

ITEM NO. B2

Application	No: 2008/0080	Application Type: Full Application			
Proposal: Change of use of land from car park to temporary (18months) car sales including siting of temporary cabin and 1.8 metre high temporary black paladin security fencing		Location:	Land off the A682, at New Hall Hey, Rawtenstall		
Report of:	Planning Unit Manager	Status:	For Publication		
Report to:	Development Control Committee	Date:	2 June 2008		
Applicant:	Ribble Valley Motor Cars Ltd	Determination Expiry Date: 25 March 2008			
Agent :	Hurstwood Group				
	mber:	Cllr J Forsh As the use would not p applications determined amenities a encourage	is only temporary it orejudice or delay s currently being; would not harm and would visitors. This site sed for parking		
More than 3 objections received					
Other (pleas	se state)				
Human Rig The relevant	hts t provisions of the Human Rights /	Act 1998 and	the European		

Convention on Human Rights have been taken into account in the preparation

this report, particularly the implications arising from the following rights: -

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

1 The Site

- 1.1 This application relates to part of the New Hall Hey site, located to the south of the A682 Rawtenstall Bypass. The site is an irregular shape and occupies a prominent position as one enters and leaves the site from the newly constructed roundabout. The site is currently vacant.
- 1.2 Part of the site has been used for informal car parking and the site does have the benefit of consent for the erection of B1 uses and associated car parking.
- 1.3 Construction work is underway to implement application 2007/030 for Homebase, Argos and Pets at Home to the east of the newly constructed roundabout. Hardmans Mill, a Grade II listed building is located to the south.

2 Relevant Planning History

2.1 There is a detailed planning history in relation to development on the whole of New Hall Hey. The history of New Hall Hey relevant to the current scheme is detailed below.

2005/109

Refusal of mixed use scheme (retail, leisure and commercial) for the whole of New Hall Hey

2005/617

Approval of mixed use scheme (retail, leisure and commercial) for the whole of New Hall Hey (approximately half of scheme commercial and approximately half retail and leisure)

2007/030

Amendments to units A1-A3 within the retail and leisure park to facilitate Homebase, Argos and Pets at Home.

2007/630

Amendments to facilitate Aldi – currently 'minded to approve

2008/118

Frankie and Bennys application Minded to Approve

2.2 In this particular case it is considered that the original approval for the

whole site (2005/617) and the application for Homebase (2007/030) are most relevant to the assessment of this current proposal. Application 2007/030 includes a condition that requires the developer to build 1,651 sq m of B1 office provision within the commercial half of New Hall Hey.

3 The Current Proposal

- 3.1 This application seeks consent for the change of use of the land from informal car parking and landscaping car sales including the siting of a cabin and 1.8 metre high black paladin security fencing. Consent is sought for a limited period of 18 months.
- 3.2 The site benefits from planning permission for commercial uses approved in relation to the whole of the New Hall Hey development (2005/617). The element of which specifically relevant to this proposal would be 2 no. two storey office buildings and associated car parking. Part of the site has previously been used as an overspill car park for employees and visitors of the nearby former Groundwork building and Hardmans Mill. The applicant has submitted an aerial photograph of the site with numerous cars parked on part of the site.
- 3.3 The cabin would be located to the north west corner of the site and would measure approximately 14 metres wide, with a depth of 8 metres and a height of 3.5 metres. Materials would be timber boarding and render. The cabin will have a flat roof, timber boarded up and over doors and panels with rendered panel facade.
- 3.4 Access to the proposal would be to the south east via a gated entrance and would utilise infrastructure approved by the wider planning consent for New Hall Hey. Sixteen customer car parking spaces are proposed, with 91no. car sales spaces 2.6 metres by 5.2 metres. The surface of the car park and access road surface to be of compacted chippings.
- 3.5 The boundary fence would be paladin painted black, and would be 1.8m in height. Two small areas of landscaping are proposed to the north east and south west of the site.
- The hours of working from the site to be from 24.00 hours to 24.00hours Monday to Sunday.

4. Development Plan Policies

4.1 The Development Plan within Rossendale comprises the Local Plan (adopted 12th April 1995), the Joint Lancashire Structure Plan 2001-2016 (adopted 31st March 2005) and Regional Planning Guidance (RPG) 13 (which became Regional Spatial Strategy (RSS) and part of the development plan from 28th September 2004).

