


Report to be read in conjunction with the Decision Notice.

Signed:	Officer:	SK	Date:	20.6.25	Manager:	LH	Date:	24/6/25
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Application Ref:	2024/0214			 Ribble Valley Borough Council <small>www.ribblevalley.gov.uk</small>
Date Inspected:	29.5.24	Site Notice:	29.5.24	
Officer:	Stephen Kilmartin			
DELEGATED ITEM FILE REPORT:				REFUSAL

Development Description:	Regularisation of change of use from Class B2/B8 (general industrial) to Class E (commercial business and service), provision of mezzanine floor and extension of opening hours to 6.30am to 9.00 pm Monday to Friday, 7.00 am to 4.00 pm on Saturdays and 7.00 am to 1.00 pm on Sundays.
Site Address/Location:	Unit 45 Mitton Business Park Mitton Road Whalley BB7 9YE

CONSULTATIONS:	Parish/Town Council
<p>Whalley Parish Council have objecting to the proposal stating the following:</p> <p><i>Whalley Parish Council object to the above application because the original planning permission approved for the Business Park was not intended for Retail and clearly stipulated that;</i></p> <ul style="list-style-type: none"> <i>The use of the extension permitted shall be for light industrial uses falling within Use Class B1(c) of the Town and Country Planning (Use Classes) Order 1987 (as amended).</i> <i>No extensions or alterations shall be carried out in respect of the extension to which this permission relates which also refers to mezzanine floors.</i> <i>The working hours within the premises shall be restricted to the period from 08:00 to 18:00 hours on Mondays to Fridays and 09:00 to 13:00 on Saturdays only. No work shall take place in the buildings on Sundays, Bank, or Public Holidays.</i> <i>The use hereby permitted shall not be open to customers except between the hours of 08:00 to 18:00 Mondays to Fridays and 09:00 to 13:00 on Saturdays only and not at any time on Sundays, Bank, or Public Holidays.</i> <p><i>The proposed change to Class E (commercial business and service) could lead to increased traffic, noise, and environmental pollution in the surrounding area, adversely affecting the quality of life for local residents. The extended operating hours would exacerbate these issues, causing disturbances early in the morning and late into the evening, including weekends.</i></p> <p><i>Allowing the proposed changes would set a precedent for future applications to bypass the carefully considered restrictions that were put in place to maintain the character and the original hours were set to minimise disruption to the local community, and extending these hours would unfairly impact residents' rights to peace and quiet during evenings and weekends. In light of the above points, I strongly urge the Planning Department to reject the application for the change of use, provision of a mezzanine floor, and extension of opening hours. Maintaining the original planning restrictions is crucial to preserving the intended use of the business park and safeguarding the wellbeing of the local community.</i></p>	

CONSULTATIONS:	Highways/Water Authority/Other Bodies
LCC Highways:	
<p>Following the receipt of revised and additional information in relation to parking provision and the operation of the premises the Local Highways Authority have raised no objection to the proposal stating the following:</p>	

No objection subject to condition

Lancashire County Council acting as the Local Highway Authority (LHA) does not raise an objection regarding the proposed development and are of the opinion that the proposed development will not have a significant impact on highway safety or capacity in the immediate vicinity of the site subject to the following condition being stated on any approval.

Introduction

The Local Highway Authority (LHA) have been consulted on an application for the proposed change of use from Class B2/B8 (general industrial) to Class E (commercial business and service), provision of mezzanine floor and extension of opening hours to 6.30am to 9.00 pm Monday to Friday, 7.00 am to 4.00 pm on Saturdays and 7.00 am to 1.00pm on Sundays at Unit 45, Mitton Business Park, Mitton Road, Whalley.

The LHA are aware of the most recent planning history associated with the site: 3/2017/0714- Extension to existing industrial estate (Class B1, B2 and B8 use) to include car parking, landscaping and service infrastructure. Permitted 01/12/2017.

Site Access

The Unit will utilise the existing access which serves Mitton Business Park. This is located off Mitton Road, which is a B classified road subject to a 30mph speed limit. Given that the access is existing which has recently been approved following application reference 3/2017/0714, the LHA have no comments to make regarding the access.

Parking Arrangements

The LHA have reviewed drawing titled "Location Plan" and note that 10 car parking spaces will be provided for the Unit. Further information has been provided regarding client numbers by the applicant.

Given the information provided to date, the LHAs understanding of the business parking needs can be met by the parking provisions within the site as well as the business park's communal parking areas.

The LHA has visited the site during normal office hours to observe the parking provisions within the whole business park and the applicant has provided a parking survey covering the busier times for the business (after normal office hours) and the LHA note that there is room to cater for this demand within the wider parking area.

At this time the LHA are of the view that the proposal does not have a detrimental impact on the communal parking area and as such, finds the proposal acceptable at this time. The development is also likely to be more active outside of standard working hours when the industrial estate is likely to be quieter.

Further to the above, should consent be granted, the Local Highways Authority have requested that the following condition be imposed:

The site shall operate in accordance with the approved supporting statements and the further information provided by email dated 03 October 2024. The business operations within the site shall not be amended unless first approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interest of highway safety so that any intensification in use of the site can be properly assessed.

CONSULTATIONS:

Additional Representations.

