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| **Report to be read in conjunction with the Decision Notice.** | | | | | | | | | | | | |
| **Signed:** | **Officer:** | SK | | | | **Date:** | 10.10.22 | **Manager:** | | **NH** | **Date:** | **10/10/22** |
|  | | | | | | | | | | | | |
| **Application Ref:** | | | | 2021/1262 | | | | |  | | | |
| **Date Inspected:** | | | | 09/02/22 | | | | |
| **Officer:** | | | | SK | | | | |
| **DELEGATED ITEM FILE REPORT:** | | | | | | | | | **APPROVAL** | | | |
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| **Development Description:** | | | | | Full application for the erection of 4no. commercial units (Use Class E). | | | | | | | |
| **Site Address/Location:** | | | | | Land at the North of the Chapel Hill site Longridge. | | | | | | | |
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| **CONSULTATIONS:** | | | | | **Parish/Town Council** | | | | | | | |
| Longridge Town Council have offered the following observations:  *Providing that the neighbour's concerns about noise are taken into consideration and that adequate parking is provided, Longridge Town Council have no further comments to make regarding this planning application*. | | | | | | | | | | | | |
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| **CONSULTATIONS:** | | | | | **Highways/Water Authority/Other Bodies** | | | | | | | |
| **United Utilities:** | | | | |  | | | | | | | |
| United Utilities have offered the following observations:  *Following our review of the submitted drainage documents; SURFACE WATER DRAINAGE STRATEGY for WILLIAM PYE LIMITED, prepared by REFORD, APRIL 2022 the plans are not acceptable to United Utilities.*  *This is because we have not seen robust evidence that that the drainage hierarchy has been thoroughly investigated and the proposals are not in line with the Non-Statutory Technical Standards for Sustainable Drainage Systems.*  *The sewers within Chapel Hill are dedicated foul sewers only and we cannot accept surface water*  *to this sewer. We would require a drainage plan showing the full extent of the private surface*  *water sewers and where they connect into the public sewer. We would also request CCTV and*  *Dye testing in order to prove that the public sewers are serving surface water on site. bWe would require percolation testing to be undertaken on site in order to discount infiltration.*  *Furthermore there appears to be a watercourse to the East of the site which we would require*  *to be investigated in line with the surface water hierarchy.*  *Should planning permission be granted we request the following condition is attached to any*  *subsequent Decision Notice:*  *Prior to the commencement of development, details of a sustainable surface water drainage*  *scheme and a foul water drainage scheme shall be submitted to and approved in writing by*  *the Local Planning Authority. The drainage schemes must include:*   1. *An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;* 2. *A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);* 3. *Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;* 4. *Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and* 5. *Foul and surface water shall drain on separate systems.*   *The approved schemes shall also be in accordance with the Non-Statutory Technical Standards*  *for Sustainable Drainage Systems (March 2015) or any subsequent replacement national*  *standards. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the*  *development.*  *Reason: To promote sustainable development, secure proper drainage and to manage the risk*  *of flooding and pollution.* | | | | | | | | | | | | |
| **LLFA:** | | | | |  | | | | | | | |
| The Lead Local Flood Authority have withdrawn their objection stating the following:  *The Lead Local Flood Authority wishes to withdraw its objection to the above application, which will be acceptable subject to the inclusion of conditions.* | | | | | | | | | | | | |
| **RVBC Env Health:** | | | | |  | | | | | | | |
| RVBC Environmental health have responded to the application offering the following observations:  *The construction and operation of the proposed commercial/industrial units, use class E and car parking facilities has the potential to impact the nearby noise sensitive residential dwellings along the northern and western perimeter on Little Lane and Chapel Hill respectively. The applicant has provided an acoustic assessment which identifies the current noise climate and provides recommendations for the noise insulation performance of the buildings. The applicant has also provided a Phase 1 Contaminated Land Risk Assessment, that identifies the potential for some contamination, and recommends further assessment is necessary.*  *In an application of this nature, it is expected that facilities for charging electric vehicles and other ultra-low emission vehicles are provided in accordance with the National Planning Policy Framework. A condition requiring electric vehicle charging points is therefore necessary.*  *Construction emissions will require controlling to prevent noise and dust impacting neighbouring residential properties.*  *In the light of the above, I would recommend that if planning permission is granted in relation to this application, the following suggested conditions be incorporated:*  *Boundary Noise Limits – Condition*  *Noise emitted from the site shall not exceed:*  *38 dB LAeq (1 hour) from 0700 hours to 1900 hours*  *33 dB LAeq (1 hour) from 1900 hours to 2300 hours and*  *27 dB LAeq (15min) from 2300 hours to 0700 hours on any day,*  *as measured on the Northern boundary of the site.*  *Noise Measurement - Footnote*  *All measurements unless otherwise stated, shall refer to free field conditions measured at a height of 1.2 (alternative 4) metres above ground level and wind speeds of 3m/sec or below. The sound level meter response time to be set to fast.*  *Artificial Lighting Not Permitted - Condition*  *This permission does not authorise the installation or use of any external artificial lighting.