

Application No: 2007/130

Application Type: Change of Use

Proposal: Police operating centre

Location: Former Car Showroom, Bacup Road, Waterfoot, Rossendale BB4 9AA

Report of: Head of Planning, Legal & Democratic Services

Status: For Publication

Report to: Development Control Committee

Date: 22nd May 2007

Applicant: Pendle City Park Ltd

Determination Expiry Date: 28th June 2007

REASON FOR REPORTING

Tick Box

Outside Officer Scheme of Delegation



Member Call-In



Name of Member:

Reason for Call-In:

More than 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 SITE & PROPOSAL

1.1 This application relates to a former car sales premises on Bacup Road. The site currently comprises of two units. The larger of the units is located to the south and west of the site and was last used for car sales. In front of the building is an area of hard standing and car parking. To the east of the site is a smaller detached unit. Whilst single storey in appearance the main building

has, in part, three internal floor levels (ground, basement and a mezzanine) due to a significant change in levels to the rear of the site towards the river Irwell.

- 1.2 This proposal seeks to change the use of the former car sales to provide a police operating base for Response Officers, CID, Community Beat Managers, Police Community Support Officers, and the Probationary Training Unit. There will be a front reception desk for the public open 8 am to 8 pm every day. There are no custody facilities identified on the proposals.
- 1.3 The base will be the location for most of the Officers in Rossendale and there will be partner organisations working from the property with the Police. There may also be a community room for Public engagement. The smaller of the units is identified on the amended plan as 'Community Liaison' and the supporting information used as the probationary training unit.
- 1.4 The applicant has indicated that the existing external car sales and car parking area would be used to provide car parking for the proposal. A total of 54 car parking spaces are identified on the plan.
- 1.5 The proposal does not seek to alter the external appearance of the smaller building at this stage. Alterations to the elevation of the larger unit facing Bacup Road would include the insertion of two new windows that would match the size, style and position of the existing windows in this elevation. The windows would replace the existing vehicular entrance into this unit. The proposal does not seek to increase the floor area from that of the existing buildings.
- 1.6 There are commercial premises adjoining the site. However, the surrounding area is predominantly residential in character.
- 1.7 There are currently three vehicular access point to the site from Bacup Road. Two of which provided access to the former car park with the third providing servicing to the rear service yard. This proposal would retain each of the access points for the purpose outlined above.

2 RELEVANT PLANNING HISTORY

- 2.1 None relevant.

3 NOTIFICATION RESPONSES

- 3.1 I have received three specific letters of support in response to the application publicity. Seven objectors to the proposed restaurant development (application 2007/099 which also appears on this agenda) also indicated their support to the police proposals. I have summarised the main points for each below:
 - Peace and tranquillity of the area will be maintained and possibly enhanced
 - Create jobs
 - New jobs will have a positive impact upon local businesses
 - Will help discourage anti social behaviour
 - May encourage other businesses to locate in the area

4 CONSULTATION RESPONSES

4.1 County Highways

4.1.1 No objection in principle although would request that visitor car parking and disabled car parking provision be marked out. Moreover, should planning permission be granted the Highway Authority has recommended that a traffic regulation order be obtained at the developer's expense to protect visibility at the entrance points to the site. It is likely that this would involve double yellow lines in front of the site along Bacup Road.

4.2 Environmental Health

4.2.1 Environmental Health have no objection to the proposal.

4.3 Environment Agency

4.3.1 The Agency objects to the proposed development as submitted on the following grounds:-

4.3.2 *"Part of the application site lies within Flood Zone 3, and as such the proposed development is contrary to Planning Policy Statement 25: Development & Flood Risk (PPS25).*

4.3.3 *Table D2 of PPS25 defines police stations as "highly vulnerable" developments, and Table D3 of the PPS goes on to state that development defined as "highly vulnerable" should not be permitted within Flood Zone 3, which is the high flood risk zone. Such development should be directed to flood zone 1, i.e. low probability (less than 0.1% annual probability).*

4.3.4 *The only way to overcome this objection would be demonstrate that the site did not fall within Flood Zone 3. Flood modelling of the River Irwell indicates that the estimated flood level for a 1% annual flood (including climate change allowance) for the site is 184.1m Above Ordnance Datum (AOD). If a topographic survey of the site and the existing buildings is undertaken and clearly demonstrates that the lowest ground floor level is a minimum 600mm above the predicted flood level, we may be in a position to reconsider our objection.*

4.3.5 *If the applicant successfully demonstrates that the site lies within Flood Zone 2 rather than Flood Zone 3, then it will be necessary to undertake both the Sequential Test and Exception Test, as set out in PPS25, to demonstrate why it is necessary to locate a police station in this location, rather than a site at lower flood risk elsewhere.*

4.3.6 *If your Council is minded to approve this application, despite the Agency's objection, I would draw your attention to paragraph 26 of PPS25 and allow the Agency to make further representations." Paragraph 26 of PPS 25 states "...Where the Environment Agency (or other organisations) object to an application on flood risk grounds, but the LPA considers that it should be approved, the LPA should contact the Environment Agency (or the other consultees if appropriate) to allow discussion of the case and the opportunity for further representations or comments to be made. LPA's advised by the*

Environment Agency and other relevant organisations, should determine applications for planning permission taking account of all other material considerations, including the issue of flood risk, the FRA prepared by the developer (when required) and the proposals for reducing or managing that risk”

4.4 Crime Prevention Officer

4.4.1 No response.

5 **DEVELOPMENT PLAN POLICIES**

5.1 The Development Plan within Rossendale comprises the Local Plan (adopted 12th April 1995), the Joint Lancashire Structure Plan 2001-2016 (adopted 31st March 2005) and Regional Planning Guidance (RPG) 13 (which became Regional Spatial Strategy (RSS) and part of the development plan from 28th September 2004).

Rossendale District Local Plan

5.2 Policy DS.1 (Urban Boundary) states that “*the Council will seek to locate most new development within a defined boundary – the Urban Boundary – and will resist development beyond it unless it complies with policies DS3 and DS5. The urban boundary is indicated on the proposals map”*

5.3 Policy DC.1 (Development Criteria) states that all applications for planning permission will be considered on the basis of a) location and nature of proposed development, b) size and intensity of proposed development; c) relationship to existing services and community facilities, d) relationship to road and public transport network, e) likely scale and type of traffic generation, f) pollution, g) impact upon trees and other natural features, h) arrangements for servicing and access, i) car parking provision j) sun lighting, and day lighting and privacy provided k) density layout and relationship between buildings and l) visual appearance and relation to surroundings ,m) landscaping and open space provision, n) watercourses and o) impact upon man-made or other features of local importance.

5.4 Policy T.4 (Car Parking) states that “*Development proposals will be required to provide, normally within the curtilage of the development, sufficient space to meet both operational and non operational parking requirements”*

5.5 The site is also allocated within the adopted local plan. Policy J3 identifies the site as an existing employment area. The policy states in existing and proposed employment areas the needs of industry and commerce will usually be given priority over housing, specifically in the determination of planning applications.

Joint Lancashire Structure Plan 2001-2016

5.6 Policy 1b (General Policy) requires development to contribute to achieving high accessibility for all by walking, cycling and public transport.

Regional Spatial Strategy

- 5.7 Regional Planning Guidance was adopted in March 2003 and following the commencement of the new Planning and Compulsory Purchase Act is now the Regional Spatial Strategy for the North West (RSS).
- 5.8 The key objectives of relevance to this proposal in RSS include:
- achieving greater economic competition and growth with associated social progression;
 - to secure an urban renaissance in the cities and towns of the north west;
 - to ensure active management of the Region's environmental and cultural assets;
 - to secure a better image for the Region and high environmental and design quality; and
 - to create an accessible Region with an efficient and fully integrated transport system
- 5.9 Policy DP1 requires that development plans adopt the following sequential approach to meet development needs, taking into account local circumstances: the characteristics of particular land uses, and the spatial development framework; the effective use of existing buildings and infrastructure within urban areas particularly those which are accessible by public transport, walking or cycling; the use of previously developed land particularly that which is accessible by public transport walking or cycling; and thirdly development of previously undeveloped land that is well related to houses, jobs and so on and can be made accessible by public transport, walking or cycling.

6 OTHER MATERIAL PLANNING CONSIDERATIONS

PPS1: Delivering Sustainable Development

- 6.1 PPS1 states that sustainable development is the core principle underpinning planning. Planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by: making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life; contributing to sustainable economic development; protecting and enhancing the natural and historic environment, the quality of the countryside and existing communities; ensuring high quality development; and supporting existing communities and contributing to the creation of safe, liveable and mixed communities with good access to jobs and key services for all. On sustainable economic development, local authorities should recognise that economic development can deliver environmental and social benefits; that they should also recognise the wider sub regional and regional economic benefits and that these should be considered alongside any adverse local impacts.
- 6.2 Para 28 of PPS1 advises that planning decisions should be taken in accordance with the development plan unless other material considerations indicate otherwise.

