

Application No: 2006/301	Application Type: Full Application etc
Proposal: Erection of Light Industrial Units (Use Class B1)	Location: Former Snowking Factory, 270 Grane Road, Haslingden
Report of: Development Control Team Manager	Ward: Helmshore Status: For Publication
Report to: Development Control Committee	Date: 12 September 2006
Applicant: Hurstwood Properties Ltd	Determination Expiry Date: 4 September 2006

REASON FOR REPORTING **Tick Box**
Outside Officer Scheme of Delegation
Member Call-In
Name of Member:
Reason for Call-In:
3 or More objections received

Other (please state)ON THE ADVICE OF THE HEAD OF
LEGAL & DEMOCRATIC SERVICES

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.

APPLICATION DETAILS

1. Background

This application was reported to the meeting of Committee on 25 July 2006. In accordance with the Officer Recommendation, Committee resolved that Planning Permission should be granted subject to the Conditions set out in the Report and the Applicant first entering into a S.106 Agreement to deliver the £15,000 necessary to fund provision of a speed-activated sign, bus-shelters and white-lining on Grane Road.

A copy of the previous Officer Report is reproduced in full below.

It accurately reflects the views of the Highway Authority.

Under Notification Responses, it will be seen that its comments were summarised as follows :

*“LCC (Highways) raises no objection in principle, but requests :
Conditions in respect of certain matters of detail;
A condition to restrict the weight of vehicles accessing the site to 7.5T.
The previously agreed financial contribution of £15,000.”*

Under the assessment of the Traffic issue the Report says :

“LCC (Highways) comments in respect of this application differ most particularly from those for 2005/225 in that it is for the first time recommending a condition to restrict the weight of vehicles accessing the site to 7.5T. It does so to reflect the fact that a weight restriction has recently been introduced on Grane Road. I do not consider that it would be appropriate to impose a condition to this effect having regard to the allocation of the site as an Existing Employment Site and the extant permission which does not contain such a condition.”

On the day following the Committee meeting the Head of Legal & Democratic Services was contacted by the Speaker who had addressed the Committee in objection to the scheme. They expressed concerns about the ‘Question and Answer’ session which had followed his address and that of the applicant. Most particularly, whether the Committee had made its decision on the application without a proper understanding of the 7.5T vehicle weight-restriction in force on Grane Road/LCC(Highways) request for a Condition to restrict the weight of vehicles accessing the application site to 7.5T.

The Head of Legal & Democratic Services advised me that it would be advisable to report the application back to Committee for re-consideration by Members, with clarification of the matter of the 7.5T vehicle weight-restriction in force on Grane Road/LCC(Highways) request for a Condition to restrict the weight of vehicles accessing the application site to 7.5T.

2. Assessment

Having consulted further with LCC (Highways) I would advise as follows :

- The Temporary Traffic Order limiting use of Grane Road by vehicles over 7.5T does not relate to that section of Grane Road to the east of its junction with Holcombe Road.
- As this Order would not preclude vehicles over 7.5T visiting the application site it was seeking to do so by way of a Condition.
- Having reconsidered whether it is appropriate to recommend the imposition of such a Condition LCC(Highways) has arrived at the view that it is not.

3. CONCLUSION

In my previous report to Committee I advised that I did not consider that it would be appropriate to impose a condition to limit the weight of vehicles visiting the application site to 7.5T having regard to the allocation of the site as an Existing Employment Site and the recent permission for re-development of the site for employment purposes

