

Application Number:	2021/0582	Application Type:	Variation of condition
Proposal:	Full: Construction of a 40m long replacement wooden fence as per existing fence to height of 2.1m, including the provision of a mesh fence on top taking the fence to a maximum height of 5.1m from ground level.	Location:	Rossendale Borough Council Depot Henrietta Street Bacup Lancashire OL13 0AR
Report of:	Planning Unit Manager	Status:	For publication
Report to:	Development Control Committee	Date:	16/11/2021
Applicant:	Mr Keith Jenkins	Determination Expiry Date:	10/12/2021
Agent:	N/A		

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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):	✓ - Council Land

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 with conditions.

2. SITE

The application relates to an existing open plan depot currently used by Rossendale Borough Council for its waste collection operations. The application site lies adjacent to a large pitched roof building which is located in the centre of the yard.

The site is located within the defined urban boundary.

3. PROPOSAL

Planning permission is sought for the construction of a 40m long, 5.1m high protective fence with anti-trash nettings. The first 2.1m will be made up of a wooden fence with the remaining 3m being made up of an obscure mesh fence.

4. PLANNING HISTORY

2020/0043 - Erection of two concrete lego block enclosure for the storage of recyclable materials – approved with conditions and now fully implemented.

2021/0107 - Variation of Condition 2 (approved plans) pursuant to planning application 2020/0043 to increase the height of the recycling bays by 1800mm (3 blocks) and to allow for the provision of a 2m high trash netting – approved with conditions.

2021/0108 - Variation of Condition 2 (approved plans) pursuant to planning application 2020/0043 to increase the height of the recycling bays by 600mm (1 block) and to construct a retractable roof – approved with conditions.

2021/0109 – Erection of a 30m long 5m high protective fence with anti trash netting – approved with conditions.

5. POLICY CONTEXT

National

National Planning Policy Framework (2021)

Section 12 Achieving well-designed places

Development Plan Policies

RBC Core Strategy (2011)

AVP 2 Bacup, Stacksteads, Britannia and Weir
Policy 1 General Development Locations and Principles
Policy 23 Promoting High Quality Design & Spaces
Policy 24 Planning Application Requirements

Other

National Planning Practice Guidance

6. CONSULTATION RESPONSES

None consulted.

7. NOTIFICATION RESPONSES

The application was publicised by sending individual notification letters to surrounding properties and commercial units. At the time of writing this report, no objections have been received.

8. ASSESSMENT

Principle

The application site is an existing Council run operations depot within the defined urban boundary where Policy 1 of the Core Strategy seeks to locate the majority of new development.

As such the development is appropriate in principle.

Visual Amenity

Paragraph 126 of the Framework states that:

- The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 130 of the Framework aims to ensure that planning policies and decisions ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The proposed plan shows that the fencing will span immediately from the side of the existing vehicle workshop close to the River Irwell and then extend 40m from north to south, running parallel with the river.

Whilst the fencing is considered to be exceptionally long, its purpose is equally necessary to protect the wider environment from waste pollution making its way into the River Irwell.

Having considered the proposal in the context of the existing surrounding development, the proposed development is considered to be appropriate in this industrial location and it is not considered to be overly excessive in scale. It is not considered that the development would appear incongruous in this industrial setting and it is felt the development would actually improve the appearance of the current site when it replaces the current dilapidated fencing.

As such the scheme is considered acceptable in terms of visual amenity.

Residential Amenity

Whilst there is a row of terraced properties situated on Market Street that overlooks part of the site and the proposed development, it is not considered that the proposal would give rise to any significant harm to amenity, over and above the situation that presently exists on site. This is due to the relatively limited scale of the development in context of the wider site and also the intervening distance in between the site and the nearest dwellings which means the proposed development would not appear obtrusive.

In view of the above it is considered that the proposal would reasonably safeguard the amenities currently enjoyed by the occupants of the nearest properties and on this basis, it is

considered that it would reasonably satisfy the requirements of Policy 24 of the adopted Core Strategy.

Highway Safety

The scheme lies within an existing Council owned private operations depot and it is not considered that the proposal would impact on public highway safety, nor would it materially increase the amount of traffic on the highway network.

Therefore, the scheme is considered acceptable in terms of highway safety.

Conclusion

The proposed development is appropriate in principle within the urban boundary. It is considered that the development would not unduly affect the visual amenities of the area or neighbour amenity. Accordingly, the scheme is considered to accord with the National Planning Policy Framework and Policies AVP2, 1, 23 and 24 of the Council's Core Strategy DPD (2011).

9. RECOMMENDATION

Approval with conditions.

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 the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following drawings, unless otherwise required by the conditions below:

- Application Form
- Submitted Location Plan 1:750
- Submitted Location Plan 1:1250
- Submitted proposed elevation plan Drawing No. 221/1

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development

INFORMATIVES

1. The Local Planning Authority has a Core Strategy (adopted in November 2011) and a series of Supplementary Planning Documents, which can be viewed at:

http://www.rossendale.gov.uk/downloads/download/331/core_strategy_local_plan_part_1_adopted

The Local Planning Authority has considered the application and where necessary considered either the imposition of planning conditions and/or sought reasonable amendments to the application in order to deliver a sustainable form of development in accordance with the National Planning Policy Framework and the local planning policy context.