

<b>No.5</b>	<b>APPLICATION NO.</b>	2019/0155/COU
	<b>LOCATION</b>	Land To The Rear Of 44 To 50 Church Road Banks Lancashire
	<b>PROPOSAL</b>	Change of use from B8 (storage) to mixed use of B8 (storage) and B2 (vehicle repair garage). Alterations and extension to existing garage building and siting of container (Retrospective).
	<b>APPLICANT</b>	Mr Jordan Foxley
	<b>WARD</b>	North Meols
	<b>PARISH</b>	North Meols
	<b>TARGET DATE</b>	15th October 2019

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## **1.0** **REFERRAL**

1.1 The application has been called in for consideration at Planning Committee by Councillor Blane to assess the impact of a commercial development in a residential area and effects on amenity of neighbouring residential properties.

## **2.0** **SUMMARY**

2.1 The proposal is for a retrospective change of use from B8 (storage) to a mixed use of B8 (storage) and B2 (vehicle repair garage). The application has been amended to now include the retention of the alterations and extensions, largely in height, to the existing garage building. The site has a longstanding use for commercial purposes. The main planning consideration relates to the impacts of the mixed use on the amenities of surrounding residential properties.

2.2 I consider that on balance and subject to safeguarding conditions that the use of the site for open storage and car repairs, provided that they were all carried out within the garage, would not adversely affect the amenities of nearby residential properties and would meet the requirements of Policy GN3.

## **3.0** **RECOMMENDATION: APPROVE with conditions.**

## **4.0** **THE SITE**

4.1 The site is within the rural settlement of Banks and is located at the rear of residential properties that front onto Church Street. There are residential properties to the rear of the site in Fleetwood Drive. There is a large commercial garage, Europa Engineering, located to the west of the site.

4.2 The land is largely open with fencing along its boundaries. There is small, recently extended in height, garage building on the west boundary of the site.

4.3 The access to the site is between Nos 46 and 48 Church Road.

## **5.0** **PROPOSED DEVELOPMENT**

5.1 The proposal is a change of use from B8 (storage) to a mixed use of B8 (storage) and B2 (vehicle repair garage).

5.2 This in effect comprises 2 different uses/operators. The bulk of the site is to be used for the storage of vehicles comprising commercial vans and cars. The small garage building (extended in height) on the western boundary of the site is to be used for car repairs.

- 5.3 The application has been amended to now include the retention of the alterations and extensions, largely in height, to the existing garage building. The building has been raised in height with a pitched roof to the eaves of 3.6m and 5.1m to ridge. The asbestos roof has been replaced and the building has been re-clad in silver profiled metal sheeting. The application now includes retention of a shipping container, for storage, adjoining the garage.

## **6.0 RELEVANT PLANNING HISTORY**

- 6.1 2004/0249 Change of use from vacant land and private garden to use for the storage of trailer mounted telescopic platforms GRANTED
- 6.2 1983/1131 Siting of portable buildings to serve as office and staff room and drainage (taxi and minibus depot) GRANTED
- 6.3 1982/656 Retention of caravan for use as office and laying out of 6 car parking spaces GRANTED
- 6.4 1979/1306 (Rear of No 46) Change of use for parking of mini coaches and erection of garage for maintenance of applicants vehicles GRANTED

## **7.0 CONSULTEE RESPONSES**

- 7.1 LCC Highways (30/04/19) No objections as will not be a significant increase in vehicle movements to be a highway safety concern.
- 7.2 Environmental Health (12/08/19) - No objections in principle subject to appropriate safeguarding conditions.
- 7.3 North Meols Parish Council – (07/04/19) Object. Previous use for storage of cherry pickers do not cause a problem as appropriate conditions attached. Application is retrospective and use causes unacceptable noise nuisance to surrounding residents at anti-social hours and Sundays. Noise impact unacceptable for surrounding resident even with hours condition. Europa Engineering does not cause noise problems. Garage raised in height and re-clad in metal sheeting which is too high and too close to residents and amplifies the noise.
- 7.4 Principal Engineer (Drainage) (23/09/19) no further comments regarding the surface water drainage.

