

**Application Number** 07/2016/0759/VAR  
**Address** Former Fishwick and Sons Bus Depot  
Tuer Street  
Leyland

**Applicant** Lone Star Estates LLP

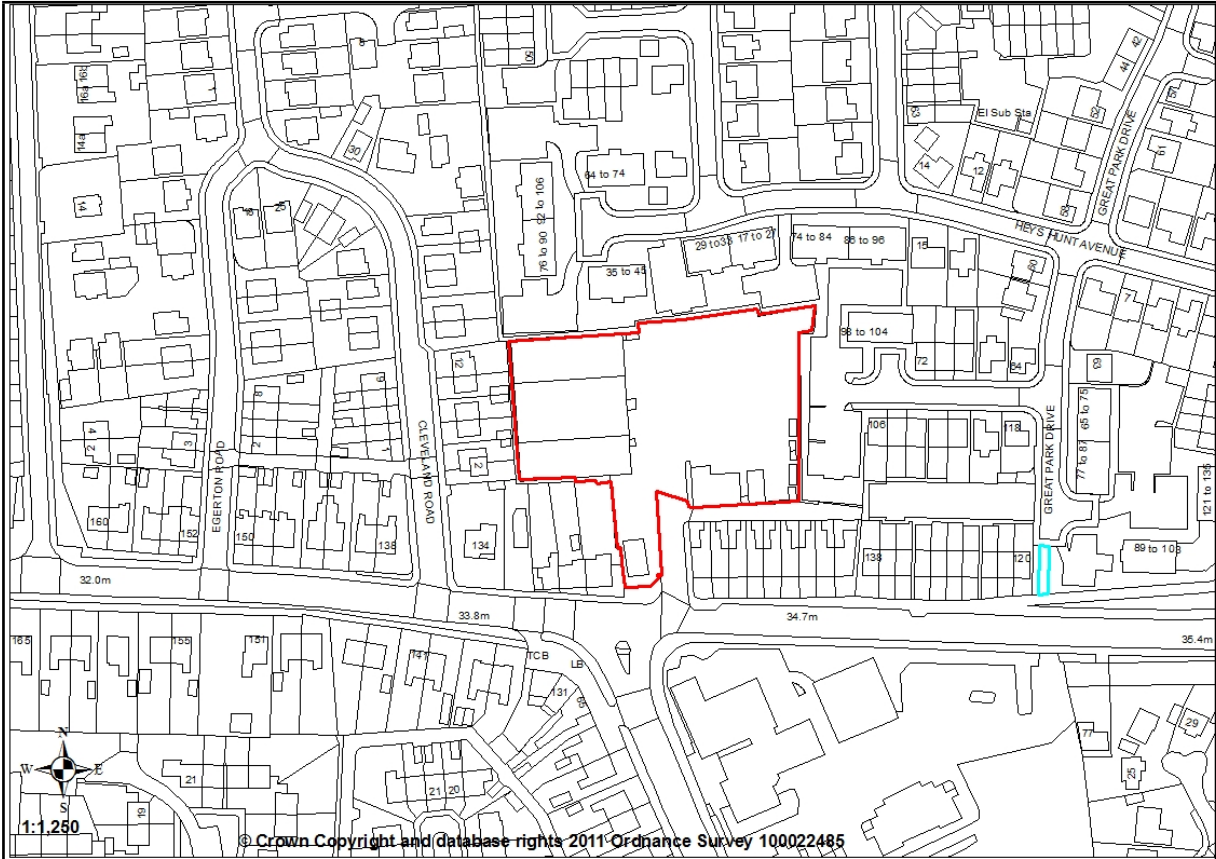
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**Development** Variation of condition No. 2 of planning approval  
07/2016/0344/FUL - minor material amendment to change  
location of gates/fences, landscaping, provision of step, retaining  
wall and land levels of car parking.

