



**PLANNING COMMITTEE: Thursday,
15 February 2024**

Report of: Corporate Director of Transformation, Housing and Resources

**Relevant Portfolio Holder: Councillor Deputy Leader & Portfolio Holder for
Planning & Community Safety**

Contact for further information:

Case Officer: Nicola Cook (Extn. 5140) (E-mail: nicola.cook@westlancs.gov.uk)

SUBJECT: PLANNING APPLICATION REF: 2023/0922/FUL

PROPOSAL: Retrospective planning application for:- Erection of 3no cement silos, 2no. round metal cylinders, 5m high retaining wall , storage bays. Installation of 12no high lamp posts, diesel tank with metal hoarding surround. Erection of portacabin to be used as temporary site office, temporary storage tent. Construction of settling pit & wash pit.

ADDRESS: Land to west of Appley Lane North, Appley Bridge

REASON FOR CALL IN: Application has been called in by Cllr Bailey for the following reasons: Inappropriate development in an area zoned for light industrial use and additional HGV Traffic on a residential lane.

Wards affected: Rural North East;

1.0 PURPOSE OF THE REPORT

- 1.1 To advise Planning Committee on an application which seeks retrospective planning permission for Erection of 3no cement silos, 2no. round metal cylinders, 5m high retaining wall , storage bays. Installation of 12no high lamp posts, diesel tank with metal hoarding surround. Erection of portacabin to be used as temporary site office, temporary storage tent. Construction of settling pit & wash pit.
- 1.2 The application was deferred on 18 January 2023 at the request of Planning Committee for further consideration of the late Network Rail comments.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

2.1 That the planning application is granted for a temporary period of five years subject to conditions set out at section 12 of this report.

3.0 THE SITE

3.1 The application site is located to the west of Appley Lane north and sits directly alongside the Manchester-Wigan railway line. Access is via an existing vehicular access from Appley Lane North.

3.2 Other than a right of way to the highway (which is indicated on the plans) the site is self-contained and is not connected either in ownership or operation to the adjoining land to the north.

4.0 PROPOSAL

4.1 The application is retrospective in form and seeks planning permission to retain the following structures:

- Construction of 3no cement silos, 2no. round metal cylinders, 5m high retaining wall, storage bays.
- Installation of 12no high lamp posts, diesel tank with metal hoarding surround, portacabin to be used as temporary site office and temporary storage tent, together with the construction of settling pit & wash pit.

5.0 PREVIOUS RELEVANT DECISIONS

5.1 2005/1028 - County Matter - Retention of rail terminal (including a rail siding) and concrete pad together with related infra structure including road from Appley Lane North - Withdrawn

5.2 2013/0140/CMA - County Matter - The installation and operation of a 5mw bio-liquid to power generation facility - Granted (17/04/2013)

5.3 08/13/0140NM1 - Non material amendment to allow the use of tallow along with cooking oil as a bio liquid for the use of energy generation on site and amend condition 10 to include tallow, the delivery of cooking oil and tallow - Granted (12/12/2013)

5.4 L/2015/0088 - Low temperature pyrolysis plant to convert low worth waste plastic into diesel and gasoline. The facility includes a fuel reception hall, conveyors, chemical treatment, fractionation columns, fuel storage tanks, a generator set and offices. The facility uses the non-condensable gases and some of the product gasoline as fuel to meet the plants heat and power requirements - Withdrawn

5.5 LCC/2018/0055 - County Matter - Construction Of A 5mw Gas Fired Power Plant - Granted (23/01/2019)

6.0 OBSERVATION OF CONSULTEES

6.1 Environmental Protection Team (17/11/23)

I have reviewed the associated documents attached to the above application which includes the noise impact assessment submitted by PDA Ltd dated 7th November 2023 reference J004667-7410-RC-01.

From the information provided in the above report submitted by PDA Ltd I would make the following observations.

The report identifies that there are existing residential properties within 500m of the application site that may be adversely affected by noise and vibration from activities on the proposed site, which is believed to be already operating. The report also identifies that there is a significant manufacturing plant already operating close to the proposed application site which contextualises the current sound climate in this area in accordance with BS4142:2014+A1:2019 - 'Methods for rating and assessing industrial and commercial sound'.

The noise survey was conducted at locations representative of the nearest noise sensitive properties to the yard. The results of the survey were used to assess the background sound at the nearest noise sensitive properties to determine the likely impact of the continued use in terms of noise from vehicles including loading and deliveries both during the daytime and proposed night-time periods. The resulting calculations indicated that the rating level is well below the background level for these operations during the day and night-time periods and I am satisfied that the impact of the continued operation of the concrete loading yard remains low.

6.2 Environmental Protection Team (14/12/13)

I have reviewed the associated documents attached to the above application which includes the Air Quality Assessment submitted by Miller Goodall dated 8th November 2023 reference No 103091 and the Lighting Statement submitted by Condy Lofthouse Architects dated November 2023 Reference No 23-091-LS. From the information provided in the above reports submitted I would make the following observations.

Air Quality - The Air Quality report provides a review of the existing air quality in proximity to the proposed development site and assesses the potential impact of the proposed development on local air quality, specifically considering the main pollutants of health concern from road traffic exhaust releases, nitrogen dioxide (NO₂) and fine particulates, (PM₁₀) and (PM_{2.5}).

The report also considers the potential impacts associated with dust and particulate matter at existing sensitive receptors in the vicinity of the site, specifically generated from operations such as site movements and stockpiling.

