

Application No: 2006/584	Application Type: Full
Proposal: Erection of 2 warehouse buildings and associated canopy	Location: Land adj Railway St & Blackwood Rd, Stacksteads
Report of: Development Control Team Manager	Status: For Publication
Report to: Development Control Committee	Date: 9 January 2007
Applicant: J & J Ormerod PLC	Determination Expiry Date: 25 January 2007
Agent: Hartley Planning & Development Associates Ltd	

REASON FOR REPORTING	Tick Box
Outside Officer Scheme of Delegation	<input type="checkbox"/>
Member Call-In Name of Member: Reason for Call-In:	<input type="checkbox"/>
3 or more objections received	X
Other (please state)	Major

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

1.1 The Site

Ormerod's is a large and longstanding employer in Rossendale, engaged in the making and supplying of kitchen units and associated products.

Although its main manufacturing operation and offices are now located elsewhere in the Borough, it retains an extensive landholding at Siding Street. The building on the site which lies between Newchurch Road and the River Irwell accommodates the firms showrooms. To the south side of the river are the firms principal warehouses. Used for the storage of board and kitchen units, the current range of warehouses have a floor area of approximately 4,600 sq m and employ 3 people.

1.2 The Proposal

Having need of additional warehousing space permission was originally sought to :

- Erect on the south side of the existing warehouses a new bay to measure at its maximum 25m x 47m, with a gutter-height of 10m and a ridge-height of 12m.
- Erect on the area of hardstanding to the south side of Railway Street (which was once occupied by a railway line, but has most recently been used by Ormerods for parking) a new warehouse building to measure at its maximum 24m x 65m, with a gutter-height of 6.5m on that side nearest the highway and a ridge-height of 10m.
- Provide an area of hardstanding between these two buildings to enable lorries to park and turn clear of the highway, with a canopy spanning between the buildings that measures 25m x 36m and will enable goods to be loaded/unloaded undercover.

Having expressed my concerns to the applicant about the way in which the warehouse building proposed nearest to Railway Street would impact on the street-scene and the residents of 1 Railway Street the scheme has been amended. The length of this building has been reduced from 65m to 44m, and will thereby avoid running to the front of 1 Railway Road or being visible down Mark Street.

The applicant has indicated that ;

- The proposed buildings and canopy are to be clad in profiled metal-sheeting.
- Like the existing warehousing, the new buildings will be used between the hours of 8am and 5.30pm Monday to Friday.
- The total number of people employed in the warehouses at the Siding Street site will increase from 3 to six.
- While the proposal will add to the number of lorries visiting the site each day by 6, this figure is still substantially below the 30-40 lorries per day that visited the site before 2003/2004, when certain of its operations were relocated elsewhere.

1.3 Policy Context

Rossendale District Local Plan (Adopted 1995)

DS1	-	Urban Boundary
E6	-	Ground Instability
E12	-	Noise Attenuation
DC1	-	Development Criteria
DC2	-	Landscaping
DC4	-	Materials
J3	-	Existing Employment Areas
T3	-	Commercial Traffic
T5	-	Commercial Vehicle Parking

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 20 - Lancashire's Landscapes
- Policy 24 - Flood Risk

Other Material Planning Considerations

PPS1
PPG4
PPG13
PPS25
RPG
LCC Landscape & Heritage SPG
LCC Parking Standards
LCC Planning Obligations Policy Paper
RBC Bacup, Stacksteads & Britannia Emerging AAP

2. CONSULTATIONS

The Environment Agency advises that to satisfactorily mitigate the risk of the proposed buildings flooding a condition should be imposed to ensure a minimum floor level for one of the buildings of 219.1m AOD and 219.4m AOD for the other.

LCC(Highways) raises no objection in principle. Its detailed comments are awaited.

3. REPRESENTATIONS

Letters have been received from 7 local residents objecting to the application as originally submitted. They do so for the following reasons :

- The building being proposed nearest to Railway Street may cause collapse of the retaining wall bounding the site.
- The building being proposed nearest to Railway Street is so close to the highway/is so high it will adversely affect local residents by reason of overbearing/loss of light and privacy.
- The new buildings will attract undesirable elements in the evening, impacting on the security and well-being of residents.
- Lack of off-street lorry parking.
- Baldwin St/Railway St/Siding St are narrow and already become congested.
- Additional lorry traffic will add to highway danger/cause traffic to divert on to Mark St.
- Additional lorry traffic will add to noise/vibration in nearby houses/ collapse of the sewer beneath Railway St or the highway bridges over the River Irwell.