*  *Reason: For the avoidance of doubt as to what is being permitted and to safeguard the amenities of the occupiers of nearby properties in accordance with Chapter 15 of the National Planning Policy Framework.*  *Construction Site Working Times - Condition*  *Noisy construction related activities shall not take place outside the hours of:*  *07.30 to 18.30 hours Mondays to Fridays*  *08.00 to 13.00 hours, Saturdays*  *With no noisy activities on Sundays or Public Holidays*  *Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with Chapter 15 of the National Planning Policy Framework.*  *Construction Sites working times – Footnote*  *Ribble Valley Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.*  *Electric Vehicle Charging Points – Condition*  *Before the electrical system is installed a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:*   * *One Standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW) for at least 10% of the development. Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.*   *Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, and to comply with the aims and objectives Chapters 2, 9 and 15 of the National Planning Policy Framework.*  *Electric Vehicle Charging Points – Footnote*   * *A Standard Electric Vehicle Charging Point is one which can provide a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is more likely to be futureproof.* * *For developments where some or all of the parking is likely to be used for shorter stay parking (30mins to 4 hours) then Fast (7-23kW) or Rapid (43kW+) charging points may be more appropriate. If Fast or Rapid charging points are proposed together with restrictions on the times that vehicles are allowed to be parked at these points, then a lower number of charging points may be acceptable.* * *The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.* * *The installation must comply with all applicable electrical requirements in force at the time of installation.*   *Contaminated Land Conditions:*  *Submission of a Phase II Intrusive Site Investigation Report – Condition*  *Based on the findings of the Preliminary Risk Assessment, a number of potential risks associated with potential contamination and ground gas have been identified. Groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.*  *Submission of a remediation Strategy – Condition*  *Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to the above condition, further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.*  *Implementation of the Remediation Strategy - Condition*  *Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to the above condition. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.*  *Submission of Validation Report – Condition*  *Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.*  *NB: Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority.*  *Reason: To ensure the safe occupation of the site in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.*  *Contaminated land - Footnote*  *All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. Reports must be prepared in accordance with the following guidance:*   * *Land Contamination Risk Management (LCRM)* * *BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice* | | | | | | | | | | | | |
| **LCC Highways:** | | | | |  | | | | | | | |
| LCC Highways have no objection to the proposal subject to the imposition of conditions stating:  *Lancashire County Council acting as the Local Highway Authority 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, capacity or amenity in the immediate vicinity of the site subject to the imposition of conditions.* | | | | | | | | | | | | |
| **CONSULTATIONS:** | | | | | **Additional Representations.** | | | | | | | |
| Five letters of representation have been received objecting on the following grounds:   * Inadequate landscaping * Visual prominence * Disturbance from construction activities * Noise and disturbance * Property damage * Hours of operation | | | | | | | | | | | | |
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| **RELEVANT POLICIES AND SITE PLANNING HISTORY:** | | | | | | | | | | | | |
| **Ribble Valley Core Strategy:**  Key Statement DS1 – Development Strategy  Key Statement DS2 – Sustainable Development  Key Statement DMI2 – Transport Considerations  Key Statement EC1 – Business and Employment Development  Key Statement EN4 – Biodiversity and Geodiversity  Policy DMB1 -Supporting Business Growth and the Local Economy  Policy DMG1 – General Considerations  Policy DMG2 – Strategic Considerations  Policy DMG3 – Transport & Mobility  Policy DME1 – Protecting Trees & Woodland  Policy DME2 – Landscape & Townscape Protection  National Planning Policy Framework (NPPF)  Longridge Neighbourhood Plan | | | | | | | | | | | | |
| **Relevant Planning History:**  No recent planning history directly relevant to the determination of the application. | | | | | | | | | | | | |
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| **ASSESSMENT OF PROPOSED DEVELOPMENT:** | | | | | | | | | | | | |
| **Site Description and Surrounding Area:**  The application relates to an area of brownfield land within the defined settlement limits of Longridge. The site is within a small commercial enclave bounded to the east and north by a number of residential dwellings fronting both Little Lane and Chapel Hill. The site is bounded to the west by the playing fields associated with Longridge High School with a number of commercial units and a household waste recycling centre being located to the south. Access to the site is provided directly off Chapel Hill and directly off the highway serving the existing commercial units in the area. | | | | | | | | | | | | |