The IAQM Minerals Guidance screening methodology for assessment states an assessment of dust is required if there are sensitive receptors within 400m of a hard-rock quarry. This guidance is used throughout the air quality industry to assess potential dust impacts from dust-generating operations and the report identifies that there are no sensitive receptors located within 400m of potential dust-generating operations on the site such as the sorting and storage of aggregate (in storage bays) and work areas. In light of this, it is considered that the potential impacts from dust-generating operations can be classified as negligible.

Regarding the potential for an increase in HGV movements from the site which may occur through more intensive production I would like to make the following comments;

The air quality report states that the predicted trip generation is likely to be below the criteria detailed in the EPUK 2017 Guidance of 500 LDV Annual Average Daily Traffic (AADT) (as the development is located outside an AQMA). The assessment shows that concentration of NO₂ and PM₁₀ are likely to be below their respective short-term objectives at the proposed development site and concentrations of PM_{2.5} are expected to be below the annual mean target, therefore it is considered that the impact of road traffic associated with the development is likely to have an insignificant impact on local air quality.

In order to prevent dust migration from the site it is understood that Chorley Concrete already follow the best practice guidance. In order to continue to operate within the best practicable means standard it is recommended that these mitigation measures are formalised and included in any permission if granted. An informative is recommended

Lighting - The lighting assessment identifies that the primary purpose of the lighting in the service yard is to ensure the safety and security of personnel, vehicles and goods during all operation hours.

The external lighting design details submitted in the lighting assessment have been considered sufficient to meet the required operational levels and we are also confident that the lighting scheme as proposed will not negatively impact nearby residential properties.

6.3 Coal Authority (28/11/23)

When considering this particular proposal; on the basis that the area where the built development is falls outside the defined Development High Risk Area we do not consider that a Coal Mining Risk Assessment is necessary for this proposal and do not object to this planning application.

6.4 United Utilities (01/12/23)

Recommend condition

6.5 Environment Agency (01/12/23)

No objection subject to condition in respect of land contamination

6.6 LCC Highways (04/12/23)

Location - The site is located on the western side of Appley Lane North (C162) which is a classified road which has footways and street lighting on both sides of the carriageway and has a speed limit of 30mph. Appley Lane North (C162) changes to the B5375 at the junction with Skull House Lane.

Appley Lane North runs in a northerly direction from the site to its junction with the A5209/B5375/Robin Hood Lane crossroad junction which provides a link to the wider highway network and Junction 27 of the M6 motorway. To the south of the site the road name changes to Appley Lane South and provides access into Up Holland.

There are no weight restrictions on Appley Lane North.

Appley Lane North is also part of the on road Southern Loop Cycle Route. The site is located at the southern end of Appley Lane North in close proximity to the railway station and local bus stops.

Access - The proposal is to utilise the existing gated site access which is a priority junction off Appley Lane North which has a 6m wide carriageway with a 17m radius on the northern side and 13m wide radius on the southern side (details submitted by the applicant) which the applicant states has been in use for more than 10 years. I am of the opinion that the access is acceptable for the proposed use.

Collisions - I have reviewed the recorded Personal Injury Accident (PIA) from the Lancashire County Councils five year data base. There have been no recorded incidents on Appley Lane North within the vicinity of the site.

Whilst any accident is regrettable, the highway network surrounding the site is considered to have a good accident record and indicates there are no underlying issue which the proposed development would exacerbate.

Traffic - The application is retrospective and the site is already operational therefore the information regarding the traffic for the site is based on the current use.

The site generates between 140 and 150 two-way vehicle movements per day with between 82 and 94 of these two-way trips being HGV movements which would be dispersed throughout the day.

Based on the sites current Class B8 use which would generate HGV traffic on Appley Lane North I am of the opinion that the traffic flows indicated in the submitted Transport Note would not have a severe impact on highway safety or highway capacity on the surrounding highway network.

Conclusion - LCC Highways has no objection to the retrospective application.

6.7 WLBC Principal Engineer (12/12/23)

I have no objection in principle to this application as I estimate the impact on flood risk due to the proposed development, to be negligible.

6.8 Environment Agency (12/01/24)

As the development is on top of a former landfill, we would still expect some further investigations to demonstrate that the works do not pose a risk to controlled waters. We would still request the inclusion of the condition but given the proposals are retrospective we accept that it needs to be reworded such that the details need to be submitted within x months of the decision – I've suggest 3 months but that is flexible.

6.9 LCC Highways (16/01/24)

There is no change in the Highway assessment for this application (2023/0922/FUL).

The application for East Quarry (ref: LCC/2021/0027) was refused on amenity grounds and not on traffic impacts on capacity and safety. As you have stated in your email LCC/2021/0027 was refused for the following reason:

The importation of the inert fill materials to construct the ramp would generate volumes of HGV movements that would be harmful to the amenity of local residents contrary to Policy DM2 of the Lancashire Minerals and Waste Local Plan.

The officer recommendation was for approval, but committee determined to refuse the application on traffic amenity contrary to highways advice and the officer recommendations.

LCC Highways had no objection to the application (LCC/2021/0027) and the refusal was on amenity grounds and not on traffic impact on capacity and safety.

6.10 Network Rail (08/01/24)

Following submission to the Network Rail asset Protection team on 20/11/23 I have not received any objections or concerns on the proposal so therefore there are no objections from Network Rail town planning.

6.11 Network Rail (18/01/24) and (25/01/24)

Network Rail Asset Protection hasn't received an enquiry for the site. It appears from an email from the member of the public that some work has been completed, but potentially not all. The issues that we would be most concerned about is the lighting columns near the Network Rail boundary that could cause problems with signal sighting. The lighting columns could also foul Network Rail land/railway in the event of failure of the columns. There are potentially also going to be a large number of lorry movements so we would need to consider vehicle incursion as the level of the railway is below that of the site.

