

Application Number:	2020/0167	Application Type:	Full
Proposal:	Provision of hard surfaced area for storage purposes associated with the existing business on site, including construction of retaining wall of up to 1.8m high.	Location:	Melba Swintex Ltd Stubbins Vale Mill Stubbins Vale Road Ramsbottom BL0 0NT
Report of:	Planning Manager	Status:	For publication
Report to:	Development Control Committee	Date:	15/10/2020
Applicant:	Mr S Todd (Melba Swintex Ltd)	Determination Expiry Date:	06/11/2020
Agent:	Mr Peter Black (Blackfriars)		

Contact Officer:	James Dalglish	Telephone:	01706 238643
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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	✓
Other (please state):	

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**

Approval subject to the conditions set out in this report.

2. **SITE**

Melba Swintex is a manufacturer of temporary traffic management products, including cones, barriers and signage. Accessed from Stubbins Lane (A676), it occupies an extensive site, with buildings to each side of Stubbins Vale Road.

The buildings to the east side of Stubbins Vale Road, and the 9m-18m wide hardstanding running to their rear, lie within the Urban Boundary of Stubbins as shown on the Proposals Map accompanying the adopted Core Strategy. However, the Applicant's land ownership includes land extending by approximately 20m to the east side of this area of hardstanding, which is partly Countryside designated as Green Belt. The application site straddles the urban / Green Belt boundary.

From the eastern edge of the existing area of hardstanding, the applicant's land rises up quite steeply (approximately a 5m rise over a 10m distance). Trees on the embankment were recently cleared and a Tree Preservation Order has since been made in respect of remaining trees on land belonging to the Applicant and lying to the west of it.

3. **RELEVANT PLANNING HISTORY**

2008/0311 - Conversion of Part of Factory (Class B2) to Offices (Class B1) (Approved)

2009/0326 - Erection of two storey office block, extension to existing factory for compressor house, modifications to existing access road and site entrance, improvements to existing hardstanding (Approved)

2020/0109 – Lawful Development Certificate: formation of a hard surface area (Pending)

4. **PROPOSAL**

The applicant seeks planning permission to extend the existing hard surfaced access/storage area which runs along the eastern side of the existing buildings by a width of 4 metres and for a length of around 140 metres (the overall area of hard surfacing would be around 571m²).

The submitted documentation states that the hard surface will be used for storage purposes associated with the existing business on site. The hard surface would comprise porous tarmac.

In order to facilitate the construction of the hard surfaced area, the proposal includes the excavation of approximately 1,098m³ of earth from the existing embankment. The land would then be retained by a newly constructed 1.8m high blockwork retaining wall, approximately 140m in length.

The embankment would not be totally removed from the site, with a significant portion remaining. It is proposed to carry out a scheme of native tree and shrub planting on the remainder of the embankment and the plateau on the top of the embankment, as specified on the submitted landscape plan.

The applicant has confirmed that the storage which would take place on the newly formed area of hard standing would be a maximum of 2.2m in height (which would be significantly lower than the remaining embankment which is around 5m in height).

5. **POLICY CONTEXT**

National

National Planning Policy Framework

Section 2	Achieving Sustainable Development
Section 4	Decision Making
Section 6	Building a Strong, Competitive Economy
Section 9	Promoting Sustainable Transport
Section 11	Making Effective Use of Land
Section 12	Achieving Well Designed Places
Section 13	Protecting Green Belt Land
Section 14	Meeting the Challenges of Climate Change, Flooding, etc
Section 15	Conserving and Enhancing the Natural Environment
Section 16	Conserving and Enhancing the Historic Environment

Development Plan Policies

Rossendale Core Strategy DPD

AVP 5	South West Rossendale
Policy 1	General Development Locations and Principles
Policy 8	Transport
Policy 9	Accessibility
Policy 10	Employment
Policy 16	Preserving and Enhancing Rossendale's Built Environment
Policy 18	Biodiversity and Landscape Conservation
Policy 19	Climate Change and Low & Zero Carbon Sources of Energy
Policy 21	Supporting the Rural Economy and its Communities
Policy 23	Promoting High Quality Design & Spaces
Policy 24	Planning Application Requirements

6. **CONSULTATION RESPONSES**

Consultee	Summary of Comments received
Cadent	No comments have been received
Ecology	No objection subject to condition
Environment Agency	No comments have been received
East Lancashire Railway	No comments have been received
LCC Lead Local Flood	No comments to make on the application
LCC Rights of Way	No comments have been received
LCC Highways	No objection
RBC Environmental Health	No objection subject to condition
RBC Tree Officer	No objection

RBC Planning Enforcement	No comments have been received
United Utilities	No comments have been received

7. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order a site notice was posted on 19/05/2020 and 10 letters were sent to neighbours on 27/04/2020.