- 6.3 Para. 29 of PPS1 acknowledges that in some circumstances, a planning authority may decide in reaching a decision to give different weight to social, environmental, resource or economic considerations. Where this is the case the reasons for doing so should be explicit and the consequences considered. Adverse environmental, social and economic impacts should be avoided, mitigated or compensated for.

PPG13: Transport

- 6.4 The main objective of PPG13 is to promote more sustainable transport choices for both people and moving freight. It aims to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and reduce the need to travel, particularly by car.

7 PLANNING ISSUES

- 7.1 I consider that the main issues for consideration are whether the proposal accords with local, regional and national planning policy; whether the changes provide for adequate parking and servicing appropriate for the proposed use; whether the proposed change of use would result in a detrimental impact upon residential amenity; whether the proposed use would be acceptable in an area liable to flooding and whether the proposal would result in an adverse impact upon the surrounding road network.

Principle

- 7.2 The site has been previously developed and therefore defined as brownfield land. Moreover, the reuse of existing site and buildings clearly represents sustainable development. However, it is necessary to consider all material planning considerations and their implications before concluding that the principle of development is appropriate in this location.

8 DESIGN & LAYOUT

- 8.1 The proposal seeks to change the use of the existing buildings to provide a police operations centre. Alterations to the larger unit would include the replacement of the vehicular entrance (which allowed cars to be displayed in the showroom) with two windows to match those within the main elevation facing Bacup Road. Therefore, given that the proposal is seeking only minor amendments to an existing building, I am satisfied that the design, scale and massing and layout is already established. However, should planning permission be granted it is possible that the further applications would be received to alter the external appearance of the building to reflect the needs of the end user.

9 RESIDENTIAL AMENITY

- 9.1 The proposal seeks only minor amendments to the elevation of the larger unit facing Bacup Road. Given that the proposal seeks to convert existing buildings, I do not consider that the proposal would have any detrimental impact upon the visual amenity of the area. Moreover, subject to an appropriate condition requiring landscaping along Bacup Road, I consider that the existing boundary treatment would be enhanced.

- 9.2 The buildings will be used 24 hours a day 365 days a year. It would be a police operating base for Response Officers, CID, Community Beat Managers, Police Community Support Officers, and the Probationary Training Unit. There would be a front reception desk for the public open 8am to 8pm every day. There will be no custody facilities.
- 9.3 The base will be the location for most of the Officers in Rossendale and there will be partner organisations working from the property with the Police. There may also be a community room for Public engagement.
- 9.4 It is likely that the smaller unit would be used as the probationary training unit. The applicant has informed me that the usual hours operation for such a use would be 8 am to 4 pm Monday to Friday.
- 9.5 The police have informed me that it is difficult for them to give a cast iron guarantee that lights and sirens will not be used outside the site adjacent to existing residents as the need to respond appropriately to emergencies must come first. However regard will be had for the neighbouring property users and in the spirit of public consideration every attempt will be made to minimise the use of sirens and blue lights so as little disruption as possible is caused.
- 9.6 Having regard to the above and the previous use of the site and the units directly adjoining, I do not consider that the proposal would have any detrimental impact upon residential amenity.

10 ACCESS, SERVICING & PARKING

- 10.1 The existing access and servicing arrangements would be unchanged by this proposal. I have no in principle highway objection from County Highways subject to the provision of additional disabled car parking bays.

11 FLOOD RISK

- 11.1 In response to the objection from the Environment Agency (EA) the applicant has provided site level information. The EA has considered this information and has confirmed that their objection is specific to the basement area and the lower servicing to the rear of the building given the proposed use.
- 11.2 Following this discussion the applicant has indicated that the basement element could be withdrawn from this current proposal and that the Police could repair vehicles in the basement as it would not constitute a material change of use given that the previous use of the building included a car repair/valeting in this area. In the applicant's opinion, this would effectively remove the objection from the Environment Agency without the need for the applicant to undertake a flood risk assessment.
- 11.3 However, in the first instance it is necessary to consider that the lawful use of the building, and then to consider if elements of the proposal would be Permitted Development. The Town and County Planning Use Classes Order defines a car sales as *sui generis*. Any change of use therefore requires formal consent from the Local Planning Authority. The vehicle repair element operated from the basement area to the rear, was ancillary to the main lawful use of a car sales. Therefore, should the applicant remove the basement

area from this proposal, the aspiration of the Police to use this area in a similar manner to that previously, would still require planning permission. Issues of flooding would still be relevant given that the Police wish to use this area.

- 11.4 Therefore, the option put forward by the developer would not be sufficient for the Environment Agency to withdraw their objection to the scheme and that a 'highly vulnerable' use would be at risk of flooding.
- 11.5 Circular 04/2006 The Town and Country Planning (Flooding) (England) Direction 2007 provides further advice on this matter. The advice confirms that should members be 'minded to approve' the LPA would have to notify the Secretary of State.

12 JOB CREATION/REGENERATION

- 12.1 The applicant has indicated on the application form that the proposal would generate 117 new jobs which is a material consideration. Policy J3 allocates the site for employment purposes. I consider that the re-use of the premises for the purposes of a Police Operation Centre to be broadly in accordance with this adopted local policy. Moreover, I have no reason to consider that this scheme would not bring substantial employment and regeneration to the borough.
- 12.2 However, the benefits of the proposal need careful consideration against all material planning considerations. It is clear that the implications for flooding could put at risk the benefits highlighted above. Therefore, without a flood risk assessment I do not consider that the risk of flooding is outweighed by any other material planning consideration in this instance.

13 CONCLUSION

- 13.1 In conclusion it is clear that the reuse of an existing building represents sustainable development. I am of the opinion that through the use of appropriate conditions existing residential amenity could be safeguarded. However, the site is within a high flood risk area and that the use proposed is considered by the EA as 'highly vulnerable'. Without a flood risk assessment the EA are unable to withdraw their objection to the proposed use. Therefore, I am unable to conclude that the principle of this development is acceptable without further information in relation to flood risk.

14 RECOMMENDATION

That planning permission is refused for the following reasons:

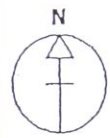
Reasons

- 1. A relevant flood risk assessment has not been submitted with the application and as such the proposed development cannot be properly assessed relative to the potential for the site to be flooded having regard to PPS 25*

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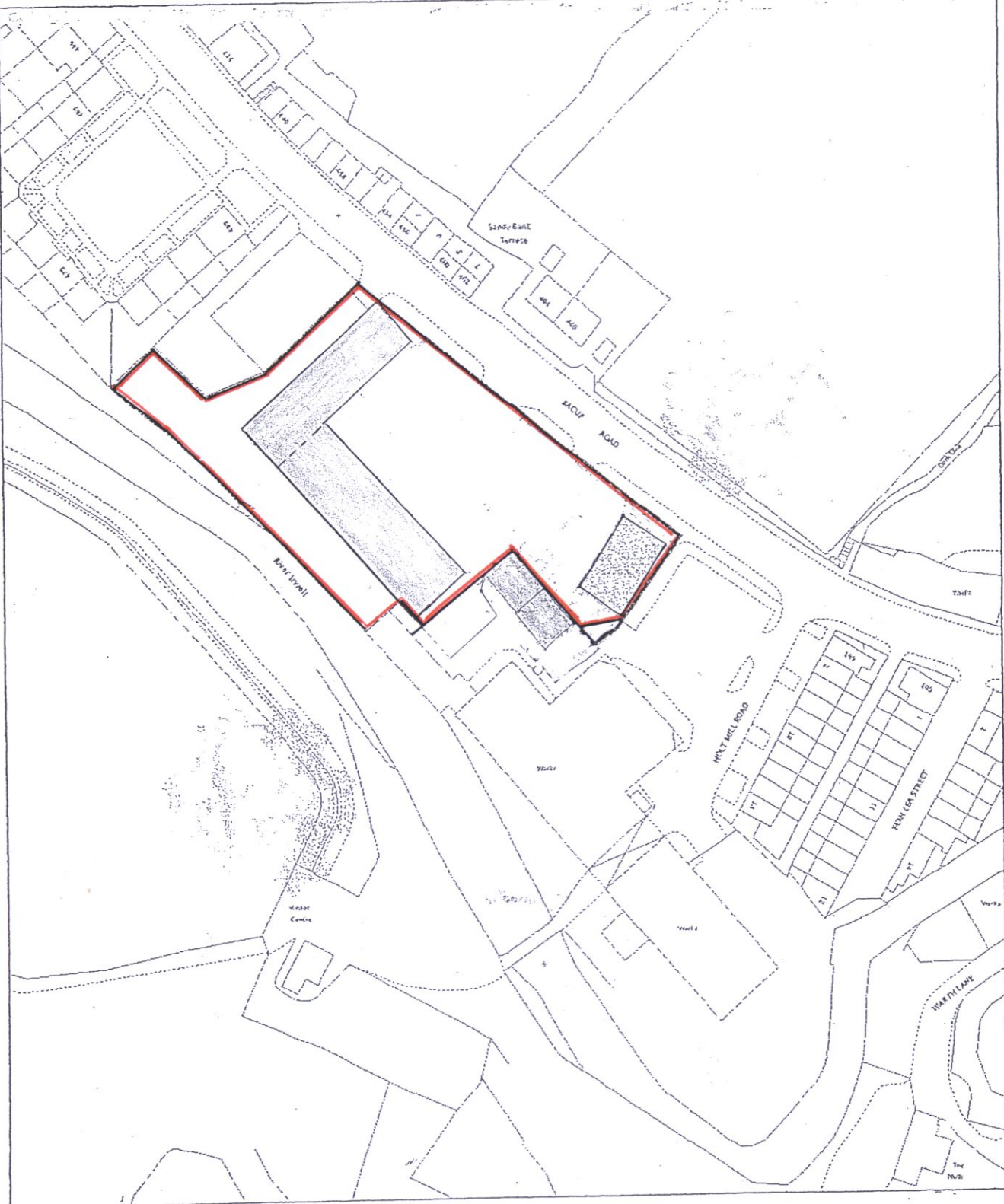
SITE / LOCATION PLAN



