

**Application No:** 2007/739

**Application Type:** Full

**Proposal:** Change of use from B1 to vehicle dismantling and storage/sale of re-usable parts (Retrospective).

**Location:** Unit 8 Spodden Mill, Station Road, Facit, Rochdale.

**Ward:**

**Report of:** Executive Director of Regulatory Services

**Status:** For Publication

**Report to:** Development Control Committee

**Date:** 19 February 2008

**Applicant:** I Khan

**Determination Expiry Date:** 6 February 2008

**REASON FOR REPORTING**

**Tick Box**

**Outside Officer Scheme of Delegation**

**Member Call-In**

**x**

Name of Member: Cllr. R A Neal

Reason for Call-In: It is the second time in less than 9 months that the applicant has submitted this application. Please can I request that this application is sent to a further DC Committee? When this application was submitted last time, there was a great deal of local residents who expressed a great deal of concern. So for this reason alone, I feel Members of the DC Committee should take a close look at the application as the applicant was removed by another local council for having an anti-social operation. I also have some planning concerns about access onto the site given it is so close to housing.

**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**

- 1.1 The application site (Unit 8) forms part of an existing industrial building within the former textile mill complex known as Spodden Mill, located off Station Road, Whitworth. Part of the mill has been demolished to form a yard area and the remainder split into several industrial units of various uses including metal working, light engineering and joinery.
- 1.2 Unit 8 comprises the northerly part of the building located in the north east corner of the yard area. Currently the unit is divided into two sections linked by way of an internal opening. Access to the site is gained from Station Road via an access track running through the mill compound and the yard area.

#### **2. Relevant Planning History**

- 2.1 Planning application ref. 2007/281 for the change of use from woodwork/joiners (Class B1) to dismantling of vehicles and storage of parts and accessories, was withdrawn by the applicant on 3 August 2007.

#### **3. The Current Proposal**

- 3.1 The application has been submitted in retrospect and seeks the change of use of the building from Class B1 (Joinery works) to dismantling of vehicles and storage/sale of re-useable parts. It is proposed that cars would be brought to the yard area in front of the building by using a single relay truck. They would be taken down directly into the building for dismantling via the proposed car ramp. Following the dismantling process, the re-useable parts would be stored within the building for mail/internet sale order. The remaining car shell and unusable parts would be removed by using single car transporter to a scrap yard.
- 3.2 It is proposed that 2 or 3 cars would be dismantled per week and that the activities relating to the dismantling of vehicles, storage and sale of the re-useable parts would be carried out inside the building. The yard area in front of the building would be used for the parking of employees' vehicles including the car transporters. According to the applicant, the proposed activities would be carried out between 08.00 hours to 18.00 hours, Monday to Friday and 08.00 hours to 16.00 hours, on Saturdays and Sundays.
- 3.3 In support of the application, the applicant points out that:
  - The site is located within an industrial area and the proposed use is industrial in nature.

- Although power tools will be used, however the majority of work will be carried out using hand tools.
- The proposed activities will not generate any additional noise or nuisance compared with the previous uses of the building or elsewhere on the Spodden Mill site.
- Vehicular movements would be restricted to a transit sized transporter and employees vehicles. This will be less than that of the existing use as a joinery workshop where goods are delivered or removed by using medium sized commercial vehicles/vans.

#### 4. Policy Context

##### **National Planning Guidance**

PPS1 – Delivering Sustainable Development  
 PPG4 – Industrial and Commercial Development and small firms  
 PPG 24 – Planning and Noise

##### **Development Plan Policies**

Regional Planning Policy  
 RPG13

Joint Lancashire Structure Plan  
 Policy 1 – General Policy  
 Policy 7 - Parking  
 Policy 12 – Noise attenuation

Rossendale District Local Plan (Adopted 2005)  
 Policy DS1 – The Urban Boundary  
 Policy DC1 – Development Criteria

Other Material Planning Considerations  
 LCC Car Parking Standards

#### 4. CONSULTATIONS

LCC (Highways) – Access limited to cars/vans/transit type recovery vehicles. No comments.

LCC (Planning) – The proposal raises no issues of strategic significance. No comments.

RBC (Environmental Health) – No objection subject to conditions requiring the proposed vehicle dismantling activities to be carried out inside the building and closure of the roller shutter door all time unless required for access into and out of the building.

Environment Agency – No comments received.

Whitworth Town Council – Objection raised on the grounds of highway safety and loss of residential amenities.

## **5. REPRESENTATIONS**

5.1 A site notice was posted on 24 December 2007 and the relevant neighbours were notified by letter on 17 December 2007 to accord with the General Development Procedure Order. The site notice has been posted to go above and beyond the regulatory requirement to ensure a high level of Community engagement to accord with PPS1.

