

**Application No:** 2005/157

**Application Type:** Appeal Decision

**Proposal:** Erection of new warehouse and water storage tanks, re-roofing of existing buildings and associated alterations (Outline)

**Location:** Bacup Shoe Co Ltd, Atherton Holme Mill, Railway Street, Stacksteads

**Report of:** Development Control Team Manager

**Ward:** Stacksteads

**Status:** For Publication

**Report to:** Development Control Committee

**Date:** 12 September 2006

**Applicant:** Bacup Shoe Co Ltd

## 1. PURPOSE OF THE REPORT

- 1.1. To inform Committee members of the result of a planning appeal recently determined by the Planning Inspectorate.

## 2. RECOMMENDATION

- 2.1. That the report be noted.

## 3. REPORT AND REASONS FOR RECOMMENDATION

- 3.1 At its meeting In December 2005 Committee considered a report in respect of an application proposing the above development. Contrary to the Officer Recommendation, Committee resolved to refuse the application for the following reason :

*“The Council cannot be satisfied that the outline application has sufficient evidence or information to confirm that the development will not have an adverse impact on neighbour and visual amenity, most particularly by reason of : a) the siting and scale the proposed water storage tanks; b) the form of the re-roofing of existing buildings proposed near to houses on Short street; & c) the disproportionate bulk/unsympathetic appearance of the new-built warehouse that may result in relation to the traditional mill-building to which it will be attached. Accordingly, the proposal is not considered to accord with*

*PPS1, Policy 1 of the adopted Joint Lancashire Structure Plan and the criteria of Policy DC1 of the adopted Rossendale District Plan.”*

3.2 On the 25 July 2006 the Planning Inspectorate issued its decision in respect of the appeal lodged against this decision. It has granted Outline Permission for the proposal, subject to conditions.

3.3 A copy of the Inspectorate’s decision letter is reproduced below. Members particular attention is drawn to Paragraphs 8 and 9 of the letter, that deal particularly with the concerns of the Committee regarding the bulk/design/ facing materials of the proposed development.

#### **4. HUMAN RESOURCES**

4.1 **Human Rights Act 1998** implications are considered to be Article 8 which relate to the right to respect for private and family life, home and correspondence. Additionally, Article 1 of Protocol 1 relates to the right of peaceful enjoyment of possessions and protection of property.

#### **5. WARDS AFFECTED**

5.1. Stacksteads

#### **6. Background documents:**

6.1. Planning Inspectorate’s decision letter dated 25 July 2006.

<b>Contact Officer</b>	
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# Appeal Decision

Site visit made on 16 July 2006

by **Claire Sherratt** DipURP MRTPI

an Inspector appointed by the Secretary of State for  
Communities and Local Government

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Date: 25 July 2006

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**Appeal Ref: APP/B2355/A/06/2012710/NWF**

**Athertonholme Mill, Railway Street, Stacksteads, Bacup OL13 0LS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by The Backup Shoe Co. Ltd. against the decision of Rossendale Borough Council.
- The application Ref 2005/157, dated 4 March 2005, was refused by notice dated 22 December 2005.
- The development proposed is demolition of part of an existing weaving shed and boiler building, construction of new bulk warehouse (1950m<sup>2</sup> approx), re-roofing of the remaining weaving shed and associated alterations.

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## Decision

1. I allow the appeal, and grant outline planning permission for demolition of part of an existing weaving shed and boiler building, construction of new bulk warehouse (1950m<sup>2</sup> approx), re-roofing of the remaining weaving shed and associated alterations at Athertonholme Mill, Railway Street, Stacksteads, Bacup in accordance with the terms of the application, Ref 2005/157, dated 4 March 2005, and the plans submitted therewith, subject to the following conditions:
  - 1) Approval of the details of the design and external appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained in writing from the local planning authority before any development begins.
  - 2) Plans and particulars of the reserved matters referred to in condition 1 above, relating to the design and external appearance of any buildings to be erected and the landscaping of the site, shall be submitted to and approved in writing by the local planning authority and shall be carried out as approved.
  - 3) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
  - 4) The development hereby permitted shall begin either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
  - 5) The building to be erected shall have a floor level no lower than 216m above Ordnance Datum, unless otherwise agreed in writing by the local planning authority prior to the commencement of development.
  - 6) Prior to the commencement of development, details of the surfacing, drainage and marking out / delineation of the service yard / vehicle manoeuvring area indicated on

the submitted plans to the west of the building and any system to be provided for illumination of this area shall be first submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the first occupation of the new building and this area retained for the parking, loading, unloading and manoeuvring of vehicles thereafter.

- 7) The building shall not be occupied until planning permission 14/04/839 has been fully implemented in accordance with the approved details.
- 8) No development shall commence until a programme of building recording and analysis has been carried out by a professionally qualified archaeological / building recording consultant or organisation in accordance with a written scheme of investigation which shall be first submitted to and approved in writing by the local planning authority. Within 28 days of the completion of the programme of building recording and analysis it shall be submitted to the local planning authority.
- 9) Prior to the commencement of development, a scheme shall be submitted to and approved in writing by the local planning authority for the widening of the carriageway of Baldwin Street in the vicinity of its junction with Newchurch Road and for the provision of a bell-bollard at each pavement corner. The approved scheme shall be implemented prior to the first use of the building.

