

No.1	APPLICATION NO.	2021/1057/FUL
	LOCATION	Chorley Concrete Ltd Skull House Lane Appley Bridge Wigan Lancashire WN6 9DR
	PROPOSAL	Retention of: Concrete Silo; Industrial Canopy Shelter; Site Office; Storage Silo; Water Storage Tank; Shipping Containers and Weighbridge.
	APPLICANT	Chorley Concrete Ltd
	WARD	Wrightington
	PARISH	Wrightington
	TARGET DATE	10th November 2021

1.0 REFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme however Councillor Jukes has requested it be referred to Committee to consider noise impacts of the business and concerns regarding the site access.

2.0 SUMMARY

- 2.1 The proposed development is acceptable in principle as it comprises industrial development on an allocated industrial area. Subject to condition it is considered that the residential amenity of neighbouring properties can be protected. The proposal is considered to be of an appropriate design, size and materials for the location and would not adversely impact on highway safety or result in adverse impacts on drainage/flooding in the locality. The proposed development is considered to be compliant with the NPPF and Policies EC1, IF2, GN1 and GN3 of the West Lancashire Local Plan 2012-2027 DPD.

3.0 RECOMMENDATION - APPROVE with conditions.

4.0 SITE DESCRIPTION

- 4.1 The application site is located within the Dawber Delf Industrial Area in Appley Bridge. The Industrial Area is allocated within the Local Plan as part of the North Quarry Significant Employment Site.
- 4.2 An outline application was approved in 1996 for "*Industrial Development, demolition of existing buildings and reducing site levels (including details of means of access)*". However, a planning history search has revealed that no subsequent application for reserved matters appears to have been submitted to the Council. On that basis the Dawber Delf Industrial Area does not benefit from planning permission for industrial use.
- 4.3 However following investigations, officers are aware that the site has been in use for industrial purposes for a period in excess of 10 years. As such the current use of the land for industrial purposes is considered to be immune from enforcement action and has become lawful through the passage of time.
- 4.4 A company called Chorley Concrete Ltd currently occupy this part of the industrial area and have recently built various structures which form part of this application.

5.0 PROPOSAL

- 5.1 The application is retrospective in form and proposes the erection of several structures namely Concrete Silo; Industrial Canopy Shelter; Site Office; Storage Silo; Water Storage Tank; Shipping Containers and Weighbridge.
- 5.2 Other than the concrete silo which would be 9.6m high the remaining structures would be 5.3m or lower as follows: industrial canopy shelter 5.3m, shipping container 5.25m, storage silo 3.96m, site office 2.85m and weighbridge 0.75m.

6.0 PREVIOUS RELEVANT DECISIONS

Enforcement history

- 6.1 E/2021/0017/UAU - Change of use of land for concrete business without planning permission - Pending consideration

Planning history

- 6.2 8/96/0614 - Outline - Industrial Development, demolition of existing buildings and reducing site levels (including details of means of access) - Granted

7.0 OBSERVATIONS OF CONSULTEES

- 7.1 LCC Highways

The site is located within an existing industrial site which has an existing vehicular access off Skull House Lane. There are no proposed alterations to the existing access therefore LCC Highway Development Control has no objection in principle to this application and is of the opinion that the proposed development should have a negligible impact on highway capacity and highway safety within the immediate vicinity of the site.

- 7.2 Environmental Health Officer

The key sources of sound (noise) associated with the development are Heavy Goods Vehicle (HGV) movements, deliveries, material movement and loading of HGVs. The World Health Organisation guidelines state that noise, even for a short duration, can be extremely intrusive after 7pm. Starting work before 7am has potential to cause noise complaints in what is a quiet, semi – rural location. Hours of operation condition recommended.

Environmental Permit - Where there is a pollution control regime in place for this type of development under other legislation, the Local Planning Authority must assume that such a regime will operate effectively, be properly applied, and enforced. Planning conditions need not be put on to control the pollution aspects of the proposed operation. An environmental permit would be required for this development and would cover air [dust] pollution.

8.0 OTHER REPRESENTATIONS

- 8.1 Letters of representation have been received which can be summarised as:

- The Planning Statement is incorrect - Chorley Concrete have not occupied the site since mid 2017. They moved to the area from circa August 2019.

- Concerns about noise impacts. With regards to the noise statement - why was this not measured Monday to Friday when the noise levels are at the highest? And surely it should be monitored from 4.30am when they start mixing?
- Vibration and noise from lorries disturbs my household from 4.30 in the morning until 7.30 in the evening.
- Concerns about the highway impacts of the development The road are narrow and not suitable for this level of traffic. Pedestrian safety is also cause for concern.
- Query what will happen if the business expands

9.0 RELEVANT PLANNING POLICIES

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

The site is located within the Rural Sustainable Village of Appley Bridge as designated in the West Lancashire Local Plan 2012-2027 DPD.

