

Item 3b **14/01316/FUL**

Case Officer **Caron Taylor**

Ward **Eccleston And Mawdesley**

Proposal **Change of use from an agricultural building to the storage and blending of fertiliser and transfer into containers (including the addition of two roller shutter doors and an outer cladding of green box profile sheets).**

Location **Winter View Farm
Parr Lane
Eccleston
Chorley
PR7 5RP**

Applicant **Mr Paul Benson**

Consultation expiry: **12th February 2015**

Decision due by: **17th February 2015**

Recommendation
That the application is approved.

Representations

<p>Eccleston Parish Council objects to this application on the grounds that the local lanes, providing the only means of access to the site, are unsuitable for the type of vehicle movements quoted.</p> <p>As the proposed site is in close proximity to the settlement area the Council would also request a full Health and Safety investigation be commissioned to ascertain the potential risks to neighbouring properties from the products used in the process, in the event of an incident within the site, and airborne particulates.</p>
<p>In total 11 representations have been received which are summarised below.</p>
<p>Objections</p>
<p>Total No. received: 11</p> <ul style="list-style-type: none"> • Health and safety concerns regarding the products near houses including fire, explosions and spillages; • Noise from the process and from machinery, fork lift trucks etc. • Smells/vapours (potentially dangerous); • Dust; • Highways – increased traffic and large vehicles on rural lanes and damage to grass verges and mounting pavements; • There is not enough parking or disabled parking proposed; • Runoff to river; • Harm to wildlife; • Waste materials that may be generated; • If permitted it could expand in the future; • This type of industry is not suited to a rural/residential location.
<p>One objector states although they presently oppose it they can see many positive aspects. The safety aspect hinges on frequency and size of vehicles.</p>

Consultees

Consultee	Summary of Comments received
Police Architectural Liaison Officer	<p>Have visited the site and had a meeting with the applicant. The applicant was extremely helpful and explained in detail his intentions for the site, also the types of raw materials involved in manufacture.</p> <p>The entrance to the working area will be protected by a lockable steal barrier outside normal business hours, reducing the risk of vehicles entering the yard.</p> <p>It is the applicants' intention to live in the house at the side of the property; this will give the added benefit of good natural surveillance thus reducing the risk of crime.</p> <p>In respect of the barn that is to be used as business premises they are satisfied that the proposal to fit green box profile sheets to the side walls and the addition of two metal roller shutter doors are proportionate to the risk. They did discuss with the applicant additional security measures that could be undertaken to further reduce the risk of crime and they made recommendations regarding installing CCTV and an alarm system.</p>
LCC Highways	See body of report.

Assessment

Background information

1. This application was deferred for a site visit at the previous Development Control Committee on 10th March 2015. The proposal is for a change of use from an agricultural building to the storage and blending of fertiliser and transfer into containers (including the addition of two roller shutter doors and an outer cladding of green box profile sheets).
2. The majority of the building will be used to store liquid and granular fertiliser, however part of the building will be used to blend liquid fertiliser in two 2000 litre tanks. Fertiliser will also be decanted into smaller bottles.
3. The applicant currently has a base of Leyland Business Park in South Ribble. They provide specialist commercial fertilisers to clients including golf courses, country estates, football pitches and farmers.

Principle of the Development

4. The building was granted planning permission in 2010 (ref: 10/00758/FUL) and is a former agricultural building that was used for housing beef cattle until spring 2014 when the owners retired. No condition was applied to the building when it was originally permitted requiring it to be removed if it was no longer used for livestock.
5. Since the late 1990s until early 2014 the rest of the site was also used by the owners as an agricultural contracting business. There is a bungalow on the site and the applicant proposes to live on site and run the business (there is a separate application currently under consideration ref: 14/01238/FUL for removal of an agricultural occupancy condition on the bungalow).
6. The site is in the Green Belt immediately adjacent to the settlement of Eccleson. Paragraph 90 of the National Planning Policy Framework (the Framework) states that the re-use of buildings is not inappropriate development in the Green Belt, provided that the buildings are of permanent and substantial construction. The building is a steel portal framed agricultural building with walls of reinforced concrete panels (up to approximately 2m above ground level) with Yorkshire boarding over with a box profile sheet roof. The plans show two roller shutter doors to be added and the outer will be clad in green box profile sheets added to the building. Very limited alterations will therefore be undertaken to allow for the proposed use and it is considered the proposal therefore complies with the Framework in principle.