**Officer Recommendation** **Approval with Conditions**

Date application valid 22.09.2016  
Target Determination Date 22.12.2016  
Extension of Time N/A

**Location Plan**



**1.0 Report Summary**

1.1 The application seeks a variation of condition 2 imposed under planning approval 07/2016/0344/FUL which members will recall came before planning committee for determination at its 27 July 2016 meeting. That application proposed the change of use of the former Fishwick’s bus depot to B1c (Light Industrial), B2 (General Industrial) and B8 (Storage and Distribution) uses together with the erection of three new units, the conversion of the former booking office to B1c, B8 use and the demolition of the former canteen.

1.2 Work commenced and a number of amendments were required to the approved plan, conditioned and referenced under condition 2. These amendments include the change in location of the main security gates and fencing, landscaping, the provision of a step to the side door to Unit 1 and a retaining wall due to the difference in levels. These are considered minor material amendments and therefore resulted in this application in order to regularise the situation.

## **2.0 Site and Surrounding Area**

2.1 The application relates to the former Fishwick's bus depot located on Tuer Street, off Golden Hill Lane in Leyland. The site is an irregular shaped plot of 0.49 hectares and originally consisted of three large brick built connecting buildings to the west of the site and a number of smaller buildings to the southern part of the site with the remainder being open, hard standing which was used for the parking of buses and staff parking. Redevelopment work has been going on for a number of months with the site nearing completion. The surrounding area is residential in nature with a terrace of traditional dwellings and cottages to the south, new build dwellings and apartments to the east and north and traditional semi-detached dwellings to the west.

## **3.0 Planning History**

3.1 Planning permission 07/2016/0344/FUL for the change of use of the site from a bus depot (Sui Generis) to a B1, B2, B8 use, the erection of three commercial units, the re-cladding to the existing depot buildings and the demolition of a building to the front was approved on 27 July 2016.

3.2 Advertisement consent 07/2016/0749/ADV for an illuminated and non-illuminated advertisement scheme is currently pending.

## **4.0 Proposal**

4.1 The application proposes the variation of condition 2 of planning approval 07/2016/0344/FUL which required the development to be carried out in accordance with the approved plans. A number of amendments were required during the redevelopment of the site and these are considered to be minor material amendments. The amendments relate to:

- The re-siting of the entrance gates and fencing 2.3 metres closer to the highway than as shown on the original plans.
- The change in land levels to the two northern most car parking spaces located to the south of Unit 1.
- The provision of a retaining wall to the car parking area to the south of Unit 1.
- Provision of a landscape area adjacent to Tuer Street.
- Provision of a step adjacent to the doorway to Unit 1.

## **5.0 Summary of Publicity**

5.1 Neighbouring properties were notified and a site notice posted with one letter of representation being received, objecting on the following points:

- Fence/gates and large step encroaches on right of way to back of cottages on Golden Hill Lane
- Changes were made day after plans passed
- Electric cable for the signage already installed by advertisement scheme not yet passed
- CCTV camera focussed to rear of property is infringement of privacy

## **6.0 Summary of Consultations**

6.1 **County Highways** have no objections to the variation of condition 2.

## 7.0 Policy Considerations

### 7.1 **Central Lancashire Core Strategy**

**Policy 1: Locating Growth** focusses growth and investment on well located brownfield sites in Leyland and other main urban areas in South Ribble.

**Policy 3: Travel** seeks to enable the use of alternative fuels for transport purposes.

**Policy 10: Employment Premises and Sites** protects all existing employment premises and sites last used for employments. Proposal on employment sites/premises for re-use or redevelopment other than B use class employment uses will be assessed under a number of criteria.