LANCASHIRE : ROSSENDALE

ORDNANCE SURVEY MAP REFERENCE: SD8221NE

SCALE: 1:1250

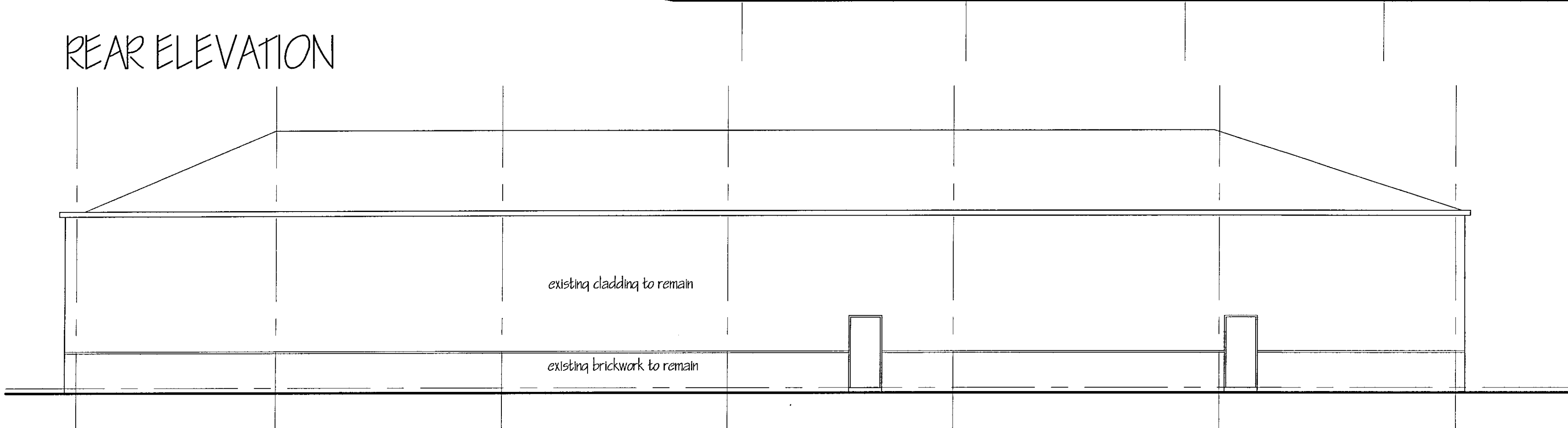
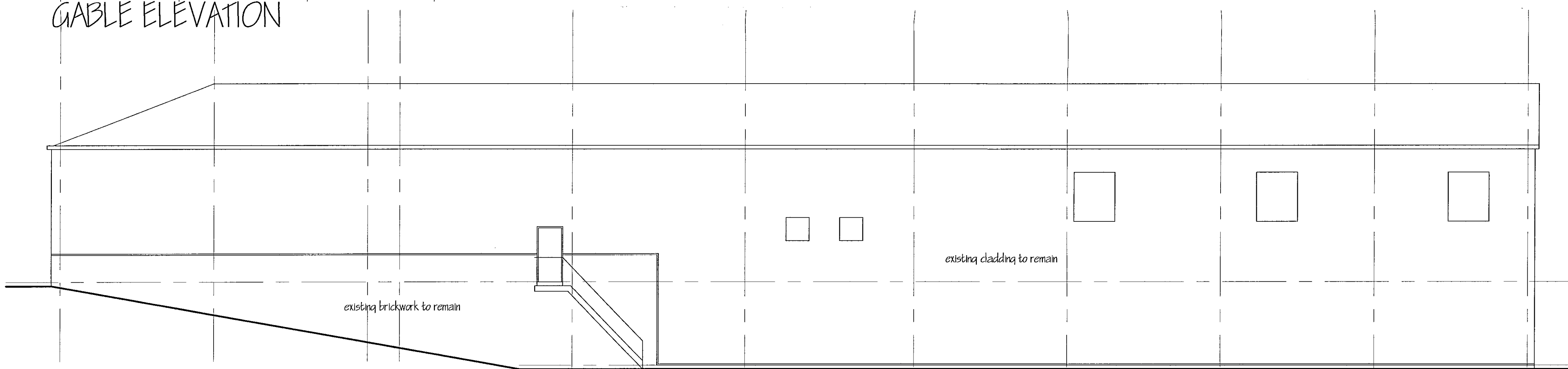
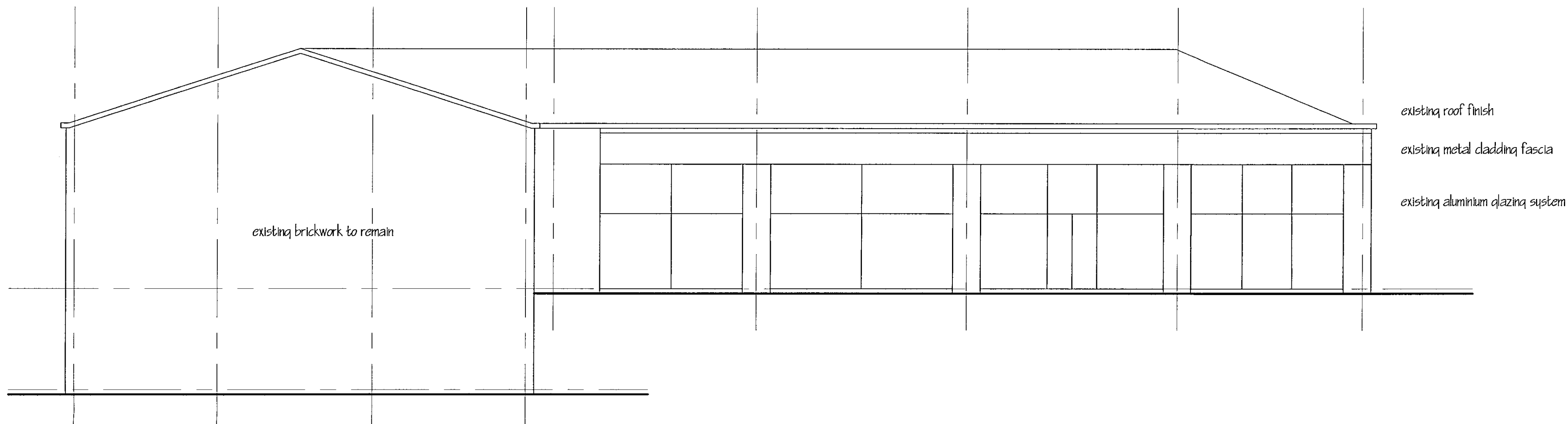
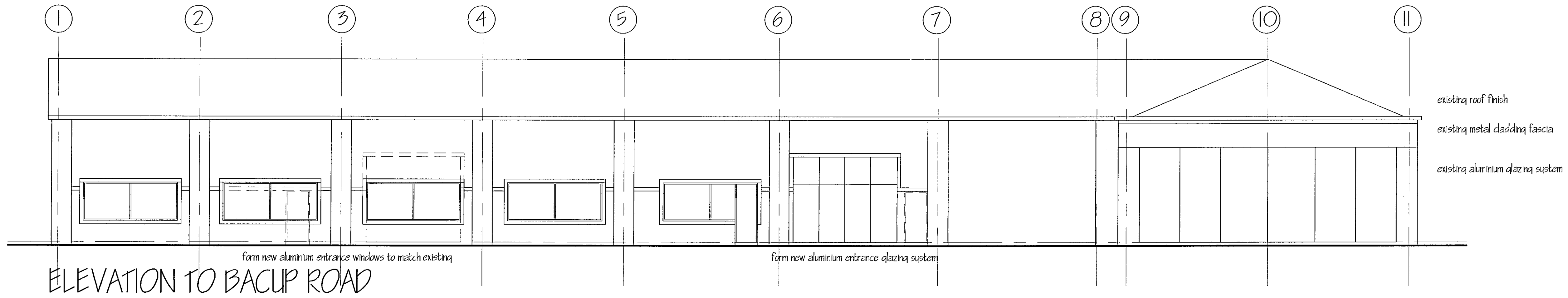


2007 / 130

29 MAR 2007



Special Document
039795



2007/130

29 MAR 2007

FORMER CAR SHOWROOM
BACUP ROAD, WATERFOOT
ROSSENDALE

Proposed Police Operations Centre
Elevations.

