

Item 4a **13/00813/FUL**

Case Officer **Caron Taylor**

Ward **Chorley East**

Proposal **Single storey extension at rear of main building (to north of site)**

Location **Morgan Bros (Chorley) Ltd Units 5 - 7 Primrose Bank Mill
Friday Street Chorley**

Applicant **Morgan Bros (Metalwork Solutions) Ltd**

Consultation expiry: 15 October 2013

Application expiry: 24 October 2013

Proposal

1. Single storey extension at rear of main building (to north of site).
2. It should be noted that three separate applications have been made at the site. There is a separate application ref: 13/00816/FUL for a single storey extension along the side (east elevation) of the building on this agenda. The other application for front extension (ref: 13/00760/FUL) has been withdrawn.
3. For ease of reference these will be referred to in the report as:
 - 1) Single storey rear extension (this application)
 - 2) Single storey side (east) extension 13/00816/FUL
 - 3) Front extension 13/00760/FUL (application withdrawn)

Recommendation

4. It is recommended that this application is granted planning approval.

Main Issues

5. The main issues for consideration in respect of this planning application are:
 - Background information
 - Principle of the development
 - Design and Layout
 - Impact on the neighbours
 - Traffic and Transport

Representations

6. As three applications were submitted at the same time many of the comments received to this application refer to all three of the applications, rather than just this one.
7. Four letters of objection have been received in relation to the application.

One letter states:

 - The existing building does not have full planning permission - and if they have we have never been notified - there are conditions that they continuously flout e.g. working with shutters open, irregular unsocial working hours;
 - They state they will use the Friday St entrance for deliveries which they assume will increase yet they have video evidence of trucks not only using Brown Street entrance but unloading sheet metal with a fork lift on the pavement. They also omitted the fact that there are trees on adjoining properties and yet they state there are none. Complaints have been made about the existing building to the enforcement section but obviously Morgan Bros have little regard for enforcement measures as they continue to ignore the conditions.

8. Chorley Tyres object to the application on the grounds that at present Primrose Bank Mill is just about sustainable with the amount of traffic, noise, pollution and annoyance to neighbours. Since 2004 Morgan Bros. have redeveloped their property, made a new entrance onto Brown Street and also erected a metal fence between their site and Chorley Tyres. At the present time they have the space in their yard to manoeuvre and turn around vehicles. The proposed extension will lose this space. The right to pass and re-pass over the Chorley Tyres property is only for the purpose of gaining access to and egress from. They do not have the right to park delivery vehicles on Chorley Tyres land which they are loading or unloading, thus blocking Chorley Tyres access. The amount of extra traffic is expected to be threefold according to Mr Morgan. The extension is needed to increase capacity in their Powder Coating Factory which will increase noise and pollution in to the environment and cause annoyance to the neighbours. If planning permission is given they ask that it is subject to the implementation of the eight parking spaces shown on the plan [see traffic and transport section of this report].
9. A letter of objection has been received from another tenant of Primrose Bank Mill:
 - The amount of traffic is already at breaking point and is causing parking problems for themselves and owners of the adjacent properties. Also, their property is coated and polluted with a black sticky substance coming from the extractors, how toxic it is they do not know. Any further development permitted will cause untold problems.
10. A joint letter of objection to all three applications (including the withdrawn front extension (3)) has been received from the owner of the part of Primrose Bank Mill which fronts onto Friday Street currently occupied by The Chorley Auction Centre (AME), The Stove Store and The No3 Club on the following grounds:
 - In the twenty years they have owned their section of the mill and used this access it has always been a bottle neck, but as the volume of traffic has steadily increased the situation has gradually deteriorated. Since the addition of Morgan Bros company and personal vehicles, staff vehicles and most of all the large articulated and rigid heavy vehicles that arrive constantly at his unit negotiating the access road the situation has become much worse, at times it is totally impossible to get in or out, so much so that when the road is blocked with traffic and it is impassable;
 - The articulated vehicles which attend Morgan Bros unit park across the entrance of the access road on Friday street completely blocking everyone's access in or out whilst the vehicles are unloaded by one of Morgan's fork lift trucks, the unwieldy and usually unsecured steel work is then transported the length of the access road to his unit (this restricts all the traffic on Friday street). The heavy vehicles have no means of turning round in Morgan's yard, it is already too small to accommodate them, the drivers have the option of reversing in from Friday street which holds up all the traffic or more dangerously attempt to reverse out into the traffic;
 - The access road around the area at the junction with Friday Street is in poor condition and was never intended for the weight of vehicles that now cross over it, or the amount of traffic that it has to cope with every day;
 - Allowing Morgan Bros to extend their unit size yet again would not only take up their current on site staff and visitor parking area but the addition of more staff and more output which would inevitably come with the expansion of the unit and the businesses would obviously create more traffic problems for them;
 - The expansion of the businesses would also result in an increase in the levels of the toxic smelling fumes that are continually expelled from his premises, they cover the neighbouring properties with a filthy residue;
 - In closing it seems obvious to all concerned that Morgan Bros have outgrown their current situation and it is unreasonable to expect other units to cope with even more traffic and staff parking, so that Mr Morgan can expand his current businesses premises by building an extension on his car park.