7. Policy EP3 of the emerging Local Plan 2012-2026 covers Development Criteria for Business and Industrial Development and states:
Proposals for new business, industrial and storage and distribution uses, including extensions to existing premises, will be permitted if they satisfy the following criteria:
- a) they are of a scale and character that is commensurate with the size of the settlement;*
 - b) the site is planned and laid out on a comprehensive basis;*
 - c) the proposal will not prejudice future, or current economic activities within nearby areas;*
 - d) the proposal will not cause unacceptable harm e.g. noise, smells to surrounding uses;*
 - e) the site has an adequate access that would not create a traffic hazard or have an undue environmental impact;*
 - f) the proposal will be served by public transport and provide pedestrian and cycle links to adjacent areas;*
 - g) open storage areas should be designed to minimise visual intrusion;*
 - h) adequate screening is provided where necessary to any unsightly feature of the development and security fencing is located to the internal edge of any perimeter landscaping;*
 - i) on the edges of industrial areas, where sites adjoin residential areas or open countryside, developers will be required to provide substantial peripheral landscaping;*
 - j) the development makes safe and convenient access provision for people with disabilities;*
 - k) the buildings are designed, laid out and landscaped to maximise the energy conservation potential of any development, and to minimise the risk of crime;*
 - l) the proposal will not result in surface water, drainage or sewerage related pollution problems; and*
 - m) the proposal incorporates measures which help to prevent crime and promote community safety.*
8. These aspects will be considered in the sections below.

Impact on the neighbours

9. The building itself is in a rural area designated as Green Belt, however it is immediately adjacent to a residential area in the form of properties to the south and west on Parr Lane, Ecclestone.
10. Policy EP4: Employment Development in Residential Areas states:
New small scale employment development (Use Classes B1, B2, B8, A1, A2), will be permitted in areas where housing is the principal land use provided there would be no detriment to the amenity of the area in terms of scale, character, noise, nuisance, disturbance, environment and car parking.
11. The case officer has visited the applicant's current site in Leyland and viewed the operations there. Bottling is undertaken using a gravity fed filler which is not noisy. The blending of liquid fertiliser is done within two 2000 litre tanks using a small electrically powered pump inside the two tanks, this is not used all the time (approximately 3 hours a day) and was hardly audible from just outside the building with the large doors fully open. The vast majority of the building will be used for storage of fertiliser with the blending and bottling taking up only small space within the building.
12. There is no perceptible smell from the products and there will be no dangerous airborne particulates. The workers are not required to wear protective masks or similar and no extraction equipment is needed.
13. No storage or work will take place outside the building and there is an existing large yard area immediately in front of the building for parking and deliveries. The busiest period of delivery and distribution will be from February to July, the busiest period for the company. An indication of the type of traffic that will visit the site has been given by the applicant based on their current site at Leyland. This includes a FedEx van once a day, larger vans and a HGV picking up or delivering supplies to the site, likely to be one or

two a day. Deliveries to the site will take place between 8am and 5pm and not at weekends and this can be controlled by a condition.

14. The nearest property to the building is Moon Cottage, a bungalow on Parr Lane. The building the subject of this application is approximately 40m from the boundary with this property and approximately 65m from the property itself. The access point serving the site is however down the side of this property and it has two windows in its side (east elevation).
15. The whole site (apart from the application building itself that was used to house beef cattle) was previously operated as an agricultural contractors business with large agricultural machinery entering and exiting the site multiple times per day during their busy times of year including late into the evening. This use was subject to conditions restricting the movement of agricultural vehicles, machinery or equipment to or from the land excluding between the hours of 10.30pm and 7.00am and that repair and maintenance work could only be carried out between 8.00am and 6.30pm on Monday to Saturday and not on Sundays or Public Holidays (Enforcement Notice ref: EN530).
16. In relation to the neighbouring properties it is considered that the proposal will have less impact on neighbour amenity than the existing lawful use as an agricultural contractors business in terms of numbers of vehicle movements and the hours of operation.
17. A fork lift truck will be used to move stored materials around in the building and to load/unload deliveries. Fork lift trucks have audible reversing beeps and therefore it is considered necessary to restrict their use outside the building to the same as the delivery hours to ensure these are not used at unneighbourly times of day.