| **Proposed Development for which consent is sought:**  The submitted details seek consent for the erection of four commercial units, with unit 1 being a standalone detached structure and units 2, 3 and 4 being terraced in an ‘L’ shaped configuration.  Unit 1 benefits from two floors with the ground floor accommodating ‘workspace’ (196 sqm) and the first-floor accommodating ‘office space’ (196 sqm). Units 2, 3 and 4 are single storey structures with each of the units providing 288 sqm internal commercial floorspace. It is proposed that the units will accommodate uses within Use Classes E – sub activities/uses (c), (d) and (g) of the Town and Country Planning (Use Classes) Order 1987 (as amended). | | | | | | | | | | | | |
| **Principle of Development:**  Given the proposal seeks consent for the creation of commercial units of employment generating potential. it is considered that the principle of the development within this location, notwithstanding other development management considerations, is considered to be in broad alignment with the aims and objectives of Key Statement DS1, Key Statement EC1 and Policy DMB1 of the Ribble Valley Core Strategy. However, the proposal seeks consent for Use Classes E – sub activities/uses (c), (d) and (g) of the Town and Country Planning (Use Classes) Order 1987 (as amended) which includes the following uses:  Class E:  (c) for the provision of the following kinds of services principally to visiting members of the public:   1. financial services, 2. professional services (other than health or medical services), or 3. any other services which it is appropriate to provide in a commercial, business or service locality   (d) for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public,  (g) for:   1. an office to carry out any operational or administrative functions 2. the research and development of products or processes, or 3. any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit   As such, given the proximity of the site to that of the Main Centre of Longridge (approximately 700m by foot/car) consideration must be given in respect of the potential for the proposed uses to result in the undermining of the vitality or viability of the Main Centre of Longridge. The National Planning Policy Framework defines Main Town Centre uses as follows:  *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).*  In this respect, Class E(c), (d) and g(i) would be considered to constitute Main Town Centre uses, as such consideration must be given in respect of the requirements of paragraphs 86 – 88 of the Framework which read as follows:  *86 - Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should:*   1. *define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;* 2. *define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre;* 3. *retain and enhance existing markets and, where appropriate, re-introduce or create new ones;* 4. *allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least ten years ahead. Meeting anticipated needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability, so town centre boundaries should be kept under review where necessary;* 5. *where suitable and viable town centre sites are not available for main town centre uses, allocate appropriate edge of centre sites that are well connected to the town centre. If sufficient edge of centre sites cannot be identified, policies should explain how identified needs can be met in other accessible locations that are well connected to the town centre; and* 6. *recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.*   *87 - 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.*  *88 - 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. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.*  In respect of the above matters, the applicant has submitted both a sequential test and supplementary supporting statement in support of the application. The sequential test focusses on matters relating to potential conflicts resulting from the development in respect of the potential for the proposal to compromise or undermine the vitality or viability of Longridge.  The report concludes that there are no available sites within the Main Centre of Longridge that would be suitable or offer a quantum of comparable floorspace to accommodate the activities proposed, as such and in this respect, it is not considered that the proposal would result in compromising the attractiveness, vitality or viability of the Main centre area of the settlement.  Furthermore, in respect of the above, it is considered that the usage of the internal floorspace of the buildings will be limited through the imposition of a condition which states that the use of the buildings shall not exceed the following tolerances - Class E(c) - 196 sqm and Class E (d) - 288 sqm. It is not considered that there are any warranted reasons to impose controlling mechanisms in respect of Class E(g) insofar that such uses/activities would not be considered to result in any direct conflict with the vitality of viability of the Main Town Centre area of Longridge.  A further condition will be imposed that precluded the ability for additional internal floorspace to be created through the insertion of mezzanine floors as follows:  *Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any subsequent enactment or re-enactment thereto, no enlargements or other alterations (including the insertion of a mezzanine floor) shall be undertaken to or within the buildings hereby approved.*  Taking account of the above matters and taking account of the applicant’s willingness to accept the imposition of the above referenced conditions, it is not considered that there are any material reasons to withhold the granting of planning permission in respect of the proposal. | | | | | | | | | | | | |
