

**Item A.2                      07/00703/FULMAJ                      Refuse Full Planning Permission**

**Case Officer                      Caron Taylor**

**Ward                      Chorley North West**

**Proposal                      Change of use and extension of industrial and residential buildings to form offices, and construction of industrial access road with associated car parking,**

**Location                      Common Bank Farm Common Bank Lane Chorley PR7 1NR**

**Applicant                      Ruttle Plant Holdings Ltd**

**Proposal:**                      The application is for a change of use and extension of industrial and residential buildings to form offices, and construction of an industrial access road with associated car parking.

**Background:**                      The site is unallocated land within the settlement of Chorley. There is currently a motor vehicle repair garage and farmhouse in residential use on the site. The applicants plant yard, offices, maintenance depot, waste processing and transfer station adjoin the site to the immediate east, accessed from Ackhurst Road. The land to the south is also owned by the applicant and was originally Common Bank Bleach Works (now referred to as Common Bank Works). There is a Certificate of Lawful Use (99/00372/CLPUD) for that land that recognises that the B2 use of the site is extant and that it can be lawfully used for industrial activity such as crushing and grading of concrete and other construction materials. HGVs and other plant currently access that site from Common Bank Lane, which is unadopted. Common Bank Lane has a public footpath running along it and is also a safeguarded cycle route.

It is proposed that the existing dwelling and industrial buildings will be converted and extended to form offices. The development would comprise 11 units spread over ground and first floor level. The existing floorspace is 456m<sup>2</sup> and it is proposed to extend that to provide an overall floorspace of 2296m<sup>2</sup>. Carparking would be formed on a part of the Common Bank Works site. A new industrial access road would also be formed between the applicants current plant hire and waste management operation accessed from Ackhurst Road, through the application site to the Common Bank Works site (former Bleach Works Site). The proposed offices would be accessed from Common Bank Lane, which is a narrow road, public footpath and bridleway. As well as providing access to the application site Common Bank Lane also provides access to the sewage works and a number of houses near to its junction with Ackhurst Road.

**Planning History:**                      Applications for redevelopment of the Common Bank Works site for housing and, in part, for industry were made in 1992 and 1998 but were subsequently both withdrawn.

A further application (06/00041/FULMAJ) was subsequently submitted for the erection of offices (comprising new build and conversion of existing garage and dwelling) accessed from

Common Bank Lane including a new access road from the existing plant yard through to former bleach works site. The case officer wrote to the agent in February 2006 stating that LCC Planning had objected on the grounds that the proposal was contrary to Policy 17 of the JLSP as it did not meet the sequential approach and in view of the low accessibility of the site. In addition the letter to the applicant stated that under the requirements of PPS6 a sequential test is required to support the application and that on this basis the application could only be recommended for refusal, in that there was insufficient justification for the proposed development. The design of the proposals and improvements to Common Bank Lane were also questioned. This application was subsequently withdrawn in April 2006.

Immediately before the withdrawal the LPA met with the agent to discuss the application and a record of the matters discussed is recorded on the file.

These included:

- sequential test in relation to PPS6
- highways improvements to Common Bank
- safeguarding of public footpaths
- ecology – bat survey etc.

**Planning Policy:** PPS6  
PPS9  
Joint Lancashire Structure Plan (JLSP), Policy 1 and 17  
GN1  
EM9  
EP4

**Consultations:** Coal Authority  
Standing advice

Planning Policy  
Object on the grounds of policy EM9 and PPS6, see main body of report.

Strategic Planning & Transport  
Object to the proposals on the grounds that the development is contrary to Policies 1b and 17 of the JLSP, see main body of the report.

United Utilities  
No objection subject to conditions

Environmental Protection  
No comments to make

MAPS  
Comment that some of the proposed new trees to be planted will make the area isolated and vulnerable. If some of these were not planted then it would ensure that the vehicles and users of the car park would be visible from the main building.

Lancashire County Council (Ecology)  
Ecological concerns include possible impact on Biological Heritage sites, bats, nesting birds and vegetation. The relevant surveys and any relevant mitigation measures have not been carried out.