Consultations

11. Chorley Economic Development

Morgan Bros (Chorley) is a family business which has operated from their Mill premises for a number of years. This key Chorley based manufacturing business currently employs approximately 30 members of staff.

12. This application, for an extension to their premises, is key to accommodating their business growth and meeting the increasing demand for their products and services. The business will be able to create a number of jobs as a result of this additional space which will be available to residents from the surrounding Wards and across Chorley.
13. These additional jobs, as well as the jobs safeguarded through ensuring the business remains in Chorley, will add substantial economic and social value to the area.
14. **Lancashire County Council (Highways)**
[It should be noted that LCC have produced a joint response for all three applications, including the withdrawn application]
15. The net additional gross internal floor area of all three extensions combined is 393m². For B2 use, this would require 9 new parking spaces to be provided, bringing the overall total for the site to 18 (9 new + 9 existing). To make up for the difference, the applicant proposes to provide 7 new parking spaces within the adjacent Chorley Tyres Works yard which is included in the red edged plan submitted.
16. The applicant's overall parking provision is still less by one. However, Highways would not raise objections to the proposals based on the single parking space. As indicated above, it appears reversing onto the highway cannot be avoided, given the lack of turning area within curtilage and the limited visibility at the site's access junction with Brown Street. To keep the reversing area free of pedestrians and to guide drivers, the applicant is advised to ensure that a Banksman is always available to direct vehicle movements on site and at the junction to ensure safe access and egress, especially in respect of large vehicles. I should however advise that Health and Safety Regulation requires that the Banksman be trained. Finally, to ensure that parking problems in and around the site are not exacerbated by the proposals, it is necessary that the parking spaces proposed are available before the extensions are brought into use.
17. **Chorley's Environmental Health**
In terms of air quality, the powder coating is ancillary to the primary fabrication business. It does not fall into an activity that impacts on air quality as there is minimal volatile organic solvents (VOC's) used and therefore does not require an environmental permit from either Chorley Council or the Environment Agency. Powder coating is essentially what it sounds like and uses fine powder to coat the metal giving it a fine even coverage. The process is controlled within a defined space where the paint is applied under an electrostatic charge to the metal and then baked to give the final finish. Because the powder is applied under an electrostatic charge any over spray is recovered (using an opposite charge) and reused. In addition there is a filtration system on the booth and on the oven, so emissions /losses to air are minimal.
18. From the plans it appears that the new extensions will envelope the operation better than is currently the case. The loss of the yard area closest to the houses in Sherwood Place has the effect of putting activities that might have taken place outside now behind the barrier of the newly extended building acting as an acoustic barrier.
19. They have received several initial complaints, 5 in total from the same two residents, spanning from September 2010 to 4 made in 2013 which relate to noise from the premises. None of these complaints were followed through by the complainants and as a result they have no evidence that activities from the site are excessively noisy and unreasonable. In the absence of evidence they are not in a position to look to restrict hours of operation.

Assessment

Background Information

20. The application premises are located in part of Primrose Bank Mill in Chorley Town Centre. The front of the building is accessed from Brown Street and the rear from Friday Street. There are two businesses based in the building; North West Powder Coating Ltd. and Morgan Brothers Metalwork Solutions Ltd.

Principle of the development

21. The application site is designated as within a settlement area under Policy V1 in the emerging Local plan 2012-2016.
22. On 25th October, the Inspector issued her Partial Report on her findings into the soundness of the Chorley Local Plan 2012 – 2026. The Inspector's Partial Report is a material consideration in the consideration of this planning application. In summary, the plan is considered to be legally compliant. In relation to soundness, the plan is considered sound, with the exception of matters relating to Gypsies and Travellers. The examination of the local plan remains open, and the Inspector will reconvene the examination in April 2014 to consider Gypsy & Traveller Matters, which would enable adoption of the local plan by September 2014, following a supplementary report.
23. Paragraph 18 of the Partial Report states: *"For the avoidance of doubt, the Plan may not be adopted until it has been changed in accordance with all of the main modifications set out in the Appendix to this partial report and any which may be specified in the Appendix of my forthcoming supplementary report. However, because of the very advanced stage in the examination process that the main modifications set out in the attached Appendix have reached, significant weight should be attached to all policies and proposals of the Plan that are amended accordingly, where necessary, except for matters relating to Gypsies and Travellers."*
24. The modifications do not propose changes to Policy V1 and it is given significant weight in the decision making process. Policy V1 states that within settlement areas excluded from the Green Belt...there is a presumption in favour of appropriate sustainable development, subject to material planning considerations and the other Policies and Proposals within the Plan.
25. The National Planning Policy Framework states that significant weight should be placed on the need to support economic growth through the planning system.
26. The principle of extending the building is therefore acceptable in principle subject to the details being acceptable.