Parking / Hard Standing Area

As the proposal calls for the following adjacent to the boundary with the operational railway, running parallel to the operational railway or where the existing operational railway is below the height of the proposal site:

- hard standing areas
- turning circles
- roads, public highways to facilitate access and egress from developments

Network Rail requests the installation of suitable high kerbs or crash barriers (e.g. Armco Safety Barriers).

This is to prevent vehicle incursion from the proposal area impacting upon the safe operation of the railway.

Please note that whilst Network Rail (NR) is submitting responses via the planning application process, it should be born in mind by the LPA/developer that the operational railway presents risks/issues that are different/unique to the risks posed by works taking place adjacent to non-railway undertaker land. Works on this site therefore must be undertaken with the supervision of NR via the ASPRO (asset protection) team to ensure that the works on site do not impact the safe operation, stability, integrity of the railway & its boundary.

The LPA/developer are advised that unauthorised works adjacent to the railway boundary could impact the operation of nationally significant infrastructure & the

applicant would be liable for any and all damages & costs caused by any works undertaken in this scenario.

Therefore, the developer is requested to ensure that the development meets with NR requirements for works/developments adjacent to the railway boundary which include planning material considerations as well as obligations specific to the railway undertaker. The interface is via a NR BAPA (basic asset protection agreement) – the developer is advised that the works must not commence on site (even if planning permission is granted) until agreed with NR. The applicant will be liable for all costs incurred by NR in facilitating, reviewing this proposal.

Measurements to railway tracks and railway boundary

When designing proposals, the developer and council are advised, that any measurements must be taken from the operational railway / Network Rail boundary and not from the railway tracks themselves. From the existing railway tracks to the Network Rail boundary, the land will include critical infrastructure (e.g. cables, signals, overhead lines, communication equipment etc) and boundary treatments (including support zones, vegetation) which might be adversely impacted by outside party proposals unless the necessary asset protection measures are undertaken. No proposal should increase Network Rail's liability. To ensure the safe operation and integrity of the railway, Network Rail issues advice on planning applications and requests conditions to protect the railway and its boundary.

Obligations

Properties adjoining or in the vicinity of the railway are frequently the subject of obligations, rights, exceptions and reservations for the benefit of Network Rail's land and railway. The applicant must review the title to their property to see whether any such obligations etc exist and ensure that there is no non-compliance or breaches of them or any interference with or obstruction of Network Rail's rights and reservations. If the proposed development would not comply with or would breach any of the terms of the conveyance, the developer must revise his proposals.

BAPA (Basic Asset Protection Agreement)

As the proposal includes works which could impact the existing operational railway and in order to facilitate the above, a BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent.

Going forward in order for Network Rail to spend any time reviewing any submissions, provision of any asset information, attending any further meetings, assisting with discharging any planning conditions set etc, Network Rail will require the return of a signed BAPA (Basic Asset Protection Agreement) and relevant payment/ PO as noted in the estimate sent. Network Rail is a publicly funded entity and all outside party works, which these are, are cost recoverable as dictated to us by the ORR.

The local planning authority (LPA) are not responsible for the safe operation of the railway or our assets and the issues raised by the developer/applicant will ultimately need to be agreed by Network Rail engineering to ensure the proposed development does not interfere with the safety of the railway.

No works are to commence until with agreed Network Rail. Early engagement with Network Rail is strongly recommended.

6.12 Network Rail (30/01/24)

I cannot comment any further as this is for the developer to take forward with Network Rail's asset protection team.

6.13 Network Rail (07/02/24)

Network Rail is placing an objection on the proposal. Our concerns are as follows:

1. Risk of HGV vehicle incursion onto the railway to be considered and is not addressed by the proposal plans.
2. Site will be used for storage of material. Storage arrangements and proposed boundary treatment is subject to Network Rail review to ensure does not impose a risk to the railway including loading on the railway boundary.
3. The lighting associated with the development must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains.
4. Soakaways as a means of storm/surface water disposal must not be constructed near/within 30 metres of Network Rail's boundary. Drainage design is subject to Network Rail review and acceptance.
5. Consultation required with Environment Agency regarding their concerns. Risk of contaminants migrating to the railway. See planning comments from the Environment Agency.

Network Rail has requested that the developer interface with us and to date we have not received a notification from the developer setting up that interface. Given NR concerns we believe that the objection is required given the risk posed by these works to the existing operational railway.

7.0 **OTHER REPRESENTATIONS**

7.1 Wrightington Parish Council (20/12/23)

The Parish Council would like to ask that a decision on this application be deferred until they have had the opportunity to read, comprehend, & assess, the planning documents submitted with the application & the impact of the proposals.

In the meantime, the Parish Council would like to submit the following concerns:

If permitted, the application would allow for a significant increase in HGV's movements along Appley Lane North, an additional 90+ vehicle movements per day. These will double the already existing HGV movements using this route. Where school related traffic, buses, & other commercial vehicles use the same route, highway safety will be compromised by the significant increase in vehicle movements. The HGV movements associated with Chorley Concrete are not only 9 times louder than an ordinary car movement, but also have additional problems.

The HGV's used are volumetric vehicles which do not have air suspension; therefore, they are known to cause significantly more noise & vibration on the roads &, due to their weight, significantly more damage to the carriageway. Many homes on Appley Lane North are extremely close to the carriageway, with little & in some cases no garden frontage to put distance between them & the vehicles using the road. The impact of the noise & vibration can be clearly heard, & felt, inside these homes. The Council feel that doubling the number of HGV movements on Appley Lane North & surrounding roads is unacceptable. Previous applications for less vehicle movements per day have been refused.

