

Item 4b **13/00816/FUL**

Case Officer **Caron Taylor**

Ward **Chorley East**

Proposal **Erection of a single storey extension along the east face of the main building**

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: 31 October 2013

Proposal

1. Erection of a single storey extension along the east face of the main building.
2. On visiting the site the extension is part retrospective, having already been partly carried out.
3. It should be noted that three separate applications have been made at the site. There is a separate application ref: 13/00813/FUL for a single storey rear extension. The other application for a front extension (ref: 13/00760/FUL) has been withdrawn.
4. For ease of reference these will be referred to in the report as:
 - 1) Single storey rear extension (13/00813/FUL)
 - 2) Single storey side (east) extension (this application)
 - 3) Front extension 13/00760/FUL (application withdrawn)

Recommendation

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

Main Issues

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

Representations

7. As three applications were submitted at the same time many of the comments received refer to all three of the applications, rather than just this one, so not all comments below are necessarily referring to this application.
8. Three letters of objection have been received.
9. One letter states:
 - The said extension has been built and in use since the beginning of September;
 - Morgan Bros say that by building this it would make things quieter. This has not been the case, in fact the level of noise has increased to such an extent it is unacceptable. They have been woken up at 6.30 and 7.30 on Saturdays and Sundays by metal being thrown in a skip from the top of a fork lift onto metal already there and continuing banging of metal all day and cutting equipment being used causing a colossal amount of dust all over peoples washing, gardens etc. which is a regular occurrence. If anything is said they make more noise, laugh at the people concerned or give verbal abuse;
 - The said extension is about 2 feet from the boundary fence and if anyone climbs on the roof they can access the gardens.
10. 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.
11. A joint letter of objection to all three applications 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 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

12. 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.

13. 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.
14. 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.

15. Lancashire County Council (Highways)

[It should be noted that LCC have produced a joint response for all three applications, including the withdrawn application].

16. 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.
17. 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.

18. Chorley 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.

19. 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.
20. 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

21. 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

22. The application site is designated as within a settlement area under Policy V1 in the emerging Local Plan 2012-2016.
23. 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.
24. 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.”

25. 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.
26. The National Planning Policy Framework states that significant weight should be placed on the need to support economic growth through the planning system.
27. The principle of extending the building is therefore acceptable in principle subject to the details being acceptable.

Design and Layout

28. The side extension has already been partly completed and is situated along the side of the building to the rear of the properties on Sherwood Place. The rest of the extension would be completed to also extend along the side of the rear extension that is the subject to a separate application on this agenda if approved (ref: 13/00813/FUL).
29. The extension has a mono-pitched roof, pitching away from the properties on Sherwood Place. The extension would total 36.5m long and be 3.7m wide. It is at the same level as the existing Morgan Bros. site and is therefore approximately 1.6m lower than the properties on Sherwood Place. It eaves height is 3.3m and the top of its lean-to roof is 3.9m high. It is clad in the same materials as the main building. It is not visible in the streetscene due to it being located down the side of the building. Its design and layout is therefore considered acceptable.
30. The extension is half built and it is proposed to extend it along the side of the proposed rear extension (1) if that application is approved.
31. There is the possibility that that the rear extension (1) is refused, or if it is permitted it will not be built, which would impact on the current application (2) as the rear extension (1) would form the side (west) wall of it. A condition is therefore proposed requiring details to be submitted of the finish of the side extension (i.e. the west wall) if it is extended from existing without the rear extension (1) being built.

Impact on the neighbours

32. Due to the level difference, the eaves height of the extension will only be 1.9m above the floor level of the properties on Sherwood Place, marginally lower than the palisade fence within the application site on the rear boundaries with these properties that is approximately 2m high. It is not therefore considered that the proposal will have an unacceptable detrimental impact on the outlook from the rear of these properties.
33. The comments of the neighbour regarding climbing on the roof of the extension to access their garden are noted, however there is approximately half a metre gap to their boundaries and the palisade fencing has a spiked top to it. In addition the Morgan Bros. premises are locked overnight and are covered by closed circuit television. It is not therefore considered this could be a reason for refusal.
34. In terms of noise and smells the side extension will be used as a store, and the part already erected was in use for this purpose already at the time of the site visit. The applicant is happy to accept a condition restricting the side extension for storage purposes only. It is not therefore considered that the extension will result in more noise or smells to the nearby properties.

Traffic and Transport

35. The comments of LCC Highways are noted. However these mainly relate to the front extension application that has been withdrawn. To make up for the loss of existing parking spaces that the withdrawn front extension (3) would have resulted in, 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.
36. The side extension will not be built on an existing parking or manoeuvring area and will be used for storage. It is not considered that this will lead to an increase in traffic to the site that would require more parking to be provided.

Other Issues

37. 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.
38. 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.
39. 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

40. The application is recommended for approval subject to conditions.

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 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.*

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

Title	Drawing Reference	Received date
Single Storey Side Extension – Existing & Proposed Elevations	101/116/385	5 th September 2013
Single Storey Side Extension – Plan View (front extension shown on this plan not approved)	101/116/386	5 th September 2013
Single Storey Side Extension – Proposed Section and Elevation	101/116/387	5 th September 2013

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

3. 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.*

4. 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 west elevation of the extension hereby permitted. *Reasons: To safeguard the amenities of neighbours.*

5. The extension hereby permitted shall only be used 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.*

6. If the rear extension permitted by permission reference 13/00813/FUL is not built prior to the implementation of the permission hereby permitted (13/00816/FUL), details of how the side extension hereby permitted will be finished in terms of its west elevation shall be submitted to and approved in writing by the Council. The proposal shall then only be carried out in accordance with the approved details. *Reason: To ensure that the side extension is acceptable if it is constructed prior to the rear extension permitted under 13/00813/FUL.*