

<b>Application Number:</b>	2012/375	<b>Application Type:</b>	Full
<b>Proposal:</b>	Demolition of dilapidated house, existing workshop & offices and construction of new workshop & offices	<b>Location:</b>	Buckhurst Plant Hire, Warth Lane, Waterfoot
<b>Report of:</b>	Planning Unit Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	16 October 2012
<b>Applicant:</b>	Mr J Walsh	<b>Determination Expiry Date:</b>	9 November 2012
<b>Agent:</b>	PPY Design Ltd		

<b>Contact Officer:</b>	Neil Birtles	<b>Telephone:</b>	01706-238645
<b>Email:</b>	neilbirtles@rossendalebc.gov.uk		

REASON FOR REPORTING	Tick Box
<b>Outside Officer Scheme of Delegation</b>	<input type="checkbox"/>
<b>Member Call-In</b> Name of Member: Reason for Call-In:	<input type="checkbox"/>
<b>3 or more objections received</b>	<input type="checkbox"/>
<b>Other (please state):</b>	<b>MAJOR</b>

## 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 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. RECOMMENDATION

That Permission be granted subject to the Conditions set out in Section 10.

## 2. SITE

The Applicant owns a substantial area of employment land on the south side of Bacup Road (A681), opposite the premises of James Ashworth Joinery. It comprises of :

- a broadly triangular site occupied by the multi-storey stone building and ancillary buildings formerly a Railway Goods Depot/latterly occupied by TNT and others, and which can be

accessed directly from the main road, although the principal access is from the rear via Warth Old Road; &

- a further area of land of irregular shape and 1.7 ha, that is located to the south of the triangular site and is at a lower level than it. Accessed via Warth Lane, it is occupied by Buckhurst Plant Hire and contains a vacant house near the access-point, substantial 1-storey commercial buildings, areas of hardstanding used for the storage of JCBs/tractors/trailers/hoists/dumpers/etc, together with quite steeply-sloping grazing land that rises up to a pond and wooded areas towards its southern boundary.

This application relates to the irregularly-shaped area of land and (where not bounded on its north side by the triangular area) bounds to the River Irwell and is bounded to the east side by the concrete-making works of Bardon Concrete.

Buckhurst Plant Hire presently employs 16 full-time staff, operating out of buildings having a floor area of 2,300sq m, 14 drivers and 5 reps who visit the office once a week. There are within the application site a number of mature trees, principally bounding the river or on/fringing the steeply sloping bank rising on the south side of the buildings/hardstandings.

Whilst the application site and the land to the north of it are (for the most part) within the Urban Boundary of Waterfoot, the land to the south of it is designated as Countryside.

The Rossendale District Local Plan has now been replaced by the Core Strategy DPD adopted in November 2011. However, in the Local Plan the application site formed part of a more extensive Existing Employment Area, wherein Policy J3 sought to give the needs of industry & commerce priority over housing. The Local Plan showed a Valley Way skirting the western tip of the application site, Policy C10 seeking to protect/improve/extend these major linear routes for the benefit of wildlife, visual amenity, recreation and access to the countryside.

### **3. RELEVANT PLANNING HISTORY**

- 1999/326      Change of use of car sales & repair centre to use as plant hire, plant & tractor sales, haulage and formation of additional hardstanding  
In November 1999 this application from Buckhurst Plant Hire was granted permission. It relates to the buildings and areas of hardstanding used now by Buckhurst Plant Hire, but did not include steeply-sloping bank to their south side (which is included within the current application site).
- 2009/635      Outline Application for erection of 50 residential units, including access & layout  
In April 2010 this application was withdrawn, in order that objections/concerns from various consultees (including the Environment Agency and LCC Ecology) could be addressed.
- 2011/125      Demolition of existing buildings and erection of 46 dwellings accessed from Warth Old Road (Outline)  
This application was considered at the meeting of DC Committee held in July 2011. In accordance with the Officer recommendation, the application was refused for the following reasons :

The application proposes piecemeal development that will result in an unacceptable relationship between the proposed dwellings and the Employment Area the site forms part of, with a significant risk of future residents having cause to complain about nuisance/disturbance from the adjacent industrial/commercial

premises as now operating or wishing to develop.

The submitted scheme does not provide safe and satisfactory access arrangements for the proposed residential estate, by reason of shared use of an access with the TNT site that joins Warth Old Road close to Stansfield Road and the access to the concrete-making works and that of Fielden Factors.