Concern has also been expressed about the lengthy operating hours, between 5am and 7pm, 6 days per week. The Council are of the opinion that these operating hours are totally unacceptable & too disruptive in this village setting. Previous permissions have had restricted hours of operation, to cause less disruption & reduce nuisance in the village.

It is understood that some of the proposed development which has already taken place on this site has encroached onto Green Belt Land. The Parish Council are totally opposed to the erosion of Green Belt land in any way, shape or form, & request that if this is the case remedial action is taken to restore the Green Belt land to its former state.

Further concerns relate to the close proximity of the application site to the former landfill site. The Parish Council shares the Environment Agency concerns in relation to the risk of contamination & pollution which could result if a proper risk assessment, & mitigation of the identified risks is not undertaken. There is also a risk of explosion if the former landfill site continues to leak leachate & landfill gas, which is currently inadequately monitored by faulty, damaged or removed infrastructure from the adjacent land. This should also be risk assessed & mitigating action be taken.

In addition to the above, the Parish Council would like to draw attention to the fact that there is no mention in the application description of the additional activity associated with Gaskell's Haulage, which is also known to be operating from this site without the benefit of planning permission. The wording of the planning application is limited specifically to Chorley Concrete & should not be applicable to any subsidiary company which is also operating from the same site. Therefore, a separate planning application should be required for Gaskell's Haulage, giving details of their activities, the numbers of vehicles & vehicle movements associated with this operation, what they will be bringing onto the site & what they will be removing, & including documentation to prove that all materials will be handled in the correct manner. This should then be assessed as a completely different application along with the impact this will also have on Appley Bridge.

Health hazards associated with this type of development have also been highlighted & the Parish Council share the residents' concerns about the long term health implications of this type of development.

The Parish Council are happy for this holding response to be shared on the Borough Council website and will submit further details on this proposal immediately after their next Meeting on Monday 15th January 2024.

7.2 Wrightington Parish Council (16/01/24)

The Parish Council object to these proposals on the following grounds:
If permitted, the application would allow for a significant increase in HGV movements along Appley Lane North, an additional 90+ vehicle movements per day, not including vehicles bringing raw materials onto the site. These will double the already existing HGV movements using this route. Where school related traffic, buses, & other commercial vehicles use the same route, highway safety will be compromised by the significant increase in vehicle movements. The HGV movements associated with Chorley Concrete are not only 9 times louder than an ordinary car movement, but also have additional problems. The HGV's used are volumetric vehicles which do not have air suspension; therefore, they are known to cause significantly more noise & vibration on the roads &, due to their weight, significantly more damage to the carriageway. Many homes on Appley Lane North are extremely close to the carriageway, with little & in some cases no garden frontage to put distance between them & the vehicles using the road. The impact of the noise & vibration can be clearly heard, & felt, inside these homes. The Council feel that doubling the number of HGV movements on Appley Lane North & surrounding roads is unacceptable. Previous applications for less vehicle movements per day have been refused.

The Council object to the lengthy operating hours, between 6am and 7pm, 6 days per week. The Council are of the opinion that these operating hours are totally unacceptable & too disruptive in this village setting. Previous permissions have had restricted hours of operation, to cause less disruption & reduce nuisance in the village.

It is understood that some of the proposed development which has already taken place on this site has encroached onto Green Belt Land. The Parish Council are totally opposed to the erosion of Green Belt land in any way, shape or form, & request that if this is the case remedial action is taken to restore the Green Belt land to its former state. The Parish Council also believe that the proposals would have a detrimental impact on the openness of the Green Belt at this location.

Further objections relate to the close proximity of the application site to the former landfill site. The Council shares the Environment Agency concerns in relation to the risk of contamination & pollution which could result if a proper risk assessment, & mitigation of the identified risks is not undertaken. There is also a risk of explosion if the former landfill site continues to leak leachate & landfill gas, which is currently inadequately monitored by faulty, damaged or removed infrastructure from the adjacent land. This should also be risk assessed & mitigating action be taken.

In addition to the above, the Council would like to draw attention to the fact that there is no mention in the application description of the additional activity associated with Gaskell's Haulage, which is also known to be operating from this site without the benefit of planning permission & whose vehicle movements will add to the numbers already quoted. The wording of the planning application is limited specifically to Chorley Concrete & should not be applicable to any subsidiary company which is also operating from the same site. Therefore, a separate planning application should be required for Gaskell's Haulage, giving details of their activities, the numbers of vehicles & vehicle movements associated

with this operation, what they will be bringing onto the site & what they will be removing, & including documentation to prove that all materials will be handled in the correct manner. This should then be assessed as a completely different application along with the impact this will also have on Appley Bridge.

Health hazards associated with this type of development have also been highlighted & the Council share the residents' concerns about the long-term health implications of this type of development.

