

## **APPLICATION REPORT – 22/00242/FULMAJ**

**Validation Date: 11 March 2022**

**Ward: Chorley North And Astley**

**Type of Application: Major Full Planning**

**Proposal: Temporary use of land for storage of commercial vehicles (retrospective)**

**Location: Canal Mill Botany Bay Chorley**

**Case Officer: Mr Iain Crossland**

**Applicant: Mr Mark Adams**

**Agent: Mr Richard Purser**

**Consultation expiry: 1 April 2022**

**Decision due by: 10 June 2022**

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### **RECOMMENDATION**

1. It is recommended that planning permission for the temporary use of land is approved subject to conditions.

### **SITE DESCRIPTION**

2. The application site comprises two areas of open hard surfaced land either side of Canal Mill at Botany Bay and is located to the immediate east of the M61 motorway in the settlement area of Chorley, between the motorway and the Leeds and Liverpool canal. The land is open and has until recently been used for car parking in association with the Botany Bay retail and leisure operations. There are no dwellings close to the site, which has an industrial character, whilst it is noted that there are long range views of the site from higher land to the east.

### **DESCRIPTION OF PROPOSED DEVELOPMENT**

3. Planning permission is sought retrospectively for the temporary use of land for the storage of commercial vehicles.

### **APPLICANTS CASE**

4. The applicant has advanced a case in support of the development that has already been carried out and has highlighted that this arrangement came about due to issues affecting the production of commercial vehicles by Leyland DAF Trucks, which has a major manufacturing plant nearby at Farringdon, Leyland. Regrettably as with many companies across multiple sectors presently Leyland DAF has been affected by supply chain delays that has led to a shortage of specialist parts to fit to vehicles before they can be supplied to purchasers. This has led to a large number of commercial vehicles having to be taken off the production line partially complete (though drivable) for storage until such time as the parts become available to fit and complete production.

5. Because Leyland DAF has insufficient space to accommodate the number of affected vehicles at its plants and existing sites it had an urgent need to find alternative, suitable accommodation, otherwise it may have had to halt manufacturing with more serious consequences to its business and the safeguarding of jobs. The applicant (FIREM) has, in essence, jumped to assist Leyland DAF in providing at short notice a suitable area of land to temporarily store the commercial vehicles.
6. The applicant confirms that the use of the land in question for commercial vehicle storage is not intended to be a permanent use. The applicant is currently promoting a planning application (21/00439/FULMAJ) for a major business park at the site, "Botany Bay Business Park", which it expects to be in a position to be presented to the Planning Committee shortly. With the hope that this proposal is supported and granted it is FIREM's intention to bring this development forward in the short term, i.e. as soon as practicable and so ending the temporary commercial vehicle storage use. There is a business expectation from both Leyland DAF and FIREM that the supply chain problems affecting the production process and underlying the use will diminish through 2022/2023, and the applicant suggests and proposes the temporary use is restricted to 3 years.

## **REPRESENTATIONS**

7. Representations in objection have been received from 3no. addresses raising the following issues:
  - Unightly appearance not in keeping with the character of the area.
  - No community consultation carried out.
  - The planning application is retrospective.
  - The storage is necessary for a local business, however, a time limit should be imposed on the use.

## **CONSULTATIONS**

8. Environment Agency: No comments received.
9. Waste & Contaminated Land: No comments to make.
10. Lancashire Highway Services: No objections
11. Lead Local Flood Authority: No comments to make.

## **PLANNING CONSIDERATIONS**

### Principle of the development

12. The National Planning Policy Framework (The Framework) is strongly in support of proposals that sustain and enhance economic growth. It states in paragraph 81 that significant weight should be placed on the need to support economic growth through the planning system. The proposed development seeks to make use of a car park used in association with a retail and leisure development that has ceased to operate, for the storage of commercial vehicles that are part way through their production phase but cannot be completed at this time. Although not a labour intensive business it falls to be considered an employment development and supports a vehicle manufacturing business in the central Lancashire sub region, which does provide significant employment.
13. The support for economic growth is complemented by Central Lancashire Core Strategy Policy 10, which seeks to protect existing employment premises and sites.
14. It is noted that Chorley is identified as a Key Service Centre in Policy 1 of the Central Lancashire Core Strategy, where growth and investment is encouraged.
15. The site is allocated for significant employment development at policy EP1.2 of the Chorley Local Plan 2012-2026. Although the proposed development would take up a substantial