The submitted layout does not provide safe and satisfactory access/parking arrangements, make provision to the satisfaction of the Environment Agency for drainage from the pond located just beyond the southern boundary of the site to the river, and fails to provide residents of a number of the proposed dwellings with the amenities they could reasonably expect to enjoy such will be their relationship with the neighbouring concrete-making works and the site occupied by the TNT building.

The Council concurs with the view of the Education Authority that the proposed development will contribute to a forecast shortfall in local primary school capacity and the applicant has not agreed to make the financial contribution necessary to address this shortfall.

#### **4. PROPOSAL**

The application proposes demolition of all the buildings on the site, including the house near the site entrance, and erection of a new building in the position of the house.

The new building is to have a floor area of 1,725sq m, approximately 500sq m of the space to be occupied by offices/staff facilities and the rest by workshops. The resulting building will measure 27m x 45m, with an eaves height of 5.9m and a ridge height of 7.9m. The external walls would be of reclaimed stone to a height of 2.1m and the upper part of walls and the roof would be of profiled metal sheeting. The front elevation of the building would face NW (towards the river) and contain more glazing, whilst the rear elevation would contain 4 bay doors.

There would be parking for 25 cars, provided in spaces immediately to the front of the building and extending towards the western tip of the site. The plant hire yard would extend to the east side of the building, accessed via a gated entrance between the proposed building and the northern boundary of the site.

In support of the proposal the Agent has stated :

- The main building which the firm now uses is split-level and the office/part of the workshops recently flooded to a depth of 1m following heavy rainfall washing off the hillside to the south, requiring use of several temporary cabins.
- As the maintenance depot has a usable height of 2.9m-3.2m the larger equipment the firm now possesses has to be serviced outside. In places the structural condition/weather-proofing of the existing buildings is failing.
- The plant hire firm has developed in an ad-hoc manner over the years resulting in mixing of car traffic/parking and plant & lorry traffic/parking in the yard.
- The submitted scheme has been designed to remedy each of these matters and, though the proposed building is of less floor area than the buildings it replaces, will

continue to act as the HQ for the firm and employ the same number of people as at present.

The application is accompanied by :

- A Design & Access Statement that states the scheme will provide office accommodation facing the river befitting the headquarters of a firm with interests in both England & Scotland, and purpose-built workshop space, within a building of more attractive appearance. Vehicular access will continue to be from Warth Lane. However, the position of the new yard is such that consideration could be given in the future to HGV's accessing the site from its eastern end (via Warth Old Road) and allowing the Irwell Sculpture Trail to pass alongside the river.
- A Flood Risk Assessment which indicates the part of the site to be occupied by the proposed building and the car park is within a Flood Zone of the River Irwell. If the site levels and building floor levels are raised to 187.34m AOD (equal in level with the eastern part of the plant yard), as is proposed, they will be above the 100-year flood levels required by the Environment Agency.
- A Ground Condition Report which indicates that the site comprises in part of made ground of a composition that may generate gas and contaminants associated with its former uses, but not such as to preclude development of the site for the use proposed subject to a condition requiring further site investigation, risk assessment and agreement upon foundation design/remediation of the site.
- A Tree Survey which shows the proposed development will not require removal of any trees of particular visual amenity value. The applicant has further advised that although the trees alongside the River Irwell have not been identified as 'good specimens' they are to be retained and supplemented.
- Ecological Reports which indicate the 2 buildings to be demolished have some potential for roosting by bats but none were found, no badger setts were found within the site or great crested newts in the pond to the south of it, but the pond was of ecological value and those trees bounding the river are of some foraging value for bats.

## 5. POLICY CONTEXT

### National

#### National Planning Policy Framework (2012)

Section 1 Building a Strong Competitive Economy

Section 4 Promoting Sustainable Transport

Section 7 Requiring Good Design

Section 10 Meeting the challenge of climate change, flooding & coastal change

Section 11 Conserving and Enhancing the Natural Environment

### Development Plan Policies

#### Regional Spatial Strategy for the NW (2008)

DP1-9 Spatial Principles

RDF1 Spatial Priorities

W1 Strengthening the Regional Economy

W3 Supply of Employment Land

RT2 Managing Travel Demand

RT4	Management of the Highway Network
RT9	Walking and Cycling
EM1	Environmental Assets
EM2	Remediating Contaminated Land
EM3	Green Infrastructure
EM5	Integrated Water Management

#### Rossendale Core Strategy DPD (2011)

AVP3	Area Vision for Waterfoot, Lumb, Cowpe & Water
Policy 1	General Development Locations and Principles
Policy 8	Transport
Policy 9	Accessibility
Policy 17	Rossendale's Green Infrastructure
Policy 18	Biodiversity, Geodiversity and Landscape Conservation
Policy 23	Promoting High Quality Designed Spaces
Policy 24	Planning Application Requirements

#### **Other Material Planning Considerations**

LCC Landscape Strategy for Lancashire (2006)
LCC Planning Obligations in Lancashire (2006)
LCC Parking Standards (2006)
RBC Employment Land Study by Nathaniel Lichfield & Partners (2009)

## **6. CONSULTATION RESPONSES**

### LCC (Highways)

No objection on highway grounds but would ask for more information on parking patterns.