7.3 Several letters of representation have been received which can be summarised as:

Objection

- Approval of the application would be wrong and unjust as due process has not been followed. The application is flawed. It is retrospective, and should therefore be subject to increased rigour.
- Concerns that WLDC/WLBC, and LCC have failed to care for and represent the people that they are elected and paid to represent in the matter of restoration of the pad following it's temporary use to deliver landfill refuse from Manchester.
- Concerns regarding expansion into the Green Belt and loss of Green Belt land
- Concerns regarding highway matters and in particular the increased use of Appley Lane North by HGV traffic. Potential for adverse impacts on pedestrians, school children and cyclists. Consider that the HGV drivers drive poorly and do not respect the laws of the roads
- Concerns regarding pollution and noise increase. Consider opening hours would have adverse effects on health and amenity of local residents
- Consider that the applicant has not done a full traffic or environmental impact assessment.
- Query when LCC and WLBC will enforce restoration of the railway pad and urge that WLBC (and LCC) now get the pad restored as demanded by historical and long standing requirements of previous planning approvals which take precedence, in history, over this new application.
- Concerns regarding use of powerful spotlights and light pollution
- Concerns regarding risk from escaped gas and leachate from the adjoining landfill site.
- Consider that Appley Bridge is a residential area and is not compatible with the production of concrete
- Note that a leaflet has been delivered to residents. Consider that the content of the leaflet does not reflect that of the Design and Access Statement
- Note that a company called Gaskell Haulage operates from the site - there is no planning application for this company
- Raise concerns that residents are unable to speak at the planning committee
- Refer to decision made by Lancashire County Council in respect of East Quarry ref LCC/2021/0027. Query why the recommendation is different to the decision made in that application. Query why that application does not appear in the relevant planning decision section of the officer report
- Note that representation have not been made public where people have requested their details are redacted. Such objections will not be made public as, understandably, there are simply not enough officers available to delete

addresses before publication, consequently points raised may not even be considered.

- Consider that 21% of the site is Green Belt and the proposed development does not match the requirements of the relevant GB policy. The adjacent landowner has objected to the height of the silos and impact on the Green Belt.
- Highway matters - Consider that the officer report is factually incorrect as vehicles leaving Dawber Delph used Back Lane, a much more direct route, than Appley Lane North. There is no evidence of consideration that Back Lane is a much less residential route than Appley Lane North. The roads are not suitable for the level of HGV traffic. There is risk to children from the HGV traffic. Concerns regarding driver competence
- Amenity issues - The hours of operation are not suitable for the locality. Concerns regarding noise, disturbance and pollution/air quality
- Consider the officer report fails to include objections which have been stated within interested party representations in relation to noise impacts, vehicle movements and other relevant decisions (as above) at East Quarry.
- Consider there is a lack of evidence for the decision and several of the conditions (operating hours and temporary permission). Query if it is fair to Chorley Concrete to impose a temporary permission or if it is realistic that the condition would be implemented.
- Concerns regarding impact on wildlife corridor
- Concerns raised over impact of light pollution. The light pollution from the site has a major impact on the view across the valley and presumably on local wildlife, such as owls, that inhabit the area. This is significantly damaging the amenity of local residents and visitors to the area by destroying the dark skies, the view across the valley and the habitat of wildlife in the area.

Support

- A good operator who has a long term vision for the otherwise redundant site who is bringing much needed employment and commercial benefit to the area.
- There is little if any noise from these activities. Consider that the drivers are courteous and do not cause issues along the roads.
- Given the location of the Site I would have no reason why this application should not be approved.
- Site/business provides local jobs for local people. Consider this should be encouraged.
- Workers at the site support other businesses such as shops within the area
- The company are involved in sponsoring local events
- Suitable location as the surrounding development is also industrial. Consider that Chorley Concrete sits well with the existing uses
- I live/work/visit the area and have not encountered any problems in regard to the lorries using the surrounding roads.
- The business has just moved from one industrial area to another within the same village. Consider this site is much safer than the previous site due to the improved entrance

8.0 SUPPORTING INFORMATION

- 8.1 The application has been supported by the following documents:
Design and Access Statement
Transport Note

Phase I Preliminary Risk Assessment
Coal Authority's Non-Residential CON29M and Groundsure Screening Report
Air Quality Assessment
Lighting Statement
Noise Impact Assessment

9.0 RELEVANT PLANNING POLICIES

- 9.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 Development Plan Document provide the policy framework against which the development proposals will be assessed.
- 9.2 The main part of the site is located within the settlement boundary of Appley Bridge as designated in the West Lancashire Local Plan 2012-2027 DPD. An area to the north of the site is located within the Green Belt.

National Planning Policy Framework

Promoting healthy and safe communities
Achieving well-designed places
Delivering a sufficient supply of homes

West Lancashire Local Plan Policies

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

Supplementary Planning Document - Design Guide (January 2008)

Supplementary Planning Document - Development in the Green Belt (July 2015)

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF TRANSFORMATION, HOUSING AND RESOURCES

- 10.1 The main considerations for this application are:

Principle of development

- 10.2 Policy EC1 of the Local Plan states that: *On other employment sites the Council will permit industrial, business, storage and distribution uses (B1, B2 and B8)*. The site has in part been used for low-level industrial use for many years and was mostly recently granted planning permission for the construction of a Gas Fired Power Plant. As the site has an existing use for industrial purposes a business can operate an industrial use from the site without the need for further planning permission for change of use and without restriction. Planning permission is only required for new buildings/structures within the site. The current application has been submitted to apply for planning permission to retain the existing structures.
- 10.3 It is noted that the application is retrospective in form. The Council must consider the merits of the application in respect of relevant local and national planning

policy. The application cannot be considered more harshly or favourably because of its retrospective nature.

