

<b>Application No:</b> 2006/693	<b>Application Type:</b> Full
<b>Proposal:</b> Proposed works extension	<b>Location:</b> Site of Partington Plant Hire Ltd Stoneholme Road Crawshawbooth.
<b>Report of:</b> Head of Planning, Legal & Democratic Services	<b>Status:</b> For Publication
<b>Report to:</b> Development Control Committee	<b>Date:</b> 16 October 2007
<b>Applicant:</b> Mr. R Killelea	<b>Determination Expiry Date:</b> 12 February 2007

**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**                      **X**

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.

**APPLICATION DETAILS**

**1. The site and proposal**

1.1 The application site comprises a detached portal steel building and the associated yard area to the front and to rear, is located within Stoneholme industrial area off Stoneholme Road, Crawshawbooth. The site is surrounded by the industrial buildings to the north and south and a brook and open land to the

west. Currently the portal steel building is owned and occupied by Partington Plant Hire Ltd.

- 1.2 The application has been submitted by James Killelea and Co. Ltd who owns most of the industrial estate including a large portal frame building which adjoins the application site to the south. The proposal involves the demolition of the portal steel building occupied by Partington Plant Hire and re-development of the cleared site for the erection of a single storey extension (26m x 25m x 10m) and provision of a parking area in front. The extension would be attached to the large portal frame building owned by the applicant and used for the storage, designing, fabrication and construction of steelwork, in association with the existing building. According to the applicant, the proposed extension would help improve deliveries and better flow of materials on conveyor rollers within the extended factory.
- 1.3 It is proposed that the extension would be built in profile steel cladding to match the existing building and that it would operate on a 24 hours basis.
- 1.4 In support of the application, the applicant says:
  - The Partington Plant Hire would be relocated and that this would result in the reduction of both the car and HGV movements on the local highway.
  - The removal of Partington Plant Hire would result in the elimination of the early morning traffic on the highway.
  - The proposal would help reduce need for delivery vehicles to wait on Stoneholme Road before unloading due to the proposed increased yard area in front of the extension.
  - A reduction in noise to the closest residential properties due to the shielding that would be provided to the new yard area
  - Increased employment opportunities
  - A generally quieter environment overall.
  - The same proposal has already been approved in 1999 (Planning permission ref. 14/199/082).
  - The site is situated within an Employment Area where the needs of employment will take precedence.

## 2. **Relevant Planning history**

- 2.1 An outline planning permission ref. 14/1999/082 for the erection of an extension (680 sq m) to existing delivery storage facility to provide a covered unloading/storage facility, was granted, subject to conditions, on 26 May 1999. The approved extension would replace the existing portal building (216 sq m) presently occupied by Partington Plant Hire Ltd.

## 3. **Policy Context**

Rossendale District Local Plan

Policy DS1 – Urban Boundary

Policy J 3 – Existing Employment Areas

Policy E12 – Noise Attenuation

Policy DC1 – Development Criteria

Policy DC4 - Materials

Joint Lancashire Structure Plan  
Policy 1 – General Policy  
Policy 24 – Flood Risk  
Parking Standards

**Other Material Planning Considerations**

PPG4  
PPG13  
PPG24  
PPS7

**Abatement notice**

The Council has received complaints over the course of several years with regard to noise related issues arising from the operation of the steel fabrication business. Investigation into these issues was carried out by or on behalf of the Council over a considerable period of time culminating in the service by the Council of a noise abatement notice upon James Killelea and Co. Ltd on the 22<sup>nd</sup> December 2004. The notice required the Company to abate a night time noise nuisance by 31<sup>st</sup> March 2005 and a day time noise nuisance by 30<sup>th</sup> June 2005.

On or about the 6<sup>th</sup> January 2005 the Company appealed the notice to the magistrates' court. At the final court hearing on the 20<sup>th</sup> November 2006 agreement was reached between both parties, endorsed by the trial judge, whereby the appeal was withdrawn on the basis that the notice continued to remain effective in prohibiting night time noise nuisance, with references to the day time noise nuisance being deleted.

