

TITLE: ERECTION OF BUILDING FOR CLASS B1/B2 USE
(BUSINESS/GENERAL INDUSTRIAL)
PLOT 3, FUTURES PARK, NEWCHURCH RD, BACUP

APPLICATION NO: 2006/256

TO/ON: DEVELOPMENT CONTROL COMMITTEE
25 JULY 2006

BY: TEAM MANAGER DEVELOPMENT CONTROL

STATUS: FOR PUBLICATION

APPLICANT: Brother Investments

DETERMINATION EXPIRY DATE: 11 July 2006

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.

Background

This application relates to a plot of land within Futures Business Park. It is owned by the Council and is allocated in the Rossendale District Local Plan as an Existing Employment Site.

With respect to the site as a whole : Outline Permission has previously been granted for erection of 5 industrial units, to be served off a new road (1998/423 & 2002/148); the Kingfisher Business Centre has been completed on a plot which fronts Newchurch Road; buildings and bridges have been removed from the land to the rear; and roads/sewers have been constructed to serve other plots.

Site

The irregularly-shaped plot to which this application relates has a length of approximately 84m and width of 56m at its broadest. It has a long frontage to the east to the recently-constructed estate road, and to the west to a lane leading to Lee Quarry and giving access to a couple of garages near to a terrace of houses fronting Flag Lane. The site changes in level by approximately 4.5m, dropping down from the

south-west corner to the new estate road. It is presently occupied by various areas of hardstanding, beneath which run a culverted-watercourse. The site is of poor appearance, but is screened somewhat from view from the houses fronting Flag Lane by shrubs/trees that have established around the open-watercourse to the south of the application site and around an area of hardstanding at the south-west corner of the application site. The latter area of hardstanding presently performs a useful function, serving as a passing-place for traffic on the lane up to the quarry and is also used by nearby residents for the parking/turning of vehicles.

Proposal

The submitted scheme proposes erection on the site of a building measuring 18.5m x 42.5m, with a gutter-height of 5.25m and ridge-height of 8m. The northern end of the building is to be occupied by office accommodation on two floors; this element of the building is to have a regular pattern of windows in its three external walls, these walls to be faced with horizontal cladding panels and its roof hipped. The applicant envisages the other two-thirds of the building being used for industrial purposes; this element of the building is to have two bay-doors in its front elevation, with artificial-stone to head-height and profiled metal-sheeting above this and to the other two sides. Profiled metal-sheeting is to be used on the roof.

The building is to be sited 8-12m from the lane up to Lee Quarry, its floor-level set 2.2m below the level of the lane at its SW corner and 1.2m below the level of the lane at its NW corner. This siting of the building will require diversion of the culverted watercourse crossing the site. The applicant proposes to erect 2m high galvanised palisade fencing along the southern boundary of the site and between the proposed building and the lane up to Lee Quarry, sited 0.5m from the latter.

The applicant is unsure at this stage whether the building will be occupied by one firm or sub-divided for occupation as two or three units. Irrespective of this the site layout has been designed to function with a single vehicular access to the recently-constructed estate road, with a service-yard between it the proposed building and with car parking for 24 vehicles located towards the northern and south-eastern corners of the site.

The application is accompanied by a report in respect of Ground Conditions. It concludes that the site is capable of accommodating an employment use, but it is desirable that the building have piled-foundations and incorporate measures to safeguard it from the ingress of landfill gas.

Notification Responses

LCC (Highways) raises no objection.

RBC(Engineers) have no objection in principle, but recommend conditions to ensure proper surfacing of parking/servicing areas, diversion of the culverted-watercourse in an appropriate manner, etc.

RBC(Environmental Health) has no objection in principle but recommends conditions to ensure that local residents are not unduly disturbed by reason of the general industrial uses, hours of working, etc that might otherwise arise.

Consultation Responses

Bacup Consortium Trust comments that Futures Park has been promoted by the Council as a flagship development for Bacup and Stacksteads. The use of profiled metal-sheeting to clad the proposed building is totally unsympathetic to nearby

residents and is in stark contrast to the existing high quality Kingfisher Centre, as viewed from Newchurch Road.