No representations received in respect of the proposal

RELEVANT POLICIES AND SITE PLANNING HISTORY:

Ribble Valley Core Strategy:

Key Statement DS1: Development Strategy
Key Statement DS2: Sustainable Development
Key Statement EC1: Business and Employment Development
Key Statement DMI2: Transport Considerations

Policy DMG1: General Considerations
Policy DMG2: Strategic Considerations
Policy DMG3: Transport & Mobility
Policy DMB1: Supporting Business Growth and the Local Economy

National planning Policy Framework

Relevant Planning History:

2021/0597:

Variation of Condition 3 (Materials) of planning application 3/2017/0714. Proposed timber cladding on the prominent elevations of the buildings fronting Mitton Road instead of all buildings. (Refused – Appeal Allowed)

2020/0070:

Discharge of conditions 23 (highways), 29 (surface water) and 30 (surface water) from planning application 3/2017/0714. (Approved)

2017/0714:

Extension to existing industrial estate (Class B1, B2 and B8 use) to include car parking, landscaping and service infrastructure. (Approved)

ASSESSMENT OF PROPOSED DEVELOPMENT:

Site Description and Surrounding Area:

The application relates to and existing commercial units within the Mitton Road Business Park located off Mitton Road Whalley. The unit is located within the main body of the site, with the surrounding area being predominantly commercial in nature being occupied by units of a similar appearance and configuration.

Proposed Development for which consent is sought:

The application seeks retrospective consent for the regularisation of a change of use from Class B2/B8 (general industrial) to Class E (commercial business and service), including the provision of mezzanine floor and extension of opening hours to 6.30am to 9.00 pm Monday to Friday, 7.00 am to 4.00 pm on Saturdays and 7.00 am to 1.00 pm on Sundays.

Principle of Development:

In respect of the principle of the change of use of the building, given the application relates to an existing commercial unit within an existing established business park, Policy DMB1 is engaged insofar that it relates to development that supports Business Growth and the Local Economy with the Policy reading as follows:

Policy DMB1:

Proposals for the development, redevelopment or conversion of sites with employment generating potential in the plan area for alternative uses will be assessed with regard to the following criteria:

- 1. The provisions of Policy DMG1, and*
- 2. The compatibility of the proposal with other plan policies of the LDF, and*
- 3. The environmental benefits to be gained by the community, and*
- 4. The economic and social impact caused by loss of employment opportunities to the borough, and*
- 5. Any attempts that have been made to secure an alternative employment generating use for the site (must be supported by evidence (such as property agents details including periods of marketing and response) that the property/ business has been marketed for business use for a minimum period of six months or information that demonstrates to the council's satisfaction that the current use is not viable for employment purposes.)*

In respect of the provisions of Policy DMB1, the policy provides material considerations which exist as 'exceptions' to allow for the loss of employment generating uses in certain circumstances. However, in this case there would be no associated environmental benefits to be gained by the community.

With the economic impact of losing employment generating floorspace within an existing established Business Park, originally granted consent for use classes B1, B2 and B8 (pursuant to permission 3/2017/0714), and the introduction of a 'Main Town Centre Use' in an out-of-town centre location considered to be more harmful than any benefits that would be resultant from the granting of consent.

In respect of 'Main Town Centre Use(s)' - the use of the premises as a gymnasium would be considered a 'health and fitness centre' use with such uses being considered as being 'Main Town Centre' use within the National Planning Policy Framework.

With Paragraph 91 of the Framework, in relation to such uses, stating that 'Local planning authorities 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. 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'.

In respect of the provisions of paragraph 91 - the applicant has failed to provide any information that would satisfy the requirements of The Framework.

As such and taking account of the above, it considered that the proposal would result in the loss of employment generating floorspace through the introduction of a use falling within the definition of a 'Main Town Centre Use' in an out-of-town centre location. With no material considerations have been presented in this case to justify or warrant the harm resulting from the loss of employment generating floorspace use.

As such the proposal would result in direct conflict with Policy DMB1 of the Ribble Valley Core Strategy and the aims and objectives of Paragraph 91 of the National Planning Policy Framework.

Impact Upon Residential Amenity:

Taking account of the location of the unit within the main body of Mitton Road Business park and taking account that the unit does not benefit from being located within close vicinity to any nearby residential receptors, it is not considered that the proposal will result in any measurable impacts upon nearby existing residential amenities.

As such, and taking account of the above matters, the proposal does not raise any significant direct conflicts with Policy DMG1 which seeks to ensure of adequate standards of residential amenity and

protect against development(s) that would result in measurable detrimental impact(s) upon nearby existing residential amenities.

Visual Amenity/External Appearance:

The submitted details do not propose any external alterations to the building nor alterations to the existing site configuration. As such the proposal is unlikely to result in any measurable visual impacts upon the character or visual amenities of the immediate area.

As such, taking into account of the above, it is not considered that the proposal will result in any direct conflict with the aims and objectives of Policy DMG1 which seeks to protect against development which would be of detriment to the character or visual amenities of the area.

Highways and Parking:

The Local Highways Authority have raised no objections to the proposal following the receipt of revised additional information relating to parking provision, parking rates and the operation of the existing use, subject to a condition which requires the applicant to adhere to the business operations outlined in the submitted information.

As such it is not considered that the proposal will result in any measurable conflict(s) with Key Statement DMI2 or Policy DMG3 which seek to ensure the continued safe operation of the highways network and to ensure adequate pedestrian infrastructure and vehicular parking provision is brought forward to accommodate development proposals.

Observations/Consideration of Matters Raised/Conclusion:

As such, for the above reasons and having regard to all material considerations and matters raised that the application is recommended for refusal.

RECOMMENDATION:

That planning consent be refused for the following reason(s).

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| 01: | <p>The proposal would result in the loss of employment generating floorspace through the introduction of a use falling within the definition of a 'Main Town Centre Use' in an out-of-town centre location. With no material considerations have been presented in this case to justify or warrant the harm resulting from the loss of employment generating floorspace use.</p> <p>As such the proposal would result in direct conflict with Policy DMB1 of the Ribble Valley Core Strategy and the aims and objectives of Paragraph 91 of the National Planning Policy Framework.</p> |
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