Traffic and Transport

18. The proposed use would use the existing access to the site on Parr Lane. Lancashire County Council Highways have reviewed the application and give the following advice:
19. *The site is located on Parr Lane, a single, 2-way secondary distributor road extending from Towngate/The Green to Red Lane/Bradley Lane. From its junction with Towngate/The Green, Parr Lane has footways on both sides up to a point approximately 50m east of Windsor Road where the footway on one side terminates, but continues on the southern side up to a point opposite the site access.*
20. *They state they would expect vehicles associated with the proposed change of use to enter and exit Parr Lane from Towngate/The Green. They can confirm that this junction has adequate capacity to sustain traffic to be generated by the site. From Towngate/The Green up to the site access, they note several sections of Parr Lane are curvilinear in nature and encouraged speeds well below the prevailing speed limit of 20mph. The section of Parr Lane from Towngate/The Green up to the site access is within a 20mph zone and has centre line carriageway markings to separate the two lanes.*
21. *They state that the proposal will not result in heightened vehicular speeds on Parr Lane. For its entire length, Parr Lane currently has no history of recorded vehicular accidents, this notwithstanding the previous use of the site involving agricultural machinery and vehicles.*
22. *In terms of the proposed use the delivery/distribution of the product will peak between February and July during which an unspecified number of vans and HGVs will access and egress the site 5 times a week. In addition, 4 vehicles belonging to employees and a transit van will also be on site and there would be no vehicular movements in and out of site before 8am and after 4pm weekdays with no deliveries/collections taking place on weekends.*
23. *The Highways Engineer asks for further information on the proposed number of vehicles that will visit the site, whether there will be any direct sales to customers from the site*

and the number of vehicles currently used on the existing wider site and how frequent they access and exit the site.

24. *The site has an existing access which seems wide enough to cater for most sizes of HGVs. The site was served by the same access during the previous use. The access is directly opposite an entrance to a residential dwelling, 'Scalewood' where in and out movement of vehicles appear infrequent. They therefore do not anticipate any adverse impact on the residential access due to the proposed change of use.*
25. *As explained above, the majority of vehicles heading for the site will travel from the direction of Towngate/The Green. It therefore means that at the access, vehicles will turn left into the site. The corner radius of the access is sufficiently wide to accommodate the swept path of HGVs to enable left turn manoeuvres to be safely undertaken. It should also be noted that at accesses and side streets where the corner radii is small, it is not a motoring offence for large vehicles or HGVs to use the full carriageway width to turn. They appreciate the section of Parr Lane outside the site is narrow, however, with the full carriageway width available to large vehicles, they do not envisage a situation where vehicles would require additional road width by treading onto the driveway of 'Scalewood' to be able to turn.*
26. *Vehicles leaving the site are likely to turn right towards Towngate/The Green. There is adequate visibility at the access to enable the junction to be negotiated with ease. The fact that the entrance gate to the site is adequately offset from the road provides the space for large vehicles to undertake any necessary back and fore manoeuvre at the entrance to turn within the highway without treading on the driveway of 'Scalewood'. However, for improved visibility at the access, the applicant should reduce and permanently maintain the heights of hedgerow/shrubbery within the limits of the site boundary to not more than 1m.*
27. The applicant has states that typically the following vehicles will visit the site Monday - Thursday, with Fridays being a quieter day:
 - Typically one 30ft truck will enter and leave site once a day for delivery and pick up;
 - One FedEx van a day will enter and leave site to see if there are any pickups or deliveries (large transit van);
 - Three vehicles for staff (family members make up the staff and will car share);
 - Two vehicles will be on site all the time as they belong to the applicant and partner who will be residing in the bungalow and working on site;
 - Potentially one other third party customer will pick up but this is unlikely to be one a day and more like one a week in peak times at the most;
 - The applicants do have their own transit van but this is rarely used. It will just be used to pick up bits and pieces occasionally
28. The applicant has also provided a plan showing the hedgerow/shrubbery within their boundary to not be more than 1m.
29. The lawful use of the site as an agricultural contracting business must be taken into account when considering the current application in highway terms. The former use would have resulted in large agricultural vehicles entering and exiting the site and using the surrounding road network. This would have included tractors, trailers, combine harvesters and other large agricultural machinery. It is considered that although the proposal will involve some large vehicles in the form of HGVs visiting the site, and even if this is at a number greater than currently envisaged by the applicant, overall the traffic is likely to be less to the site than the current lawful use and is therefore considered acceptable, especially weighing this against the current lawful hours of operation and those proposed in terms of impact on the neighbours.