Design and Layout

27. The rear extension will reflect the existing building by extending the existing roofline to the north, but will only be half the width. The extension will therefore have a mono-pitched roof, pitching away from the properties on Sherwood Place. It will be 6.1m in height at its highest point with a ridge height of 4.8m.

Impact on the neighbours

28. There are residential properties bounding with the site to the east and north. The properties to the east on Sherwood Place back onto the side of the site to the east and the properties on Primrose Street back onto the rear of the site to the north.
29. The Council's interface distances normally require 12m between a first floor window and a blank wall. However in this case, the properties to the east on Sherwood Place are at a higher level than the application site by approximately 1.6m. The nearest of these properties is number 10 and the proposal, as well as being at a lower level, will have a roof pitching away from this property. This relationship is therefore considered acceptable.
30. To the north of the site are the properties on Primrose Street that are two-storey properties split into flats that have habitable room windows in its rear elevation. There will be approximately 9.4m between the first floor windows of these properties and the extension. This is below the interface distance of 12m. However on the boundary between the properties and the application site, and in the rear gardens of the properties there are a number of trees/shrubs that are getting to a size that is starting to screen the application site from them. As the landscaping is within the control of these residents, a condition to retain it is not appropriate or required. In addition, there is extant permission for a canopy over the rear yard area (ref: 11/0038/FUL) to allow deliveries to take place with protection from the elements, that currently take place in the open yard. The proposal would allow vehicles to back into the proposed extension via the roller shutter door so vehicles will be loaded internally. It is considered that

loading vehicles within the building will bring benefits to these properties in terms of noise that is given significant weight in determining the application. The proposal is therefore considered acceptable in relation to these properties in accordance with Policy EP3 of the emerging Local Plan. None of these properties have objected to the application. A condition is proposed controlling that the extension only be used for deliveries and storage rather than industrial processes.

Traffic and Transport

31. A number of adjacent commercial properties have raised issues regarding parking and manoeuvring of vehicles, however it is not considered that this will change the current situation to the rear of the building significantly. Large vehicles already have to back in and this will remain the case with vehicles backing into the extension for loading.
32. The comments of LCC Highways and Chorley Tyres are noted, however these mainly relate to the front extension application that has been withdrawn (3). To make up for the loss of existing parking spaces that the withdrawn front extension would have resulted in the loss of the applicant proposed eight spaces in the adjacent yard at the mill. However, as this application has been withdrawn the applicant has amended the red edge of the current application to remove them from the proposal. The current proposal would therefore utilise the existing parking at the site. The rear extension will add floor area to the building but it has been clarified with the applicant that it will mainly be used as per the existing yard for the loading and unloading of deliveries, it is not therefore considered that this will result in the need for more parking at the site.

Other Issues

33. To respond to the issues raised by the neighbours the Council's planning enforcement team did receive a complaint about hours of working and the roller shutter door some time ago and visited the site to make the business aware that they needed to comply with existing conditions. No further complaints have been received since then until the submission of the current planning applications. The issues raised can be looked into, but it is considered that the rear extension will not exacerbate these issues.
34. With regard to loading and unloading on Brown Street the Council cannot prevent this, but again it is not considered the proposed rear extension will exacerbate this.
35. Environmental Health will be made aware of the issue regarding the extractors and fumes, but have not objected to the current application on these grounds.

Overall Conclusion

36. The application is recommended for approval.

Planning Policies

National Planning Policies:

The National Planning Policy Framework (The Framework)

Joint Core Strategy

Policies: V1, EP3

Planning History

11/00038/FUL Erection of loading bay canopy to the rear of the existing building. Permitted 3rd May 2011.

Recommendation: Permit Full Planning Permission Conditions

1. The extension hereby permitted shall only be used for deliveries, loading and unloading and as storage and shall not be used for any industrial or commercial process. *Reason: To safeguard the amenities of the immediate residents particularly from noise.*

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. The development hereby permitted shall be carried out in accordance with the following approved plans:

Title	Drawing Reference	Received date
Single Storey Rear Extension – Existing & Proposed Elevations	101/116/380 A	29 th August 2013
Single Storey Rear Extension – Plan View (front extension on this plan not approved)	101/116/381	29 th August 2013
Single Storey Rear Extension – Proposed Section	101/116/382	29 th August 2013

Reason: For the avoidance of doubt and in the interests of proper planning

4. All external facing materials of the development hereby permitted shall match in colour, form and texture those on the existing building. *Reason: In the interests of the visual amenity of the area in general and the existing building in particular.*

5. Notwithstanding the provisions of The Town and Country (General Permitted Development) Order 1995 (as amended), no windows other than those shown on the approved plans hereby permitted, shall be inserted in the north or west elevations of the extension hereby permitted. *Reasons: To safeguard the amenities of neighbours.*