**4. CONSULTATIONS**

LCC (Highways) – makes the following comments:

1. The number of vehicles visiting the factory, as a consequence of the proposed development, would increase from 18 to 21. However, following the closure Partington Plant Hire Ltd, the number of vehicles visiting the site would be reduced by 36 per day. This is a substantial decrease in the number of traffic movements.
2. The parked vehicles around the junction could cause delays and obstructions and be a nuisance to both residents and businesses alike. I would therefore request contributions for the provision of a Traffic Regulation Order to restrict parking along the southerly side of Turton Hollow Road (138m approx) and then onto Stoneholme Road in a southerly direction (45m approx), on the northerly side of Turton Hollow Road (27m approx) in a roughly westerly direction and then onto Stoneholme Road (45m approx) in a north-westerly direction and a third length on the westerly side of Stoneholme Road (15m approx) in a north-westerly direction.
3. I can see no reason to object to the application on highway and traffic issues particularly if the junction of Stoneholme Road with Turton Hollow Road, can be maintained clear of parked vehicles to allow free movements of all traffic.

LCC (Planning) - No archaeological comments

RBC (Environmental Health) - The proposal involves a modest extension which, on balance, should not result in more vehicular movements than the current situation. No objection subject to conditions concerning the provision of acoustic insulation/roller shutter, working hours etc.

Environment Agency - No objection in principle. The Agency is satisfied that the risk of flooding likely to be caused by the extension will be minimal.

## 5. REPRESENTATIONS

5.1 Site notices posted on 17 January 2007 as shown on 1:1250 OS plan and neighbour letters sent out on 12 January 2007. Eight letters including one from Rossendale Civic trust, raising objection and eight letters including one from the Chamber of Commerce in support of the proposed development have been received. The points/concerns raised against the proposal are:

- No objection to the extension but we have genuine concerns about the condition of the access roads (Stoneholme Road and Turtonhollow Road).
- If plans are approved and extension goes ahead, the expected increase in traffic of both industrial and commercial vehicles, would inevitably deteriorate the road condition and paving. We hope that this problem will be addressed by the Council and the road condition improved soon.
- The company works 24 hours a day and vehicle movements result in unacceptable levels of noise outside.
- The extra traffic would result in increased noise pollution during the day and at night.
- The noise, vibrations and pollution caused by heavy vehicles already affect the quality of life.
- Due to the existing levels of noise and volume of traffic generated by the operations, the suitability of the site for further expansion should be questioned.
- The cumulative impact that further expansion will cause to the local residents is one of increased anxiety and reduction in their quality of life.
- The company has already been taken to court concerning noise nuisance/problems.
- The proposed use of the site for storage and preparation of steel would involve overhead lifting gear and conveyor rollers for handling steel.
- Reference in the planning application to double skin construction is pointless if most of the noise is made at the outside storage area or the doors of the workshop are open during work.
- Increased trailer parking will result in increased vehicular use of the site.

The points made in support of the proposal are:

- Our property is very close in proximity to Turton Hollow Road and I can say without hesitation that I have never been unduly troubled by vehicle noise.
- The Company seemed to be a responsible and safety conscious employer and have not given myself or my husband the slightest cause for concern in relation either to noise related issues or other safety or environmental issues.

- I have never considered the level of noise emanating from Killelea's premises to be unnecessarily unpleasant, obtrusive or a nuisance.
- The noise levels appear to have been reduced considerably such that I am seldom ever conscious of noise coming from Killelea's premises.
- We have never been disturbed or affected by noise from the Killelea factory and have no problems arising from the operation of the business.
- I support the application because the firm is the largest employer which keeps Crawshawbooth village a vibrant and expanding area.
- The application shows the forward looking commitment that the operator has for the future of the area.
- Our family has been recycling in the valley for 100 years and over the last 30 to 40 years, have seen our customer base in manufacturing almost disappear. If Killelea leave the valley, this would have serious consequences.

