

Application Number:	2021/0083	Application Type:	Full
Proposal:	Change of use from use Class E (a) Retail to Class E (a) Retail plus the repair and cleaning of cars within the building (B2)	Location:	Unit 2, Laburnum Street, Haslingden Rossendale BB4 5DW
Report of:	Planning Unit Manager	Status:	For publication
Report to:	Development Control Committee	Date:	12 th October 2021
Applicant:	Mr. Dulih Miah	Determination Expiry Date:	14 th April 2021
Agent:	Hartley Planning & Development Associates		

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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	Yes – 3 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

That Permission be granted subject to the conditions set out in Section 10 of the Report.

2. The Site

The application site is located within town of Haslingden and within the main urban boundary as defined by the Rossendale Core Strategy 2011. The site is located within the north-western section of the Haslingden Conservation Area mainly, within a residential area.

The application site forms that of a long standing purpose built, 2 storey industrial unit that is located to the northern end of a long, linear row of 2 storey terrace houses, there are further rows of dwelling houses to front and rear of the application site.

Unit 2 Laburnum Street, Haslingden



3. RELEVANT PLANNING HISTORY

There is no recent planning history to this specific application site.

However, it is important to note the planning history for the attached Unit at No. 1:

- Unit 1 (not the subject of the application) sells and fits tyres and was the subject of an enforcement appeal in 2013 relating to the tyre fitting element of the business. (APP/B2355/C/13/2191993). The enforcement appeal was allowed.
- A concurrent planning appeal for the use was allowed on the same date under ref: APP/B2355/A/13/2190193, on condition that no work should take place from the public highway.

4. PROPOSAL

The application seeks planning permission for the material change of use from Class E (a) retail unit to that of a mixed use of Class (a) retail and Class B2 for the repair and cleaning of vehicles, the latter to be undertaken from within the premises only.

There are no external works proposed as part of this application.

5. **POLICY CONTEXT**

National

National Planning Policy Framework 2021

Section 2	Achieving Sustainable Development
Section 4	Decision-making
Section 6	Building a Strong, Competitive Economy
Section 11	Making Effective Use of Land
Section 12	Achieving Well-Designed Places
Section 16	Conserving and Enhancing the Historic Environment

Development Plan Policies

RBC Core Strategy DPD (2011)

AVP 6	Haslingden & Rising Bridge
Policy 1	General Development Locations and Principles
Policy 8	Transport (inc Appendix 1 Parking Standards)
Policy 24	Planning Application Requirements

Other Material Planning Policy Considerations

RBC Alterations and Extensions to Residential Properties SPD (2008)

Rossendale Local Emerging Plan 2019/2036

Spatial Strategy SS - Suitability of the site, its sustainability and the needs of the local area

SD1 - Presumption in Favour of Sustainable Development

EMP3 - Employment Site and Premises

EMP4 - Development Criteria for Employment Generating Development

EMP5 - Employment Development in non-allocated employment areas

6. **CONSULTATION RESPONSES**

LCC Highways – No Objection

RBC Environmental Health – No Objection subject to conditions

7. **NOTIFICATION RESPONSES**

To accord with the General Development Procedure Order neighbours were notified by letter and a site notice was erected on the 18th February 2021.

NOTIFICATION

As a result of notification of the immediate Neighbours on the revisions to the originally-submitted 3 letters have been received that directly object to the proposal. The basis on which these objections were made are as follows:

A Combined Summary of all Objections Received

- Problems with Traffic gaining access to the site and HGV's blocking the access
- Noise from the works to dismantle vehicles such as grinding and the general use of power tools

- The level of rubbish generated from the site in terms of face masks, gloves and general food packaging
- Parking problems within the street and service vehicles such as refuse lorries having difficulty access the street
- Alleged Anti-Social Behavior – mostly as a result of parking issues
- The host building is unsightly and in a state of poor repair
- Light pollution being emitted from the front elevation of the host property
- Negative effects on house prices
- People allegedly working on vehicles within the highway to the front of the property

8. **ASSESSMENT**

The main considerations in this case are as follows:

- 1) Principle; 2) Visual Amenity; 3) Neighbour Amenity & 4) Highways

Principle

The application site is located within the urban boundary of Haslingden, where Policy 1 of the Core Strategy seeks to locate the majority of new development. The lawful use of the existing building is that of a retail unit as defined by the Use Classes Order 2021 as Class E (a).

The existing building is located within a sustainable location and within close proximity of both the town centre and existing bus services that connect to a number main towns and cities. The lawful use of the building is that of a retail unit (Use Classes E a). There are no planning conditions currently in place that restrict the use of the hours in which the unit can operate.