5.2 Fifteen individual letters and a petition signed by forty-eight residents of the area raising objection to the proposal have been received. The issues raised in the objections are:

- The site is surrounded by residential properties, some of which are located within 50m of its boundary.
- The proposed activities would result in additional 40 vehicular movements in the area which would cause noise and disturbance to local residents.
- Depending on the type of the waste materials, the site would generate odour problems in the area.
- Station Road is a busy thoroughfare and an increase in heavy goods vehicles would cause severe problems to the residents of the area.
- Sambas dance school is located at the bottom of the access to Spodden Mill. The safety of children and their parents should be paramount.
- The access to Spodden Mill is very narrow and cars often are parked on both sides of the road. A heavy good vehicle would have problems in negotiating the access to Spodden Mill.
- The proposed type of business attracts young male drivers who are more likely to speed and be involved in accidents. As young children play on the surrounding streets, this could result in an accident.
- The proposed business has already been moved from Lloyd Street, Whitworth for non-compliance of Council's regulations.
- The previous planning application for the change of use was withdrawn. The business continues to operate from the site.
- Whitworth Council has already rejected the application.
- On several occasions during the last two years, I have had to stop doing work in my garden because of the rubbish being burnt on the mill premises.

- We don't want the noise, traffic or a scrap yard on our doorstep.

## 6. ASSESSMENT

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

1. Principle of the development
2. Neighbourhood amenity
3. Highway issues

### Principle

6.2 In the adopted Local Plan, the application site lies within the Urban Boundary. It is therefore considered that the proposal accords with Policy DS1 of the Local Plan and is acceptable in principle. Furthermore, it is considered that the site is situated within an existing industrial complex and the proposed development involving dismantling of vehicles and storage/sale of the re-useable parts, due to its type/nature, is appropriate and compatible to the industrial character of the area. It is therefore considered that the proposed use is acceptable both in terms of its land use and principle in this location.

### Neighbour Amenity

6.3 The application site forms part of an industrial premises and due to its location, is surrounded by industrial buildings all around. Although there are several residential properties located on the periphery of the industrial area, however the nearest residential properties No. 108, 120 and 122 Cowm Park Way are located approximately 45m away from the site beyond the yard area and River Spodden to the west. Samba dance and fitness school is situated in a detached industrial building located approximately 35m to the rear of Spodden Mill to the north-east.

6.4 According to the applicant, following the delivery of the vehicles at the site, the vehicles would be taken inside the building and the entire dismantling process including the draining of fuel, oil, breaking of vehicles, sorting of the re-useable and unusable parts will be carried out within the building. The re-usable parts would be stored in the building for sale whilst the remaining car shell and unusable parts removed for disposal.

6.5 Given the location/position of the nearest residential properties and their relationship with the site, whilst it is accepted that the residents may be able to view the car parking area in front of the building, they would not be able to view the dismantling or any other associated activities taking place within the building. Similarly due to the separation distance between the application building and the nearest residential properties, it is considered that the residents would not be unduly affected by the noise or disturbance likely to be generated inside the building. In view of these considerations, it is considered that the residents' concerns with regard to the noise or disturbance and their consequential impact on the residential amenity of the area do not outweigh the recommendation for approval.

## Highway safety

- 6.6 It is anticipated that 2 or 3 cars would be dismantled per week. The cars would be brought to the site by using a transit sized car transporter. A similar type of vehicle would be used to remove the car shells and un-usable parts for disposal. In addition, there would be two employees who would use their cars for work. Furthermore, although the sale of the re-usable parts would be done via internet or e-mail orders, the sold materials would either be delivered by the applicant or collected from the site by a courier van. According to the applicant, the proposed activity could therefore generate additional vehicles movements to up to 30 per week.
- 6.7 The access to the site would be from Station Road via the existing access track through Spodden Mill. In view of the limited number of the anticipated additional vehicle movements and the type of the vehicles likely to be used (transit sized car transporter), the highway authority is satisfied that the proposed development would not be to the detriment of highway or pedestrian safety. The highway authority therefore has no objection to the proposal. In view of these comments, it is considered that the concerns expressed by the residents in respect of highway or pedestrian do not outweigh the recommendation for approval.

## **7. SUMMARY OF REASONS FOR APPROVAL**

- 7.1 The application site forms part of an industrial complex located within the urban boundary and the proposed development, due to its position and relationship with the adjacent residential properties, would have little detrimental impact on the residential amenities of the adjacent neighbours or the visual amenity of the area. Further due to the type of the vehicles involved and the limited number of additional vehicle movements likely to be generated, it is considered that the proposal would not be to the detriment of highway safety. It is therefore considered that the proposal accords with the criteria of Policy DC1 of the adopted District Local Plan.