## 6. ASSESSMENT

### Principle

The location for the proposed development is within the Urban Boundary and, therefore, the proposal is in accordance with Policy DS1 of the Rossendale District Local Plan. The site forms part of the industrial estate currently occupied by industrial buildings/activities and as such, it can be considered as brownfield land. Therefore the proposed development is in accordance with government guidance in PPG3.

The site is located within an industrial area which is designated as "Existing Employment Areas" subject to Policy J3 of the Rossendale District Plan. The proposed extension would be used in conjunction with the existing industry and would lead to an increase in employment in the area. In view of these considerations, it is considered that the proposal conforms to Policy J3 of the Rossendale District Plan and is therefore acceptable in principle.

### Design/appearance

The extension would be built in materials to match the adjoining industrial building and it is considered that in terms of its design and appearance, the proposal is in accordance with Policy DC4 and Development Criteria of Policy DC1 of the Rossendale District Local Plan.

### Residential amenity

From the consultation response received, it is clear that some of the residents in the area are concerned about the level of noise/disturbance currently being generated at the site and on the abutting highway. The residents point out that materials are brought to the site by heavy goods vehicles which, due to the running of the engines, loading and unloading of materials etc, produce a great deal of noise, disturbance and atmospheric pollution to the detriment of their residential amenities. They believe that the proposed extension would result in additional

vehicle movements and increased hours of operations and would therefore exacerbate the situation to the detriment of their amenities.

In view of the comments raised by the residents, it is necessary that the issues concerning vehicular movements/hours of operations and their impact on the residential amenity of the area are assessed.

### Vehicular movements

The proposal involves the replacement of the building currently occupied by Partington Plant Hire Ltd. According to the details provided in the application, Partington Plant Hire operate three commercial vehicles which on average, generate 36 vehicular movements per day to and from the site Monday to Saturday).

Whilst it is accepted that the proposed extension would result in the increased vehicular movements from 18 to 21 and employees vehicles from 3 to 6, however, this increase should be countered by a reduction of vehicular movements (36) which would result from the displacement of Partington Plant Hire Ltd. Given the reduction of vehicular movements likely to be caused by Partington Plant Hire and the anticipated increase in the vehicular movements associated with the proposal, it is considered that the number and frequency of the vehicles visiting the site would be significantly reduced and the impact of the proposed development, in terms of noise/disturbance, would therefore be less severe compared with the existing situation. Moreover, the proposal includes the provision of a parking area for trailers/HVGs in front of the extension and it is considered that this would help avoid the parking of vehicles on the adjacent highway with running engines, currently causing noise/disturbance to the detriment of the residents in the area.

For clarification, it should be pointed out that the applicant has assured the Council in writing that no trailers other those involved with the operations at the factory would be kept or parked at the application premises. According to the applicant, the company's trailers currently stored at Newhallhey Site would soon be transferred to the former Mayfield Chick site at Edwood Bridge, for which a licence from the Traffic Commissioners has been secured.

With regard to the LCC(Highways) recommendation for the provision of a Traffic Regulation Order around the junction of Stoneholme Road with Turton Hollow Road, it should be pointed that that the applicant has shown his unwillingness to make a financial contribution towards the provision of the Order.

### Hours of operation

It is proposed that the proposed extension would be used in conjunction with the exiting building and operated on a 24 hours working basis. According to the applicant, although the existing building has no restriction on the working hours and can therefore be operated on a 24 hour basis, however, currently the industrial operations at the site are carried out between 05.30hrs to 20.00 hrs daily. The applicant makes it clear that although the company has no intention to work on a 24 hours basis, however, it needs the flexibility to do so on infrequent occasions where it is to deal with urgent orders and make necessary deliveries.

Although, the displacement of Partington Plant Hire Ltd would result in the reduction of vehicular movements to the site, however, the industrial activities at the site, as a consequence of the extended building, would be increased and intensified. This would result in additional noise being generated at the site which, it is considered, could be detrimental to amenities of the adjacent residents, particularly during the evening times.