The business employs 16 full time staff, 14 drivers and 5 reps who visit the office once a week. There are currently 25 spaces which will be retained as part of the proposal.

The proposed B1(a) of 511.9m<sup>2</sup> requires 14 spaces and the B1(c) of 1213.1m<sup>2</sup> requires 35 spaces under the current standards with a reduction of 15% for the medium accessibility score included.

Due to the parking shortfall it will be necessary for the applicant to demonstrate that the 25 spaces are sufficient to accommodate the staff and visitors on various days.

I would ask that a secure, covered cycle store is provided.

### LCC (Ecology)

The following matters will need to be addressed before the application is determined :

- The proposals include culverting the flow of surface water from the hillside. Further details of the proposed culverting should be submitted.
- The Environment Agency are consulted regarding the proposed culverting / surface water runoff into the existing watercourse.
- Clarification is required on whether or not any trees are to be affected and, if so, their potential to support roosting bats. If trees are to be affected then the presence / absence of bat roosts and likely impacts on bats will need to be established prior to determination of the application.

If the above matters can be adequately addressed, and the Council is minded to approve the application, planning conditions are recommended to address the following matters :

- Tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds will be avoided between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections.
- The new building shall incorporate bird safe design to minimise/prevent bird collisions with glass.
- A further precautionary bat survey/inspection of the buildings for bats shall be undertaken immediately prior to commencement of works. If bat roost(s) are suspected or detected during this survey or at any other point prior to or during works, then all works shall cease immediately / works shall not commence until advice has been sought over the need for a Natural England Licence.
  - The recommendations detailed in report of The Tyrer Partnership (28 February 2011) shall be implemented in full.
- Any plants listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) which occur on the site, such as Himalayan Balsam and Japanese Knotweed, shall be eradicated from the site and working methods shall be adopted to prevent their spread.
- No work shall commence until details of the landscaping scheme has been submitted to the Council for approval, with all trees being retained in or adjacent to the application area to be adequately protected during construction.
- Lighting associated with the development shall be designed to avoid excessive light spill and shall not illuminate trees bordering the site or trees along the River Irwell.

#### LCC (Archaeology)

It advises that the first Ordnance Survey (of 1844-47) shows the site as being occupied by a textile mill. The site and land surrounding it has since been the subject of various changes in use and occupation by buildings/structures. Consequently, it recommends that a condition be attached to any permission requiring a programme of archaeological recording prior to construction of the new development.

#### Environment Agency

The submitted Flood Risk Assessment (FRA), produced by LK Consult dated January 2011, has suggested mitigation measures that are broadly agreeable. It notes that the FRA highlights that the existing buildings were flooded earlier this year from run-off from the southern bank/watercourses. The smaller watercourses/drains on the southern boundary will need to be intercepted and routed through the development. Whilst there are no objections to the principle of this, full details of the drainage arrangements need to be agreed.

In terms of surface water run-off from the new building, the FRA has determined that existing site flows discharge to the combined sewer with no run-off to the river, although the existing run-off will ultimately discharge to the river. The Greenfield rate of discharge from the site should form the basis of any detailed drainage design.

If you are minded to approve the application we would recommend the following conditions be attached to the approval :

- a) The floor level of the building shall be 187.34m AOD as outlined in the Design and Access Statement (PPY Design Ltd 19<sup>th</sup> July 2012).

b) The development hereby permitted shall not be commenced until such time as a scheme of surface water drainage has been submitted to and approved in writing by the local planning authority, to include a scheme to route the southern boundary drainage/watercourses through the site to the River Irwell. The agreed scheme shall be fully implemented and subsequently maintained

To guard against pollution and in the interests of biodiversity it requests conditions requiring :

c) development is not commenced until a more detailed investigation and assessment of ground contamination has enabled agreement upon a scheme of remediation, its implementation and verification.

d) the yard area is capped with the formation of a new surface that is impermeable, such that any contaminated surface water drainage will not discharge to ground.

e) a scheme is agreed to protect a minimum 8m wide buffer zone around the River Irwell and key wildlife corridor and a landscape management plan, including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas.

