

Item D. 2 06/00772/FUL Permit Full Planning Permission

Case Officer **Miss Caron Taylor**

Ward **Eccleston And Mawdesley**

Proposal **Erection of single storey side extension to existing industrial unit**

Location **Unit T4 Towngate Works Dark Lane Mawdesley**

Applicant **T Mawdesley**

Proposal: The application is for the erection of a single storey side extension to an existing industrial unit used for the conversion of vehicles to run on liquefied petroleum gas (LPG) at Towngate Works, Dark Lane, Mawdesley. The proposals are partly constructed and therefore this application is part retrospective.

Background: Towngate works is a collection of buildings in a range of industrial and commercial uses, which has expanded over the years. Houses bound the site to the east on Dark Lane.

Planning History: The existing building measures 5m wide by 8m long. It is 4.3m high at the front, with the monopitch roof sloping down to 3.4m high at the rear and is attached to another unit on the site. One neighbour to the rear states that the original building to which the extension is proposed was built without planning permission. This has been confirmed, however, if it has been there for four years or more it has become lawful in planning terms due to the passage of time. The site owners state that the building was originally erected in 1989/90 of timber and block work construction, with the external brickwork added in 2000. They have provided a copy of a record showing rent paid on the building over a period in 2001. However, the neighbour to the rear states it has only been erected for two years (although it was not reported to the Council at the time).

If the building has not been erected for four years then the Local Planning Authority must decide if it expedient to take enforcement action against the building.

Therefore, although there is dispute over how long the building has been erected, if planning permission had been applied for originally I can see no reason why it would not have been granted. The building is an industrial building on an existing industrial estate. The Council has received no complaints regarding its use in terms of noise, smells etc. In light of this, it is considered that it would not be expedient to take enforcement action against it, even if it can be established it has not been erected for four years.

Planning Policy: DC1: Development in the Green Belt
PPG2: Green Belt

Consultations: The Director of Treetscene, Neighbourhoods and Environment has checked their records which date back to 1993 and can find no complaints relating to noise from the unit. They therefore have no objection in principle to the application, however due to the proximity of the unit to the residential properties on Dark lane they state a condition should be applied that all noisy working should be restricted to within the unit (i.e. not to take place in the yard).

Representations: A letter has been received from no. 16 Dark Lane. They state that they object to the proposals as the roof will be visible from parts of their house and garden and only five yards off their back garden which impact negatively in their residential amenity. In addition as it is to be used for the conversion of vehicles to run on LPG, indicated that there is likely to be noise disturbance and a risk of hazardous substances and pollution. It is not possible to screen the building with plants due to the presence of Japanese Knotweed.

Another objection is expected from no. 18 Dark Lane, although no response had been received at the time of writing the report. It will therefore be added to the addendum.

Assessment: The extension will be 6m wide and 7.2m long with a roof matching the existing building in pitch, but 30cm lower at 3.1m high.

Green Belt

Towngate Works lies within the Green Belt where Policy DC1 of the Local Plan and PPG2: Green Belt is relevant to the application. PPG2 states that in the Green Belt there is a general presumption against inappropriate development.

However, PPS7 is supportive of business expansion and EM5 of the Local Plan states that extensions will be permitted providing they meet a number of criteria. These are:

- that it respects the scale, design and facing materials of the original building;
- it will not harm the open character or appearance of the countryside;
- it respects any ecological, historic or archaeological interest the original property or area may have;
- it will not harm the amenity of nearby residents;
- it will not generate traffic of a type or amount inappropriate to rural roads or require improvements which would harm the character or rural roads in the area.

Assessing the proposals against these criteria, it is considered that the extension respects the scale, design and materials of the original building, and due to its

position on Towngate Works will not harm the open character or appearance of the countryside.

The current unit currently employs two people and it is proposed that the extension will increase this to three, therefore it is not considered that there would be a significant increase in the amount of traffic generated by the unit.

The final issue is that of neighbour amenity. The nearest properties are number 16 and 18 Dark Lane, whose rear gardens back onto Towngate work, the existing building and proposed extension being immediately behind the rear garden of no. 18. However, it is not considered that the proposals will result in an unacceptable level of amenity for these residents. No complaints have been received regarding noise or smells from the existing unit that already converts cars to LPG and the neighbour at no. 18 has stated it is not noisy at all.

With regards to the impact of the building itself on these properties, there are conifers in excess of 10m high on the boundary with no. 18 (on the Towngate Works side). However, even if these trees were felled it is not considered that proposals would be detrimental on this property, the extension being 3.1m high at the rear. Although it may be visible from the properties on Dark Lane it is not considered it would be detrimental to them being over 20m from the nearest rear windows. In addition, no. 16 although not having as higher trees on the boundary, does have a garage in its rear garden that sits between the dwelling and the extension to the industrial unit. Therefore, subject to conditions restricting reasonable operating hours and that the

Conclusion: Therefore, for the reasons above the application is recommended for approval.

**Recommendation: Permit Full Planning Permission
Conditions**

1. No industrial, display or storage activities shall take place on the site other than inside a 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.

2. 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.

3. 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 building 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.

4. The premises shall be used for the conversion of vehicles to run on liquefies petroleum gas (LPG) and for no other purpose (including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

Reason: To protect the amenities of local residents and in accordance with Policy Nos. EM5 of the Adopted Chorley Borough Local Plan Review.

5. 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.

6. 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.