## **8.0 OTHER REPRESENTATIONS**

- 8.1 There have been 6 objections from neighbouring properties raising the following issues:

### **Residential amenity**

Significant increase in noise decibel level, drilling banging shutter doors opening/closing, revving of engines, breaking of vehicles in yard, additional vehicle movements;  
Noise/activity anti-social hours evenings Mon -Sat and Sundays. Noise can be heard end of Fleetwood Drive;  
Increase in vehicles and noise with engines running;  
Garage next door does not cause noise (Europa Engineering) as owner lives on premises.  
Has trees/fencing buffer;

Previous storage use did not cause a problem as appropriate conditions attached to control use/activities. These conditions all being broken;  
Application site affects 10 property's gardens;  
Not an industrial area;  
Owner advertising Caravan and Motor storage and car parts broken in yard;  
Fumes and dust in gardens from vehicle emissions;  
Noise from site gets dogs barking increasing noise;  
Security given increasing comings/goings;  
Breaking/scrapping of cars in yard;  
Old roof asbestos has it been stored/disposed of properly?;  
Loss of privacy, 20ft conifers felled which acted as screen/noise buffer;  
Foul language from workers users of yard;  
No clear description of what is to be stored;  
Fire risk.

### **Access and Parking**

Site access already congested. Additional vehicles will add nuisance;  
Church Road already congested with cars parking for Coop store.

### **Flooding**

Properties suffer from flooded gardens which has increased over years. Application site higher than gardens;  
Rainwater from roof will cause flooding.

### **Condition of building/Visual amenity**

Building doubled in size increased in height and width. Now 2 storey silo. Silver cladding an eyesore;  
Storage container now on site;  
Structure flimsy does it meet building regs.

- 8.2 As a result of the re-consultation on the amended plans to alterations/extensions to the building 2 further objections received raising the following additional issues:

### **Condition of building/Visual amenity**

Height, design and colour of building intrusive to surroundings character of area;  
Container an eyesore.

### **Flooding**

Rainwater from roof of building/container will cause flooding as higher than gardens;  
Ground been compacted causing additional flooding.

### **Residential amenity**

Significant increase in noise from building as metal construction acts as noise funnel;  
Work is still being carried out during late at night banging, clattering, shouting and laughing coming from within the workshop at 10.50pm.

## **9.0 SUPPORTING INFORMATION**

- 9.1 The applicant (car repair garage) has submitted details of machinery to be used: which are a power wrench, a hand held grinding tool, similar in size to a household drill and a compressor used to inflate tyres. The applicant intends to replace the existing compressor with an updated (quieter) model.
- 9.2 The owners of the site (C&D vans Ltd) have submitted a Supporting Statement.

Not aware planning permission required as when site bought car repairs already being carried out by previous owner;

Banging and grinding in evenings and weekends was due to alterations/extensions to building;

There was some evening and weekend car repairs being carried out by tenant before he left full time employment and established his car repair business;

Details of machinery/tools supplied by tenant;

Ample parking within yard and vehicles not parked on main road;

The adjoining Europa Engineering operate the same type of business.

## **10.0 RELEVANT PLANNING POLICIES**

- 10.1 National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD (WLLP) provide the policy framework against which the development proposals will be assessed.

### **10.2 National Planning Policy Framework**

Building a strong, competitive economy

Achieving well-designed places

Conserving and enhancing the natural environment

### **10.3 West Lancashire Local Plan (WLLP) 2012-2027 DPD**

Policy GN1 – Settlement Boundaries

Policy GN3 – Criteria for Sustainable Development

Policy EC1 – The Economy and Employment Land

**Supplementary Planning Document – Design Guide (January 2008)**

## **11.0 OBSERVATIONS OF THE DIRECTOR OF DEVELOPMENT AND REGENERATION**

- 11.1 The site has a longstanding use for commercial purposes, being used in the past for a taxi and mini bus depot with ancillary repairs. The last lawful use of the premises was for the storage of large trailer mounted telescopic platforms. The application has been submitted following enforcement complaints and is retrospective as the mixed use of the site is in operation and building works carried out. The main planning consideration in the assessment relates to the impacts of the mixed use on the amenities of surrounding residential properties.