**Policy 17: Design of New Buildings** seeks to ensure the design of new buildings will be expected to take account of the character and appearance of the local area through a number of measures, including being sympathetic to surrounding land uses and occupiers and avoiding demonstrable harm to the amenities of the local area; ensuring that the amenities of occupiers of the new development will not be adversely affected by neighbouring uses and vice versa; minimising opportunity for crime, and maximising nature surveillance; providing landscaping as an integral part of the development; promoting designs that will be adaptable to climate change and adopting principles of sustainable construction including sustainable drainage systems; ensuring that contaminated land is considered, where necessary, addressed through appropriate remediation and mitigation measures.

### 7.2 **Supplementary Planning Documents**

**Controlling Re-Use of Employment Premises** sets out the Council's approach to dealing with development proposals involving the re-use of existing employment premises and site and develops Policy 10 by setting out the balanced criteria based approach under which all proposals for re-use will be assessed.

### 7.3 **South Ribble Local Plan 2012-2026**

**Policy B1: Existing Built-up Area** permits development proposals for the re-use of undeveloped and unused land and buildings or for re-development providing that the development complies with the requirements for access, parking and servicing; is in keeping with the character and appearance of the area; and will not adversely affect the amenities of nearby residents.

**Policy G17: Design Criteria for New Development** seeks to ensure the development proposals do not have a detrimental impact on the existing building, neighbouring buildings or the street scene; do not cause harm to neighbouring property by leading to undue overlooking, overshadowing or have an overbearing effect; do not prejudice highway safety, pedestrian safety, the free flow of traffic and will not reduce the number of on-site parking spaces to below the standards set out in **Policy F1**.

## 8.0 Material Considerations

8.1 Following planning approval, the applicants have carried out the redevelopment of the site which is nearing completion. The applicant has agreed a lease with a new tenant, RTG Automotive, who operates a B8 storage and distribution use. They operate an internet based business which primarily focuses on the sale of automotive parts which would be stored securely within Units 1 - 3. Their offices would be located in Unit 4. The applicant considers that deliveries to and from the site will be significantly lower than the B1 and B2 uses that were also granted permission on the site. They also expect the associated operations within the site will also be significantly quieter than a standard B8 use. It is also noted that, at present, there are no plans to construct Units 5 - 7 and therefore there will only be one tenant occupying this site.

8.2 There are five amendments to the approved scheme which have been found to be necessary during the redevelopment of the site:

- The re-siting of the entrance gates and fencing 2.3 metres closer to the highway than as shown on the original plans.
- The change in land levels to the two northernmost car parking spaces located to the south of Unit 1.
- The provision of a retaining wall to the car parking area to the south of Unit 1.
- Provision of a landscape area adjacent to Tuer Street.
- Provision of a step adjacent to the doorway in the southern elevation to Unit 1.

8.3 The following paragraphs set out the reasoning for these amendments.

8.4 Relocation of Security Fencing and Gates - As originally approved, the security fencing and gates spanned between the south-eastern corner of the depot buildings, Unit 1 and the north-western corner of the former office building, Unit 4. The proposal now brings the fencing and gates forward of the approved position by 2.3m. The applicant confirms this amendment *“reflects a genuine error that was made on the original submitted plans which was later brought to light following representations made at the Planning Committee by local residents. The location of the security gates proposed would require excavation of the ground in a position where existing water meters are located. This would involve significant reconfiguring to the infrastructure at significant expense and inconvenience to the applicant, most notably because the sliding mechanism that is proposed for the gates requires a completely separate footing and level base. By re-siting the fencing 2.3 metres further forward, this enables the necessary excavations to be undertaken without affecting the utilities as well as provide sufficient space for the gates to slide behind the fencing when open. The re-siting would also enable the position of the window on Unit 4 to remain as proposed. The gates and fencing would remain in a location within the applicant’s ownership on private land and would remain set back from the highway.”*

8.4.1 The fencing and gates are of the same design, scale and height as the approved fencing and its repositioning is not considered to adversely affect the character and appearance of the area. The relocation does not hinder the manoeuvring areas in and out of the car parking spaces to the south of Unit 1 and does not impede access to the highway or the right of way of residents on Golden Hill Lane accessing the rear of their properties.