## **8. RECOMMENDATION**

- 8.1 It is recommended that planning permission be granted subject to the following conditions.

1. The development shall be carried out in accordance with plans numbered 62-07-01 and 62-07-02 and Design and Access Statement received on 12 December 2007, submitted as part of planning application no. 2007/739.

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

2. All activities relating to the dismantling of vehicles, draining of fuel/oil and storage and sale of parts, shall be carried out inside the building hereby approved for the change of use (Unit 8) and no such activities including the storage of vehicles, shall take place in the yard/car parking area forming part of the application site.

Reason: *To secure the satisfactory development of the site and in the interests of visual amenity and to safeguard the amenities of nearby residential properties, in accordance with the criteria of Policy DC1 of the Rossendale District Local Plan.*

3. The roller-shutter door and personnel door in front of the building hereby approved for change of use (Unit 8) shall remain closed at all times except to allow access and egress.

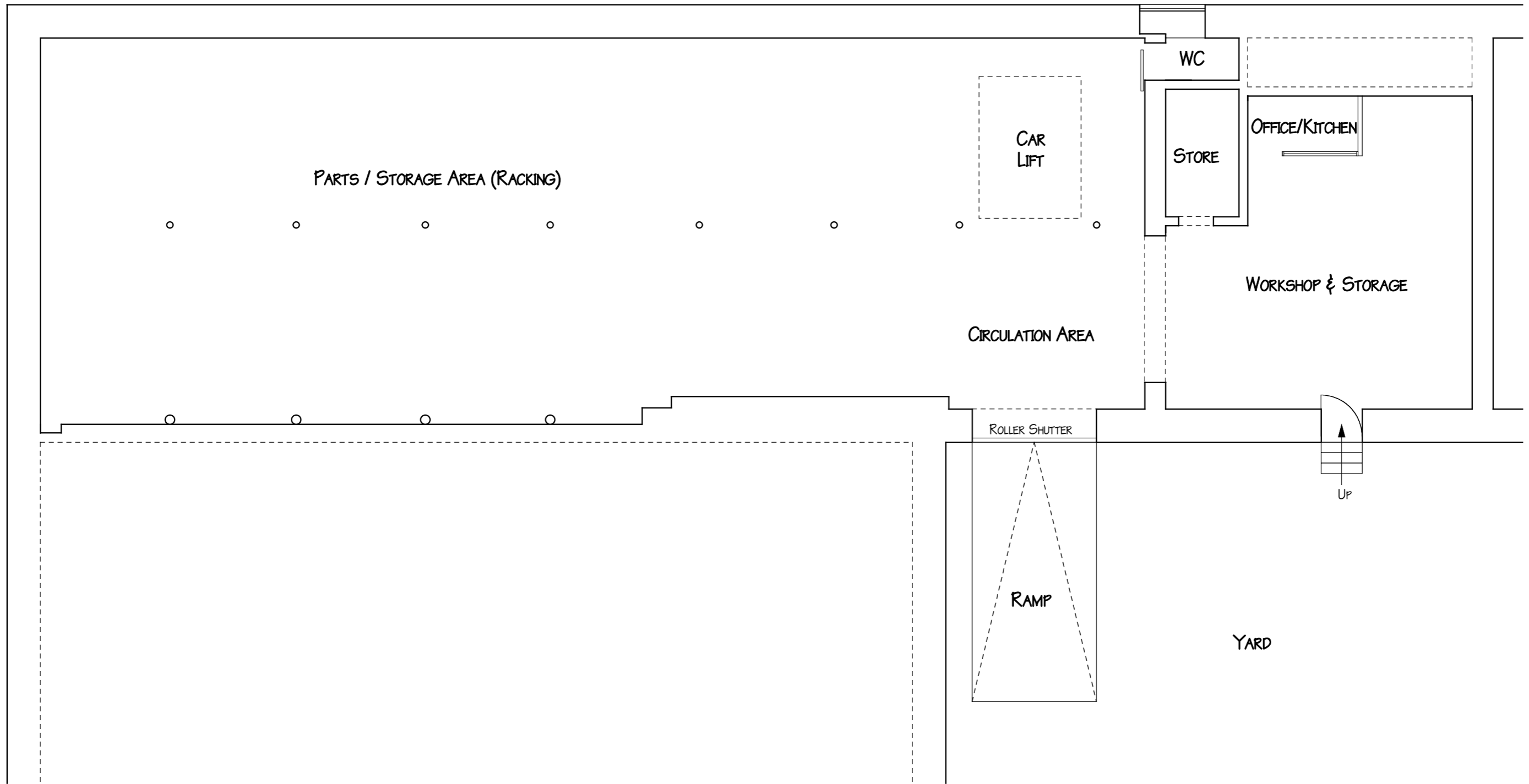
Reason: To safeguard the amenities of nearby residential properties, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

4. No work or other activity associated with the development hereby approved shall take place on the site on Bank Holidays and all work and other activity on other days shall be confined to the following hours:-

0800 hrs to 1800 hrs, Monday to Friday  
1000 hrs to 1600 hrs, Saturdays and Sundays.