National Planning Policy Framework

Promoting healthy and safe communities
Achieving well-designed places
Building a strong, competitive economy

West Lancashire Local Plan Policies

SP1 - A Sustainable Development Framework for West Lancashire
GN1 - Settlement Boundaries
GN3 - Criteria for Sustainable Development
IF2 - Enhancing Sustainable Transport Choice
EC1 - The Economy and Employment Land

Supplementary Planning Document - Design Guide (January 2008)

10.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

Principle of development

- 10.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD provide the policy framework against which the development proposals will be assessed.
- 10.2 The site forms part of an allocated Other Significant Employment Site under Policy EC1 of the adopted West Lancashire Local Plan 2012-2027 DPD. As detailed above the current use of the land for industrial purposes is considered to be immune from enforcement action and has become lawful through the passage of time. The development of Use Classes B1 (now Class E(g)), B2 and B8 are encouraged within the North Quarry Employment Site. The proposed buildings are required in connection with the existing industrial use and enable the business to operate from the site.
- 10.3 It is my view that the applicant has provided adequate justification of the need for the proposed structures and I am satisfied the principle of the proposed development is acceptable subject to compliance with other relevant planning policies.

Design/Layout

- 10.4 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.
- 10.5 In terms of their size, design and materials, the structures are typical of those found within industrial areas across the borough. The structures are generally screened from public views and can be seen mainly from within the Dawber Industrial Area where they are viewed in the context of the surrounding development. Views from Apple Lane to the south of the site are also screened by existing trees.
- 10.6 I am therefore satisfied that the development would comply with the requirements of local plan policy GN3.

Impact on residential amenity

- 10.7 Policy GN3 of the West Lancashire Local Plan (2012-2027) DPD allows development provided it retains or creates reasonable levels of privacy, amenity and sufficient garden/outdoor space for occupiers of the neighbouring properties.
- 10.8 Several concerns have been raised in regard to the noise impacts of business operations on this site. Due to the planning history of the wider industrial area the majority of the existing operations are unrestricted and, as part of this application, the Council can only assess the impact of the buildings and structures which are detailed within the submission. The site is located within a quiet, semi-rural location where background levels of noise are low particularly overnight and at weekends.
- 10.9 The application has been accompanied by a noise impact assessment along with additional supporting information from the agent that responds to the Environmental Health Officer's comments. The EHO has assessed all of the submitted information and considers that, in order to ensure that the proposed development does not result in a harmful impact on neighbour amenity, the hours of use of the buildings and structures should be restricted. It is my view that such a condition is reasonable and necessary to protect the residential amenity of nearby dwellings. It is noted that the proposed finish times are significantly earlier than the business currently closes. The applicants have agreed to the closing times however they request to start at 7am on Saturday to compensate for the early closing. Whilst I do not consider 7am to be a reasonable time to start I accept that in order to ensure the business is viable additional opening time is needed. Therefore, following a discussion with the EHO, I recommend the opening time on Saturday to be 8am.
- 10.10 Due to the siting of the structures in relation to nearby dwellings I am satisfied that the proposal would not result in harmful impacts from overshadowing or loss of privacy. Subject to the recommended condition I am satisfied that the proposed development would not have any significantly harmful impact on the residential amenity of neighbouring properties and therefore complies with the requirements of local plan policy GN3 1(iii).

Highways

- 10.11 Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD states that development should incorporate suitable and safe access and road layout design in line with latest standards. Parking should be provided in accordance with policy IF2.
- 10.12 The proposal does not include any alterations to the existing highway access onto Skull House Lane. I have consulted the Highway Authority in regard to the proposal. The Highway Officer has raised no objection to the proposal and considers the proposal would

have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site. The applicant has submitted plans to demonstrate suitable parking can be provided on site in accordance with the requirements set out in local plan policy IF2.

10.13 It is my view that the proposal to retain the structures on site complies with the requirements of policies IF2 and GN3.

Drainage

10.14 This area of the Industrial Estate was covered in hardstanding prior to the current business taking occupation of the site. It is my view that the erection of buildings onto the existing hardstanding does not adversely increase the surface water run-off from the site. The submission indicates that foul water would be taken to the mains sewer which is acceptable.

11.0 CONCLUSION

11.1 The principle of the proposed development is considered to be acceptable, and the structures are appropriate to the industrial use of the land. The design and layout of the development is in keeping with the local area and the proposal is not considered to have any adverse impacts on highway safety. Subject to the recommended condition the proposal is not considered to have a harmful impact on residential amenity. I therefore consider that the proposal satisfactorily meets the requirements of Policies EC1, IF2, GN1 and GN3 of the West Lancashire Local Plan 2012-2027 DPD.

12.0 RECOMMENDATION

11.1 That planning permission be GRANTED subject to the following conditions and reasons.

Condition(s)

1. The development hereby approved shall be carried out in accordance with details shown on the following plans:
Site location plan received by the Local Planning Authority on 3rd September 2021
Plan reference 21/118/E01 revA and 21/118/L01 revA received on 18th January 2022.
Reason: 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. The on-site business shall not be operated from the buildings and structures hereby permitted outside the hours 0700 - 1900 Monday – Friday, 0800 - 1700 Saturday and 0900 – 1700 Sunday without the prior approval in writing of the Local Planning Authority.
Reason: 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.

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:

SP1 - A Sustainable Development Framework for West Lancashire
GN1 - Settlement Boundaries
GN3 - Criteria for Sustainable Development
IF2 - Enhancing Sustainable Transport Choice

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.