A letter of objection has been received from a resident of Flag Lane, together with a petition of objection from residents of Lee Wood and Stacksteads bearing 98 signatures. The following points are made :

- “We are aware that the site will be developed but please keep it within reason and retain as much as possible of its natural assets.”
- Residents have previously been assured the site would be developed with high-tech offices, B2 General Industrial Use covers a multitude of sins.
- The proposed building will severely restrict residents existing views of trees and moorland and use of steel-cladding is not in-keeping.
- The 2m high palisade fence proposed adjacent to the lane up to Lee Quarry will be unsightly/out of keeping with the area and a danger to horse-riders accessing the equestrian and ménage area the County Council has developed at Lee Quarry.
- The proposed building will disturb badger setts and several other species of birds and wildlife.

Development Plan Policies

Rossendale District Local Plan (Adopted 1995)

- DS1 - Urban Boundary
- E4 - Tree Preservation
- E7 - Contaminated Land
- E12 - Noise
- DC1 - Development Criteria
- DC2 - Landscaping
- J3 - Existing Employment Areas

Joint Lancashire Structure Plan (Adopted 2005)

- Policy 1 - General Policy
- Policy 2 - Main Development Locations
- Policy 7 - Parking
- Policy 14 - Business & Industrial Land Provision
- Policy 17 - Office Development
- Policy 20 - Lancashire’s Landscapes

Other Material Planning Considerations

LCC Parking Standards
Bacup, Stacksteads & Britannia AAP

Planning Issues

In dealing with this application the main issues to consider are :

- 1) Principle; 2) Ground Conditions/Drainage; 3) Neighbour Amenity; 4) Design & Appearance; 5) Traffic/Parking & 6) Wildlife Interest.

Principle

In the adopted Local Plan the application site lies within the Urban Boundary of Bacup and within an Existing Employment Area. Its redevelopment for employment purposes is consistent with these policies of the Local Plan, and the corresponding policies of the Structure Plan and emerging Bacup, Stacksteads & Britannia AAP.

Ground Conditions/Drainage

I am satisfied that the ground conditions do not preclude development of this plot for the end-uses proposed, subject to suitable conditions in relation to foundation design and the manner in which the culverted-watercourse is diverted.

Neighbour Amenity

The dwellings nearest to the proposed development are those located to the west of the site, fronting Lee Road and Flag Lane. The nearest is 21 Flag Lane which has its gable 9m from the site boundary and 21m from the rear elevation of the proposed building.

As all traffic generated by Plot 3 will access the site directly from Newchurch Road, by means of the recently constructed estate road (and not make use of the lane to Lee Quarry) I am satisfied local residents will not be caused undue inconvenience or noise disturbance by traffic-movements.

The office/industrial uses for which permission is sought fall within Class B1 and B2 of the T&CP (Use Classes) Order 1987. B1 uses are office/industrial uses capable of locating within a residential area without causing unacceptable detriment to their neighbours. B2 uses are those industrial uses more appropriately located within an employment area. I concur with the view of the Council's Environmental Health Officer that the site can accommodate B2 uses without undue disturbance of local residents. As the proposed building will stand between the service-yard and the houses I do not consider it necessary to restrict the hours at which the units are used. As the units may be used for general industrial purposes it is considered appropriate to require submission and approval of details of any system of extraction/ventilation to be installed, or before any window/door-openings are installed in the west-facing roof-plane/west elevation of the proposed building, to protect the amenities of local residents.

The way in which the proposed development will impinge on the visual amenities of local residents will be dealt with below.

Design & Appearance

In terms of its size/design/facing materials the proposed building will have the appearance of most modern office/industrial units now erected on industrial estates. As such, it will not detract to an unacceptable extent from the character and appearance of the Futures Business Park, as viewed from the recently-constructed estate road. The variation in levels across the site mean that a retaining-wall (of 1.7m at its highest point) will run along the site boundary between the access-point and the northern tip of the site. The greatest of care will need to be taken to ensure that its design/facing materials are appropriate, and planting is undertaken towards the northern tip of the site and the south-east corner of the site are adequate to 'soften' the appearance of the development.

The proposed building will stand a distance away from the lane to Lee Quarry that varies between 8m and 12m, and have a gutter-height of 5.25m and ridge-height of 8m. However, its bulk and prominence as viewed from the lane and the housing beyond will be somewhat less than would otherwise be the case as the building will have a floor-level set 2.2m below the level of the lane at its SW corner and 1.2m below the level of the lane at its NW corner. I consider it appropriate that conditions are imposed to ensure the building is constructed with a floor level no higher than this and that details are submitted for the Councils approval of the intended colours of facing materials.