Scale: 1:100 Date: March 07 No. 1296/114

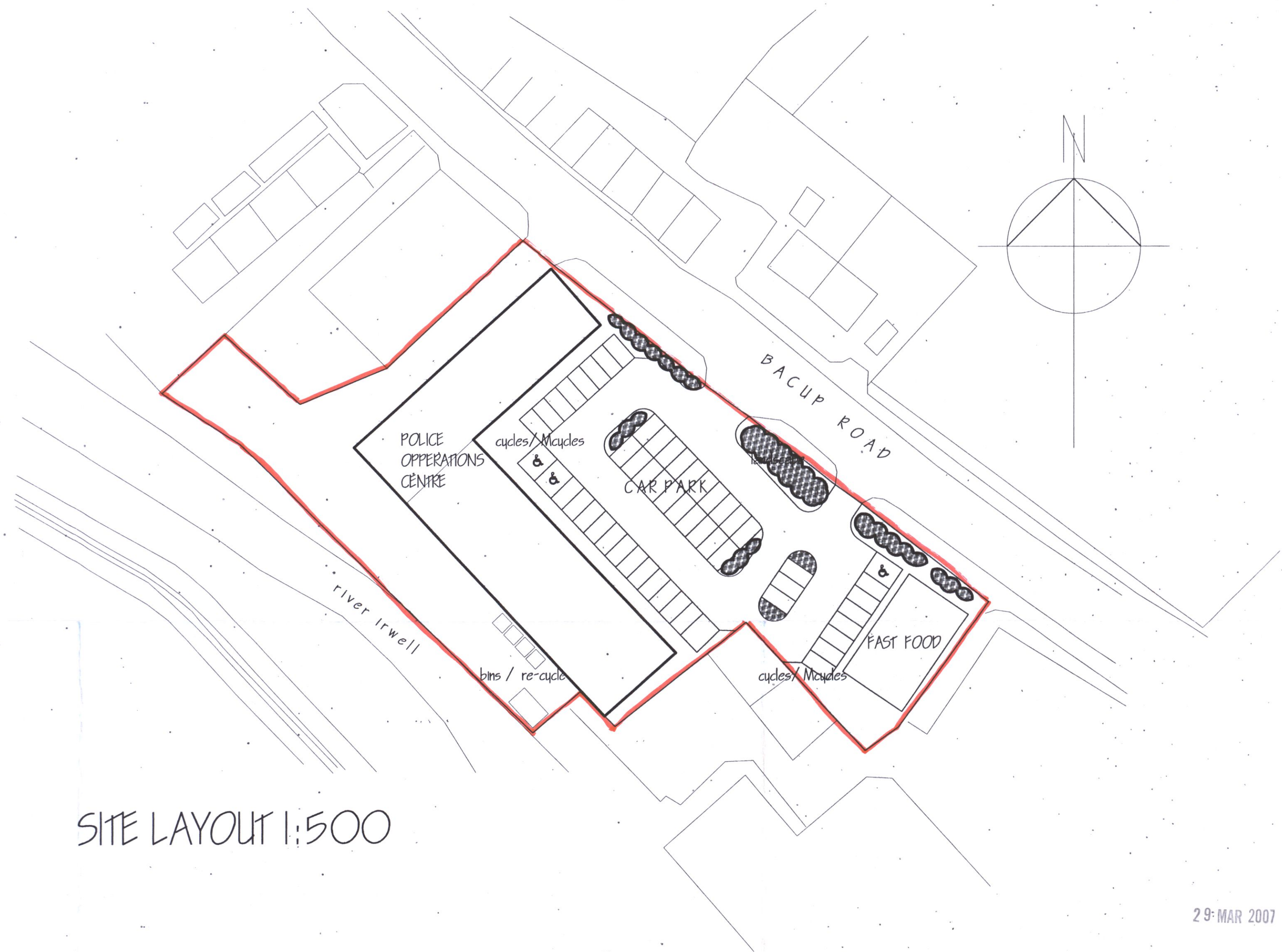
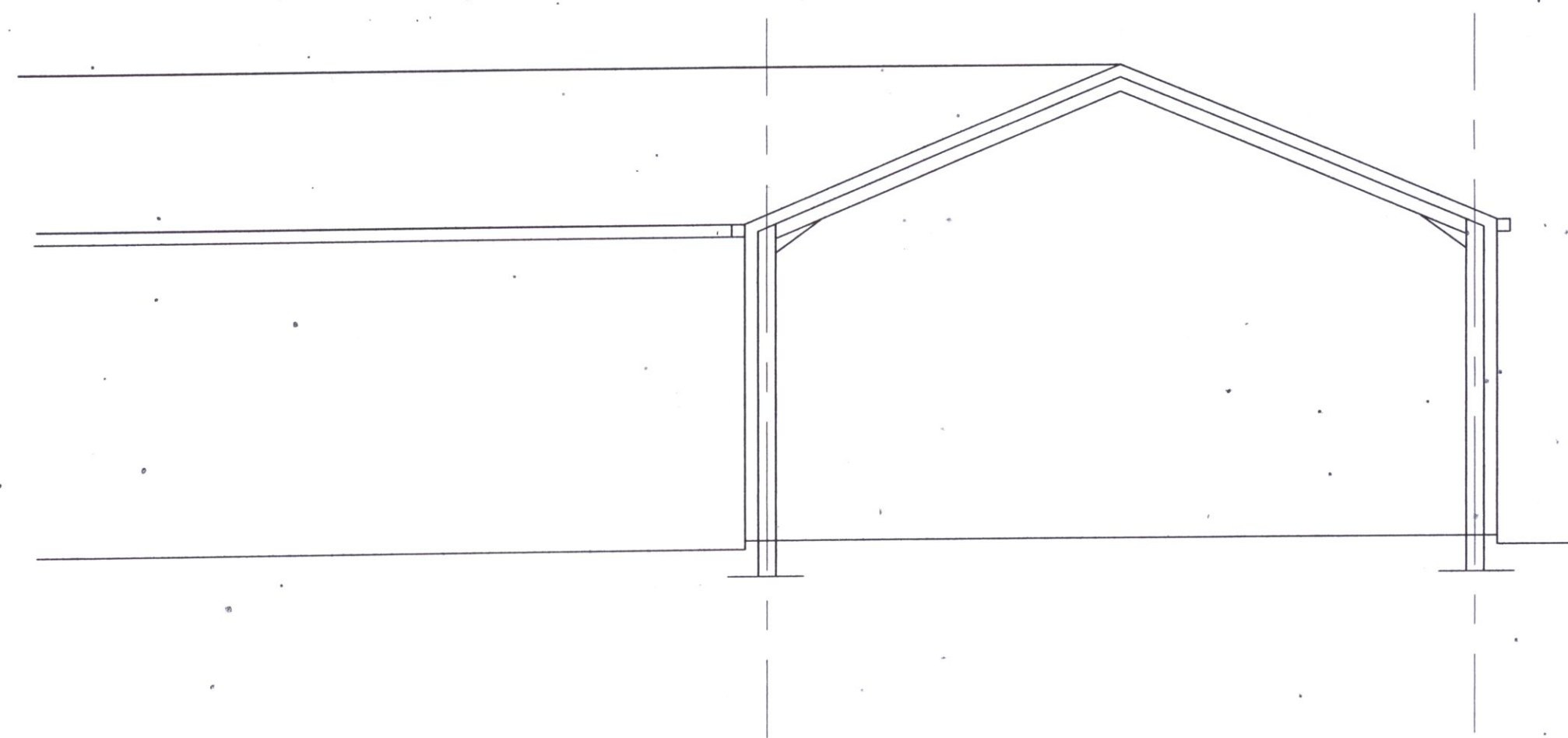
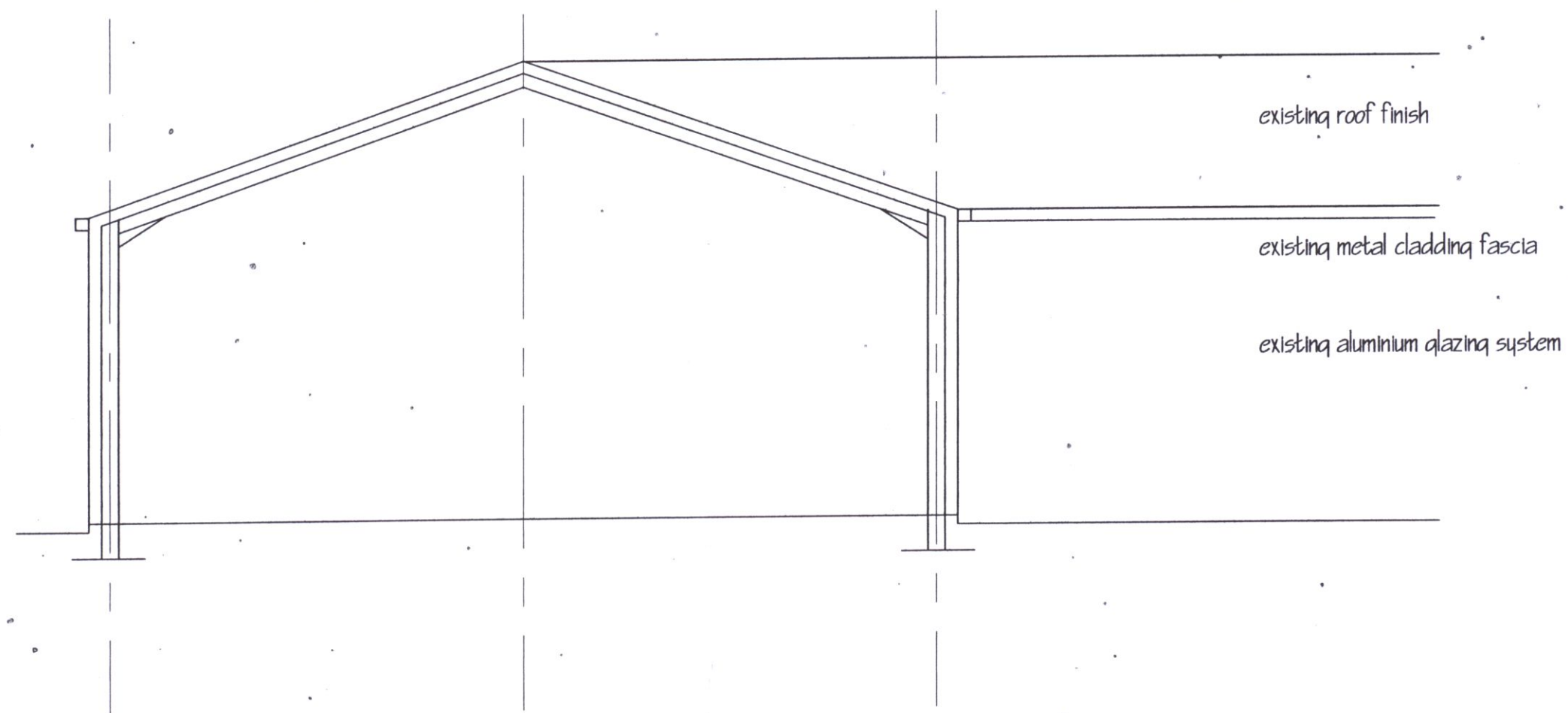
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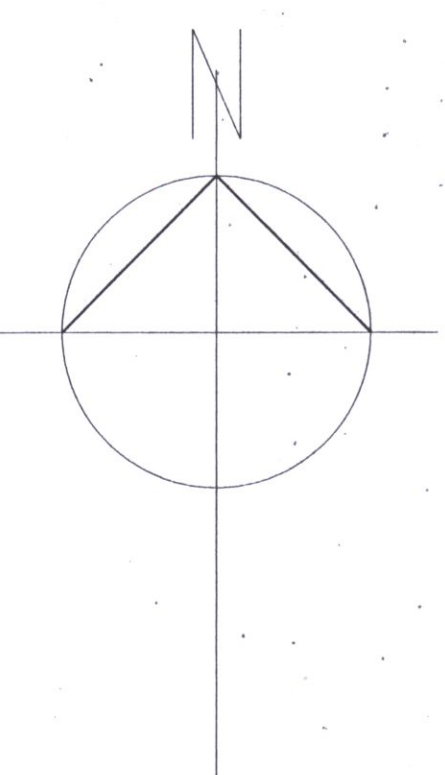
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SITE LAYOUT 1:500