### **Residential Amenity**

- 11.2 The proposal is a change of use from B8 (storage) to a mixed use for 2 different uses/operators. The bulk of the site is to be used for the open storage of vehicles comprising commercial vans and cars - B8 (storage). The small garage building (extended in height) on the western boundary of the site is to be used for car repairs – B2 (General Industrial). Policy GN3 of the West Lancashire Local Plan states that development should retain or create reasonable levels of privacy and amenity for adjoining occupiers.

- 11.3 Following a change of ownership of the site there was undoubtedly an increase in activity at the site which generated noise and disturbance for and complaints from surrounding residents. This was caused by 2 factors; the first relates to construction work carried out to alter and extend the existing building and its fabrication in steel cladding; the second related to the use of land/building for car repairs often during unsocial hours including evenings and Sundays. At this time the applicant was operating his car repair business when not employed full time elsewhere so invariably it was been carried out during anti-social hours to the detriment of surrounding residents.
- 11.4 Officers from Planning and Environmental Health have visited the site on a number of occasions to assess the types of activities being carried out at the site, (and the adjoining Europa Engineering) to verify the extent of any noise generating machinery and equipment being used and to establish the hours of use of the car repair business and the vehicle storage. I have also clarified the extent of building operations and established that given their scope, distance from the boundary and activities undertaken that they are not permitted development. The owner has also stated and the application has been amended to include the continued storage of vehicles (including commercial vans) on site and latterly to retrospectively alter/enlarge the building. This has resulted in neighbours being re-notified a number of times.
- 11.5 I consider that the storage of cars and commercial vehicles is little different from the lawful use for the storage of large trailer mounted telescopic platforms whose use was previously controlled by safeguarding conditions.
- 11.6 The car repair activity will re-introduce an industrial use onto the site for the repair of vehicles. However, I am mindful whilst sited within a predominately residential area the site has a long standing history of commercial activity including some repairs. Moreover, a large industrial premises, Europa Engineering, lies immediately to the west of the garage building. The applicant has produced details of the power tools/machinery used on site and these have been observed in operation on site both with the doors open and closed. These include a power wrench, a hand held grinding tool, similar in size to a householder drill and a compressor used to inflate tyres. When monitoring the machinery being used within the application site it was clear that the adjoining Europa Engineering used similar equipment emitting similar levels of noise. The applicant intends to replace the existing compressor with an updated (quieter) model. The applicant has agreed to carry out all repair operations within the building and with doors closed when operating machinery. I consider that any approval should be; subject to conditions which ensure that these repairs, including machinery to be used, and storage movements are controlled, be subject to hours conditions restricting all activity on site (to 0900-1800 Monday to Fridays, 0900 -1300 Saturday and no Sunday or Bank Holiday working) and that measures including sound attenuation in the building are in place to reduce/minimize noise.
- 11.7 I consider subject to safeguarding conditions that the proposals would not on balance adversely affect the amenities of nearby residential properties and would meet the requirements of GN3.

### **Highways - Access and parking**

- 11.8 Policy GN3 of the Local Plan requires proposals for development to (amongst other things) incorporate suitable and safe access and road layout design and ensure that parking provision is made in line with the standards set out in Policy IF2. In terms of 'suitable and safe access', this should include provision for vehicles to enter and leave the site in a forward gear.

11.9 Church Road (C142) is a classified road which has been categorised as a Secondary Distributor road with a speed limit of 30mph fronting the site. The Highway Authority has no objection in principle to the proposed change of use and is of the opinion that there would not be a significant increase in vehicle movements to be a highway safety concern. I consider that the development incorporates suitable and safe access to the public highway adequate parking and complies with Policy GN3 in this respect.

### **Visual Amenity**

11.10 Policy GN3 along with the Council's SPD Design Guide requires that new development should be of a scale, mass and built form, which responds to the characteristics of the site and its surroundings.