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

<b>Contact Officer</b>	
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FLOOR PLAN

CHANGE OF USE AT  
 UNIT 8, SPODEN MILL  
 WHITWORTH  
 FOR MR I. AHMED

PROPOSED FLOOR PLAN

Scale: 1:100 @ A3

Date: NOVEMBER 2007

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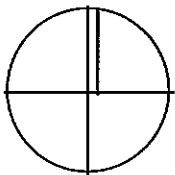
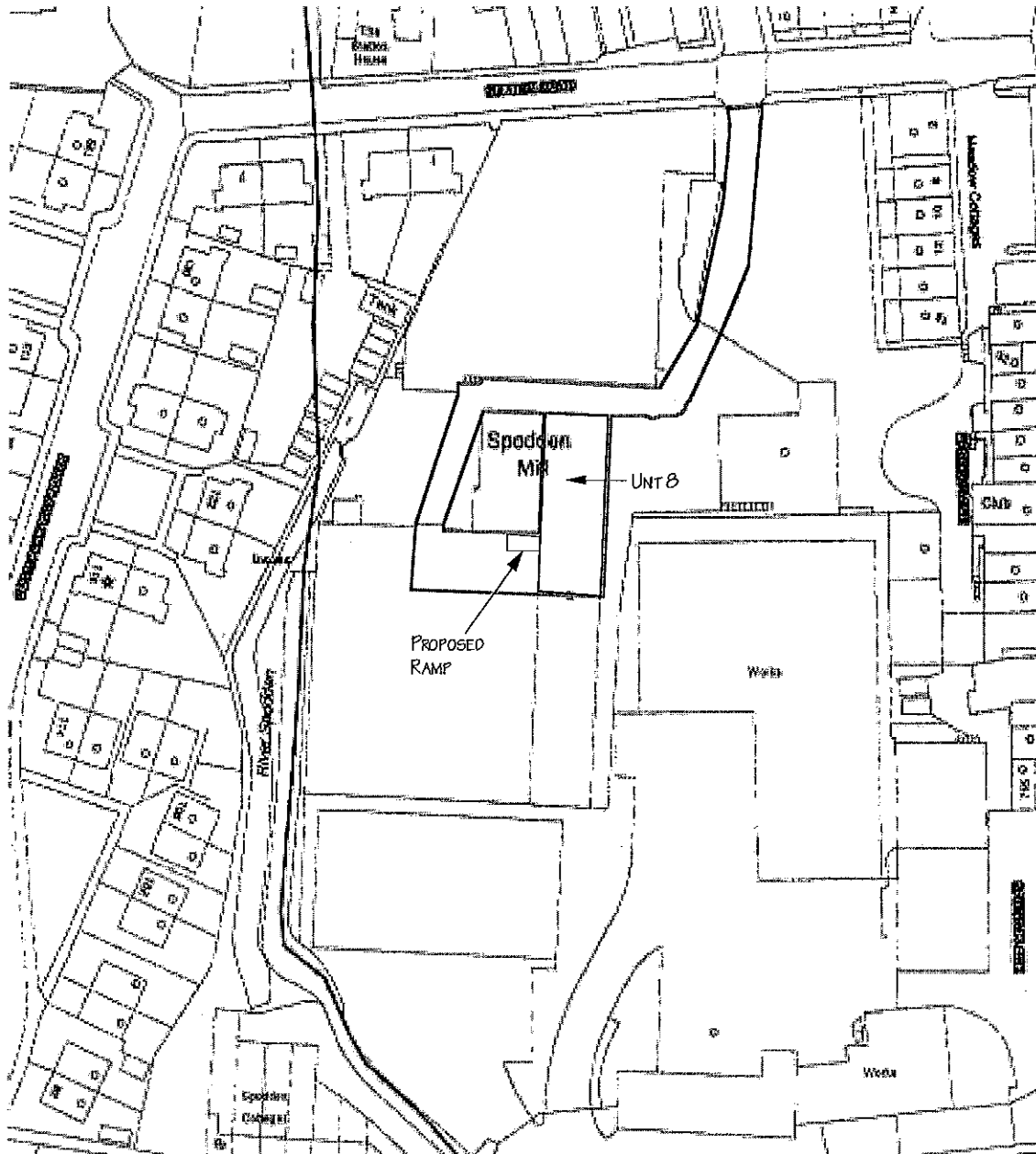
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**62-07-02**

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**62-07-01**

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