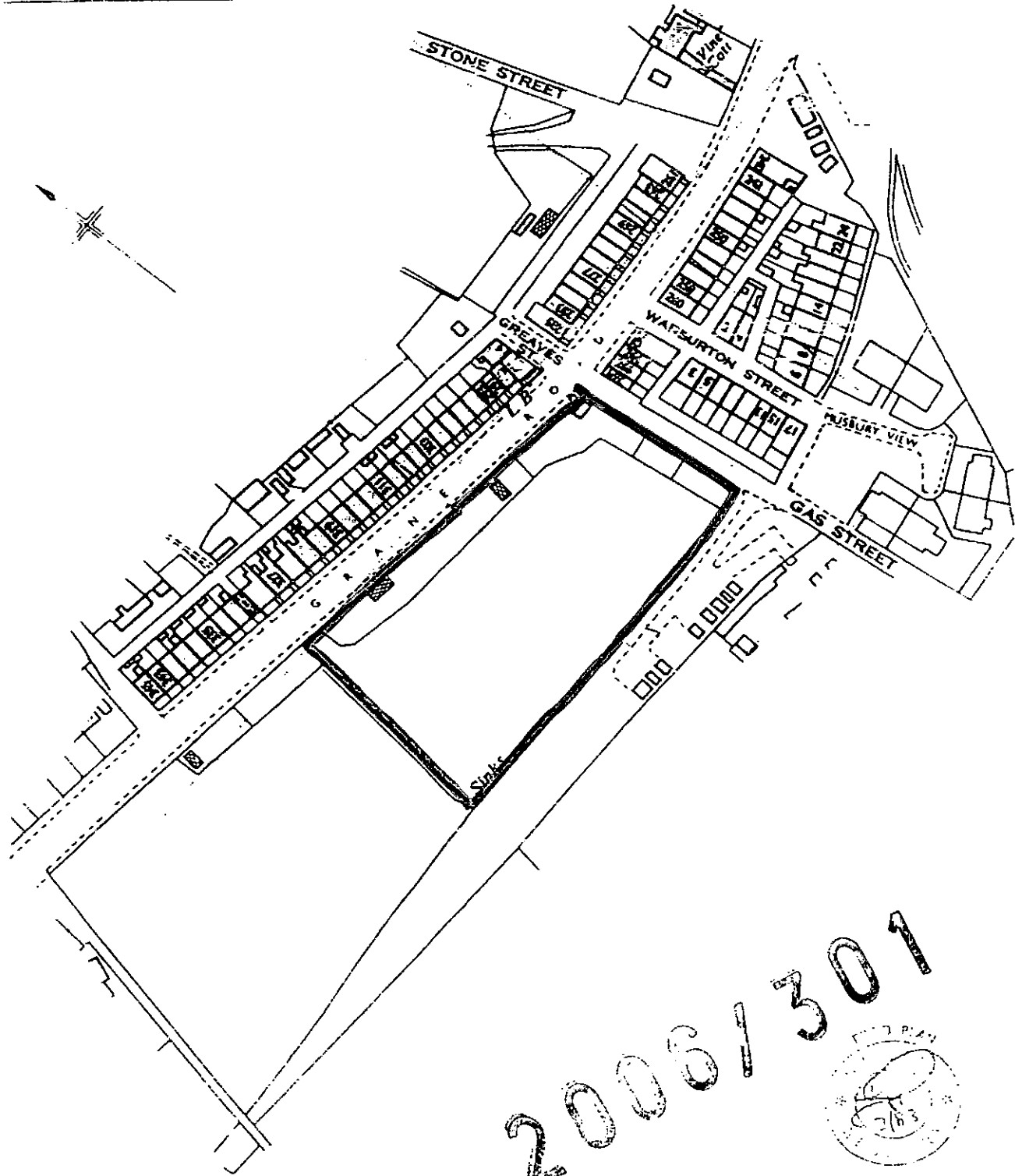
which does not contain such a condition. This remains my view and is one with which the Highway Authority now concurs.

4. RECOMMENDATION

That Committee be minded to grant permission subject to the Conditions set out in the earlier and the Applicant first entering into a S.106 Agreement to deliver the £15,000 necessary to fund provision of a speed-activated sign, bus-shelters, white-lining on Grane Road, in the vicinity of the application site.

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H.M. LAND REGISTRY		TITLE NUMBER	
		LA480896	
ORDNANCE SURVEY PLAN REFERENCE	SD7722	SECTION B	Scale 1:1250 Enlarged from 1:2500
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TITLE: ERECTION OF LIGHT INDUSTRIAL UNITS(USE CLASS B1)
FORMER SNOWKING FACTORY,
270 GRANE ROAD, HASLINGDEN

APPLICATION NO: 2006/301

TO/ON: DEVELOPMENT CONTROL COMMITTEE - 25 JULY 2006

BY: DEVELOPMENT CONTROL - TEAM MANAGER

STATUS: FOR PUBLICATION

APPLICANT: HURSTWOOD PROPERTIES LTD

DETERMINATION EXPIRY DATE: 4 SEPTEMBER 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.

Site

This application relates to a broadly rectangular site, measuring approx 60m X 115m, located on the south side of Grane Road (B6232).

Within the centre of the site is a building of 1,530 sq m in floor-area. It has been vacant for the last five years, but was formerly occupied by Snowking. Vehicles can gain access to the site by means of a private access at the western end of the site or via Gas Street, an un-made road at the eastern end of the site, the use of which is shared with residents of houses fronting Warburton Street.