8.4.2 The neighbouring resident considers the relocation of the fence/gates encroaches onto the right of way to the rear of the cottages that front Golden Hill Lane. However, during a site visit by the Planning Officer and Enforcement Officer, this did not appear to be the case with access still available. Furthermore, the fence/gate is wholly within the application site. County Highways raised no objections to the original scheme and have no objections regarding the variation of condition 2.

8.5 Change of Levels of the Car Park and Provision of Retaining Wall - The applicant indicates in the supporting documentation that the alterations to the car parking area were required because of the topography of the land between the western boundary and Unit 4 where the site slopes away. They also confirm that their insurers inspected the grading of the car park and stipulated the requirement for the retaining wall in order to provide a flat surface for the car parking area. This has resulted in the slight reorientation of the car parking spaces that are positioned to the south of Unit 1 with the two northernmost car parking spaces being positioned at a lower level. The amendments have not resulted in a reduction of car parking spaces from the originally approved scheme. County Highways have no objections to the proposal.

8.6 Landscaping - An area of landscaping is to be provided in the south-west corner of the site near to the junction with Tuer Street and Golden Hill Lane. Raised kerbing has been formed to provide for an advertisement sign board with a 300mm high dwarf wall extending to each side from it and the area is proposed to be planted. This will provide additional screening to the proposed car parking area when viewed from the highway and soften the impact of the advertisement sign board that is proposed directly in front of the site. This advertisement sign board is part of the advertisement scheme for the whole site and is subject to a separate advertisement consent application which falls for determination under delegated powers. As no details of the proposed planting have been submitted, it is considered appropriate to impose an additional condition requiring the submission of a landscaping scheme for the site.

8.7 Introduction of Step - A step has been provided to serve the pedestrian doorway in the southern elevation of Unit 1. This is immediately adjacent to the security fencing where it projects southwards from the building and also adjacent to a car parking space with electric vehicle recharge point provided. The step is 0.8m wide by 0.6m deep as shown on the submitted plans. The neighbouring resident considers the step, together with the relocation of the fence/gates encroaches onto the right of way to the rear of the cottages fronting Golden Hill Lane. However,

given the size and location of the step, it is considered it will have no impact on access and is merely to assist entrance and exit for the doorway.

## **9.0 Conclusion**

9.1 It is considered that the amendments to the approved scheme are relatively minor in nature and therefore it is accepted that this 'minor material amendment' application is appropriate. The proposals are not considered to alter the overall scheme significantly and are not considered to create any undue impact on neighbouring residential amenity, or the character and appearance of the area. The application is therefore recommended for approval subject to the re-imposition of all conditions originally imposed as this permission effectively becomes the new permission. Conditions imposed remain to be discharged. However, most relate to the construction of the three new units which are not, at the present time, being constructed or are 'prior to occupation' conditions for which an application for their discharge is expected shortly.