- 10.4 In total the size comprises 17,300 sqm and the main part of the site is located within the settlement boundary of Appley Bridge. An area to the north of the site approx. 3000sqm and an area at the western end of the site (approx. 600sqm) have also been included within the red line of the application site. These parts of the site lies within the Green Belt.
- 10.5 The Green Belt area to the north of the site is not proposed to be developed however the smaller area (comprising approx. 4% of the overall site area) to the western end of the site is the proposed location for the retaining walls and storage bays formed from interlocking concrete blocks. The remainder of the land which lies within the Green Belt is not proposed to be developed as part of this application. Paragraph 154 in the National Planning Policy Framework states that “A local planning authority should regard the construction of new buildings as inappropriate in Green Belt.” There are 7 exceptions to this rule including:
g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
– *not have a greater impact on the openness of the Green Belt than the existing development; or*
– *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*
- 10.6 The proposed storage bays and retaining walls are a maximum of 4m in height with many parts being at a lower level than this. Given the previous development on site and its surrounding context it is considered that the proposal does not result in a greater impact on the Green Belt than the development existing prior to the walls being constructed.
- 10.7 The area where the remaining works have taken place lie solely within the settlement boundary which is defined within the local plan. Policy IF2 1) xii identifies the land as: Land at the railway pad, Appley Bridge and states it will be: *safeguarded for a small-scale rail facility. Development which would prejudice such a use will not be permitted unless there has been a conclusive demonstration that such a use is unviable.*
- 10.8 It is noted that, although this requirement has been in place as part of the local plan since 2012, permission to develop parts of the site have been granted over time without a railway facility being provided as part of the approved scheme.
- 10.9 The current submission does not include a full statement in regard to a future use of the land as a railway pad and does not demonstrate that such a use would be unviable. However the Design and Access Statement notes that: *It is considered that the proximity of the rail pad to the application site supports future growth of the business.*
- 10.10 The proposed works cover a relatively small part of the site, including previously developed areas of the site, and the structures could be removed or relocated with comparative ease. The remainder of the site, which is covered in hardstanding,

remains open to be used for parking and manoeuvring of vehicles including HGVs. The business has relocated from within the settlement of Appley Bridge and currently employs 39 staff.

- 10.11 The potential for the railway to be used to transport raw materials to the site is being considered as part of the future growth of the site as the business develops. A railway siding (drop off point) would be created. This would enable significant vehicular movements to be taken off the roads and onto the railway line and result in reduced costs for transporting of materials.
- 10.12 Whilst it is acknowledged the submission does not fully address the requirements of policy IF2 there is significant potential for this to happen in the future. It is considered that allowing a temporary permission for the business to operate at the site whilst the business becomes established and future plans are finalised would be reasonable in this case. A temporary period of five years is therefore recommended.

Design/Layout

- 10.13 Paragraph 135 of the NPPF advises that the creation of high quality beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. 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.
- 10.14 The structures are positioned around the site as required for the purposes of the business leaving adequate open space for manoeuvring and parking of HGVs and cars. The design of the structures and buildings are similar to those seen in industrial areas across the borough and the scale is considered appropriate for this particular site. Due to the position of the site and its height relative to Appley Lane North public views of the site are limited and the development does not adversely impact on the street scene. Overall it is considered that the proposal would comply with the requirement of local plan policy GN3.

Impact on residential amenity

- 10.15 The NPPF at paragraph 130 requires that planning should ensure that developments provide a high standard of amenity for all existing and future users. 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.
- 10.16 The nearest residential property is situated more than 300m from the site boundary whilst the immediate neighbours to the south comprise an existing industrial complex. To the north the land sits within the Green Belt and is a former landfill site.
- 10.17 I have consulted the Council's Environmental Protection Team (EPT) who have assessed the submitted documents including the Noise Impact Assessment, Air Quality Assessment and Lighting Statement. It is noted that the application is

retrospective however this means that the data which supports the above statements is taken from current working practices on the site. The increase in HGV movements has been noted and considered as part of the assessment. It is noted the Transport Note has taken into account vehicular movements connected with Gaskells Haulage. This document has been reviewed by relevant consultees and no objection has been raised.

- 10.18 The EPT have raised no objections to the development and are satisfied that the impact of the continued operation of the concrete business remains low. As detailed above the recommendation is for a temporary permission. During this time the Council will be able to monitor the working practices of the business and any subsequent impact on residential amenity. Nonetheless, for the avoidance of doubt it is considered appropriate to impose a condition in regard to the approved operational hours. The operating hours have been proposed within the submission by the applicant. Relevant consultees have considered the proposal and consider that these hours would be acceptable. It is noted that concerns have been raised regarding lighting being left on during the night. It is considered appropriate to impose a condition requiring all floodlighting to be turned off outside of opening hours.
- 10.19 It is noted that the EPT have suggested a condition is imposed to require the operation of the business to follow best practice guidance. Whilst expected that any business should follow relevant best practice guidance this is not something that is covered by planning legislation. Any such breach would be investigated under the relevant legislation that falls outside of the planning regime. An advisory note is therefore recommended in this regard.
- 10.20 Subject to the recommended conditions it is considered that the proposal complies with the requirements of local plan policy GN3 1(iii).

Highways

- 10.21 Paragraph 116 of the NPPF sets out the criteria that applications should adhere to and includes the requirement for applications to give priority first to pedestrians and cyclists and secondly to facilitate access to high quality public transport. Development should create places that are safe, secure and attractive. 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.
- 10.22 Concerns have been raised in regard to the impact of traffic movements along Appley Lane North. It is noted that the business was previously located in Dawber Delph Industrial Estate and in order for the HGVs to exit the village the route was along Skull House Lane and then proceeding either to the north or south along Appley Lane North. Having regard to the new location the same vehicles will still be using Appley Lane North in both directions. Matters relating to use of the roads, e.g. in relation to speeding, are not a material planning consideration as these matters are covered by legislation outside of planning control. It is agreed that there are alternative routes along which vehicles could travel when leaving the company's previous site in Dawber Delph. Notwithstanding that matter an assessment must be made as to whether the current proposal result in harm to

highway safety or amenity as a result of vehicular movements from the current site.