The building on the site is at a lower level than Grane Road, screened to a significant degree from the houses on the opposite side of the main road by the high-hedge/trees on the site frontage. Mature trees at points along the western and southern boundaries break views into the site from the open land beyond.

Relevant Planning History

In April 2005 outline permission was sought to redevelop broadly the same site (2005/225).

As first submitted the application proposed a series of 13no Light Industrial Units of 2,760 sq m in floor-area. The proposed units were to be served off a new vehicular access to be formed midway along the frontage to Grane Road. It was of concern to me that construction of the new access, and formation of its visibility-splays, would have resulted in the loss of all of the high-hedge/mature trees fronting the site.

At my request the scheme was amended and Committee granted outline permission for the erection of a series of 12no Class B1 (Light Industrial) Units of 2,460 sq m in floor-area. Implementation of this permission would result in an L-shaped building, with units having their backs towards the southern and eastern boundaries of the site and facing on to a communal service yard/parking area, accessed solely via the existing access-point at the western end of the site frontage. However, it would be up-graded to conform to current standards, and the opportunity taken to widen the pavement to Grane Road, in a manner enabling the frontage hedge/trees to be retained, together with trees on other boundaries. Gas Street would remain available for use by local residents, a margin of land to its west side available for residents to park. The permission also required the developer to fund provision of a speed-activated sign, white-lining and bus-shelters at two nearby bus-stops on Grane Road.

The Council subsequently learned that the ownership of the site had changed hands and the new owner had in mind to revert to a form of development that would have entailed formation of a new access mid-way along the frontage to Grane Road and loss of the hedge/trees here and on two other boundaries. In accordance with the scheme of delegation Officers made a Tree Preservation Order to protect those trees on site boundaries considered to be of particular visual amenity value, totalling 21 trees and a group of mature hawthorns. In light of objection to the TPO there is a need for the Council to review whether it wishes to confirm the TPO in its present form.

Proposal

Permission is now sought by the new owner of the site (which has been extended to include the margin of land running up to Gas Street referred to above). As amended, the submitted layout would result in :

- Removal of the frontage hedge/trees to form a new vehicular access mid-way along the frontage to Grane Road.
- Erection of a U-shaped building to contain 13 Light Industrial Units having a total floor area of 2,684 sq m and 21 under-cover parking spaces, all of which will face onto a central service-yard/33-space car park.

Due to a change in levels across the site, and the applicants wish to maintain a common floor-level within the units, the proposed building will have gutter-height varying between 6.5m & 8m and a ridge-height varying between 8m & 9.5m. The front elevations to the units and gables of the building facing Grane Road will incorporate artificial-stone to head-height, with profiled metal-sheeting above, as too will be the roof. The backs of the units will be of profiled metal-sheeting above an artificial-stone plinth.

The back of the building will vary in its distance from Gas Street between 4m and 10m; as originally submitted a fence was proposed on the boundary with Gas Street,

but the applicant has amended the scheme to set it back to a degree and thereby diminish the area available for landscaping but allow a little space for local residents to continue to park.

The back of the building will vary in its distance from the western and southern boundaries between 2m and 7m, as a consequence of which 15 trees on these boundaries will be lost.

Of the planting included within the TPO the applicant intends that only 4 of the 21 trees and none of the hawthorns within the group would be retained. The trees to be retained are all on the southern boundary. In compensation the applicant is proposing new shrub and tree planting along the frontage to Grane Road (behind the visibility-splays required to each side of the new access) and along a part of the western boundary.

The applicant is also proposing to widen the footway to 1.8m between the new access and Gas Street and, by way of a S.106 Obligation, to contribute the £15,000 necessary to fund the provision of a speed-activated sign, two bus-shelters and white-linings in the highway, as required by Permission 2005/225.

Notification Responses

LCC (Planning) raises no objection in principle, but wishes to be assured that parking facilities accord with the adopted Parking Standards and that a financial contribution of £89,000 be sought from the developer towards public transport improvements.

LCC (Highways) raises no objection in principle, but requests :
Conditions in respect of certain matters of detail;
A condition to restrict the weight of vehicles accessing the site to 7.5T.
The previously agreed financial contribution of £15,000

Consultation Responses

Forty-six letters of objection have been received from local residents. The following reasons for objection have been advanced :

1. Vacant industrial premises exist elsewhere in Haslingden/prefer residential redevelopment of this site.
2. Proposal entails over-development of the site/will impact adversely on wildlife by reason of loss of grassland, mature trees & hedgerow/will result in loss of views of the countryside.
3. The bulk of the new building, with a siting so close to site-boundaries, will result in loss of light/outlook from houses, whilst use of the units in the manner proposed will cause residents noise disturbance at day and night.
4. Will increase traffic (most particularly HGV's) on Grane Road and, thereby, cause : additional accidents; difficulties for pedestrians wishing to cross; inconvenience and noise disturbance for residents.
5. The proposed development will be served by a single, ramped-access, which will be dangerous to use, and the proposal will result in a loss of resident parking/difficulties for residents cars seeking to exit Gas Street.
6. Will devalue nearby houses.