30. In terms of parking, there is a large area of hard standing in front of the building. There is also parking in front of the bungalow on site which the applicant intends to live in. All these areas are within the 'blue edge' of the application site. LCC Highways have asked for details of vehicle parking and HGV turning areas. In response to this is considered there is more than enough space within the site and controlled by the applicant for vehicle parking and the turning of large vehicles including HGVs given the size of the hard standing and size of vehicles that previously operated from the site.

Design

31. The proposal will involve putting roller shutter doors on the existing two openings in the gable ends of the building and cladding the building in green box profile sheeting. This not and unusual finish for agricultural buildings in the countryside and is considered acceptable.

Drainage

32. The applicant advises that there are no waste materials produced from the blending of products. No W.C. is proposed in the building, the applicant advises workers will use the toilet in the house.
33. All surface water from the yards will flow into the existing yard drainage system that overflows into a pond on the property the same as it does at present and is considered acceptable.

Coal Mines

34. The site is in a low risk mining area as identified by The Coal Authority. This requires an informative note to be placed on any permission.

Other Issues

35. The applicant advises there will be no open storage associated with the use and this can be controlled by condition.
36. It is not considered screening is required as part of the proposals the use will take place inside an existing building on the site, it is not a new building.
37. The Police Architectural Liaison Officer has visited the site and is satisfied with the security measures proposed.
38. With regard to the nature of the substances to be stored on the site, the applicant advises that the substances are registered under REACH. REACH is a European Union regulation concerning the Registration, Evaluation, Authorisation and restriction of Chemicals.
39. In terms of possible danger to surrounding residents, the Control of Major Accident Hazards Regulations 1999 (COMAH) aim to prevent and mitigate the effects of major accidents involving dangerous substances that can cause serious damage/harm to people and/or the environment. They are enforced by the Health and Safety Executive and the Environment Agency. They apply to establishments where a dangerous substance is present above certain quantities and impose duties to take measures to prevent major accidents and limit their consequences to people and the environment. The regulations have two tiers, a lower tier and a top tier (the latter applying to sites where larger quantities of dangerous substance(s) are held). Only if the amount of substance stored is above certain amounts do they fall under the regulations. The applicant advises that the only product they store that falls under the regulations is Ammonium Nitrate, however the maximum amount the business stores at any one time is 2 tonnes, which is below the threshold to fall within the lower tier of the regulations.
40. The proposal will not therefore involve storing large quantities of hazardous substances on the site. This is an area that is controlled by other regulations.

41. There is an existing permission ref: 13/00421/FUL for one of the other building on the site (to the west of the current application building) to be used for caravan storage which was granted in July 2013 when the previous owners still owned the site. If the building was used for the permitted purposes it is still considered that the two uses operating from the site would be acceptable.
42. Permission was also granted on 22nd March 2012 (ref: 11/01091/FUL) for a new agricultural livestock building applied for by the previous owners of the site, which was not implemented and has now expired. It had a number of pre-commencement conditions on it that have not been discharged to date and it was permitted subject to a condition that it can only to be used to keep livestock in.

Overall Conclusion

43. The proposal is considered acceptable in principle in terms of a re-use of an existing building in the Green Belt.
44. It is considered acceptable in relation to policies EP3 and EP4 of the emerging Local Plan 2012-2026 considering the lawful use of the site.

Planning Policies

45. In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Borough Local Plan Review 2003 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposals has had regard to guidance contained with the National Planning Policy Framework (the Framework), the development plan and the emerging Local Plan 2012-2026. The specific policies/ guidance considerations are contained within the body of the report.

Planning History

The most recent planning history is as follows:

Reference	Description	Decision	Date
13/00421/FUL	Change of Use of Agricultural Building to B8 Caravan Storage	Permitted	July 2013
11/01091/FUL	New agricultural livestock building	Permitted	March 2012
10/00758/FUL	Erection of agricultural livestock building	Permitted	November 2010
Enforcement Notice ref: EN530	Without planning permission, the unauthorised change of use of the land from agricultural and residential use only to a mixed use for agricultural and residential use and use for the storage of agricultural vehicles, machinery and equipment for use in connection with an agricultural contracting enterprise.		January 2000

