

APPLICATION REPORT – 18/00130/CB3

Validation Date: 13 February 2018

Ward: Chorley South East

Type of Application: Chorley Regulation 3

Proposal: Change of use of land to staff car park and retention of existing palisade fence

Location: Apex Business Centre 1 Arley Street Chorley

Case Officer: Amy Aspinall

Applicant: Chorley Council

Consultation expiry: 6 March 2018

Decision due by: 10 April 2018

RECOMMENDATION

1. It is recommended that the application is approved, subject to conditions.

SITE DESCRIPTION

2. The application site is a vacant plot of land, previously occupied by a commercial building and yard. It is bound by Stump Lane to the north, Arley Street to the west and the railway line to the east. To the south is Topps Tiles and associated car park. The immediate area is predominantly commercial and industrial, with residential properties situated opposite the site along Arley Street. The site falls wholly within the settlement boundary of Chorley, as defined by the Chorley Local Plan.
3. The site is previously developed land, in line with the definition contained with the National Planning Policy Framework at Annex 2 (Glossary).

DESCRIPTION OF PROPOSED DEVELOPMENT

4. This application seeks planning permission for the change of use of the land to a staff car park and the permanent retention of the existing perimeter fencing to Arley Street / Stumps Lane, including changes to the alignment. The submitted plans show that the proposed layout accommodates 41no. parking spaces in total.

REPRESENTATIONS

5. No neighbour comments received at the time of report preparation.

CONSULTATIONS

6. Environmental Health – Have raised no objection, subject to further details in relation to lighting.
7. Lancashire County Council Highways Authority – No response received at the time of report preparation.

8. Network Rail – Have made the following comments:
- The applicant has included an Armco safety barrier adjacent to the railway boundary to prevent road vehicle incursion on the railway and its boundary;
 - Retention of 2.4m high palisade fencing;
 - The two lighting columns on site (which appear to be about 10m+ from the railway boundary) are recommended to be the following to ensure they do not impact train drivers ability to perceive signals:
 - (a) White LED
 - (b) Flat bottom luminaires
 - (c) Downlit throw lighting
 - Risk assessment and method statement for works within 10m of the railway boundary.
 - All surface water drainage to be directed away from the railway, no soakaways within 30m.

PLANNING CONSIDERATIONS

Principle of development

9. Chorley Local Plan policy V1 is the Model Policy which states, among other things, that planning applications which accord with the policies of the Local Plan will be approved without delay, unless material considerations indicate otherwise. This is in line with the National Planning Policy Framework at paragraph 14.
10. Policy V2 provides a presumption in favour of appropriate sustainable development, subject to material planning considerations and other policies and proposals in the Local Plan.
11. The acceptability of the principle of the change of use of the land to a car park has already been established under planning permission 16/01014/CB3 which is extant (approved subject to conditions on 27/02/2017). The palisade fencing currently in place along Arley Street, and a section of Stumps Lane, benefits from planning permission (ref: 15/00030/FUL) for a temporary period of 3 years which expires on 18/03/2018.
12. The key issues for consideration in the determination of this application are whether or not there are any material changes since the previous grant of planning permission (16/04014/CB3) for the car park; and whether or not the boundary treatments are acceptable as a permanent feature having regard to design and amenity considerations.

Impact on character and appearance of the locality

13. The application seeks to retain the existing 2.4 metre (approx.) high palisade fencing on a permanent basis. The fencing extends along Arley Street for a length of around 40 metres and extends along Stump Lane for a further 11 metres. The current proposal differs slightly from the current arrangement in that it also includes the re-siting of the double access gates to be set back between approximately 4 to 6 metres from the access and includes a pedestrian gate.
14. The type of fencing is typically found in industrial areas, and as part of the previous permission the fencing was conditioned to be painted black or dark green to mitigate its appearance when viewed from the residential properties opposite. The area is characterised by various industrial and commercial uses, including the railway line, and combined with the fact that the site would be brought back into a beneficial use, it is not considered that the boundary treatment is harmful to the character and appearance of the area to warrant refusal of the application.
15. In terms of the car park, the site is previously developed, being formally occupied by a commercial building and yard. The proposal would bring the vacant site back into use which would have a more positive impact on the streetscene of Arley Street compared to the existing arrangements.

16. Overall it is considered that the development accords with the provisions of Chorley Local Plan policy BNE1, namely criteria (a), (c) and (h).

Impact on neighbour amenity

17. The previous application for the fence (15/00030/FUL) concluded that overall the palisade fencing would have an acceptable impact on the residential amenity of the occupiers of those properties fronting the site along Arley Street. The same conclusion is made for the current application, as evidenced from the officer site visit.
18. There is an extant planning permission for use of the application site as a staff car park where again the impact on the residential amenity of neighbouring occupiers was considered to be acceptable. In addition, the Council's Environmental Health Officer advises that it appears that no statutory nuisance would arise due to the dwellings already being located next to the railway, Stump Lane and the dual carriageway.
19. It is noted, however, that the previous application included a lighting scheme with lux assessment, details of which are absent from this current application. Nonetheless, in this instance it is considered that such matters could be controlled by way of condition. Any lighting scheme would need to ensure that glare or overspill is minimised to avoid adverse impacts on the railway and nuisance to neighbouring residential properties.
20. In terms of air quality impacts, DEFRA guidance provides that there would be no adverse health effects as a result of the additional traffic fumes generated by a development of this scale.
21. Subject to a condition requiring the submission of a lighting scheme, the development would accord with the provisions of Chorley Local Plan policy BNE1 having regard to criteria (b) and (g) which seek to protect residential amenity and avoid unacceptable impacts of disturbance from noise.