| **Impact Upon Residential Amenity:**  Units 2, 3 and 4 of the proposed development are located within close-proximity to a number of existing residential dwellings fronting both Chapel Lane and Little Lane, a such due consideration must be given in respect of the potential for the proposed development to cause undue harm to existing nearby residential amenities, not only by virtue of the physical impacts of the built structures, but also in respect of the activities that are likely to be undertaken on-site.  In respect of activities undertaken on-site, the proposal seeks consent for Use Classes E – sub activities/uses (c), (d) and (g) of the Town and Country Planning (Use Classes) Order 1987 (as amended) which includes the following uses:  Class E:  (c) for the provision of the following kinds of services principally to visiting members of the public:   1. financial services, 2. professional services (other than health or medical services), or 3. any other services which it is appropriate to provide in a commercial, business or service locality   (d) for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public,  (g) for:   1. an office to carry out any operational or administrative functions 2. the research and development of products or processes, or 3. any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit   Taking into account the range of activities allowed within sub activities/uses (c), (d) and (g), the authority’s Environmental Health Department have recommended that conditions be imposed to protect nearby residential amenities from undue noise and disturbance as follows:  *Noise emitted from the site associated with the uses hereby approved shall not exceed the following noise levels measured on the northern boundary of the site.*  *• 38 dB LAeq (1 hour) from 0700 hours to 1900 hours*  *• 33 dB LAeq (1 hour) from 1900 hours to 2300 hours and*  *• 27 dB LAeq (15min) from 2300 hours to 0700 hours on any day,*  *For the avoidance of doubt all measurements, unless otherwise stated, shall refer to free field conditions measured at a height of 1.2 (alternative 4) metres above ground level and wind speeds of 3m/sec or below. The sound level meter response time to be set to fast.*  It is considered that if these noise levels are adhered to that the associated activities are unlikely to result in any detrimental impacts upon existing residential amenities through noise or disturbance. Given the proximity of dwellings to the east of the site, the condition will be amended to also include noise measured from the eastern boundary of the site.  Given the scale of the proposed buildings, consideration must also be given for the potential of the physical built-form to result in undue impacts upon affected nearby residential occupiers.  In this respect the submitted details proposed that the buildings (Units 2,3 and 4) will benefit from a significantly lower finished floor level (FFL) than that of the existing neighbouring dwellings, with the finished floor levels being approximately 2 metres lower than that of the dwellings. This results in the eaves height of the units being significantly lower than that of the dwellings with the ridge height also being lower than that of the adjacent and nearby dwellings. As such, taking this into account and taking into account of the distance of these units from the nearby and adjacent residential dwellings, it is not considered that the proposal will result in any detrimental impacts upon the residential amenities of nearby residential occupiers by virtue of a loss of light or overbearing impact. | | | | | | | | | | | | |
| **Visual Amenity/External Appearance:**  The submitted details propose that ‘Unit 1’ will be two storeys in height, being predominantly faced in red brick, benefiting from vertical glazing to serve a stairwell and a window arrangement at first floor to afford natural light to first-floor office space, with the building benefitting from a pyramidal hipped roof. The ground floor accommodates a ‘workspace’ area and reception with access being provided by way of a roller shutter door. It is proposed that the footprints of ‘Units 2, 3 and 4’ will benefit from an ‘L-shaped’ configuration, being of a typical commercial appearance, being predominantly clad in external profiled cladding with external roller shutter doors on the south-west and south-east facing elevations.  Units 2, 3 and 4 are located to the south and west of a number of existing residential properties fronting Little lane and Chapel Hill respectively. The submitted details propose that there will be significant lowering of the existing land levels (3.5m at their greatest extents) to facilitate the construction of the units and to lessen their inter-visibility and relationship with nearby residential receptors.  Taking this into account and taking into account that the development will be largely read in context with existing commercial development located to the southern extents of the site with negligible visibility being afforded from the wider public realm. As such it is not considered that the proposed development will be read as being visual anomalous or incongruous or result in any significant measurable harm upon the character or visual amenities of the area. | | | | | | | | | | | | |
| **Landscape/Ecology:**  The application has been accompanied by an Arboricultural Impact Assessment. The report recommends the retention of all trees an hedgerow identified on site save that for a Common Ash (T2) which is to be removed due to anticipated short life expectancy due to Ash Dieback Disease. To ensure adequate protections is afforded to trees/hedgerows affected by the development, a condition will be imposed that requires the submission of tree-protection details prior to the commencement of development.  The proposal has also been accompanied by a proposed landscaping scheme that proposed both tree and hedgerow within the main body of the site but also along the western, northern and eastern boundaries to both provide a level of visual mitigation to the proposal but also aid in achieving overall biodiversity and ecological enhancement. | | | | | | | | | | | | |
| **Observations/Consideration of Matters Raised/Conclusion:**  As such and for the above reasons, having regard to all material considerations and matters raised, that the application is recommended for approval. | | | | | | | | | | | | |
| **RECOMMENDATION**: | | | That planning consent be granted subject to the imposition of conditions. | | | | | | | | | |