To assess the impact of the noise likely to be generated by the operations at the site including the proposed extension, the Council commissioned a "Noise Assessment Report" which emphasises the need to restrict the noise levels both within and outside the buildings, in order to protect the residential amenities of the area. The report recommends that the noise level be restricted to 65dB LAeq (1 hour) during day time at the forecourt (the parking area) and 60dB L<sub>Amax</sub> (1 metre) during the night time within the process buildings.

In view of the findings of the "Noise Assessment Report" and in order to protect the amenities of the adjacent residents, it is necessary that conditions restricting the noise level both within and outside the process buildings are imposed.

## **7. CONCLUSION**

It is considered that the proposed extension would replace an existing industrial building from the site and as such would help reduce significantly the number of the vehicles visiting the site. The proposal would provide efficient loading/unloading and parking facilities at the site which would not only help avoid the need to park vehicles on the adjacent highways but also to eliminate some of the concerns raised by the residents in respect of the noise/disturbance. The proposed extension would be in keeping with the character of the adjacent buildings and would not be detrimental to road safety. It is therefore considered that the proposed development is in accordance with policies DS1, DC4, J3 and development criteria of DC1 of the Rossendale District Local Plan.

- 8. RECOMMENDATION** Approve subject to s106 agreement to pay for the provision of a TRO to restrict parking along the southerly side of Turton Road (approx 138m), Stoneholme Road in a southerly direction (approx 45m), northerly side of Turton Hollow Road (approx 27m) in a westerly direction, Stoneholme Road (approx 45m) in a north-westerly direction and on the westerly side of Stoneholme Road (approx 15m) in a north-westerly direction.

### **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 shall be carried out in accordance with the Site Location Plan received on 8/10/07 and other drawings received on 18/12/06 and 14/5/07.

*Reason: To ensure the development complies with the approved plans and for the avoidance of doubt.*

3. Prior to the development being commenced full details of the acoustic insulation of the extension hereby permitted and its external doors, and which are to be of no lower specification than the existing adjacent building, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first use of the extension hereby permitted and thereafter remain as such.

*Reason: To ensure the use of the premises does not result in unreasonable loss of residential amenity to the neighbouring houses, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*

4. The roller-shutter door and personnel door in the extension hereby permitted shall remain closed at all times except to allow access and egress.

*Reason: To safeguard the amenities of nearby residential properties, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*

5. Prior to the development being commenced a scheme for the surfacing, draining and marking out of all areas to be used for vehicle parking, maintenance and manoeuvring areas to be provided at the premises shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in full prior to the extension hereby permitted first being brought into use and these areas shall thereafter be kept freely available for use as such.

*Reason: To ensure adequate off-street parking/servicing and turning facilities are provided in the interests of amenity and highway safety, in accordance with Policy 7 of the adopted Joint Lancashire Structure Plan and the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*

6. The level of noise emitted from buildings and external areas within the land edged red and blue on the approved Site Location Plan shall not exceed 60dB LAmax between the hours of 11.00pm & 7.00am on more than 15 times per night, and shall not at any time exceed 65dB LAmax between the hours of 6.00pm & 11.00pm, in both cases measured 1 metre from the façade of the nearest dwelling.

*Reason: To protect the amenity of residents in nearby properties, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*

7. Notwithstanding the provisions of Condition 6, the level of noise emitted from the external areas within the land edged red and blue on the approved Site Location Plan shall not at any time exceed 65dBLAeq (1 hour) (free field) measured at a location representative of the nearest dwelling, excluding vehicle maintenance activities (entailing, for example, running of a vehicle engine) carried on for no longer than is operationally necessary and between the hours of 7am and 6pm.

*Reason: To protect the amenity of residents in nearby properties, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*

8. Any construction works associated with the development hereby approved 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. 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 policy DC1 of the Rossendale District Local Plan.*

<b>Contact Officer</b>	
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