**Applicants Case:** The applicant operates a substantial plant hire and waste management operation from the existing works accessed from Ackhurst Lane. In addition, they own Common Bank Works, and use that site for processing selected construction waste as secondary aggregates. That site is accessible only from Common Bank Lane. The overall development intention is to create a new access from Ackhurst Lane, through the existing plant yard and through the application site to Common Bank Works. In the long term (not part of this application) the present plant yard would then be vacated and a replacement workshop and administrative offices would be constructed at Common Bank Works. The current waste processing operation would continue and be consolidated with the current activities on land adjoining the plant yard. The vacated land would then be laid out as an industrial estate, with new industrial units. All plant traffic would use the new private road now proposed by this application to access the Common Bank Works site. The first stage of the development is to convert and extend the present buildings at Common Bank Farm to office use, a development that will enable the construction of the new industrial access road between the existing plant yard and Common Bank Works. It is in this context that this application has been submitted.

The proposed office site would be accessed from Common Bank Lane. This is currently used by HGVs accessing the aggregate plant site (Common Bank Works site).

The applicant argues that there are special circumstances surrounding the case in favour of the proposal, in that the application will remove the substantial HGV traffic from Common Bank Lane by the construction of the new link road from the plant yard onto the Common Bank Works site. This would remove the present major highway problems at the junction of Common Bank Lane with Ackhurst Road, which arise from HGVs having to queue in Ackhurst Road whilst the junction is cleared by emerging HGVs. As it is unlikely to be acceptable on health and safety grounds to mix private cars and heavy plant movements on the internal industrial road it is recognised that it would be inappropriate and even dangerous to mix heavy plant movements and private cars accessing the offices. Accordingly, the layout of the application proposals includes access by cars along Common Bank Lane to the proposed offices, whilst the Common Bank Works site would not be accessible by vehicles using Common Bank Lane. This would provide a very substantial improvement over the current use of the land for industrial traffic.

The applicant considers that these proposals are a sound and practical way forward in this case, allowing a substantial reduction in HGV traffic on Common Bank Lane. Cars and Light Goods Vehicle's accessing the application site already use the lane. They argue therefore that the proposals will generate only a modest increase in light traffic and that this be set against the significant reduction of use by HGVs and the periodic congestion it causes on Ackhurst Road.

The applicant argues therefore:

- The application proposals are the first phase of development which will contribute significantly to economic activity on the Common Bank Industrial Estate, making traffic improvements

to Ackhurst Road/Common Bank Lane and providing substantial environmental improvement to the application site and buildings, to the existing plant yard and to Common Bank Works;

- The office development is an essential first stage to the proposals, providing the opportunity and resources for the construction of the internal industrial road running down from the plant yard to Common Bank Works. Whilst sequential testing does not identify any significant concerns that office development as proposed will have an adverse impact on any sequentially preferable site, it is evident that as they incorporate a conversion of an existing building and an industrial road, the use is not transferable to a site in any other location;
- The application site is previously developed land in a sustainable location, currently in use for employment purposes and is therefore appropriate for office development;
- The design of the scheme is appropriate for this location, taking full account of the need to improve the character and appearance of the area.

**Representations:** None received at time of writing. Any received will be placed on the addendum.

**Assessment:** Principle of Development

The Council's Planning Policy Section have objected to the application. Policy EM9 covers sites currently in employment use (or that were last used for employment purposes) that become vacant or are purposed for new development. It states that they will be assessed to determine whether they are particularly suitable to be re-used for employment purposes. These include (a) the sites relationship to public transport and (b) the adequacy of the road access. It is not considered that the site meets these criteria for new office development. The site has poor accessibility and the road is narrow with limited passing places.

With regards to PPS6 it is not considered that the applicants have satisfied the sequential test requirement. Under the requirements of PPS6 a sequential test would be required to support the application to demonstrate:

- a) the need for the development;
  - b) that the development is of an appropriate scale;
  - c) that there are no more central sites;
  - d) that there are no unacceptable impacts on existing centres;
- and
- e) that the location is accessible.