4. ASSESSMENT

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

- 1) Principle; 2) Design and Appearance; 3) Neighbour Amenity; & 4) Traffic/Parking.

Principle

The application site lies within the Urban Boundary and is identified in the adopted Local Plan as part of an Existing Employment Area, wherein the needs of industry and commerce will be given priority over housing. Furthermore, the site is already used for employment purposes, albeit not so intensively as now proposed. Accordingly, development of the site for the purpose proposed is appropriate in principle.

Design and Appearance

The proposed buildings and canopy are of a design/appearance in-keeping with the existing range of warehouse buildings.

They will not appear unduly prominent or intrusive as viewed from Blackwood Road as it runs at such a substantially higher level. Likewise, the new warehouse bay proposed on the south side of the existing complex of buildings, and the canopy, will not appear unduly prominent or intrusive as viewed from Siding Street/Railway Street. The warehouse building proposed adjacent to Railway Street will impinge to a greater extent on the character and appearance of the area. While the site for this building is itself level, Railway Street slopes down from east to west. Consequently, the proposed building at its west end will have a floor level elevated above Railway Street. As originally proposed this warehouse would have stood immediately in front of 1 Railway Road, its floor level approximately 3m higher than this house, with a gutter-height approximately 4m higher. As the proposed building would have stand only 2m from the edge of the highway I considered it would have appeared unduly prominent and intrusive as viewed from Railway Street and down Mark Street. At my request the warehouse has been reduced in length and will not now extend in front of 1 Railway Road or be visible down Mark Street. As a consequence of this amendment I am satisfied that the resulting warehouse will appear unduly prominent or intrusive as viewed from Railway Street, subject to appropriate landscaping/boundary treatment.

Neighbour Amenity

The new warehouse bay proposed on the south side of the existing complex of buildings, and the canopy, will not detract to an unacceptable extent from the amenities of any neighbour, sited well-away from residential properties. For the reasons set out in the preceding section I considered the originally submitted scheme for the warehouse nearest to Railway Street would detract unacceptably from the amenities residents of the house at 1 Railway Street could reasonably expect to enjoy; its principal windows would have directly faced towards the elevated warehouse building at a distance of 9m, causing an unacceptable loss of light and outlook/overbearing. The reduction in the length of the warehouse that the applicant has now agreed to means it will not now extend in front of 1 Railway Road. The properties on the opposite side of Railway Street are all commercial and in the ownership of the applicant. As a consequence I am satisfied that the resulting warehouse will not detract to an unacceptable extent from the amenities of any neighbour.

Traffic/Parking

To accord with the Lancashire Planning Officers Society Planning Obligation Policy Paper (adopted by Cabinet for Development Control purposes at its meeting on 13 December 2006) a contribution of £30,735 is payable by the

developer to address specific transport and accessibility issues. The development being above the threshold set out in the planning obligation paper which sets 1000 sq metres for this type of development .

This figure is arrived at having regard to an assessment of the accessibility of the site by means of travel other than the private car and the nature of use/scale of the proposed development. The applicant has declined to make such a contribution, arguing that the site adjoins the quality bus service which runs along the Valley, the warehousing will employ just 6 people and to ask for such contributions does not encourage businesses to invest/create jobs in the borough.

I am satisfied that the proposal will not result in an unacceptable increase in the number of lorry movements using Baldwin Street/Railway Street. However, Members may re-call that in dealing with an Application 2005/157, for an extension at the premises of Bacup Shoe Co Ltd, concern was expressed about the way in which lorries presently over-run the footway to each side of Baldwin Street at its junction with Newchurch Road. To address this issue a scheme was designed that would result in : a) the widening of the carriageway at the junction; b) provision of a bell-bollard on the kerb-side at each corner; & c) making-good of the immediately adjacent footway & provision of associated pedestrian-safety railing. There can be no certainty that Bacup Shoe Co Ltd will implement its Outline Permission and, consequently, no certainty that these off-site highway works will proceed. The applicant envisages that the current proposal will serve to increase the number of lorry movements it puts through this junction by a third. Accordingly, if permission is to be granted to the current application it is considered appropriate to impose a similar condition to secure implementation of these off-site highway works prior to first use of the warehousing now proposed.