29-MAR 2007

2007/130

FORMER CAR SHOWROOM
BACUP ROAD, WATERFOOT
ROSSENDALE

Proposed Police Operations Centre
Site Layout / Sections

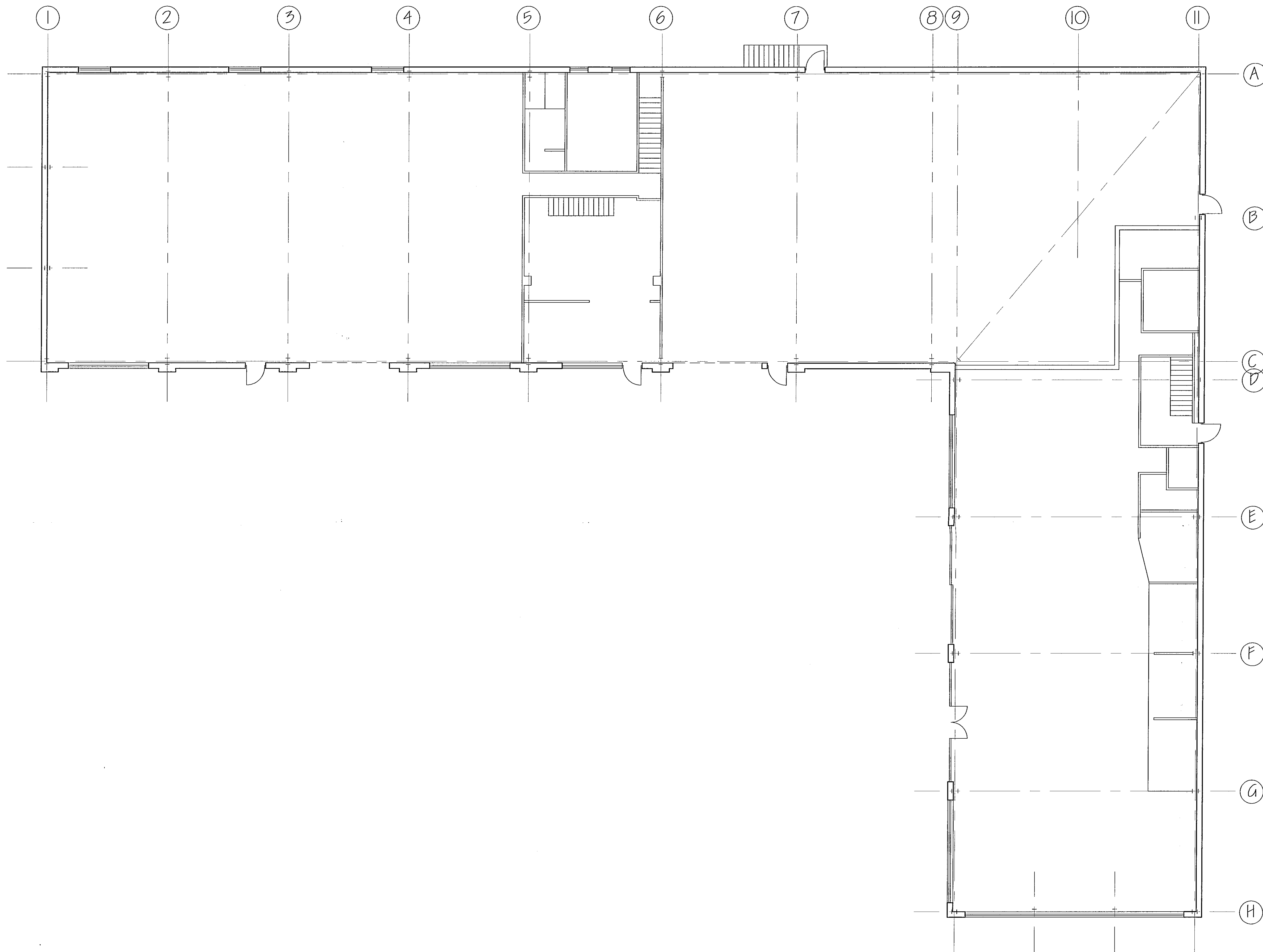
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29 MAR 2007

2007 / 130

FORMER CAR SHOWROOM
BACUP ROAD, WATERFOOT
ROSSENDALE

Existing
Ground Floor Layout.

