of Use of Building B for Storage Purposes.
- Approve subject to conditions.
- 8th May 2012.

Recommendation:

**Permit Full Planning Permission
Conditions**

1. The approved plans are:

<u>Received on:</u>	<u>Plan Ref:</u>	<u>Rev:</u>	<u>Title:</u>
9 March 2012	411/20	A	Site plan
9 March 2012	411/21	-	Existing wood workshop / proposed store.
9 March 2012	411/22	-	Existing workshop in connection with landscape gardening business / proposed wood workshop.

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

2. 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.

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. 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.
5. The use of Building B hereby permitted as a store in connection with the landscape gardening business shall only enure for the benefit of the applicant 'S & A Wignall'.
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.
6. The use of Building B hereby permitted as a store 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.
7. The use of Building B hereby permitted shall be as a store, in connection with the applicant's landscape gardening business only, and shall be used for no other purpose (including any other purpose in Class B8 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.
8. 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 C.
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.