Regional Spatial Strategy

- 4.2 Regional Planning Guidance was adopted in March 2003 and following the commencement of the new Planning and Compulsory Purchase Act is now the Regional Spatial Strategy for the North West (RSS).
- 4.3 The key objectives of relevance to this proposal in RSS include:
 - 1. achieving greater economic competition and growth with associated social progression;
 - 2. to secure an urban renaissance in the cities and towns of the north west.
 - 3. to ensure active management of the Region's environmental and cultural assets:
 - 4. to secure a better image for the Region and high environmental and design quality; and
 - 5. to create an accessible Region with an efficient and fully integrated transport system
- 4.4 Policy DP1 requires that development plans adopt the following sequential approach to meet development needs, taking into account local circumstances: the characteristics of particular land uses, and the spatial development framework; the effective use of existing buildings and infrastructure within urban areas particularly those which are accessible by public transport, walking or cycling; the use of previously developed land particularly that which is accessible by public transport walking or cycling; and thirdly development of previously undeveloped land that is well related to houses, jobs and so on and can be made accessible by public transport, walking or cycling.
- 4.5 Policy EC8 states that development plans should recognise the continued need to protect, sustain and improve all the town and city centres in the region including the role of the Regional Poles (Liverpool and Manchester/Salford) as regional shopping centres, by encouraging new retail, leisure, and/or mixed use development within existing defined town and city centres boundaries. Moreover it requires that a sequential approach to such development be adopted in accordance with national planning policy and the core development principles. Where a need is established and where application of the sequential approach has indicated that no suitable town centre sites are available new or expanded developments in urban areas will be considered where their function forms the core of a mix of uses including housing and only then when public transport is accessible.
- 4.6 Policy EC9 states that development should facilitate the provision of employment opportunities by encouraging the growth of investment in tourism within the North West. New locations should build on areas with existing major tourism and leisure attractions or where development will contribute to regeneration.

Draft Regional Spatial Strategy (RSS)

- 4.7 The panel report on the draft RSS is currently out and the changes proposed are expected shortly. The Draft RSS ('The North West Plan') was published for its first formal public consultation exercise in January 2006 and will cover the period from 2003 to 2021.
- 4.8 Draft RSS focuses on the needs of the region as a whole but highlights those area that need more specific guidance or a different approach. This intended to improve the coordinated and delivery of regional policy and sustainable development
- 4.9 Draft RSS is a material consideration however it should not be afforded significant weight at this stage
 - Joint Lancashire Structure Plan 2001-2016
- 4.10 **Policy 1b** (General Policy) requires development to contribute to achieving high accessibility for all by walking, cycling and public transport.
- 4.11 **Policy 2** (Main Development Locations) states that most development should be located within identified principal urban areas, which include Rawtenstall.
- 4.12 **Policy 21** states "Lancashire's natural and manmade heritage will be protected from loss or damage according to the hierarchy of designations of international, national, regional, county and local importance."
- 4.13 Listed buildings 1, 2* and 2 are identified in the policy as of national importance. The site is adjacent to Hardmans Mill a grade II listed building.

Rossendale District Local Plan (Adopted 1995) (Saved Policies only)

- 4.14 **Policy DS.1** (Urban Boundary) states that "the Council will seek to locate most new development within a defined boundary the Urban Boundary and will resist development beyond it unless it complies with policies DS3 and DS5. The urban boundary is indicated on the proposals map"
- 4.15 **Policy DC.1** (Development Criteria) states that all applications for planning permission will be considered on the basis of a) location and nature of proposed development, b) size and intensity of proposed development; c) relationship to existing services and community facilities, d)relationship to road and public transport network, e) likely scale and type of traffic generation, f) pollution, g) impact upon trees and other natural features, h) arrangements for servicing and access, i) car parking provision j) sun lighting, and day lighting and privacy

provided k) density layout and relationship between buildings and I) visual appearance and relation to surroundings ,m) landscaping and open space provision, n) watercourses and o) impact upon man-made or other features of local importance.

- 4.16 **Policy DC.4** (Materials) Places an emphasis on local natural stone and Welsh blue slate to match the texture, general appearance and weathering characteristics of the surrounding area
- 4.17 **Policy HP.2** (Listed Buildings) of the adopted local plan seeks to safeguard listed buildings.