Highway safety

22. At the time of report preparation, no comments have been received from Lancashire County Council (LCC) Highways Authority, however there is an extant planning permission and the proposed use of the land as a car park has previously been assessed as being acceptable in highways safety terms. The Highways Authority consultation response will be reported to Members by way of update on the Addendum.

CONCLUSION

23. The application site benefits from an extant planning permission for use as a car park and, therefore, the acceptability of the proposed use has already been established. The retention of the perimeter fencing to Arley Street on a permanent basis, including modification to the alignment is considered to be acceptable and would not be harmful to the character and appearance of the area or the amenity afforded to neighbouring residential properties. The proposal would deliver a sustainable form of development on a brownfield site, and there are no adverse impacts identified to warrant refusal of the application. The development accords with the relevant policies of the Development Plan and is recommended for approval accordingly, subject to conditions.

RELEVANT PLANING HISTORY

Ref: 5/1/02330 **Decision:** PERFPP **Decision Date:** 5 November 1964
Description: Extension of garage and workshop

Ref: 79/00684/FUL **Decision:** PERFPP **Decision Date:** 10 December 1979
Description: Storage and manufacture of small concrete products

Ref: 91/00145/COU **Decision:** PERFPP **Decision Date:** 11 June 1991
Description: Change of use to training centre

Ref: 15/00030/FUL **Decision:** PERFPP **Decision Date:** 18 March 2015
Description: Retrospective application for the erection of palisade fence

Ref: 16/01014/CB3 **Decision:** PERFPP **Decision Date:** 27 February 2017
Description: Change of use of the site to a staff car park

RELEVANT POLICIES: 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 Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.

Suggested Conditions

No.	Condition															
1.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p><i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004</i></p>															
2.	<p>The development hereby permitted relates to the following approved plans:</p> <table border="1" data-bbox="316 1081 1348 1361"> <thead> <tr> <th data-bbox="323 1081 778 1111">Title</th> <th data-bbox="794 1081 1082 1111">Reference</th> <th data-bbox="1098 1081 1340 1111">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="323 1111 778 1171">Location Plan</td> <td data-bbox="794 1111 1082 1171">B9472 AEW SI 00 DR A 500 REV P1</td> <td data-bbox="1098 1111 1340 1171">13 February 2018</td> </tr> <tr> <td data-bbox="323 1171 778 1232">Proposed Street Elevation</td> <td data-bbox="794 1171 1082 1232">B9472 AEW SI 00 DR A 503 REV P1</td> <td data-bbox="1098 1171 1340 1232">13 February 2018</td> </tr> <tr> <td data-bbox="323 1232 778 1292">Existing Site Plan</td> <td data-bbox="794 1232 1082 1292">B9472 AEW SI 00 DR A 501 REV P1</td> <td data-bbox="1098 1232 1340 1292">13 February 2018</td> </tr> <tr> <td data-bbox="323 1292 778 1361">Proposed Site Plan</td> <td data-bbox="794 1292 1082 1361">B9472 AEW SI 00 DR A 502 REV P2</td> <td data-bbox="1098 1292 1340 1361">13 February 2018</td> </tr> </tbody> </table> <p><i>Reason: For the avoidance of doubt and to specify the plans to which the permission relates.</i></p>	Title	Reference	Received date	Location Plan	B9472 AEW SI 00 DR A 500 REV P1	13 February 2018	Proposed Street Elevation	B9472 AEW SI 00 DR A 503 REV P1	13 February 2018	Existing Site Plan	B9472 AEW SI 00 DR A 501 REV P1	13 February 2018	Proposed Site Plan	B9472 AEW SI 00 DR A 502 REV P2	13 February 2018
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3.	<p>Prior to the commencement of the development hereby approved, including any site works, full details of existing and proposed ground levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out strictly in conformity with the approved details.</p> <p><i>Reason: In the interests of the appearance of the locality and in the interests of the amenities of local residents as no details have been submitted as part of the application.</i></p>															
4.	<p>Details of any lighting to be installed shall be submitted to and approved in writing by the Local Planning Authority before any such installation is carried out. Details shall include:</p> <ul style="list-style-type: none"> - The heights and position of any lighting - The provision of white LED, flat bottom luminaire and down lit throw lighting - A lighting assessment 															

	<p>The installation shall then be implemented precisely in accordance with these agreed details which shall then not be varied. Furthermore, no additional external lighting shall be installed without the express written permission of the Local Planning Authority.</p> <p><i>Reason: To prevent adverse impacts of light spillage in the interests of the amenities of the area and neighbouring residential properties; and to ensure the safe operation of the adjacent railway.</i></p>
5.	<p>Prior to the commencement of any works which occur within 10 metres of the railway boundary (with the exception of the Armco barrier) a risk assessment and method statement shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.</p> <p><i>Reason: To ensure that there is no damage to the railway infrastructure.</i></p>
6.	<p>No soakaways shall be placed within 30 metres of the railway boundary and all surface water must be directed away from the direction of the railway boundary.</p> <p><i>Reason: To ensure that there is no damage to the railway infrastructure.</i></p>