41 representations (objections) have been received and the following points have been raised (in summary):

- Inappropriate development
- Harm to Green Belt
- Visual Harm
- Harm to natural environment / biodiversity
- Parking / access / highway safety issues
- Safety issues
- Harm to amenity
- Impact on rights of way
- Harm to trees
- Flood risk issues
- Inefficient use of land / space
- Unnecessary development
- General dislike of the proposal

8. ASSESSMENT

The main considerations of the application are:

- 1) Principle;
- 2) Visual Amenity;
- 3) Neighbour Amenity;
- 4) Access, Parking and Highway Safety.
- 5) Ecology / Tree Issues.

Principle

The proposed development would assist an existing business to expand its operations. As such, there is policy support contained within Policy 10 of the Core Strategy for the scheme.

Part of the application site is located in the Green Belt. National guidance on Green Belt is contained in Section 13 of the Framework, which states:

133. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

134. Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*

- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

143. *Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*

144. *When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.*

146. *Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*

b) Engineering operations

The proposed works comprise engineering operations to excavate part of the existing embankment and to alter its profile, facilitated by the construction of a 1.8m high retaining wall. The land would then be surfaced with hard standing and would be used for storage of items up to a height of 2.2m associated with the on-site business (storing recycled / reclaimed plastic for use in the manufacture of traffic management products).

Whilst engineering operations are one of the exceptions to inappropriate development within the Green Belt listed in paragraph 146 of the Framework, such operations must accord with the specified caveat of preserving the openness of the Green Belt and not conflicting with the purposes of including land within it.

In this case, although the embankment would be partly excavated it would not be entirely removed and when viewed from outside the site there would be little discernible difference from the existing situation.

The new hard standing itself will not significantly affect the openness of the Green Belt, and the storage of items up to a height of 2.2m would not significantly affect it either as the height of the storage would still be well below the height of the remaining embankment, concealing it from wider views. It is necessary to attach a planning condition to limit the height of the storage items, in order to protect the openness of the Green Belt. The implementation of the proposed planting of native trees and shrubs on the retained embankment would also assist in concealing the development.

Given the retention of the higher part of the embankment, the development would not facilitate any significant encroachment into the countryside in this location.

Having regard to the above, it is considered that the proposed development would comply with the requirements of paragraph 146 of the Framework, and is therefore acceptable in principle, subject to conditions.

Visual Amenity

The development itself would not be particularly prominent in views from outside the site, and would not be incongruous in views from within the site.

The lack of tree cover caused by the recent clearance works has caused some visual harm to the site, however the development includes a revised scheme of replacement native tree and shrub planting on the embankment which the Council's Tree / Landscape Officer now considers to be satisfactory – this would assist in softening the appearance of the site in longer distance views and it is considered necessary to include a condition requiring its implementation.

Subject to the above, the proposed development is considered acceptable in terms of visual amenity.

Access, Parking and Highway Safety

The Local Highway Authority has raised no objection to the proposed scheme, but has suggested an informative relating to proposed works to a public right of way which runs in the vicinity of the site. It is considered appropriate to include the suggested informative.

In light of the comments of the Local Highway Authority, the proposal is considered acceptable in terms of access, parking and highway safety.

Neighbour Amenity

Core Strategy Policy 24 requires new developments to be designed to protect the amenity of the area, including residential amenity in terms of light, outlook, landscaping, and mitigating noise and light pollution.

In this case the site is a considerable distance away from residential properties, and screened to an extent by local topography and other buildings.

Objectors' comments are noted; however, the Council's Environmental Health Officer has no objection to the proposed scheme subject to a condition being attached requiring the applicant to only use the storage area within normal working hours to prevent noise nuisance from lorries accessing the area. It should be noted that such a condition could only apply to the new storage area – and could not be retrospectively applied to the entire Melba Swintex site.

Subject to the above condition, the proposal is compliant with the Framework and Policy 24 of the Core Strategy with regards to neighbour amenity.

Ecology / Tree Issues

Paragraph 170 of the Framework states that *“planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity”*.

Paragraph 175 of the Framework sets out an approach of avoidance, mitigation, and lastly compensation in terms of impacts on biodiversity that should be adhered to by all new developments.

Policy 18 of the Core Strategy states that *“the Council will seek to avoid any harmful impacts of development on all aspects of Rossendale's natural environment”*.