At my request the applicant has looked again at what scope exists to set the intended 2m high palisade fence away from the lane sufficiently to address a highway-safety concern and allow for the planting of a hedge/shrubs between the lane and the fence that could be allowed to grow to a height equal to the gutter-height of the proposed building. In my view such an arrangement is possible (without compromising security or adding significantly to the cost of development) and would, with time, go a long way towards screening the development from the nearby houses and retain something of the rural character of the lane. In response the applicant has submitted an amended plan setting the palisade fence 0.5m away from the lane and showing a hedge will be planted between the fence and the proposed building. Whilst this siting for the fence addresses the highway-safety concern I consider it appropriate to recommend a condition either to set the fence to the other side of the intended hedge or details be submitted for the Councils approval for a form of fence that will appear less urbanising/allow the hedge to grow through it.

Traffic/Parking

The access/parking arrangements proposed are considered satisfactory to serve the proposed development. Conditions are recommended to ensure the development is implemented in accordance with the submission.

Implementation of the submitted scheme will result in loss of an area of hardstanding adjacent to the lane to Lee Quarry that presently performs a useful function, serving as a passing-place for traffic and is also used by nearby residents for the parking/turning of vehicles. The applicant was asked to look at whether part of this area of hardstanding could be retained. They advise that to do so would result in additional costs (constructing a retaining wall) or elevation of the building (to avoid the need to construct the retaining-wall). Whilst I consider its loss (in total) to be regrettable, I do not think this warrants refusal of the application. This loss will not prevent use of two garages that stand near to the lane.

Wildlife Interest

The proposed development will result in the loss of some scrubby-trees. None are of significant visual amenity value or particular wildlife interest. There is certainly no badger sett on the site or in its immediate vicinity.

Recommendation

That permission be granted subject to the following conditions :

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

REASON: Required by Section 51 of the Planning and Compulsory Purchase 2004 Act.

The development hereby permitted shall be carried out in accordance with the amended Site Layout, referenced Drwg No LYOO1revA, unless otherwise varied by the conditions below or first agreed in writing by the Local Planning Authority.

Reason: To define the permission and ensure a satisfactory form of development.

No development shall take place until details of the proposed foul and surface-water drainage arrangements have been submitted to and approved by the Local Planning Authority in writing; the submission shall include details of the intended culverted-watercourse diversion. No part of the development shall be occupied until the approved scheme has been fully implemented.

Reason: To secure proper drainage and to prevent flooding, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan(s), or as may otherwise be agreed in writing with the Local Planning Authority before any development is first commenced.

Before the development hereby permitted is first commenced, full details of the measures to be incorporated into the development to prevent the ingress of landfill gas shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall only be constructed in accordance with the approved scheme of landfill gas ingress prevention measures.

Reason: To protect occupiers from the ingress of landfill gas and in accordance with the criteria Policy DC1 of the adopted Rossendale District Local Plan.

The development hereby permitted shall not commence until full details of the colour, form and texture of all external facing materials to the proposed building(s) (notwithstanding any details shown on the previously submitted plan(s) and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.

Reason: To protect the appearance of the locality and in the interests of the amenities of local residents and in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan

No system of fume extraction/filtration shall be installed at the premises, nor any window/door-openings formed in the in the west-facing roof-plane/west elevation of the building hereby permitted, without the prior written approval of the Local Planning Authority.

Reason: To safeguard the amenities of local residents and in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan

Before the development hereby permitted is first occupied, the car park and vehicle manoeuvring areas shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles. The works to form the access to the site shall be to a standard adoptable by Lancashire County Council.

Reason: To ensure adequate on site provision of car parking and manoeuvring areas in and accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan