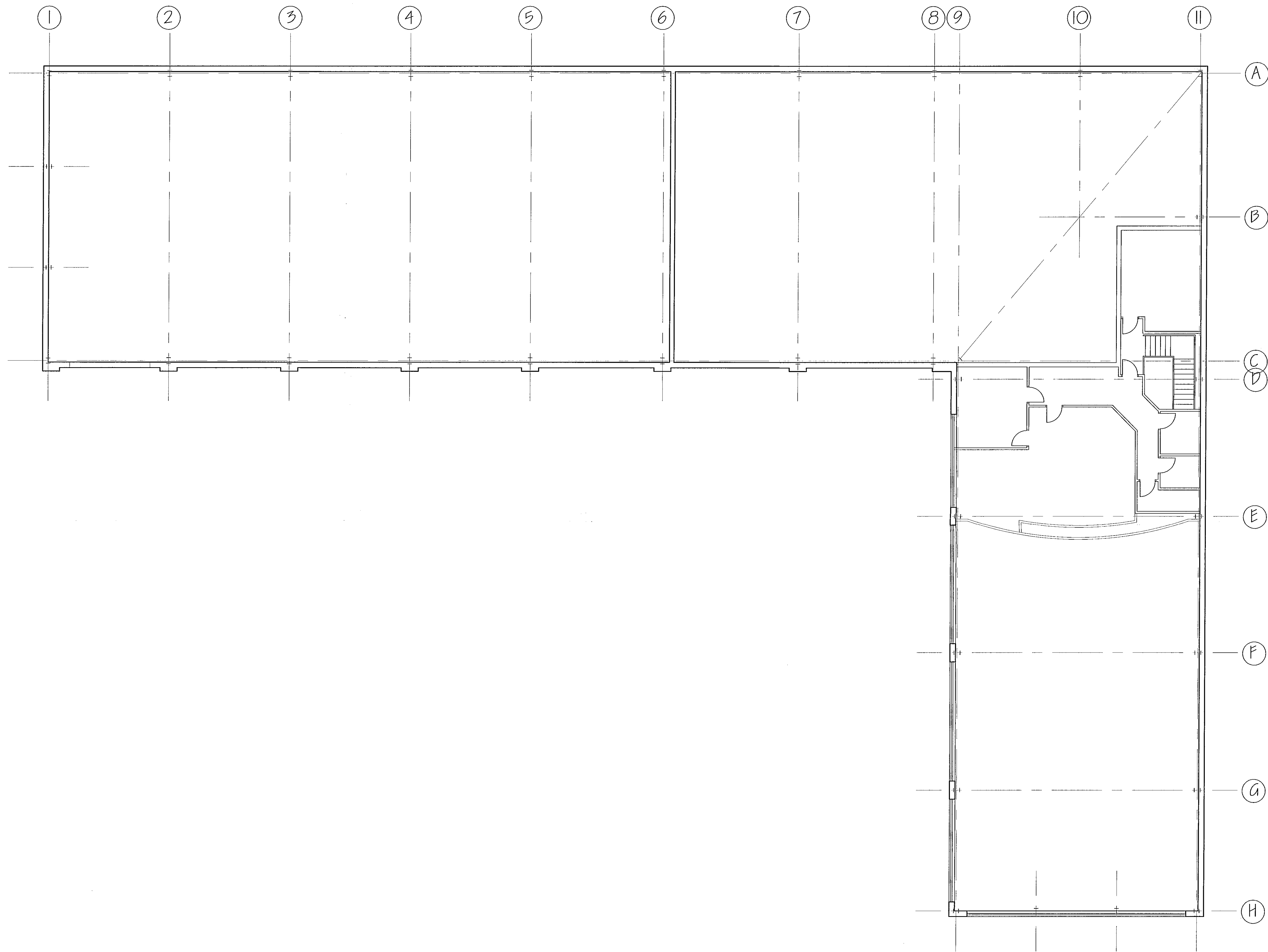
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FORMER CAR SHOWROOM
BACUP ROAD, WATERFOOT
ROSSENDALE

Existing
First Floor Layout.

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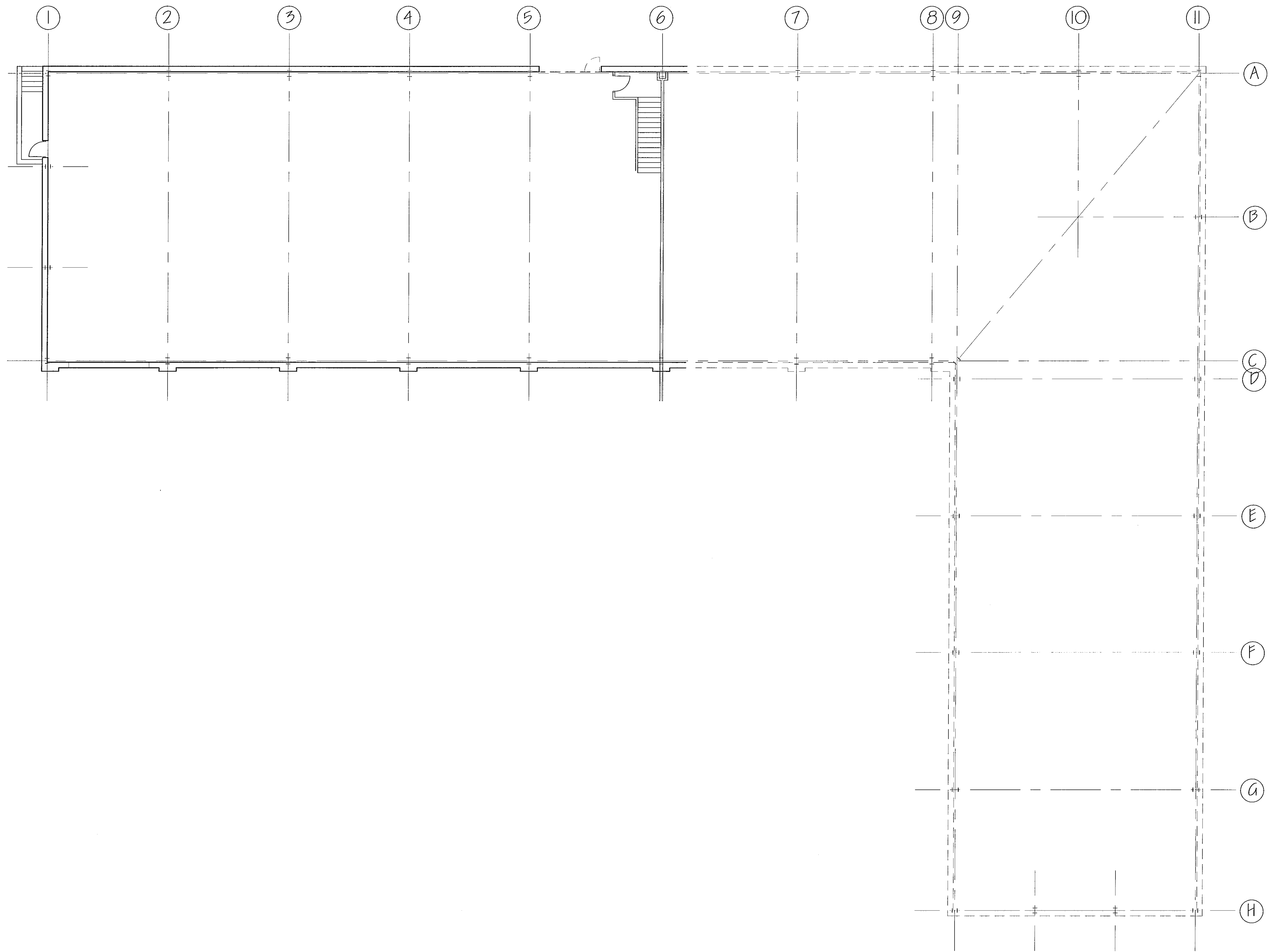
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2007/130