Development Plan Policies

Rossendale District Local Plan (Adopted 1995)

In short, the application site lies within the Urban Boundary of Haslingden and is specifically identified as an Existing Employment Site, wherein Policy J3 sets out a presumption in favour of retaining employment use.

- DS1 - Urban Boundary
- J3 - Existing Employment Areas
- DC1 - Development Criteria
- E4 - Tree Preservation
- E9/E10/E12 - Pollution/Groundwater Protection/Noise Attenuation
- T5/T7/T8/T10 - Lorry Parking/Disabled Access/Bus Services

Joint Lancashire Structure Plan (Adopted 2005)

- Policy 1 - General Policy
- Policy 2 - Main Development Locations
- Policy 7 - Parking
- Policy 20 - Lancashire's Landscapes

Other Material Planning Considerations

- PPS1 - Sustainable Development
- PPG4 - Industrial and Commercial Development
- PPG13 - Transport
- PPG23 - Pollution Control
- PPG24 - Noise

LCC Parking Standards
TPO No 1 (Haslingden) 2006

Planning Issues

Having regard to the allocation of the site as an Existing Employment Site in the adopted Local Plan and the extent permission for its re-development as such, there is no in principle to this proposal to redevelop the site, nor for the intended increase in usable floorspace it would produce.

The scheme of re-development permitted by 2005/225 is, in a number of respects, preferable to the current scheme - most particularly by reason of : its retention of existing frontage trees/hedge and other trees to the western & southern boundaries; the greater distance the proposed building would stand away from the houses fronting Warburton Street; and the area of land to the west side of Gas Street to be available for local residents to park would be greater. However, the current application must be looked at on its merits and a decision arrived at on the basis of whether the details of the scheme for which permission is now sought are such as to warrant a refusal.

The main matters of detail to consider are as follows :

- 1) Traffic; 2) Landscape Impact/Trees; & 3) Neighbour Amenity.

TRAFFIC

The Highway Authority is satisfied that the local road network can satisfactorily accommodate the traffic likely to be generated by the proposal. It is also satisfied that, subject to provision of the new access/off-street parking facilities proposed/diversion of people from the private car to the bus resulting from a Travel Plan & new bus-shelters, the proposal will not adversely affect highway safety/result in parking spilling beyond the boundaries of the site.

LCC (Highways) comments in respect of this application differ most particularly from those for 2005/225 in that it is for the first time recommending a condition to restrict the weight of vehicles accessing the site to 7.5T. It does so to reflect the fact that a weight restriction has recently been introduced on Grane Road. I do not consider that it would be appropriate to impose a condition to this effect having regard to the allocation of the site as an Existing Employment Site and the extant permission which does not contain such a condition.

LANDSCAPE IMPACT

The proposal will result in building being sited significantly nearer to the site boundaries than is the existing Snowking building.

There will remain tree-cover along the southern boundary, and beyond it, which will serve to break the view of the proposed building from the open land to this side.

Ten of the trees included in the TPO are situated on the western boundary of the site and the applicant proposes to fell all of them. The trees concerns are Willows, Silver Birches and Sycamores. Whilst common species and of no significant visual-amenity value individually they collectively perform a useful function in breaking the view into the site from the open land to the west. The applicants own tree consultants indicate that one of the willows is sufficiently decayed as to warrant immediate removal, while four others have weaknesses. The submitted layout proposes replacement planting along this boundary in the form of an evergreen hedge running approximately three-quarters the length of the boundary with 5 trees of a species that will grow to a lesser height than the trees to be felled. Although there is scope to plant a hedge/trees of more appropriate species than those indicated they will not, even with time, form such a good green-screen as now exists.

Likewise, all six of the trees included in the TPO on the Grane Road frontage will be felled as a result of the current proposal, necessary in order that the new site access can be formed. Whilst the applicants own tree consultants argue that there is a case for two of these trees, and the hawthorn hedge, to be removed they conclude that the other four trees ought to be retained. The applicant is not proposing their retention, but to replace them with other trees and low-shrub planting. This planting is to be set further back from Grane Road in order that it does not interfere with the visibility-splays the Highway Authority considers the new access should have. However, as a consequence of the way the site slopes down from Grane Road, even with time, this planting will not so effectively screen the development from the highway and the houses opposite as the existing frontage planting screens the existing building.