#### RBC (Env Health)

No objection in principle. However, there is need for further intrusive ground investigation and risk assessment for contaminated land before the development proceeds. There are no other observations in relation to this application.

### **7. NOTIFICATION RESPONSES**

To accord with the General Development Procedure Order the application has been publicised by way of a newspaper notice on 7/9/12, site notices were posted on 28/8/12 and letters were sent to the relevant neighbours on 21/8/12.

No comments have been received.

### **8. ASSESSMENT**

The main considerations of the application are :

1) Principle; 2) Flood Risk/Contaminated Land; 3) Visual Amenity; 4) Neighbour Amenity; 5) Access/Parking; 6) Ecology.

#### Principle

The site is located within the Urban Boundary of a Main Development Location, wherein the Council seeks to locate most new development. Furthermore, the site constitutes previously-developed land is not far from a main road along which runs a 'quality' bus service. The proposal is not seeking to change the use of the site or add significantly to the intensity of use.

Accordingly, the proposal is considered appropriate in principle.

#### Flood Risk / Contaminated Land

Neither the Environment Agency or the Council's Environmental Health Unit have raised objection to the application on the grounds that the site is incapable of being developed in

the manner proposed without risk of flooding or pollution of the river/risk to public health, subject to conditions in relation to levels, remediation of the ground and drainage.

#### Visual Amenity

The proposal will result in a building which, though far from small, is not disproportionate to the size of the site. It is of a design and facing materials appropriate for the intended use and in-keeping with its surroundings. The plant hire yard will continue to be largely hidden from public view.

#### Neighbour Amenity

As the proposal entails no change in the use of the site, or significantly intensifies its use, it will not result in significant detriment for any neighbours.

#### Access / Parking

The Highway Authority has no objection to the proposal in principle. As the number of designated parking spaces falls short of the figure its Parking Standards suggest should be provided it asked for further information be sought from the applicant about their existing parking needs. I am satisfied that the provision of the 25 parking spaces proposed reflects the need for staff/visitor parking spaces of the firm and space exists for further car parking to be provided within the site should the need arise.

#### Ecology

The submitted Ecology Reports indicate that the demolition of the existing buildings will not disturb bat roosts and the new development can be accommodated without harm for bats or any other protected species. In response to concerns initially expressed by LCC Ecology the Agent has confirmed that any new culverts will be within the existing yard area (not do away with any existing open channels) and has submitted an additional plan that more clearly showing that existing trees bounding the site will remain. Indeed, the conditions recommended by LCC Ecology and the Environment Agency will secure enhancement of the 8m strip of land bounding the river in terms of its appearance and ecological interest.

### **9. SUMMARY REASON FOR APPROVAL**

The proposed development is appropriate in principle for an employment site located within the Urban Boundary of Waterfoot and near to a 'quality' bus route. Subject to the Conditions, the scheme will not detract to an unacceptable extent from visual and neighbour amenity or highway safety or unduly affect flood risk, public health or ecology. The development has been considered most particularly in light of the National Planning Policy Framework (2012), Policies RDF1/W1/RT2/RT4/EM1/EM2/EM5 of the Regional Spatial Strategy (2008) and Policies AVP3/1/8/9/17/18/23/24 of the Rossendale Core Strategy DPD (2011).

### **10. RECOMMENDATION**

That Permission be granted, subject to the following Conditions.

#### **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Prior to the commencement of demolition of existing buildings a programme of recording and analysis shall be carried out in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The resulting record and analysis shall be submitted to the Local Planning Authority.

Reason : To record, protect and enhance the archaeological interest and features of the buildings/land, in accordance with the National Planning Policy Framework (2012) and Policy EM1 of the Regional Spatial Strategy and Policies 1, 16 and 24 of the Council's Core Strategy DPD (2011).

3. Immediately prior to commencement of demolition of existing buildings further precautionary surveys for bats shall be undertaken and the Local Planning Authority informed of the survey findings. If bats are found or suspected within the buildings/on the land the development shall be undertaken in accordance with the advice contained within the letter of 25 September 2012 from Lancashire County Council (Ecology).

Reason : To protect and enhance the ecological interests of the site, in accordance with the National Planning Policy Framework (2012) and Policy EM1 of the Regional Spatial Strategy and Policies 1, 18 and 24 of the Council's Core Strategy DPD (2011).

4. Tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds will be avoided between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections.

Reason : To protect and enhance the ecological interests of the site, in accordance with the National Planning Policy Framework (2012) and Policy EM1 of the Regional Spatial Strategy and Policies 1, 18 and 24 of the Council's Core Strategy DPD (2011).