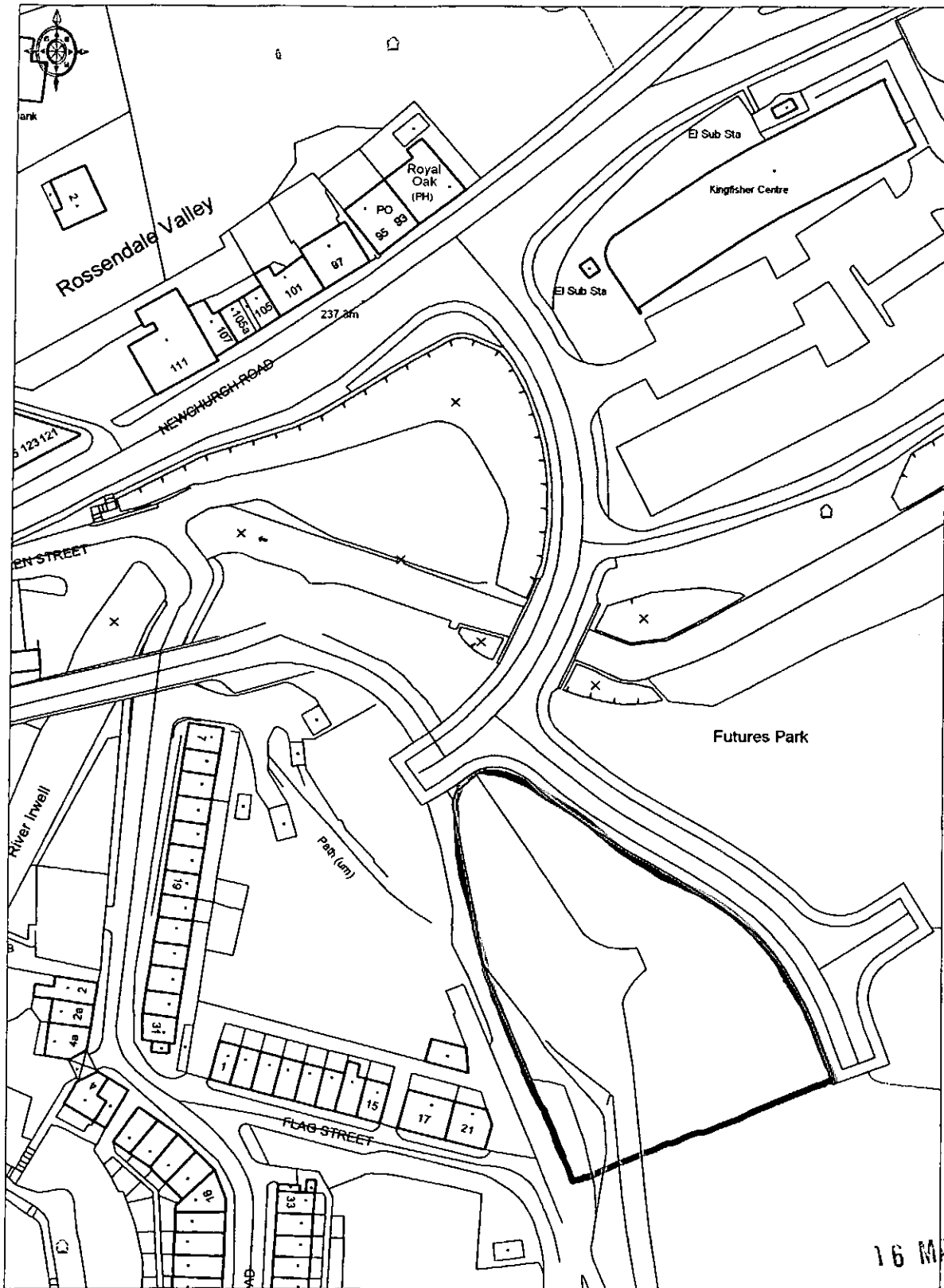
No development shall take place until a scheme of landscaping/boundary treatment has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The submitted scheme shall provide : for enhanced planting between Parking Bays 5-10 and the southern boundary of the site; full details of the boundary retaining-wall/balustrade to the north of the access-point; for erection of the palisade fence to the east side of the intended hedge by the lane to Lee Quarry or submission of an alternative form of fencing; details of the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform. *Reason: In the*

interests of the amenity of the area, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.


All hard-surfaced areas/walls/fences forming part of the approved scheme of landscaping/boundary treatment shall be completed prior to occupation of the building hereby permitted, unless otherwise agreed in writing with the Local Planning Authority. All new planting, seeding or turfing comprised in the approved details of landscaping 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 of landscaping 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 the amenity of the area, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*

Any construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.

Reason : To safeguard the amenities of nearby residential properties in accordance with policy DC1 of the Rossendale District Local Plan.



16 MAY 2006


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FUTURES BUSINESS PARK, BACUP

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