

<b>APPLICATION NUMBER</b>	2013/464	<b>DECISION LEVEL</b>	Delegated
		<b>CASE OFFICER</b>	Ian Lunn
<b>PROPOSAL</b>	Erection of wholesale warehouse	<b>DATE FOR DECISION</b>	17 / 12 / 13
<b>LOCATION</b>	Former Dairy Depot, Bacup Road, Cloughfold	<b>REPORT WRITTEN</b>	11 / 12 / 13

### 1. **SITE AND SURROUNDING AREA**

The application site is a roughly oblong-shaped plot of approximately 0.1 hectares in area on the south side of Bacup Road (A6810). It is located approximately 70m west of the junction of the main road with Baron Street, which is opposite.

The site is not currently in use but was apparently formerly used as a dairy depot. It is largely open but is occupied by a single storey building which stands within the extreme eastern corner.

Whilst the properties on the opposite side of the main road are for the most part residential, to the east side are substantial buildings in commercial use and to the west side and rear is well maintained open land, formerly occupied by a railway line but now a long-distance recreational route designated a Valley Way.

The Valley Way and land to its west and south lie within Countryside. The application site formed part of an Existing Employment Area to be retained in the Rossendale District Local Plan. However, Policy J3 has not been saved by the more recently-adopted Core Strategy.

### 2. **RELEVANT PLANNING HISTORY**

None

### 3. **PROPOSAL**

Permission is sought to erect a freestanding wholesale warehouse towards the eastern end of the site. To measure 13m x 15.5m, with an eaves height of 5m and hipped-roof rising to 7.25m in height, the proposed building is to have a canopy on its front elevation, which faces a parking / servicing area to the west side. It is to be constructed with an artificial-slate roof, walls of natural stone (except for the south elevation, which is to be rendered). Although the east elevation is to be blank, the north and east elevations are to contain significant areas of ground and first-floor glazing and the south elevation first-floor glazing and a door to a bin-storage area.

Three-quarters of the space is to be used for storage and distribution purposes, with a quarter having an office, WCs & and a trade-showroom, with office over. The canopy will have a ground-clearance of 3.5m, adequate for a transit van.

The existing vehicular access will be utilised by vehicles wishing to use the yard or 5 parking spaces/1 disabled parking space. Existing boundary fences are to be retained other than whether removal is required to accommodate the proposed building.

#### **4. CONSULTATION RESPONSES**

##### LCC (Highways)

No objections but have concerns about the ability of HGVs to satisfactorily manoeuvre within the site.

##### RBC Environmental Health

No objections subject to conditions to regulate hours of construction and, subsequently, delivery vehicles & the movement of fork lift trucks within the yard.

##### United Utilities

No objections

##### Police Architectural Liaison Officer

No objections subject to the implementation of suitable crime prevention measures to meet 'Secured by Design' requirements.

#### **5. NEIGHBOUR NOTIFICATION RESPONSES**

Two letters of objection have been received in respect of this proposal :

- a) that the development would appear out of keeping with its surroundings;
- b) that the development would unacceptably affect light to and privacy currently enjoyed by neighbouring properties;
- c) that an approval of this proposal would not be in the best interests of highway safety and would lead to unacceptable 'on road' manoeuvres by lorries,
- d) that there would be unacceptable disturbance during the construction works.

#### **6. RELEVANT PLANNING POLICIES**

##### National

##### National Planning Policy Framework

Section 1 - Building a Strong, Competitive Economy

Section 7 - Requiring Good Design

Section 11- Conserving and Enhancing the Natural Environment

##### Development Plan Policies

##### RBC Core Strategy (2011)

AVP4	Strategy for Rawtenstall, Crawshawbooth, Goodshaw and Loveclough
Policy 1	General Development Locations and Principles
Policy 10	Provision for Employment
Policy 23	Promoting High Quality Design and Spaces
Policy 24	Planning Application Requirements

## 7. **ASSESSMENT**

The main issues for consideration in this instance are :

- a) Principle
- b) Visual Amenity
- c) Neighbour Amenity, and
- d) Access / Parking.