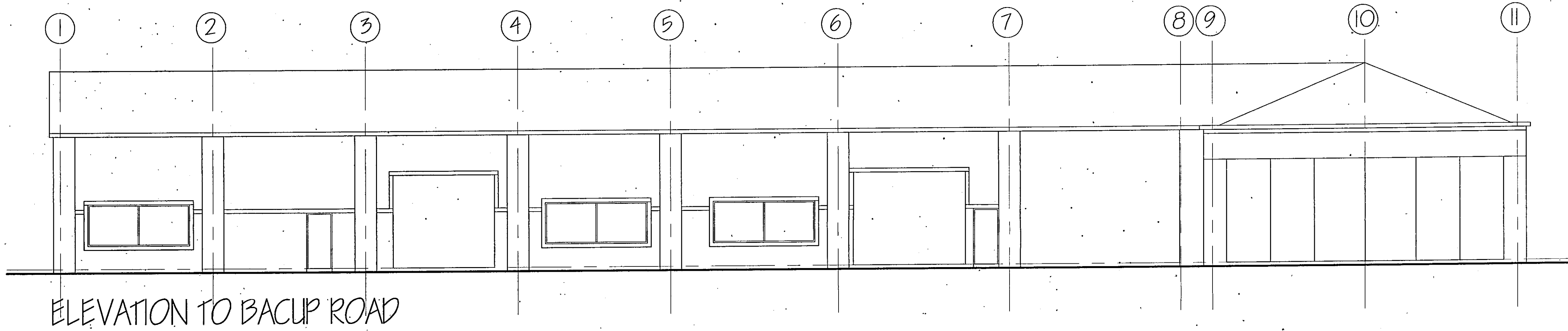
FORMER CAR SHOWROOM
BACUP ROAD, WATERFOOT
ROSSENDALE

Existing
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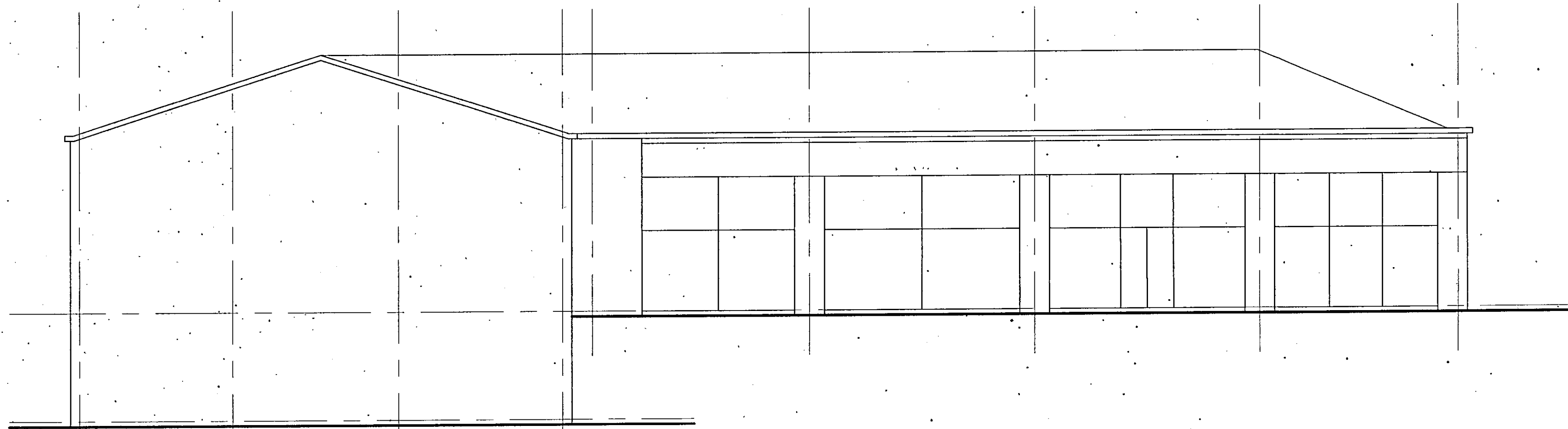
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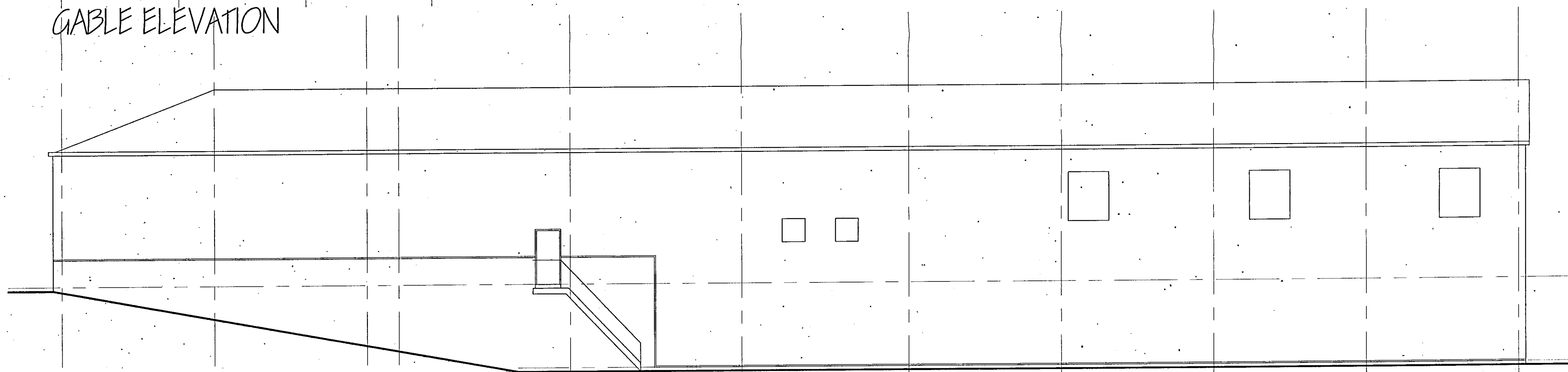
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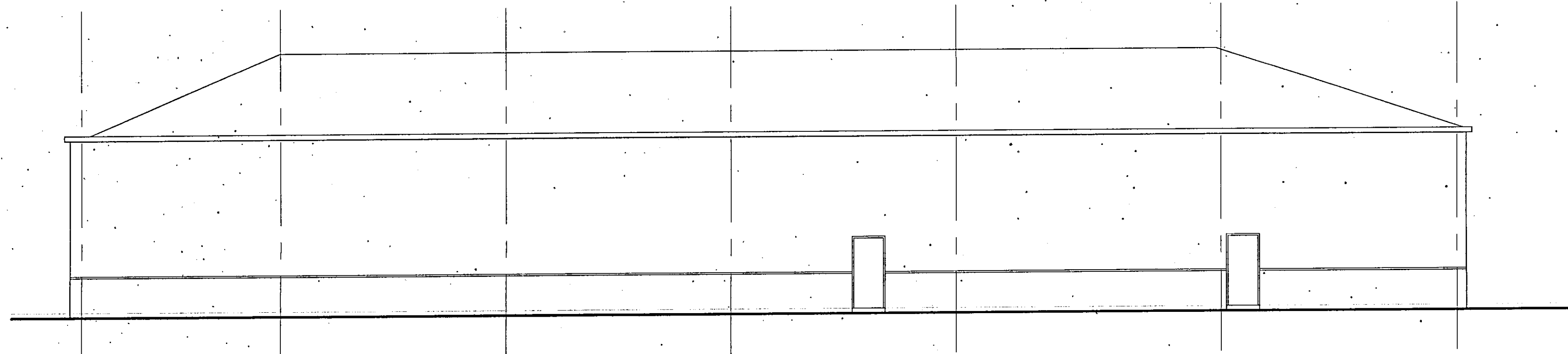
ELEVATION TO BACUP ROAD



GABLE ELEVATION



REAR ELEVATION



29 MAR 2007

2007/130

FORMER CAR SHOWROOM
BACUP ROAD, WATERFOOT
ROSSENDALE

Existing
Elevations.

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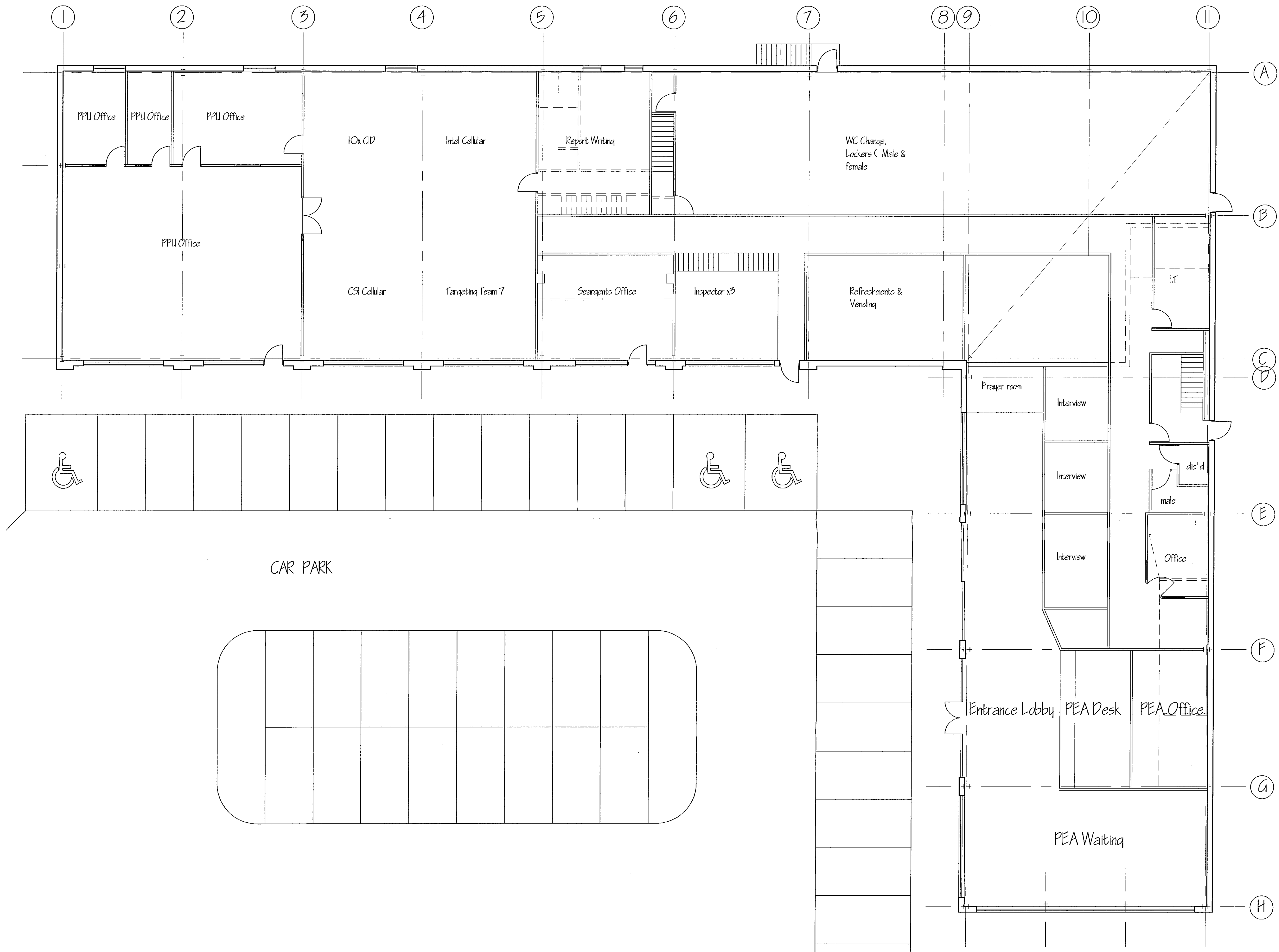
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2007/150

