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PWA Reference: 21-1058

Dear Mr Kilmartin,

3/2021/1262: FULL PLANNING APPLICATION FOR THE PROPOSED ERECTION OF 4NO. COMMERCIAL UNITS (USE CLASS E), AT THE LAND AND AT THE NORTH OF THE CHAPEL HILL SITE, LONGRIDGE, PR3 3JY.

I refer to the above planning application which is pending determination under ref: 3/2021/1262. I understand that comments have been received regarding the proposed mixture of uses at the site. This supplementary statement will set out our opinion on the current position, with reference to the requirements of the Framework, the Development Plan and updates to the Use Classes Order; evidencing how the sub-activities applied for will not prejudice Longridge Town Centre.

Principle of Development

The proposed planning application site was formerly allocated as an industrial employment site under Policy EMP4, as shown within the Districtwide Local Plan Policy Map for Ribble Valley (1998 – 2014). However, Policy EMP4 has since been replaced by Key Statement EC1 within the adopted Core Strategy, with the site now unallocated. Nevertheless, Policy EC1 notes that the need for employment land is to “be made available for employment use in order to support the health of the local economy and wider sustainable job creation. The expansion of existing businesses will, wherever appropriate, be considered favourably.”

The applicant intends to erect 4no. units falling within Use Class E, more specifically uses within sub-sections C, D, and G. As set out within the submitted Planning Statement, it is the view of PWA Planning that the Local Planning Authority (LPA) must be mindful of the amendments made to the Use Classes Order in September 2020, which has seen offices (Use Class B1a) fall within the new Use Class E. This change in national legislation is a significant material consideration and highlights that each Local Planning Authority must apply a greater degree of flexibility within their decision making.

The range of uses supported by Class E (C, D, and G) are shown by Figure 1 below. However, it is clear that the amendment of the Use Classes Order to include a broad Use Class E must have been considered by the Secretary of State to be acceptable, in terms of impacts, when considering the mixture of uses included.

- **E(c)** Provision of:
 - **E(c)(i)** Financial services,
 - **E(c)(ii)** Professional services (other than health or medical services), or
 - **E(c)(iii)** Other appropriate services in a commercial, business or service locality
- **E(d)** Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink,)
- **E(g)** Uses which can be carried out in a residential area without detriment to its amenity:
 - **E(g)(i)** Offices to carry out any operational or administrative functions,
 - **E(g)(ii)** Research and development of products or processes
 - **E(g)(iii)** Industrial processes

Figure 1 - Use Class E (c, d, and g)

The pre-application response received from the Council on the 22nd of July 2021, allocated reference RV/2021/ENQ/00057, affirms the above, detailing that:

“Given the recent changes to the use classes order, the proposed units would fall within class E whereas they would previously have been B1 (Business). As such if the proposal progresses to a formal grant of planning permission it would be likely that a condition would be imposed restricting the use to those falling specially within class E (g) so that any future changes of use to other E uses which may potentially conflict with other policies of the plan or material planning considerations could be fully assessed through the planning process.”

However, further to the above, an email was received from you confirming that Use Class E (C, D, and G) would be supported at the site. Therefore, it is considered that the principle of development at this site is wholly consistent with both the site’s previous allocation and is compatible with the existing uses within the locality.

Regarding the specific breakdown of each sub-use, it is proposed that the use of floor area of the units on site be limited, and the applicant is willing to accept a suitably worded condition that imposes upper limits on each of the specific sub-uses within Use Class E at the site. Such a condition will provide the Council with a mechanism of control, without compromising on the flexibility and attractiveness of the units. An example of the condition wording we suggest is provided below:

“Notwithstanding the requirements of the Town and Country Planning (General Permitted Development) (England) Order 2015 and Town and Country Planning (Use Classes) Order 1987 (or as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (SI 2020 No.757), (or in any provision equivalent to that class in any statutory instrument amending or replacing that Order) the uses, floorspace, and flexible use commercial, leisure, business and industrial units, hereby approved shall be restricted to the following only:

- *Provision of appropriate services in a commercial, business or service locality: Use Class E(c) - 196sqm*
- *Indoor sport, recreation or fitness: Use Class E (d) – 288sqm”*

Essentially this means that the first floor of Unit 1 could be utilised for Class E(c) purposes, as this totals 196sqm, if there was interest and an end user didn’t want to lease the whole of Unit 1. Units 2-4 are of the same size, with each unit 288sqm in size, so it is the applicant’s intention to utilise one of these units as a gym (Class E (d)). The use of the units as Class E(g) need not to be limited as it is feasible that all the Units could be leased to businesses falling within a Class E(g) use.