11.11 The main changes involve the works carried out to the garage building which previously had an asbestos roof. The building has been increased in height and the asbestos roof has been replaced and re-clad in silver profiled metal sheeting. The application now includes retention of a shipping container, for storage, adjoining the garage. The building alterations replace in effect one type of industrial material with its modern equivalent and whilst utilitarian in nature the building is not out of character on this longstanding commercial site. I consider the development complies with Policy GN3 in respect of visual amenity.

### **Drainage**

11.12 Policies GN3 seeks to ensure flood risk is avoided / mitigated through development and that proposals for new development can be appropriately accommodated by existing water and drainage infrastructure.

11.13 As the application generally relates to the change of use of an existing building and that the existing yard is largely hardstanding I consider that the surface water run-off from the building/container would not exacerbate surface water drainage. As the site is located in Flood Zone 3 and the hardstanding area is generally at a higher level than most surrounding properties I would suggest removing permitted development for further hardstanding work to reduce the risk of flooding to neighbouring properties. I consider that the development complies with Policy GN3 and IF3 in respect of flood risk and drainage.

## **12.0 CONCLUSION**

12.1 The main planning consideration relates to the impacts of the mixed use on the amenities of surrounding residential properties. The site has a longstanding use for commercial purposes including in the past some repairs. I consider that the storage of cars and commercial vehicles is little different from the lawful use for the storage of large trailer mounted telescopic platforms. The car repair activity will re-introduce an industrial use onto the site. I consider that on balance and subject to safeguarding conditions that the use of the site for car repairs provided that they were all carried out within the garage would not adversely affect the amenities of nearby residential properties and would meet the requirements of GN3. I consider the development complies with Policy GN3 in respect of visual amenity, highway safety and drainage and the application is recommended for approval.

## **13.0 RECOMMENDATION**

13.1 That planning permission be GRANTED subject to the following conditions and reasons:

## **Conditions**

1. The development hereby approved shall be carried out in accordance with details shown on the following plans:-  
Site Location and Layout Plan  
Plans and Elevations  
received by the Local Planning Authority on 20 August 2019
2. The vehicle repair use hereby permitted shall only take place between the hours of 0900 and 1800 hours on Mondays to Friday and 0900 and 1300 hours on Saturdays and shall not take place at any time on Sundays or Public/Bank Holidays.
3. For the avoidance of doubt no vehicles including any vehicle recovery vehicle shall enter or leave the site and no vehicle movements shall take place on site outside the hours of 0900 to 1800 Mondays to Friday and 0900 to 1300 Saturdays, nor any time on Sundays, Bank or Public Holidays
4. No works to any vehicles including servicing, repairs and MOT activities shall take place on the site other than inside the garage building.
5. No power tools or machinery shall be operated within the garage unless the roller shutter doors are closed.
6. No additional power tools or machinery shall be used at the premises (other than those the details of which have been submitted as part of this application) without the express consent of the Local Planning Authority. For the avoidance of doubt the permitted tools or machinery include a power wrench, a hand held grinding tool and a Fina compressor.
7. Within 2 months of this permission details of sound attenuation measures to the Fina compressor, including means of enclosure/attenuation and mounting shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved sound attenuation measure within one month of approval and thereafter permanently retained
8. Within 2 months of this permission details of sound attenuation measures to the garage building, including the roller shutter shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented within one month of approval and thereafter be permanently retained and ensure that the rating level of noise emitted from the site's plant, equipment and machinery shall not exceed 45db(A)LAeq, 1hr on any day as measured or calculated at the boundary of any nearby residential dwelling, as determined in accordance with BS4142:2014
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders no hard surface shall be provided/installed on the site or existing hardsurface altered/upgraded without the approval in writing from the local planning authority

## **Reasons**

1. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
2. To safeguard the amenities of nearby residents and to comply with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document
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8. To safeguard the amenities of nearby residents and to comply with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document
9. To reduce surface water run off and the risk of flooding in accordance with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document

### **Reason for Approval**

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:

Policy GN1 - Settlement Boundaries

Policy GN3 - Criteria for Sustainable Development

Policy EC1 - The Economy and Employment Land

together with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in the Officer's Report. This report can be viewed or a copy provided on request to the Local Planning Authority.