### **Reasons**

2. The application is made in outline with all matters reserved for subsequent approval except siting, means of access and external appearance. The proposal comprises the erection of a new bulk warehouse and four water storage tanks on the site of the existing weaving shed to the north of the four storey mill block. The eastern end of the weaving shed would be retained but re-roofed. The south elevation fronting Railway Street would remain unchanged. Although approval of design is not sought at this stage, elevations and prospective sketches are provided. The site is currently used for the storage and distribution of footwear with ancillary offices.
3. Policy 1 of the Joint Lancashire Structure Plan requires development to be located primarily in the principal urban areas, main towns, key service centres and strategic locations to help achieve key government objectives of sustainable development and social inclusion. Rawtenstall (including Backup) is identified in Policy 2 as a main town where development will be at levels sufficient to support their role as key centres for public transport, employment and services and / or their regeneration role within regeneration priority areas.
4. The site is situated within an Urban Boundary and an existing Employment Area as defined on the proposals map of the Rossendale District Local Plan. Within these areas Policy J.3 stipulates that the needs of industry and commerce will usually be given priority over housing, specifically in the determination of planning applications. Policy DC.1 sets out the general planning criteria that new development would be considered against.
5. The purpose of an outline planning permission is to establish whether the proposed development would be acceptable in principle. I consider employment use on the site would accord with the relevant development plan policies. As such, the erection of a new bulk warehouse and four water storage tanks on the site of the existing weaving shed to the north of the four storey mill block would be acceptable in principle.

6. The detailed matters for which planning permission is sought at this stage are siting, means of access and external appearance. The building and storage tanks would be sited on a footprint not dissimilar to that which is currently occupied by buildings. I therefore see no substantive reason, subject to considerations of design, why the proposed siting would not be appropriate.
7. Means of access to the site would be from Baldwin Street. Baldwin Street serves the appeal premises and other commercial premises. Despite concerns of local residents, I note that the highway authority is satisfied that there would be sufficient capacity to accommodate the potential traffic in the area. It would be necessary for the vehicles to pass the side and garden area of one property at the junction of Baldwin Street and Newchurch Road. Whilst there would be some increase in industrial traffic due to any additional storage capacity resulting from the proposal, I am nevertheless mindful that Baldwin Street predominantly serves commercial premises and that it is within an area allocated as such in the Local Plan. Based on the evidence before me and having regard to relevant policies in the Local Plan, I do not consider that a refusal of the means of access to the site would be justified.
8. Like the Council, I fail to see how matters of external appearance can be reasonably considered without approval of the design. I therefore agree that it would be inappropriate to consider the proposed external appearance including materials at this stage. The additional information that accompanies the appeal indicates a building of considerable size. I saw that the building is visible from various vantage points partially due to its overall size but also because the land is elevated to the front and rear of the building. In my view, the indicative design has little regard to the 4 storey section of the traditional building that would be retained. It indicates a building of a considerable height relative to those modern industrial buildings in the vicinity of the site. As such, I agree that a building of the overall height and design, as illustrated would appear incongruous in its local context and have an adverse impact on the character and appearance of the area. Nevertheless the approval of the design of the building is not sought. This, including the height, scale, bulk, appearance and materials of any development would need to be considered separately at a later stage. So whilst I share the reservations of the Council and local residents in respect of the scale of the new building indicated, this would not justify outline planning permission being withheld.
9. I note it is the intention of the Appellant to retain the wall adjacent to the river. This should be welcomed and would in my view help to assimilate any new development with the surroundings. The rear elevations of properties on Newchurch Road face towards the site. I viewed the site from 5 Short Street. Whilst the proposed re-roofed section of the building would be noticeable if constructed as indicated, it would not increase the overall height of the development adjacent to Short Street or on the north and east elevation so significantly that the living conditions of the occupiers of nearby properties would be unduly compromised. I am satisfied that a development that would be appropriate in terms of local context and residential amenity could be achieved on the site.
10. Although not listed, the building is of a traditional design and of local interest and value. However, there is no substantive evidence before me to suggest that the buildings are of such historic or archaeological importance to justify planning permission being refused.
11. In accordance with advice from English Heritage the Appellant has commissioned a wildlife survey. The Council did not contest the validity of the report. This identified no

evidence of bats roosting in the existing buildings. Bats are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and under the Conservation (Natural Habitats etc) Regulations 1994. These statutory instruments protect both the species themselves and their associated habitats. Whilst bats have been seen foraging in the vicinity of the site, no substantive evidence is before me to demonstrate that wildlife would be unduly harmed as a result of the proposed development.

12. Although some concern was raised in respect of the appeal notification procedures, I note from my records that a significant number of occupiers of neighbouring properties were notified. In addition, a substantial number of objections were received at both the application stage and following notification of the appeal the contents of which I have considered. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed subject to conditions suggested by the Council. Where necessary I have altered the wording to take account of advice in Circular 11/95.



Inspector