5 Other Material Planning Considerations

PPS1: Delivering Sustainable Development

- 5.1 PPS1 states that sustainable development is the core principle underpinning planning. Planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by: making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life; contributing to sustainable economic development; protecting and enhancing the natural and historic environment, the quality of the countryside and existing communities; ensuring high quality development; and supporting existing communities and contributing to the creation of safe, liveable and mixed communities with good access to jobs and key services for all. On sustainable economic development. local authorities should recognise that economic development can deliver environmental and social benefits; that they should also recognise the wider sub regional and regional economic benefits and that these should be considered alongside any adverse local impacts.
- 5.2 Para 28 of PPS1 advises that planning decisions should be taken in accordance with the development plan unless other material considerations indicate otherwise.
- Para. 29 of PPS1 acknowledges that in some circumstances, a planning authority may decide in reaching a decision to give different weight to social, environmental, resource or economic considerations. Where this is the case the reasons for doing so should be explicit and the consequences considered. Adverse environmental, social and economic impacts should be avoided, mitigated or compensated for.

PPG13: Transport

5.4 The main objective of PPG13 is to promote more sustainable transport choices for both people and moving freight. It aims to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and reduce the need to travel, particularly by car. For retail and leisure developments policies should

seek to promote the vitality and viability of town centres, which should be the preferred locations for new retail and leisure development. Preference should be given first to town centres then edge of centre and then on out of centre sites in locations which are (or will be) well served by public transport.

Rawtenstall Town Centre Area Action Plan

5.5 In May 2006 a revised Preferred Options Report was published for consultation; since that time, and following the advice of Government Office North West, the progress of the AAP has been delayed to facilitate the progress of the Core Strategy. As such, only limited weight can be afforded to the AAP at this time. In relation to the New Hall Hey site the Preferred Options Report identifies the site for mixed use redevelopment with the majority of the site developed for a mixture of office and industrial premises, with potential retail and leisure development to the east.

7. CONSULTATIONS

7.1 INTERNAL CONSULTATIONS

<u>RBC Environmental Health</u> – Advise that no additional restrictions or measures are requested in respect of the application.

<u>RBC Forward Planning</u> — The loss of employment land at this location would be detrimental to Rossendale's economy. Further details of the Forward Planning response will be highlighted in the 'Analysis' section of this report.

7.2 EXTERNAL CONSULTATIONS

LCC(Highways)

No objection in principle subject a condition to ensure that any vehicle loading or unloading is done within the site and not on the highway; tracking details should be provided to show that vehicles carrying out this function are able to turn around on the site.

8 <u>Notification Responses</u>

8.1 Two site notices were posted on 28th February 2008 as shown on the site plan. Three neighbours were notified by letter on 18th February 2008 to accord with the General Development Procedure Order. The site notice has been posted to go above and beyond the regulatory requirement to ensure a high level of Community engagement to accord with PPS1.

One representation has been received in response to the application publicity. This objection was raised by J. A. Taylor Car Sales and

raised concerns regarding:

- 1. Surfacing
- 2. Distraction to passing motorists
- 3. No floodlighting proposed which would be necessary
- 4. A visual circus would be created
- 5. The infrastructure required for such a use would require further personnel and equipment not proposed on the site
- 6. The use would be a major logistical operation
- 7. Most visitors would not park within the compound
- 8. Strong night lighting and security would be required
- 9. In its present form the application only supports an unregulated and untidy car 'pitch' which can easily deteriorate.
- If permission is granted the eventual lessee will not be able to be regulated as to the content of the sales pitch or the condition of the cars on display.

9. Planning Issues

- 9.1 Given the planning history for this site I consider that the main issues for consideration are
 - 1. whether the principle of the development on the site is appropriate;
 - 2. whether the proposed scheme can be implemented without impeding the discharge of conditions relating to application 2007/030:
 - 3. whether the changes provide for adequate parking for the proposed use;
 - 4. whether the proposed siting would affect the setting of a listed building; and
 - 5. whether the proposal is acceptable in terms of visual amenity, residential amenity and highway safety.

9.1 Principle

- 9.2 In general terms the principle of development on this site is acceptable given the extant permission 2005/617.
- 9.3 However, in assessing the proposed principle it is necessary to consider the proposal against i) the employment nature of the site given the approval of the commercial element of the New Hall Hey mixed use development, ii) AAP and King Sturge report on employment land supply and, iii) the applicant's suggestion of the lawful use of the site.
- 9.4 I will deal with each of these points in turn below.