- 10.23 The proposal does not include any alterations to the existing highway access onto Appley Lane North and 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. 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 not have a severe impact on highway safety and highway capacity within the immediate vicinity of the site.
- 10.24 The planning history within the officer report relates only to the application site. The decision LCC/2021/0027 referenced within several interested party representations relates to East Quarry which is a different site located on the opposite side of Appley Lane North. LCC Highways have been approached for their comments and have provided further comments. It is noted that LCC Highways department did not raise an objection to the proposed development at East Quarry although the application was refused by LCC Planning Committee on amenity grounds not highways safety grounds.
- 10.25 Having regard to the above, the proposal is considered to comply with the requirements of local plan policies GN3 and IF2.

Drainage

- 10.26 The submission has been accompanied by drainage documentation which has been considered by the Council's Principal Engineer. No objection has been raised as the engineer estimates the impact on flood risk due to the proposed development, to be negligible.

Contamination

- 10.27 The Environment Agency and the Council's Environmental Protection Officer have assessed the proposal with respect to potential impacts on contamination. The EA have raised no objection to the proposed works but, acknowledging the content of the Phase I environmental report, have recommend a condition for phase 2 investigations.
- 10.28 The Environmental Protection officer acknowledges that the works have been undertaken and that a pre-commencement condition would therefore not be suitable in this case. An amended condition requiring details to be submitted within three months of the date of any permission is recommended together with a further condition requiring details of long term monitoring.

Impact on wildlife

- 10.29 The site is an existing industrial site which is covered in hardstanding. Vehicles access/egress the site via an existing tarmac access road onto a main road. Existing habitats on the surrounding land such as trees, hedging etc will not be altered by the erection of structures onto the hardstanding already on the application site. The development is not considered to adversely impact on any protected species or their habitats.

10.30 The concerns regarding light pollution are noted. The planning conditions require the switching off of the floodlights outside operational hours and such impact therefore would not be expected at the time the photograph is taken and for more prolonged periods. As stated above, there is no evidence of the lighting giving rise to adverse impacts on protected species and habitats

Other matters

10.31 Concerns have been raised in regard to the following matters and have been addressed as follows:

The application is retrospective, and should therefore be subject to increased rigour. The Council are required to assess and determine the application in accordance with national and local planning policies. No additional scrutiny is required or permitted for applications which are retrospective.

Consider that the applicant has not done a full traffic or environmental impact assessment. The application has been accompanied by relevant supporting information which has been properly considered by council officers and by statutory consultees.

Query when LCC and WLBC will enforce restoration of the railway pad and urge that WLBC (and LCC) now get the pad restored as demanded by historical and long standing requirements of previous planning approvals which take precedence, in history, over this new application. The land is protected under policy IF2 for consideration as to whether a future use of the site as a railway pad is appropriate. The above assessment take account of this policy and notes that the applicant considers there may be potential for a railway pad to be re-instated as used in connection with the business. On that basis officers have recommended a five year temporary permission to enable this matter to be explored further.

Consider that Appley Bridge is a residential area and is not compatible with the production of concrete.

Suitable location as the surrounding development is also industrial. Consider that Chorley Concrete sits well with the existing uses.

The site lies within an industrial area where it is considered appropriate for industrial processes to take place subject to appropriate regulation by planning legislation and other relevant legislation.

A good operator who has a long term vision for the otherwise redundant site who is bringing much needed employment and commercial benefit to the area. Site/business provides local jobs for local people. Consider this should be encouraged.

Workers at the site support other businesses such as shops within the area

The company are involved in sponsoring local events.

The development results in the continuation of employment for 36 full-time and 3 part-time employees which is considered to be of benefit to the local economy.

There is little if any noise from these activities. Consider that the drivers are courteous and do not cause issues along the roads. I live/work/visit the area and

have not encountered any problems in regard to the lorries using the surrounding roads.

The business has just moved from one industrial area to another within the same village. Consider this site is much safer than the previous site due to the improved entrance.

LCC Highways have not provided a comparison between the previous location of the business and the new proposed location however LCC Highways have raised no objection to the use of the existing access road and it is considered to be a safe access to the site which has appropriate visibility splays.

10.32 Concern has been raised in regard to the eligibility of the public to speak at committee in regard to this application. Speakers at Council meetings are allowed in accordance with the Council's constitution. However it is noted that residents are unhappy that certain residents are unable to speak at this meeting.

10.33 The Council require that a name and full address are published with any interested party representation. Comments from all parties have been read and taken into account in the officer report but not all comments have been published on the Council's website.

Matters in respect of the railway line

10.34 The comments made and advice given to the developer by Network Rail is noted. No objection to the works was raised however it has been made clear that the local planning authority (LPA) are not responsible for the safe operation of the railway or railway assets and the issues raised by the developer/applicant will ultimately need to be agreed by Network Rail engineering to ensure the proposed development does not interfere with the safety of the railway.

10.35 Following the response from Network Rail on 18/01 and 25/01 Council Officers have on several occasions attempted to engage with Network Rail to try to get clarification of exactly what information is required by them and to ask for confirmation as to whether the suggested conditions would overcome their concerns. Network Rail responded on 30/01 and stated "I cannot comment any further as this is for the developer to take forward with Network Rail's asset protection team."

10.36 The subsequent comment from Network Rail on 7th February 2024 is noted. Having reviewed their submission it is officer opinion that the recommended conditions and an informative note advising the applicant to contact Network Rail would be adequate to address the concerns raised in relation to the railway land and would overcome the objection raised at this late stage. Matters in relation to the Environment Agency comments have already been addressed by the imposition of the condition recommended by the Environment Agency and the Council's Environmental Health Officer. The location for the storage of materials can be clearly seen on the plans which have been submitted as part of the application. Network Rail have not made it clear what further information they would require in order to assess this matter.