### Principle

Given the nature and location of the proposed development it is considered that it needs to be judged initially against the requirements of Policy 10 of the Core Strategy and the relevant provisions of the NPPF. It is considered that the proposal will essentially meet the aims and requirements of these for the following reasons:-

- a) the site is located within the Urban Boundary, within an identified Employment Area and near to the key settlement of Rawtenstall,
- b) the development can be considered sustainable in so far as it seeks the re-development of 'previously developed' land which is located on a 'quality' bus route just over one kilometre from Rawtenstall Town Centre, and
- c) it is contended that the re- development scheme will improve the appearance of this prominent, but currently slightly 'run down', site.

The proposal includes for a 'showroom'. However, this will be small amounting to approximately 23 square metres in floor area and will, it is understood, be used solely for the wholesale of goods stored on site to trade. Subject therefore to a condition which limits the operation of the 'showroom' in this way it is considered that the proposal as a whole will be acceptable in principle.

### Visual Amenity

The development will occupy a very prominent position on a principal road within the Borough. However, it will be a two storey building which will, it is considered, appear in scale with its surroundings having regard to the size and massing of the nearby mill building. Furthermore, it is considered that it will be acceptable in design terms incorporating a pitched roof and, following recent amendments to the scheme, natural stone to all but the least prominent rear elevation (which is to be rendered). The plans currently show a concrete tile roof which is not considered to be ideal given that buildings in this locality have largely natural blue slate roofs. However the applicant has since

indicated that they would be prepared to accept a condition requiring the use of artificial blue slate instead, a material that is considered to be more appropriate. Subject to a condition to this end, and despite the concerns of some local residents to the contrary, it is considered, on balance, that the development will be acceptable in design and scale terms.

#### Neighbour Amenity

Houses on the opposite side of Bacup Road directly face this site. However, the new building will stand over 12 metres from windows within those properties. It is considered therefore, despite concerns to the contrary, that the development will not adversely affect the level of light that those properties currently receive to the extent that a refusal of this proposal could reasonably be justified.

It is contended that the development will not unacceptably overlook neighbouring properties despite concerns to the contrary. Windows facing the properties on Bacup Road will do so at a distance of little over 12 metres but in this elevation are to be obscure glazed. All others will face the open land to the side and rear.

A development of this nature has the potential to disturb nearby local residents by reason of noise. However, the busy Bacup Road lies in between this site and the residential properties, there are other existing industrial uses in the immediate vicinity, and the application site was apparently formerly used for the storage and distribution of milk, a use that potentially could also have generated noise at unsocial hours. With this in mind, it is considered that it would be difficult to sustain a refusal of this proposal on noise nuisance grounds but is appropriate to regulate the hours of activity within the yard, a view supported by Environmental Health.

Concern has been expressed about noise during the construction works. However, a refusal of this proposal on such grounds could not reasonably be justified as the site is part of an employment area and separated from residential properties by a main road.

#### Access / Parking

Vehicular access to this site is currently gained from Bacup Road and the intention is to re-use this access. Six car parking spaces (including one for the specific use of a disabled person) are also to be provided in conjunction with the development along with associated turning space. In themselves these arrangements are considered to be acceptable, a view supported by LCC Highways.

However, the proposed layout does not allow for HGV's to satisfactorily manoeuvre within the site and a judgement therefore needs to be made as to whether or not to refuse this application on these grounds alone. On balance it is considered that such a refusal would be difficult to sustain in this instance. There are currently no planning restrictions preventing HGV's from accessing this site and they would therefore be able to do so were the site to be brought back into use for its last known authorised use as a depot. Whilst

accepting that the site currently has a larger open hard surfaced area for use by vehicles than it would have were the proposed development to go ahead (due to the presence of a smaller building) comments received from local residents suggest that even so HGV's have previously experienced difficulties manoeuvring into, out of and within it. On balance therefore it is considered that whilst the proposed development is not ideal in this respect it would not make matters materially worse were it to be approved. I am also mindful that the applicant does not anticipate deliveries will be by HGV and the canopy is not designed for them. Accordingly, on balance the proposal is considered to be acceptable in highway safety terms.