Lawful Use

9.5 The agent has stated that the site has been in use as a car parking

area "...since the early 90's." Photographic evidence has been provided showing the site being used as a car park, however, this has not been dated. Aerial photographs obtained by the Case Officer dating from 2000 show that not all of the site was used for car parking at this time. For the car parking use to become lawful the site would have to have been continually used as such for a period of ten years. It is considered that a Certificate of Lawfulness application would be required to confirm this and that the evidence supplied with the application is not sufficient to demonstrate that the whole of the application site has operated as a car park continuously for 10 or more years. Whilst a car park and car sales are different in land use planning terms, the applicant has put forward that the car parking is lawful and that in visual amenity terms there is little difference. The visual implications of the proposal are considered later in this report.

Commercial element of 2005/617 and requirements of condition 19

- 9.6 Application 2005/617 granted a permission for 2no. two storey B1 Office buildings on this site. Condition 19 of Planning Application 2007/030 required the applicant's to "Within 18 months of Unit A1 (as shown on the approved plan no. 7035 L03 Rev L) being brought into use not less than 1.651 square metres of B1 floorspace shall be constructed and made available for occupation". This condition was also attached to the original permission 2005/617. However, given that the Homebase element of New Hall Hey is under construction, it is condition 19 of application 2007/030 which has been triggered requiring the developer to build 1,651 sq m of office floorspace. The condition was put in place ensure the significant material benefits that the development of the whole site would deliver to the Borough. Considerable weight was given to the creation of employment land and economic development when previous applications were approved by this Committee.
- 9.7 Therefore, it is necessary to ensure that any subsequent development on the commercial element of New Hall Hey accords with the reasons to grant planning permission in the first instance and that it does not reduce the applicants ability to deliver employment provision.
- 9.8 The two units permitted as part of 2005/617 that would be located on this application site would provide a total floor area that would satisfy condition 19. Therefore, the applicant has provided additional information which demonstrates which of the commercial units would be built to satisfy the requirements of condition 19 of 2007/030. The information indicates that part of an adjacent 'L' shaped unit to the west that would be built out. The remaining aspect of the unit would be hoarded off and would remain undeveloped at that time. The information also adequately demonstrates that the infrastructure surrounding the unit could be made available, and, therefore the requirements of condition 19 of application 2007/030 could be satisfied.

9.10 In conclusion, I am satisfied that the current proposal on this part of the commercial element of the New Hall Hey scheme would not fetter the ability of the applicant to satisfy condition 19 of planning application 2007/030.

Policy, AAP and Kings Sturge Report

- 9.11 The Joint Lancashire Structure Plan states in Policy 14 that provision will be made for 25ha of business and industrial land within Rossendale over the period 2001 to 2016. The JLSP acknowledges that there is too much land and sites should be de-allocated or reallocated.
- 9.12 The Rawtenstall AAP describes this site as suitable for "a mixture of office and industrial premises, with potential retail and leisure development". It is reserved for business use to ensure that an appropriate supply of employment (predominantly office) accommodation is maintained. It is envisaged land uses will be restricted to employment uses in these areas (i.e. B1 or B2).
- 9.13 The report undertaken by King Sturge into Rossendale's Employment Land notes that "there are already retail uses on this site as well as a mill building converted to business use. Planning permission has been granted for a mixed use development on this site including office space, employment uses, restaurants and leisure uses". The Report further stresses that: "Rossendale's best and indeed only site capable of satisfying an inward investment requirement is the New Hall Hey site. This 6ha site is situated at the end of the M66/A682 corridor. It has excellent road access, especially to the motorway network and is relatively close to Rawtenstall Town Centre. This site was identified as a J1 Employment Allocation but has recently been the subject of a planning application, for mixed uses lead by retail and leisure and including office and industrial units. This site was identified in the Sustainable Employment Land Strategy for East Lancashire as a "Rural Renaissance" site worthy of protection for employment use.
 - It is important that this site be brought forward for employment use and aggressively marketed.
 - The speculative development of office accommodation can only increase the site's attractiveness for inward investment".
- 9.14 It is considered that the above paragraphs 9.4 9.6 are key factors in considering this application. RBC Forward Planning have stated "...loss of employment land at this location would be detrimental to Rossendale's economy." Moreover, it is clear from the King Sturge report that the New Hall Hey scheme (particularly the commercial element) is essential to deliver employment provision within the Borough.