## **10.0 Recommendation**

10.1 Approval with Conditions.

## **11.0 Recommended Conditions**

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.  
REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. The development, hereby permitted, shall be carried out in accordance with the approved plans Dwg 2316/16/05D Unit 1 Proposed Details: 2316/16/06B Unit 2 Proposed Details: 2316/16/07A Unit 3 Proposed Details: 2316/16/08E Proposed Elevations Units 1-3: 2316/16/09C General Details Units 1-3: 2316/16/10 disabled WC Detail: 2316/16/12C Proposed Elevations and Floor Plan Unit 4: 2316/16/13A Proposed Elevations and Floor Plan Units 5, 6 and 7: 2316/16/14 Proposed Details and Section Units 5, 6 and 7: 2316/16/15A Fence, Gate and Sign Details: 2316/16/16E Proposed Site Plan: 2316/16/17C Proposed Site Plan 2 or any subsequent amendments to those plans that have been agreed in writing by the Local Planning Authority.  
REASON: For the avoidance of doubt and to ensure a satisfactory standard of development
3. No part of the development shall be occupied until all the highway works within the adopted highway have been constructed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority as part of an appropriate legal agreement.  
REASON: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable and to enable all traffic to enter and leave the premises in a safe manner without causing a hazard to other road users and to be in accordance with Policy G17 in the South Ribble Local Plan 2012-2026..
4. Prior to the first use of the development hereby approved, the secure cycling facilities as shown on the approved plan Dwg 2316/16/16E and 2316/16/17C shall be provided and shall be permanently maintained thereafter.  
REASON: To ensure the provision and retention of adequate on-site parking facilities and to accord with Policy F1 and Policy G17 in the South Ribble Local Plan 2012-2026
5. Prior to first occupation of the development hereby approved, the Electric Vehicle Recharge points, including adequate charging infrastructure and cabling and specifically marked out for the use of Electric Vehicles shall be provided in accordance with the approved plan Dwg 2316/16/16E and 2316/16/17C  
REASON: To enable and encourage the use of alternative fuel use for transport purposes in accordance with Policy 3 of the Central Lancashire Core Strategy

6. Prior to the commencement of the construction of Units 5, 6 and 7 hereby approved, details of the wheel washing facilities shall be submitted to and approved in writing by the Local Planning Authority. For the full period of construction, facilities shall be available on-site for the cleaning of the wheels of vehicles leaving the site. Such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.  
REASON: To prevent stones and mud being carried onto the public highway to the detriment highway safety and other highway users in accordance with Policy G17 in the South Ribble Local Plan 2012-2026
7. Foul and surface water shall be drained on separate systems.  
REASON: To secure proper drainage and to manage the risk of flooding and pollution.
8. Prior to commencement of the construction of Units 5, 6 and 7, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.  
The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewer system either directly or indirectly.  
The development shall be completed, maintained and managed in accordance with the approved details.  
REASON: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, in accordance with Policy 29 in the Central Lancashire Core Strategy
9. Prior to the commencement of the construction of Units 5, 6 and 7, a sustainable drainage management and maintenance plan for the whole site which covers the lifetime of the development shall be submitted to the Local Planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
  - a. The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Resident's Management Company; and
  - b. Arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as ongoing inspections relating to performance and asset condition assessments, operation costs, regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.The development shall subsequently be completed, maintained and managed in accordance with the approved plan.  
REASON: To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development and to be in accordance with Policy 29 in the Central Lancashire Core Strategy
10. During the construction phase the development shall be carried out in accordance with the submitted Construction Method Plan dated 12 July 2016 unless otherwise agreed in writing with the Local Planning Authority.  
REASON: To safeguard the living conditions of nearby residents particularly with regard to the effects of noise, vibration, dust, waste and air quality in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026