Besides addressing the highway danger engendered by the additional traffic movements arising from the proposed warehouses, these off-site highway works will also serve to abate the existing problem with the lorries of Ormerods and others over-running the footways. The Highway Authority advises that these works will cost approx £20k.

Therefore it is considered that the proposed highway works off set the need to request the contribution under the Lancashire Planning Officers Society commuted sums policy .The applicant is more than mitigating the danger attributable to the additional traffic they will be putting through the Baldwin Street/Newchurch Road junction as a result of the new warehouses. This 'public benefit' off-sets in the Councils view the requirement to request the financial contribution .

6. CONCLUSION

There is no objection in principle to the development of the site for employment purposes. As a result of the amendment which the applicant has made, the scheme for which permission is now sought will not detract to an unacceptable extent from the amenities of neighbours, the character and appearance of the area or highway safety. The applicant is unwilling to make the financial contribution towards public transport improvements required by policy. However, on balance, I consider it appropriate for permission to be granted having regard to the public benefit which will derive from the off-site highway being required of the applicant.

7. RECOMMENDATION

That permission be granted subject to the following 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 hereby permitted shall not commence until full details of the colour, form and texture of all external facing materials to the proposed buildings have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any details shown on the previously Submitted plans and specification. 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, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*
3. 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 protect visual/ neighbour amenity and mitigate the risk of flooding, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*
4. 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 details of the protection to be afforded during construction to planting to be retained and 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.*
5. All hard-surfaced areas/walls/fences forming part of the approved scheme of landscaping/boundary treatment shall be completed prior to occupation of the nearest building, 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 nearest 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.*

6. Before either of the warehouse buildings hereby permitted is first occupied the car park and vehicle manoeuvring areas shall be surfaced or paved, drained and marked out 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. *Reason: To ensure adequate on-site provision of car/ lorry parking and manoeuvring areas, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*

7. 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 at its junction with Newchurch Road and for the provision of a bell-bollard at each pavement corner/associated pedestrian-safety railing. The approved scheme shall be implemented prior to first use of either of the warehouse buildings hereby permitted. *Reason : In the interests of pedestrian-safety and to accord with PPG13 and the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*

8. Any construction works associated with Warehouse Building A 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, nor on Sundays, Good Friday, Christmas Day or Bank Holidays. *Reason: For the avoidance of doubt and to accord with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*

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SITE SPECIFIC HAZARDS

IN ACCORDANCE WITH THE REQUIREMENTS OF THE CDM REGULATIONS 1994 THE FOLLOWING SIGNIFICANT RESIDUAL HAZARDS HAVE NOT BEEN DESIGNED OUT OF THIS PROJECT AND MUST BE TAKEN INTO CONSIDERATION BY CONTRACTORS PLANNING TO UNDERTAKE THE WORKS SHOWN ON THIS DRAWING:

- APPLICATION BOUNDARY
- OWNERSHIP BOUNDARY



Scale 1:1250

B 06.10.06 BUILDINGS REVISED AND RENAMED ICW
 A 29.09.06 AREAS REVISED ICW

REV. DATE NOTES INIT.

PROJECT
J & J ORMEROD PLC
RAILWAY STREET
STACKSTEADS, BACUP

DRAWING TITLE
REDEVELOPMENT PROPOSAL

STATUS **PLANNING**

DATE	DRAWN	CHECK	SCALE @ A4
11.7.06.	mg	-	1:1250

PROJECT NUMBER	UNIT / BLOCK	CI / SFB CODE	TYPE & NUMBER	REVISION LETTER

DRAWING NO. **7137** **02** **B**

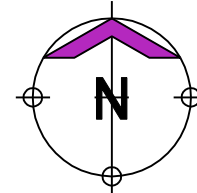
Site Location Plans	L	GA Plans	P	Elevations	E
Sections	S	Details	D	Prefix; Colour	C