area of the allocation and would not provide the type or quantum of employment development sought by the plan the use would not involve any physical development and would not preclude or compromise its future development. Furthermore the intention of the applicant to accommodate the use for a temporary period in response to a specific issue would allow time for the significant employment proposals expected of the site to be assessed, consented and developed. It is recommended that a condition is attached to any grant of planning permission to ensure that the use is for a temporary period only, in consideration of the allocation of the land for significant employment development.

16. The established lawful use of the site is as a car park supporting a retail and leisure operation, and the development is therefore subject to an assessment in relation to Chorley Local Plan 2012-2026 policy EP3, which provides guidance for the development of new industrial storage uses. This policy sets out a number of criterion to be satisfied by such proposals. An assessment against these criteria is set out as follows:
17. *a) they are of a scale and character that is commensurate with the size of the settlement;*  
The development is for the use of an existing car park that covers an extensive area of land on a large site adjacent to the M61 motorway. As a result the site has been previously used to accommodate large numbers of vehicles on a frequent basis. Although the proposed development would accommodate commercial vehicles, which are larger and parked more closely together than the domestic vehicles the scale of the use and the resultant impact on the character of the area is similar, and is commensurate with the scale of the site and its surroundings.
18. *b) the site is planned and laid out on a comprehensive basis;*  
The proposed development has been designed to fit within an existing area of hardstanding that has previously been used for the parking of vehicles, and therefore lends itself to the proposed development without alteration.
19. *c) the proposal will not prejudice future, or current economic activities within nearby areas;*  
The proposal would support a business within the sub region and would support the existing business based at the site through leasing the land as a 'meanwhile' use whilst the redevelopment of the site is progressed. There is no evidence to suggest that the development would be in any way harmful to economic activity in other areas, given the nature of the activity.
20. *d) the proposal will not cause unacceptable harm e.g. noise, smells to surrounding uses;*  
The site covers a large area and provides space for the storage of a large number of commercial vehicles. Despite this the operations are of a low intensity given that the vehicles remain in situ until they can be returned to the production line, which is not at this site. As such there is very limited noise and disturbance as the comings and goings from the site are limited and are likely to occur within a short time frame that would be temporary.
21. *e) the site has an adequate access that would not create a traffic hazard or have an undue environmental impact;*  
The site has a well established access capable of supporting the movement of commercial vehicles, and the proposed development would make use of this access. LCC Highways have confirmed that they do not have any objections regarding the temporary use of the land for the storage of commercial vehicles and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.
22. *f) the proposal will be served by public transport and provide pedestrian and cycle links to adjacent areas;*  
The application site has some access to public transport with nearby bus services. The site is also accessible to a reasonably large catchment via good walking and cycling routes.
23. *g) open storage areas should be designed to minimise visual intrusion;*  
The nature of the proposal is such that it results in the open storage of vehicles in its entirety. This is visible from a number of receptors, most notably from higher ground to the

east and particularly along Blackburn Brow and Blackburn Road. The site is of such scale that the visual impact of the development cannot be readily mitigated. However, the site has previously been used for the parking of a large number of domestic vehicles visiting the retail and leisure operations that have since ceased, whilst the proposed use is for a temporary period only. It is noted that unlike the domestic vehicles that would vacate the site for periods of time the commercial vehicles remain in situ for a more lengthy period of time. This results in a more constant visual impact, however, given that the land is hard surfaced and has been used for parking vehicles extensively in the past it is not considered that the visual intrusion would be harmful over and above the previous situation. Notwithstanding this the temporary nature of the use is such that the impact would be short lived.