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

The proposed development is considered to be acceptable in principle and, subject to the conditions, is not considered likely to detract unacceptably from visual and neighbour amenity or highway safety. It is therefore considered to accord with Policies AVP4 /1 / 10 / 23 / 24 of the Council's adopted Core Strategy DPD (2011) and the relevant provisions of the National Planning Policy Framework.

#### **10. RECOMMENDATION**

Approve

#### **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 the requirements of Section 91 of the Town and Country Planning Act 1990.
2. This permission relates to the Location Plan, received by the Local Planning Authority on 22<sup>nd</sup> October 2013, and the Proposed Site Plan, Floor Plans and Elevations, received by the Local Planning Authority on 21<sup>st</sup> November 2013. Any variation to the approved drawings may require the approval of the Local Planning Authority.  
Reason: For the avoidance of doubt in the interests of the appearance of the locality, in accordance with the requirements of Policies 1, 23 and 24 of the Adopted Rossendale Borough Council Core Strategy DPD (2011) and the relevant provisions of the National Planning Policy Framework.
3. Notwithstanding the details given on the approved plans, and unless otherwise agreed in writing by the Local Planning Authority, the roof of the development shall be constructed of artificial blue slate. Development shall not commence until samples of these and all other materials to be used in the construction of the external walls and roof of the building have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed using the approved materials and shall thereafter be satisfactorily retained at all times.

Reason : In the interests of visual and neighbour amenity, in accordance with the requirements of Policies 1, 23 and 24 of the Council's adopted Core Strategy DPD (2011).

4. The windows to be formed within the north-eastern elevation of the proposed building shall be obscure-glazed and shall remain as such at all times.

Reason : To safeguard the amenities of occupiers of nearby residential properties, in accordance with Policy 24 of the Council's adopted Core Strategy DPD (2011).

5. All areas to be used by vehicles shall be constructed/surfaced/marked out in the manner shown on the approved Site Plan before first use of the building hereby permitted, and shall avoid surface-water run-off to the highway. These areas shall thereafter be satisfactorily retained at all times solely for the parking and manoeuvring of vehicles in conjunction with the development.

Reason : In the interests of highway safety, in accordance with Policies 1, 23 and 24 of the Council's adopted Core Strategy DPD (2011).

6. Unless otherwise first agreed in writing by the Local Planning Authority, delivery vehicles & the movement of fork lift trucks within the yard shall not take place outside of the hours of 8am to 8pm Monday to Friday and 8am to 6pm on Saturdays, Sundays or Bank Holidays.

Reason : In order to safeguard the amenities of the occupiers of nearby residential properties in accordance with the requirements of Policy 24 of the Council's adopted Council Core Strategy DPD (2011).

7. Notwithstanding the details given on the approved application form, foul and surface water from the developed site shall be discharged to separate drainage systems, unless otherwise agreed in writing by the Local Planning Authority.

Reason : To ensure that the site is satisfactorily drained, in accordance with the requirements of Policy 24 of the Council's adopted Core Strategy DPD (2011).

8. Goods sold by wholesale shall be limited to those stored on the premises, shall be sold solely to trade and shall be sold solely from within the showroom area shown on the approved plan. At no time shall any retail sales be undertaken from the premises.

Reason : To protect the vitality and viability of identified shopping centres, in accordance with the requirements of Policy 11 of the Council's adopted Core Strategy DPD (2011).

### **NOTES TO APPLICANT**

1. The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority. Any intrusive activities which disturb or enter any coal seams, coalmine workings or coal mine entries

(shafts and adits) require the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

2. Your attention is drawn to the attached comments from United Utilities and Lancashire Constabulary.

**CASE OFFICER**.....**DATE**:.....

**PRINCIPAL PLANNING OFFICER**.....**DATE**:.....