Accordingly, I have reservations about the prominence and visual intrusion the proposed scheme of re-development have, which can only partially be mitigated by way of a Condition seeking amended details of planting.

NEIGHBOUR AMENITY

Class B1 industrial uses must, by their nature, be uses capable of being "carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit". Accordingly, I have no concern about how the activities of occupiers of the intended units will impact on neighbours. Indeed, to have the units face away from the houses fronting Warburton Street and remove the commercial traffic from Gas Street is to be welcomed.

As the proposed building will stand more than 21m from the fronts of the houses on the opposite side of Grane Road, and more than 21m from the backs of the houses fronting Warburton Street, I am satisfied that it will not result in unacceptable loss of light/over-bearing for neighbours.

Recommendation

That permission be granted subject to the following conditions and the applicant expeditiously completing a S.106 Obligation to deliver the £15,000 necessary to fund the speed-activated sign, bus-shelters, white-lining referred to above.

Conditions and Reasons

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 plans :
 - i. 1837.9.PP02revA Site Layout
 - ii. II. 1837.9.PP03revA Elevations*Reason : For the avoidance of doubt.*

3. Prior to first use of any of the units hereby permitted the pavement to the front of the site between the site access and Gas Street shall be widened to not less than 1.8m. The works shall be to a standard adoptable by Lancashire County Council.
Reason: In the interests of highway safety and to accord with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking or re-enacting the Order, there shall not at any time in connection with the development hereby permitted, be erected or planted, or allowed to remain, upon the land hereinafter defined, any building, wall, fence, hedge, tree, shrub or other device which will obstruct the view above a plane 1 metre above the crown level of the adjoining highway. The piece of land affected by this condition shall be that part of the site in front of a line drawn from a point 2.4 metres measured along the centre line of the proposed access from the carriageway of Grane Road to points measured 70 metres in each direction along the nearer edge of the carriageway of Grane Road from the intersection of the centre line of the proposed access.
Reason: To ensure adequate visibility, in the interests of highway safety and in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan

5. Any gate erected at the access shall be positioned a minimum distance of 12 metres behind the nearside edge of the carriageway of Grane Road. *Reason: To ensure adequate visibility, in the interests of highway safety and in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan*

6. The building shall not be occupied until the proposed vehicle parking/manoeuvring areas have been constructed, drained, surfaced and laid out in accordance with details to be first submitted to and approved in

writing by the Local Planning Authority. These areas shall not thereafter be used for any purpose other than the parking/manoeuvring of vehicles.

Reason: To ensure satisfactory off-street parking facilities, in the interests of highway safety and in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

7. Prior to first use of any of the units in the building hereby permitted the car parking area to serve Gas Street shall be surfaced and thereafter kept freely available for the parking of vehicles by local residents. *Reason : To ensure satisfactory off-street parking facilities, in the interests of highway safety and in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*
8. Covered and secure cycle and motorcycle facilities shall be provided prior to first occupation of any of the units hereby permitted, in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. *Reason: To ensure adequate cycle/motorcycle storage facilities, in the interests of highway safety and in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*
9. A Travel Plan framework shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. *Reason: To minimise use of the private car, in the interests of highway safety and sustainability, and in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*
10. 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. No part of the development shall be occupied until the approved surface water drainage arrangements have been fully implemented. *Reason: To secure proper drainage and to prevent flooding and in accordance with the criteria of DC1 of the adopted Rossendale District Local Plan.*
11. 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. *Reason : To safeguard the amenities of nearby residential properties in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*
12. 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.*
13. 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/east

elevation of the building hereby permitted (other than those on the approved drawings), 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.

14. Notwithstanding the details shown on the approved Site Layout, 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. The submitted scheme shall provide : for retention of T7/T8/T10/T24, and detail any pruning intended; full details of the boundary retaining-walls/fences; 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.

15. 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.*

16. Any construction works associated with the development hereby approved shall not take place except between the hours of 8:00am and 6:00 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 the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

NOTE FOR APPLICANT

This consent requires the construction works within the public highway. Under the Highways Act 1980 Section 184, the County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority, or a contractor approved by the Highway Authority, can carry out these works and therefore before any access works can start you must contact the Environment Directorate at Lancashire County Council, quoting the planning application number.