5. Prior to the commencement of construction :

- a. Details of the Phase II investigation to be carried out shall be agreed with Local Planning Authority and the results submitted and approved in writing by the LPA.
- b. Should the Phase II investigations indicate that remediation is necessary then a Remediation Statement shall be submitted to and approved in writing by the LPA.
- c. The remedial scheme in the approved Remediation Statement shall then be carried out in accordance with approved details; if during any works on site other contamination is found or suspected the Local Planning Authority shall be notified immediately and, where required, a suitable risk assessment and remediation works carried out in accordance with a scheme and timetable agreed with the Local Planning Authority.
- d. Should remediation be required a Verification Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to and approved in writing by the LPA prior to the first occupation of the building hereby approved.

Reason : To ensure the site is properly remediated and any risk to human health and controlled waters is minimised, in accordance with the recommendations of the submitted Ground Condition Report and Policy 24 of the RBC Core Strategy DPD (2011).

6. The development hereby permitted shall not be commenced until such time as a scheme of surface water drainage has been submitted to and approved in writing by the Local Planning Authority, to include a scheme to route the southern boundary drainage/watercourses through the site to the River Irwell. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason : To reduce the risk of flooding to the proposed development and future occupants,

in accordance with Policy EM5 of the Regional Spatial Strategy (2008) and Policy 24 of the RBC Core Strategy DPD (2011).

7. The floor level of the building shall be 187.34m AOD as outlined in the Design and Access Statement (PPY Design Ltd 19 July 2012), unless otherwise first agreed in writing by the Local Planning Authority.  
Reason : To reduce the risk of flooding to the proposed development and future occupants, in accordance with Policy EM5 of the Regional Spatial Strategy (2008) and Policy 24 of the RBC Core Strategy DPD (2011).
8. Prior to the commencement of construction samples of facing materials to be used in the elevations and roofs of the proposed building, and any retaining walls, shall be submitted to and approved in writing by the Local Planning Authority. The new building shall incorporate bird-safe design to minimise/prevent bird collisions with glass. The development shall be undertaken in accordance with the approved materials.  
Reason: To ensure that the development will be of satisfactory appearance, in accordance with Policy 24 of the Rossendale Core Strategy DPD (2011).
9. Prior to first occupation of the building hereby permitted the areas for parking/manoeuvring of cars shall hard-surfaced, drained and delineated and thereafter kept freely available for use as such.  
Reason : In the interests of highway safety, in accordance with Policy EM2 of the Regional Spatial Strategy (2008) and Policy 24 of the RBC Core Strategy DPD (2011).
10. Prior to first occupation of the building hereby permitted the yard area shall be capped with the formation of a new surface that is impermeable, such that any contaminated surface water drainage will not discharge to ground.  
Reason : To prevent pollution of groundwater and watercourses, in accordance with Policy 24 of the Rossendale Core Strategy DPD (2011).
11. No development shall take place until a scheme of landscaping/boundary treatment has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The submitted scheme shall provide details of :
  - a) the protection to be afforded during construction to planting/wildlife assets on/adjacent to the site;
  - b) the methods to be adopted to eradicate /prevent spread of Himalayan Balsam and Japanese Knotweed
  - c) the works to preserve and enhance the ecological value of the undeveloped buffer zone alongside the river and the pond/open channel to the south of the proposed building (having regard to the recommendations detailed in the Tyrer Partnership report of 28 February 2011), together with a landscape management plan that includes long- term design objectives, management responsibilities and maintenance schedules for these areas
  - d) the walls/fences/gates/hard-paved areas/external lighting;
  - e) the types and numbers of trees and shrubs to be planted on the site and any changes of ground level or landform.

Reason : In the interests of visual and neighbour amenity and to protect and enhance the

ecological interests of the site, in accordance with the National Planning Policy Framework (2012) and Policy EM1 of the Regional Spatial Strategy and Policies 1, 18 and 24 of the Council's Core Strategy DPD (2011).

12. All hard-surfaced areas/walls/fences/gates forming part of the approved scheme of landscaping/boundary treatment shall be completed prior to occupation of the building, unless otherwise agreed in writing with the Local Planning Authority. All approved measures for protection of planting/wildlife assets to be retained shall be adhered to. All new planting, seeding or turfing forming part of the approved scheme of landscaping/boundary treatment shall be carried out in the first planting and seeding seasons following substantial completion of the building. Any trees or plants in the approved scheme which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason : In the interests of visual and neighbour amenity and to protect and enhance the ecological interests of the site, in accordance with the National Planning Policy Framework (2012) and Policy EM1 of the Regional Spatial Strategy and Policies 1, 18 and 24 of the Council's Core Strategy DPD (2011).