Main Town Centre Use

Two of the sub-activities within Class E applied for are defined as ‘Main Town Centre uses’ within the Framework – as such due regard must be given to paragraphs 87 and 88 of the Framework. With reference to

Annex 2: Glossary of the Framework defines main town centre uses, stating that these include: *“Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).”*

Clearly, this list contains a wide range of different uses that are not exclusively found within town centre locations, for example, offices are noted as town centre uses, yet the former employment allocation at this site includes the former B1 Use Class, which contains offices, and the use of the premises as Class E(g) is deemed acceptable.

Paragraph 87 of the Framework states that the LPA *“should apply a sequential test to planning applications for main town centre uses, which are neither in an existing centre nor in accordance with an up-to-date plan”*. This paragraph then goes on to state that *“main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.”* Adding to the above, Paragraph 88 shows that *“when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre.”* Given that the application site was formerly allocated for employment purposes, the LPA have previously considered it to be an edge of centre location that is accessible and well-connected to the Town Centre of Longridge. Nonetheless, a Sequential Test is provided at Appendix 1 of this document, which illustrates that there are no sites that are suitable for the proposed development within both Longridge Town Centre or the wider area.

Furthermore, Paragraph 90 of the Framework shows that *“when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace).”* Ribbles Valley Borough Council do not have a locally set floorspace threshold for Longridge, so the 2,500sqm figure contained within the Framework is of relevance; nonetheless, the ‘leisure’ elements proposed at the site equate to 1,256sqm, thus, falling outside of the nationally prescribed threshold.

As highlighted at Paragraph 8 of the National Planning Policy Framework (NPPF), the first element to achieving sustainable development is an economic objective, which establishes that planning as a practice should help bolster the economy, through ensuring that the right types of land are brought forward in the right places to meet identified local needs.

The proposed development will do exactly this, bringing forward a significant number of full-time job roles, as well as jobs in the planning and construction sectors during the build-out phase, at a time where the economy has been severely negatively impacted due to rising costs of living and inflation; this must be afforded significant material weight.

I am also very mindful of how Paragraph 11 of the NPPF makes clear that for plan-making:

Plans should positively seek opportunities to meet the development needs of their area and be sufficiently flexible to adapt to rapid change.

This is why we have resisted that the whole site be brought forward solely for former Class B1 uses as, in my opinion, a failure to allow the developer to be able to adapt to rapid change goes against the thrust within the NPPF. Changes to market circumstances that are beyond anyone’s control is one such example of why this sentence was included within the NPPF. The ability for the site to deliver new jobs and its overall contribution to the local economy must be attributed very significant material weight, as it is ultimately within the spirit of the wider policy goals – especially as the country heads into an anticipated deep recession. Indeed, many of

the jobs because of the range of uses proposed are more likely to ensure that the site is resilient to the recession. The different uses within the new Class E are all 'non-traditional' employment uses (i.e. not originally within Class B1), yet in updating the Use Classes Order, the Government clearly recognises that such roles do generate employment. Consequently, planning permission is no longer required to change between these uses. The LPA should in turn be adaptive to this rapid change when considering the merits of a planning application given this new economic and legislative context.

Conclusion

I consider that our justification provided above, including the suggested condition, and the supporting evidence within the attached Sequential Test, clearly indicates that the proposed uses suggested by this development proposal should be considered acceptable in principle.

The site is an existing employment site with good accessibility and well-connected to the Town Centre of Longridge. The Sequential Test provided at Appendix 1 of this document illustrates that there are no sites that are suitable for the proposed development within both Longridge Town Centre or the wider area, and as such approval of the scheme would not impact on the vitality or viability of the Town Centre.

The application is made in full and is deliverable in the short-term. The Applicant's ambition is to create an attractive, function, high-quality, mixed-use employment site. The proposals will result in economic growth, the creation of jobs and is therefore an opportunity that should be seized by the Council. Consequently, any objections in relation to the principle of development should not be sustained considering current circumstances and legislative changes.

I look forward to hearing from you.

Yours sincerely,

Graeme Thorpe MRTPI
Associate