It goes on to require that any development proposals “avoid any loss of trees, woodland, hedgerows and other types of foliage and flora, and ensure that where necessary, developments make provision for new and replacement planting.”

The proposed development includes the re-planting of native trees and shrubs to compensate for the tree cover that has been lost on the affected part of the embankment.

Along with the above planting, the applicant proposes to install bird and bat boxes on some of the larger trees around the site – as detailed in the submitted ecology report.

Objectors’ comments are noted, however the Council’s ecology consultant is satisfied that adequate mitigation and biodiversity enhancement can be achieved on the site through the implementation of the proposed measures (which it is proposed to secure through a condition).

The Council’s Tree / Landscape Officer has no objection to the proposals, further to discussions with the applicant and the submission of a revised landscape plan.

9. SUMMARY REASON FOR APPROVAL

The proposed development is acceptable in principle and subject to conditions will not cause significant harm to visual and neighbour amenity, highway safety or biodiversity. The development therefore accords with the National Planning Policy Framework and Policies 1, 8, 9, 10, 18, 23 and 24 of the Core Strategy DPD.

10. 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. The development shall be carried out in accordance with the following:

- Submitted application form
- Location Plan
- Landscape Plan (15/10/20 Revision A)
- Proposed Site Plan
- Biodiversity and Ecology Report (October 2020)
- Planning and Landscape Report (October 2020)

Reason: To ensure the development complies with the approved plans and submitted details.

3. The approved scheme of native tree and shrub planting shall be carried out in the first planting season following substantial completion of the development, in strict accordance with the specification and methodology contained in appendix 3a of the submitted Planning and Landscape Report (October 2020). Any trees or shrubs which die, become diseased or are damaged within the first five years of planting shall be replaced in the next available planting season with specimens of the same species.

Reason: In the interests of visual amenity and in the interests of enhancing the biodiversity value of the site.

4. As part of the development hereby approved, the following shall be installed on established mature trees around the Melba Swintex site:

- Four bat boxes (of type 1FE Schwegler Bat Access Panel, Ibstock Enclosed Bat Box 'C', or Beaumaris Woodstone Bat Box).
- Four bird boxes (of type 1MR Schwegler Avianex, or 1SP Schwegler Sparrow Terrace).
- Four bee bricks or bee blocks.

All of the above shall be retained and maintained thereafter.

Reason: To ensure that the development provides an adequate net gain for biodiversity.

5. The storage area hereby approved and as defined in red on approved Landscape Plan (15/10/20 Revision A) shall only be accessed by vehicles during the hours of 8am – 5pm.

Reason: To protect the amenity of residents from noise associated with additional vehicle movements to the approved storage area.

6. Storage of items shall only take place within the area of hard standing as shown in red on approved Landscape Plan (15/10/20 Revision A) and shall not exceed a height of 2.5m from ground level at any time.

Reason: In the interests of protecting visual amenity, and to protect the openness of the Green Belt.

11. INFORMATIVES

1. Standard approval informative.
2. It is an offence under the Wildlife & Countryside Act 1981, as amended to introduce, plant or cause to grow wild any plant listed in Schedule 9 part 2 of the Act. Species such as Japanese knotweed and Himalayan balsam are included within this schedule. If any such species will be disturbed as a result of this development a suitably experienced consultant should be employed to advise on how to avoid an offence.
3. The applicant is reminded that, under the Wildlife and Countryside Act 1981 as amended it is an offence to remove, damage, or destroy the nest of a wild bird, while the nest is in use or being built. Planning consent does not provide a defence against prosecution under this act. If a bird's nest is suspected work should cease immediately and a suitably experienced ecologist employed to assess how best to safeguard the nest(s).
4. The applicant is reminded that under the Protection of Badgers Act 1992 it is an offence to intentionally or recklessly interfere with a badger sett. If a badger sett is found on or near the developments site work should cease immediately and a suitably experienced ecologist employed to advise on how best to proceed.
5. Before proceeding with the scheme preparation the Developer should consult with the Environment Director for detailed requirements relating to land arrangements, design, assessment, construction and maintenance of all existing or new highway structures included in, or affected by, the proposed scheme. For this purpose the term highway structure shall include:

- Any bridge or culvert having a span of 1.5 metres or greater, or having a waterway opening cross sectional area exceeding 2.2 square metres {Note: span refers to the distance between centre of supports and not the clear distance between supports},
- Any retaining wall supporting the highway (including and supporting land which provides support to the highway),
- Any retaining wall supporting land or property alongside the highway.

The term 'highway' shall include footpaths and bridleways