11. Prior to the commencement of any intrusive ground works and/or the construction of Units 5, 6 and 7 hereby approved, the following information shall be submitted to the Local Planning Authority (LPA) for approval in writing:
- a) A Desk Study which assesses the risk of the potential for on-site contamination and ground gases and migration of both on & off-site contamination and ground gases.
- b) If the Desk Study identifies potential contamination and ground gases, a detailed Site Investigation shall be carried out to address the nature, degree and distribution of contamination and ground gases and shall include an identification and assessment of the risk to receptors as defined under the Environmental Protection Act 1990, Part IIA, focusing primarily on risks to human health and controlled waters. The investigation shall also address the implications of the health and safety of site workers, of nearby occupied building structures, on services and landscaping schemes and on wider environmental receptors including ecological systems and property.  
The sampling and analytical strategy shall be submitted to and approved in writing by the LPA prior to the start of the site investigation survey.
- c) A Remediation Statement, detailing the recommendations and remedial measures to be implemented within the site.  
Any works identified in these reports shall be undertaken when required with all remedial works implemented by the developer prior to occupation of the first and subsequent dwellings.  
On completion of the development/remedial works, the developer shall submit written confirmation, in the form of a Verification Report, to the LPA, that all works were completed in accordance with the agreed Remediation Statement.  
REASON: To ensure that the site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site, in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G14 in the South Ribble Local Plan 2012-2026
12. The use of the premises hereby approved shall be restricted to the hours of 07:30am to 19:00pm Monday to Friday; 07:30am to 17:30pm on Saturday, and 09:00am to 16:00pm on Sunday and Bank or Public Holidays.  
REASON: In the interests of the amenities of adjoining residents and to accord with Policy 17 in the Central Lancashire Core Strategy
13. Prior to the installation of any extraction/ventilation systems to any of the units, full details of the noise levels to be experienced at the nearest properties and the fixings to be used shall be provided to the local planning authority for written approval. The approved system shall then be installed as agreed and thereafter maintained as approved. Any changes to the system shall first be agreed with the local planning authority in writing.  
REASON: In the interests of the amenity and to safe guard the living conditions of the nearby residents in accordance with Policy 17 in the Central Lancashire Core Strategy.
14. No security lighting or additional external flood lighting shall be installed at the development hereby approve without first obtaining the written consent of the Local Planning Authority.  
REASON: To safeguard the amenity and character of the area and to safeguard the living conditions of nearby residents and to accord with Policy 17 in the Central Lancashire Core Strategy
15. The development hereby approved shall not be brought into use until the facilities for the storage of refuse and waste materials have been completed entirely in accordance with the approved plan Dwg 2316/16/16E and 2316/16/17C. The approved facility shall be retained thereafter unless otherwise agreed in writing with the Local Planning Authority.  
REASON: To safeguard the character and visual appearance of the area and to safeguard the living conditions of any nearby residents particularly with regard to odours and/or disturbance in accordance with Policy 27 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026

16. The developer will carry out 1 year of air quality monitoring following 80% occupancy of the development. The location and timing of the monitoring shall be agreed with the local planning authority and the results made available to them.  
REASON: In the interests of the amenity of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy.
17. In the event of a bat being found at any time during the development works, then work should cease immediately and advice sought from a suitably qualified bat worker.  
REASON: To ensure that adequate provision is made for these protected species in accordance with Policy 22 in the Central Lancashire Core Strategy and Policy G16 in the South Ribble Local Plan 2012-2026
18. Prior to first occupation of the development hereby approved, details of alarm and CCTV monitoring systems to be used at the site shall be submitted to and approved in writing by the Local Planning Authority. Once installed in accordance with the approved plan, these shall be retained and permanently maintained thereafter.  
REASON: To safeguard residential amenity in accordance with Policy 17 of the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026
19. Notwithstanding Condition 12, the premises shall not be used for any industrial processes or activity which is likely to create noise and disturbance at any time on Sundays, Bank or Public Holidays.  
REASON: In the interests of the amenities of adjoining residents and to accord with Policy 17 in the Central Lancashire Core Strategy
20. Prior to first occupation of the development hereby approved, details of the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in the first planting season following completion of the development, or first occupation/use, whichever is the soonest. The approved scheme shall be maintained by the applicant or their successors in title thereafter for a period of 5 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, becomes seriously damaged, seriously diseased or dies, by the same species or different species, and shall be agreed in writing by the Local Planning Authority. The replacement tree or shrub must be of similar size to that originally planted.  
REASON: In the interests of the amenity of the area in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G8 in the South Ribble Local Plan 2012-2026

## **12.0 Relevant Policy**

### **Central Lancashire Core Strategy**

Policy 1 Locating Growth  
 Policy 3 Travel  
 Policy 10 Employment Premises and Sites  
 Policy 17 Design of New Buildings

### **Supplementary Planning Documents**

Employment Premises

### **South Ribble Local Plan**

B1 Existing Built-Up Areas  
 F1 Car Parking  
 G17 Design Criteria for New Development