10.37 On that basis it is recommended that an informative note is included with the permission advising the developer to contact Network Rail to discuss the development. Conditions requiring details of a suitable safety barrier to be erected

on site and details of lighting are recommended so that the Council can be assured proper prevention measures to avoid accidental incursion or impacts from lighting onto Network Rail land are in place.

11.0 CONCLUSION

- 11.1 The development which lies within the Green Belt is not considered to have a greater impact on the openness of the Green Belt than that which previously existed on site. It is acknowledged that whilst the submission does not fully address the requirements of policy IF2 in respect of the railway pad there is significant potential for this to be an option for the future growth and sustainability of the business. A temporary permission is therefore considered appropriate to enable this opportunity to be explored further.
- 11.2 The site lies close to existing industrial uses and is considered to be appropriate in its design, scale and layout. It has been identified that the development would not adversely impact on neighbouring land uses or residential amenity of the more distant dwellings. No objection has been raised in respect of highway safety in the locality or flooding/drainage matters. It is considered that the proposal meets the requirements of the NPPF and Policies GN1, GN3, EC1, IF2 of the West Lancashire Local Plan 2012-2027 DPD.

12.0 RECOMMENDATION

12.1 That planning permission should be granted subject to the following conditions:

- 1) The operational development hereby approved shall be removed and the land restored to its former condition, in accordance with a scheme submitted to approved by the local planning authority, on or before the expiration of the period ending five years from the date of this permission.

Reason: To enable the Local Planning Authority to re-assess the proposal on the expiry of the permission having regard to Policy IF2 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

- 2) The development hereby approved shall be carried out in accordance with details shown on the following plans:

Drawing no. 3501 S.1 New Retaining Walls and Yard Slab Extension
Drawing no. 3501 S.2 wash Pit Ramp
Drawing no. 3501 S.3 Silt Trap Pits
Drawing no. 3501 S.4A Drainage Arrangement
Drawing no. 23-091-102 Site Office
Drawing no. 23-091-103 Temporary Tent Plans and Elevations
received by the Local Planning Authority on 9th November 2023

Drawing no. 23-091-100C Site Location Plan
Drawing no. 23-091-110B Proposed Site Plan
received by the Local Planning Authority on 12th December 2023.

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.

- 3) The use hereby permitted shall not operate outside the hours 0600 until 1900 on Mondays - Fridays and 0700 until 1700 on Saturdays. The use shall not operate at all on Sundays or Bank or Public Holidays.

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.

- 4) Other than the lighting shown on approved drawing no. 23-091-110B Proposed Site Plan no external lighting shall be installed at the site until a scheme detailing the proposed lighting to be installed has been submitted to and approved in writing by the local planning authority. All external lighting shall be installed and maintained in accordance with the agreed scheme.

Reason: To minimise the visual impact of light on nearby residential properties in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

- 5) Within three months of the date of this permission a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reasons: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework. To prevent deterioration of a water quality element to a lower status class in the underlying aquifer and the adjacent watercourse.

- 6) A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation/investigation over the required period, and the provision of reports on the same must be prepared and submitted concurrently with the information required pursuant to condition 5, both of which are subject to the approval in writing of the Local Planning Authority.

Within 2 months of the completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and the neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

- 7) The floodlighting hereby permitted shall be switched off outside the hours 0600 until 1900 on Mondays - Fridays and 0700 until 1700 on Saturdays. The floodlighting shall not be illuminated at any time on Sundays or Bank or Public Holidays.

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.

- 8) Within 3 months of the date of this permission, a detailed scheme demonstrating that areas to be lit will not disturb bat activity and would accord with the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting' shall be submitted to and approved in writing by the Local Planning Authority. All external lighting shall be maintained accordance with the approved scheme thereafter.

Reason: To ensure that no adverse impacts arise on protected species and habitats.

- 9) Within 3 months of the date of this permission details of safety barriers to prevent accidental egress onto the railway land shall be submitted to the Local Planning Authority together with details of the timescale for installation of the barriers. The barriers shall be erected on the land in accordance with the approved scheme and retained thereafter in the approved form.

Reason: To prevent accidental egress onto railway land.

- 10) Within 3 months of the date of this permission a scheme to demonstrate how the floodlighting does not result in light spill onto any land owned by Network Rail. The lighting shall be retained in the approved form thereafter.

Reason: to prevent light spill onto railway land

13.0 SUSTAINABILITY IMPLICATIONS

- 13.01 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder.

14.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 14.1 There are no significant financial or resource implications arising from this report.

15.0 RISK ASSESSMENT

- 15.1 The actions referred to in this report are covered by the scheme of delegation to officers and any necessary changes have been made in the relevant risk registers.

16.0 HEALTH AND WELLBEING IMPLICATIONS

- 16.1 There are no health and wellbeing implications arising from this report.

Background Documents

In accordance with Section 100D of the Local Government Act 1972 the background papers used in the compilation of reports relating to planning applications are listed within the text of each report and are available for inspection in the Planning Division, except for such documents as contain exempt or confidential information defined in Schedule 12A of the Act.

Equality Impact Assessment

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, no Equality Impact Assessment is required.

Human Rights

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from Article 8 (the right to respect for private and family life, home and correspondence) and Article 1 of Protocol 1 (the right of peaceful enjoyment of possessions and protection of property).

Appendices

None.