FORMER CAR SHOWROOM
 BACUP ROAD, WATERFOOT
 ROSSENDALE

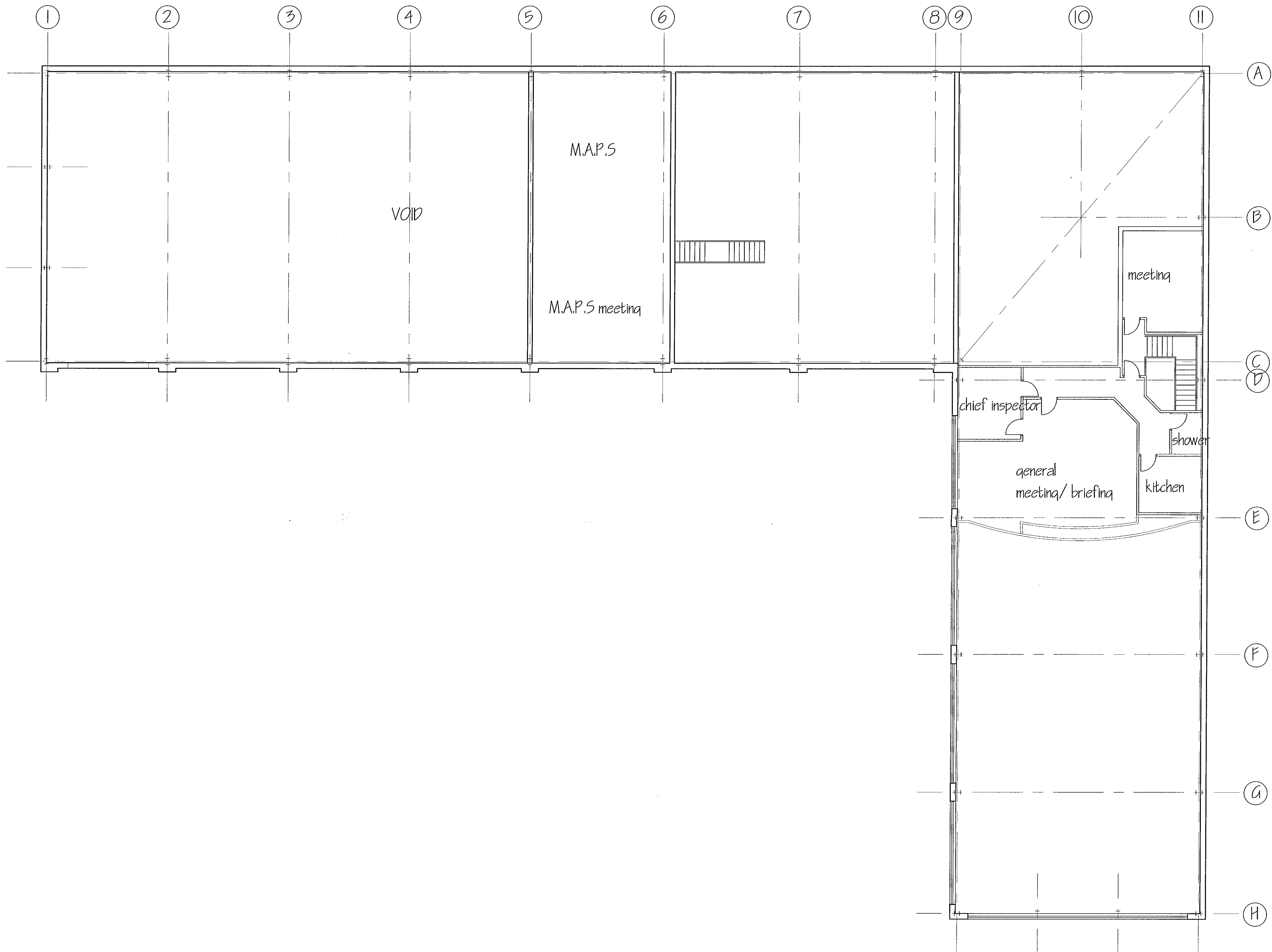
Proposed Police Operations Centre
 Ground Floor Layout.

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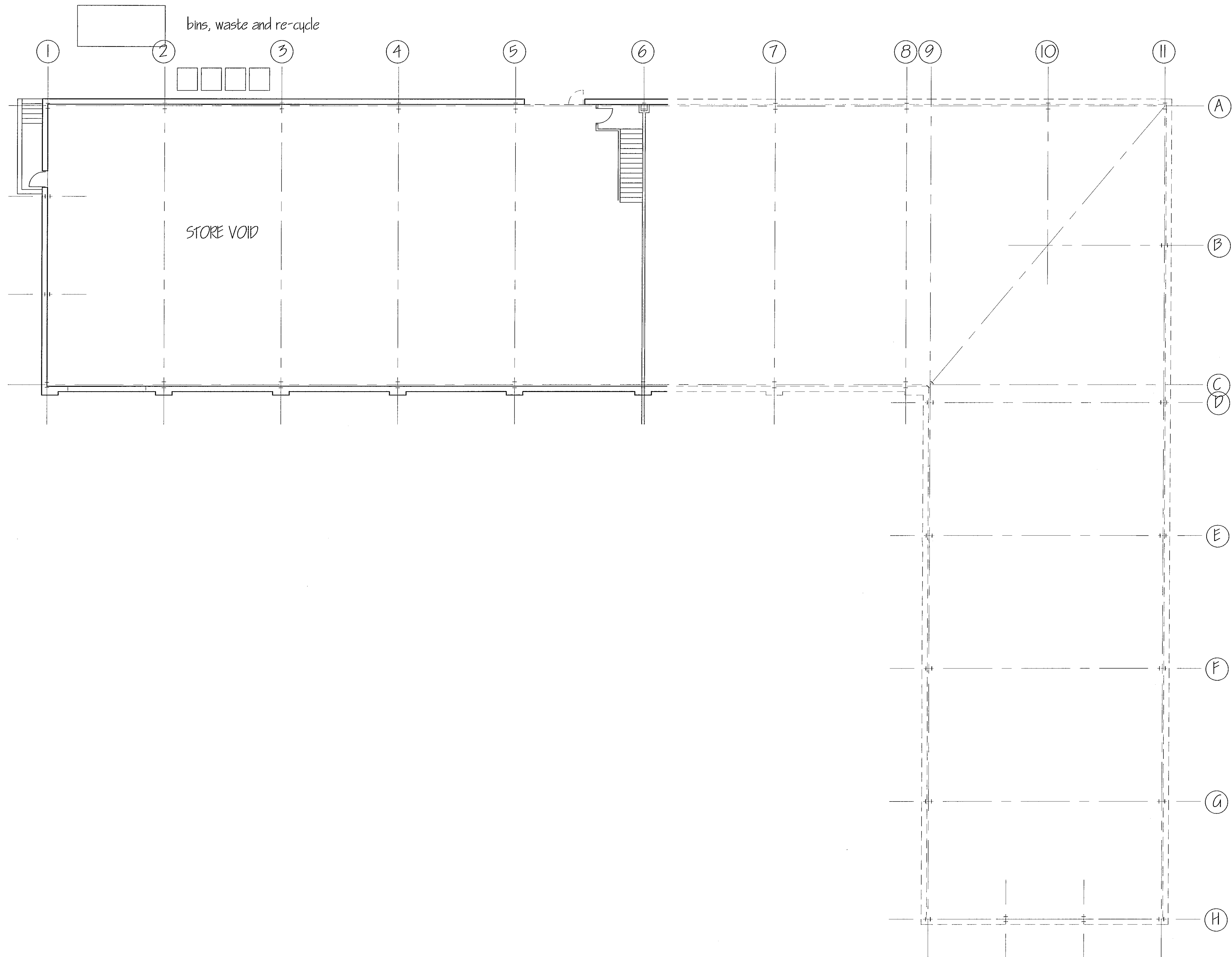
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Proposed Police Operations Centre
 First Floor Layout.

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FORMER CAR SHOWROOM
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Proposed Police Operations Centre
 Lower Ground Floor Layout.

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