MANCHESTER LONDON GLASGOW LUTON

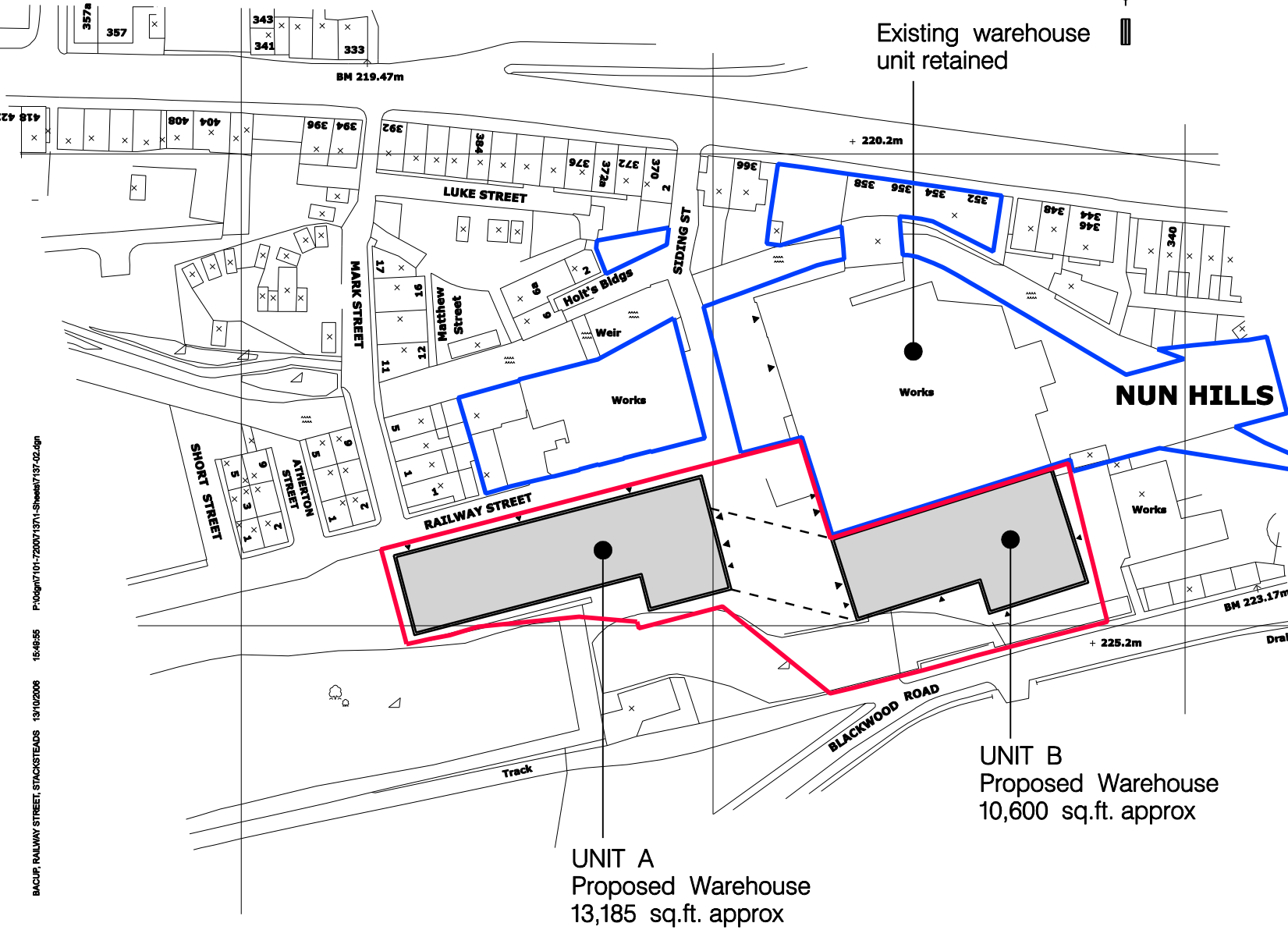
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Existing warehouse unit retained



UNIT B
 Proposed Warehouse
 10,600 sq.ft. approx

UNIT A
 Proposed Warehouse
 13,185 sq.ft. approx