- 9.15 This is further supported by the very reason members decided to grant planning permission for application 2005/617 in that they placed considerable weight on the provision of employment uses and economic development. The King Sturge Report notes this is the "best and only site capable of satisfying an inward investment requirement". The nature of the current proposal could be considered to discourage inward investment and could even stifle the Council's aspirations for employment generating uses on this mixed use site.
- 9.16 In conclusion, I consider that the proposal would limit inward investment and the likelihood of securing employment uses on this particular site and wider site for which permission exists for employment uses. As such, it is considered that the proposal (though for a temporary period) would reduce the reasons for granting planning permission for the whole of the New Hall Hey site originally.

10.0 Design and Layout

- 10.1 The application site is considered to be a gateway site, prominent from the A682 and from within New Hall Hey. The applicant has stated that the proposed use would have 'very little impact visually'. The assessment of the proposal on visual amenity will take the temporary nature of the use into account.
- 10.2 The size and design of the cabin reflects the temporary nature of the application. It has been confirmed that the cabin would be removed when the temporary consent expires if approved. The siting of the cabin its size and design are not considered to be in an acceptable location and would incur a significant loss of visual amenity to the area taking into consideration its prime gateway location. The security fencing and the proposed surfacing materials will add to the negative impact of the proposed use on the immediate area.
- 10.3 Information has been requested with regards to vehicle servicing, security measures, and lighting. The granting of a car sales use on this site, considering the amount of signage, security, servicing and lighting required even on a temporary basis would likely be considered detrimental to the area, and result in a loss of character to the area.

11.0 <u>Listed Building</u>

11.1 Whilst it is not considered that the applicant has demonstrated a lawful use of car parking on the whole of the site, it is accepted that a proportion of the site has been used for informal car parking. Therefore, I am mindful that the visual appearance of cars parked for sale would be similar to cars parked informally with regard to any impact upon Hardmans Mill. Moreover, application 2005/617 and 2007/030 introduced a number of buildings and surface level car parking within the vicinity of the listed building. The cabin associated to this development would be located to the north west corner furthest

from Hardens Mill.

11.2 Having regard to the above, it is not considered that this scheme would have undue impact upon the setting of Hardmans Mill than the extant permissions. Therefore, it is considered that the proposal would accord with the requirements of the development plan with regard to the setting of Hardmans Mill.

12.0 <u>Highway Implications</u>

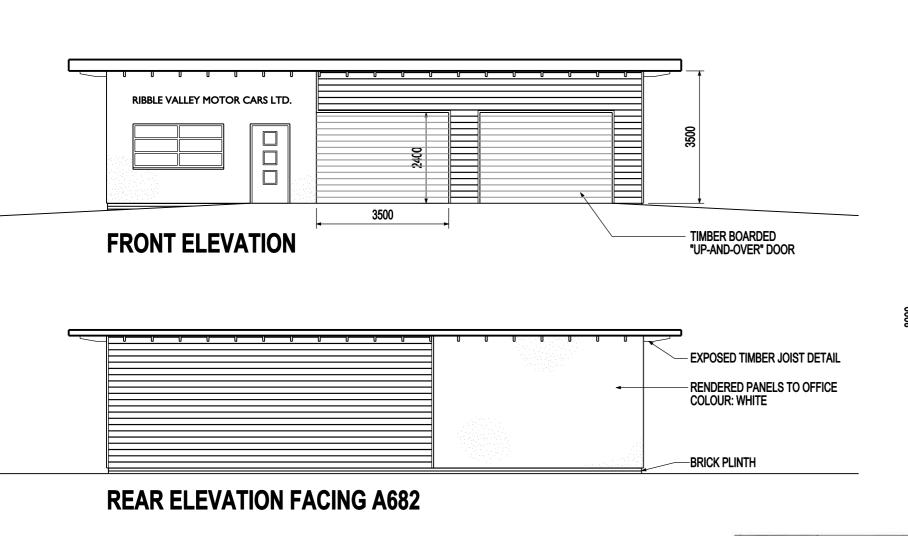
12.1 The proposal would utilise the same access as the previous approvals and members will be aware that the roundabout has now been constructed by Lancashire County Council. The visibility splays associated with the scheme are considered acceptable, and traffic speeds in that area are low. The proposed parking numbers are considered acceptable. Discussions have been undertaken with LCC Highway's and they have verbally commented that they have concerns regarding the lack of servicing associated with the site for vehicle transporters to deliver vehicles to the site. The applicant has responded stating that no transporters would be used in association with the site. Parking outside of the site so close to the roundabout would not be acceptable, however, the parking associated with the use is considered acceptable and LCC Highway's have not stated otherwise. There is a concern with regards to the prominence of the site from the A682 and the roundabout that allows access into New Hall Hev. There have been numerous accidents in the area since the creation of the roundabout and the creation of a car sales area may increase the risk of accidents in the area. It is considered, however, that distractions to motorists would most likely arise from the lighting and advertising associated with the scheme. As stated above the lighting could be suitable controlled via condition. Advertisement consent would require a separate application and would be assessed accordingly. On balance, therefore it is considered that the proposed use would not be significantly detrimental to highway safety to warrant a recommendation for refusal on highway safety terms.