24. *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;*  
The wider area within which the application site is located already displays industrial characteristics with a large mill building, containers and security fences and features. Given the previous use, current conditions of the wider site and temporary nature of the use no further screening is considered necessary in this instance.
25. *i) on the edges of industrial areas, where sites adjoin residential areas or open countryside, developers will be required to provide substantial peripheral landscaping;*  
The site is some distance from residential property and the proposed development would not significantly alter the appearance of the site, which is already industrial in character. As a result no further landscaping is considered necessary, given the temporary nature of the proposed use.
26. *j) the development makes safe and convenient access provision for people with disabilities;*  
The application site is level and is accessible for people of all levels of mobility.
27. *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;*  
No buildings are proposed.
28. *l) the proposal will not result in surface water, drainage or sewerage related pollution problems; and*  
There would be no greater impact on surface water, drainage or sewerage related pollution problems than existed previously.
29. *m) the proposal incorporates measures which help to prevent crime and promote community safety.*  
There is security fencing installed around the site and the vehicles are locked, which is a suitable level of security for the proposed development.

#### Impact on neighbour amenity from the proposed buildings

30. The development comprises the storage of a large number of parked vehicles. These arrive at the site and remain in situ until the time at which they can return to the production line, which is a temporary issue relating to a global supply shortage. There would be very limited noise from the storage of the vehicles and the nearest residential properties are over 120m away to the south and 150m away to the east. As regards vehicular movement there is very limited noise and disturbance as the comings and goings from the site are limited and are likely to occur within a short time frame that would be temporary once the vehicle parts become available. It is therefore considered that the proposed development would have no unacceptable impact on the amenity of the nearby residents and is considered to be in accordance with policy BNE1 of the Chorley Local Plan 2012-2026.

#### **CONCLUSION**

31. The proposed development would have no unacceptable impact on the appearance of the site, whilst there would be no unacceptable detrimental impact on the amenity of neighbouring occupiers over and above the historic situation. In addition, the highway

impacts would be limited, whilst there would be some small contribution to economic development within the Borough, and support for a large manufacturing business within the sub region. On the basis of the above, it is recommended that planning permission be granted.

## RELEVANT HISTORY OF THE SITE

**Ref:** 05/00460/INV **Decision:** APPVAL **Decision Date:**  
**Description:** Retrospective extension of garden centre and erection of canopy

**Ref:** 19/00130/DEMCON **Decision:** PERDEM **Decision Date:** 19 March 2019  
**Description:** Application for prior determination for the proposed demolition of buildings at Botany Bay

**Ref:** 20/00919/SCE **Decision:** RESCEZ **Decision Date:** 30 November 2020  
**Description:** Request for Screening Opinion pursuant to Regulation 5 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 for the development of industrial and commercial buildings, main and secondary circulation roads, car and HGV parking, landscaping and ancillary works and infrastructure

**Ref:** 21/00439/FULMAJ **Decision:** PCO **Decision Date:**  
**Description:** Hybrid planning application seeking detailed and outline planning permission for the development of Botany Bay Business Park comprising development of Blocks A to J (37,661 sqm GIA) as follows: detailed planning permission is sought for Blocks C to J (36,996 sqm GIA) for Use Classes E (light industry only), B2 and B8; retention and improvements to existing vehicular access into site off A674; retention of closed access into site from the south (for emergency vehicle access only); new main and secondary circulation roads; servicing and circulation yards and HGV parking; car parking; pedestrian routes; landscaping and public realm; provision and upgrading of ancillary services and infrastructure and diversion of PROW FP26; and outline planning permission (all matters reserved except for means of access) for Block A (181 sqm) for Use Class E (food and drink)/sui generis (hot food takeaway) and Block B (484 sqm) for Use Class E and related access, car parking, circulation and landscaping

**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 development hereby permitted shall be carried out in accordance with the approved plans below:</p> <table border="1"> <thead> <tr> <th>Title</th> <th>Plan Ref</th> <th>Received On</th> </tr> </thead> <tbody> <tr> <td>Location plan and temporary storage areas</td> <td>Plan 1</td> <td>03 March 2022</td> </tr> </tbody> </table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning.</i></p>	Title	Plan Ref	Received On	Location plan and temporary storage areas	Plan 1	03 March 2022
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Location plan and temporary storage areas	Plan 1	03 March 2022					
2.	<p>The permission shall expire on the 14 June 2025, following which the use shall cease.</p> <p><i>Reason: To reserve to the Local Planning Authority control over the long-term use of the land that is allocated for significant employment development.</i></p>						