Based upon the above assessment, it is considered that proposed development is within a sustainable location and is acceptable in principle.

Visual Amenity

The site is located within the northwestern section of the Haslingden Conservation Area. The application site is not within close proximity of any Listed Buildings and therefore, it does not affect the setting of any listed building. The development proposed within this application does not affect the external appearance of the existing host property and therefore, it is considered that the use of the site for vehicle repairs and cleaning within the main building would have no effect upon the character of the local conservation area.

Whilst concerns have been raised with regard to the untidy external appearance of Unit 2 as a result of this application, as the proposed development relates to a use and not to any external physical development, the external condition and the concerns raised over lighting levels are not matters that are within the control of the Local Planning Authority via this planning application process.

Neighbour Amenity

The main material consideration within this application is that of the potential impact of the proposed development upon the amenity of the local area. As the local area is predominantly made up of residential dwelling houses and the application site is both attached and adjacent to residential dwellings, this matter requires careful consideration.

The applicant has confirmed that the use of the site for car repairs, will remain a secondary function to that of the main business of which relates to the selling of used vehicle parts to

the public. Whilst the unit is open to the public, the applicant has confirmed that the vast majority of sales are conducted via the internet with parts being posted out to customers and so visitor numbers to the site are minimal.

The front access door into the building is relatively small and so only a fairly small family sized cars or small commercial vans would be able to fit inside and only one or two vehicles at any one time could be parked inside the building.

The concerns raised over repairs to the vehicles on the highway to the front of the site by the applicants work force, can be reasonably controlled by the attachment of a condition to require all repairs and or cleaning to only take place within the host application building and for no repairs to take place on the Highway.

The applicant cannot be held responsible for members of the public visiting the site and fitting a part to a vehicle as the highway is not within the applicant's control. If this matter becomes a persistent problem, it can be controlled by other agencies as it can be an offence to repair vehicles on the highway under certain circumstances and a Fixed Penalty Notice can be issued.

In terms of noise and vibration, as a result of the cleaning or repairing of vehicles proposed within this application, the Local Planning Authority have consulted with Environmental Health. They have confirmed that they do not object to the proposal, subject to the following conditions being attached to any grant of planning permission:

- Hours restriction of 8am to 6pm Monday to Saturday with no working on Sundays no bank holidays
- A condition limiting the repair of up to three vehicles a week (as indicated on the application)
- A condition stating hand tools only and no power tools to be used (as stated in the application)
- No working on vehicles outside the building (EH have received calls in the past from residents alleging vehicles from the adjacent unit are blocking the road and access which is a Police matter).
- Door and windows to the unit to be kept closed when hand tools are being used

Reason: to protect the amenity of occupiers in surrounding properties

Based upon the attachment of the above conditions, the amenity of the immediate neighbours can be safeguarded and the proposal is acceptable.

Highway

The LCC Highways Department have been consulted on this proposal and confirmed the following comments:

“The Highway Development Control Section of Lancashire County Council has no objections to the change of use application and is of the opinion that the proposals at this location would not have a severe impact on highway safety and highway capacity within the immediate vicinity of the site”.

Based upon the comments from highways above, it is considered that the development would not result upon a harmful impact upon the neighbouring area.

9. SUMMARY REASON FOR APPROVAL

The proposed development is considered acceptable in principle and, subject to the conditions, will not unduly detract from visual and neighbour amenity or highway safety. It is considered that the development is in accordance with the National Planning Policy Framework and Policies AVP6 / 1 / 24 of the Council's adopted Core Strategy (2011).

10. RECOMMENDATION

Permission is granted

CONDITIONS

- 1) 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.

- 2) The development shall be carried out in accordance with the following unless otherwise required by the conditions below.

Title	Drwg No	Date Recd
Location Plan	10139	03/03/2021

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

- 3) The vehicle repairs and cleaning operations will only take place between 08:00Hrs and 18:00Hrs Monday to Saturdays. There will be working at any time on Sundays and Bank Holidays.

Reason: to protect the amenity of occupiers in surrounding properties

- 4) No power tools will be used in connection with the vehicle repairs or cleaning operation hereby approved and the doors and windows to the main building will be kept closed whilst cleaning and repair operations are taking place.

Reason: to protect the amenity of occupiers in surrounding properties

- 5) No vehicle repairs or cleaning will take place outside of the main building or on the public highway at any time.

Reason: to protect the amenity of occupiers in surrounding properties