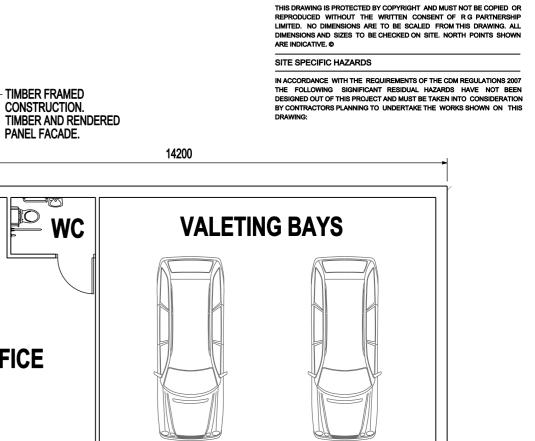
16 Recommendation

- 18.1 That planning permission be refused for the following reasons:
 - 1. The proposal would limit inward investment and the likelihood of securing employment uses on this particular site and the wider employment site it forms part of. As such, it is considered that the proposal (though for a temporary period) would reduce the reasons for having granted planning permission for retail and leisure uses elsewhere on the New Hall Hey site originally and be contrary to PPG4 and Policy 14 of the adopted Joint Lancashire Structure Plan.
 - 2. The proposed car sales lot would detract to an unacceptable extent from the character and appearance of the area having regard to the

prominent location of the application site, the proposed cabin and associated signage, servicing, fencing and lighting. The proposal is therefore considered to be contrary to the criteria of saved Policy DC 1 of the Rossendale District Local Plan .

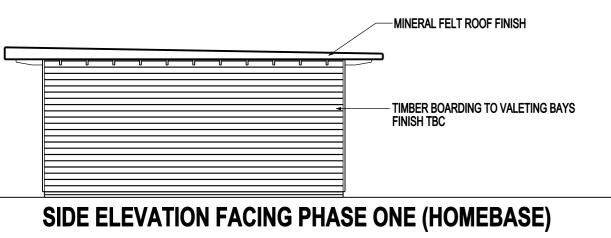
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Name	N Birtles
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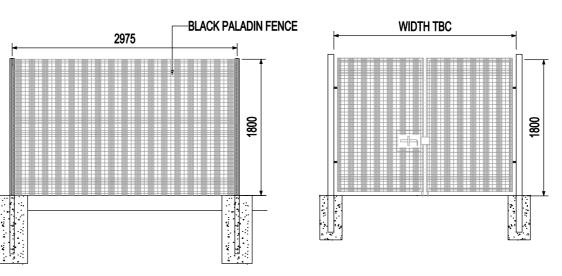
825

3500



SIDE ELEVATION FACING PHASE THREE





OFFICE

2400

700 | 1100 | 650

700

TYPICAL FENCE & GATE DETAILS 1:50

CLIENT / PROJECT **NEW HALL HEY RAWTENSTALL** PHASE THREE DRAWING TITLE

825

CAR SALES AREA - TEMPORARY ELEVATIONS & GA

3500

REV DATE NOTES

DATE	DRAWN		CHECK		SCALE @ / 1:10		
28.01.07	AJP	L	טי	ı	1:10	UU	
PROJECT NUMBER	UNIT /BLOCK	CI / SFB CODE		TYPE & NUMBER	REVI		
DRAWING NO.							
7825	E01						
Site Location Plans	L	GA Plans Details	P		Elevat	ions	E

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