The applicants have only covered (c) of the sequential test in their application. The other points would have to be demonstrated before office development could be considered on the site.

LCC Strategic Planning have also objected to the application. The proposed development is not located within or adjoining a town centre, or at a transport hub or public transport accessibility corridor. Policy 17 of the JLSP states that where capacity is not available in these locations, major office development should be located in accordance with the development framework set out in Policy 1. The proposed development does not conform to Policy 1b and consequently does not conform to Policy 17 of the JLSP.

### Highways

In terms of highways, although this application is only for the development of the offices and new industrial access road the intention is to develop the whole of the site in the longer term. The Common Bank Works site can be lawfully used for general industrial purposes using Common Bank Lane for access, which the Council have no control over. The applicant argues that an office use would allow a substantial reduction in HGV traffic on Common Bank Lane whilst generating only a modest increase in light traffic. However, there are no buildings on the Common Bank Works site at the present time and it is considered that the majority of industrial uses would require some buildings on the site, which would require planning permission. Therefore, although the current situation is noted it is not considered that the improvement in highway matters is sufficient to outweigh the planning objections to the principle of offices on the site.

### Accessibility

Policy 1b of the JLSP requires development to have high accessibility for all walking, cycling and public transport. The proposed development would have low accessibility (an accessibility score of 8 has been calculated using Table F – Accessibility Questionnaire of the adopted SPG Access and Parking). The Design and Access Statement does not propose appropriate measure to increase accessibility by alternative modes to the car. The proposed development does not therefore conform to Policy 1b of the JLSP.

### Special circumstances

The applicant argues that the proposals will make traffic improvements to Common Bank Lane by removing HGV traffic to the lawful B2 use on the Common Bank Works site at the bottom. However, it is considered that the traffic created by any new development must be taken into account, as must the appropriateness of the proposed development in line with current policy. The applicant argues that the office development is an essential first stage to the proposals, providing the opportunity and resources for the construction of the industrial access road, however, there is no justification accompanying the application as to why the office development is required to facilitate the new access road.

### **Conclusion:**

The applicant has put forward special circumstances in support of the application, that the office development proposed would provide the opportunity and resources for the construction of an internal industrial road from the applicants existing plant hire site down to the Common Banks Works site (the former Bleach Works site). This would mean HGVs no longer have to access the site via Common Bank Lane, a narrow lane that is also a public footpath. However, whilst these circumstances are noted, it is not considered that they are sufficient to overcome and outweigh the objections raised to the principle of the development in terms of PPS6, Policy 1 and 17 of the JLSP and EM9 of the Local Plan. The application is therefore recommended for refusal.

## **Recommendation: Refuse Full Planning Permission**

### **Reasons**

1. Offices are a main town centre use as defined in PPS6. The applicant has failed to demonstrate that the proposals satisfy all the considerations as set out in paragraph 3.4 of PPS6 in terms of the sequential test. It is not considered that the special circumstances put forward by the applicant outweigh the need to satisfy these considerations.

2. The proposal is not located within or adjoining a town centre, or at a transport hub or public transport corridor. Policy 17 of the adopted Joint Lancashire Structure Plan 2001-2016 (JLSP) states that where capacity is not available at these locations, major office development should be located in accordance with the development framework set out in Policy 1 of the JLSP. The proposed development would have low accessibility (calculated using the Accessibility Questionnaire of the adopted SPG Access and Parking) and the scheme does not propose appropriate measures to increase accessibility by alternative modes to the car. The development does not therefore conform to Policy 1b or Policy 17 of the JLSP or Policy EM9 of the adopted Chorley Borough Local Plan Review specifically criteria (a) and (b). In sufficient justification has been put forward by the applicant to outweigh these policies.

3. The applicant has failed to demonstrate that protected species, namely bats, are not present on the site and will not be affected by the proposed development. The proposals are therefore contrary to PPS9 which states appropriate surveys should be completed and any necessary measures to protect the species should be in place before permission is granted. The proposals are therefore contrary to PPS9 and EP4 of the adopted Chorley Borough Local Plan Review.

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