

Application No: 2008/0033

Application Type: Full Application

Proposal: Retention of palisade security fencing and 3 no. lighting to yard

Location: New Hall Hey Yard, New Hall Hey Road Rawtenstall

Report of:

Status: For Publication

Report to: Development Control Committee

Date: 11 March 2008

Applicant: MSH Maintenance and Building Supplies

Determination Expiry Date: 11 March 2008

Agent: Hurstwood Group

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)

1. APPLICATION DETAILS

- 1.1 The application site is a general industrial storage yard in conjunction with a Builders Yard located adjacent New Hall Hey Road, Rawtenstall. The yard is situated between the builder's yard and residential properties – Railway Terrace, a row of 10 stone and slate properties to the south, with the East Lancashire Railway to the north. The former Kwik Save building is east of the site. The site benefits from an extant permission (2003/477) for the erection of a warehouse unit.
- 1.2 There is an access road to the rear of Railway Terrace with a stone wall to a height of approximately 1 metre, bounding the access road. Behind this wall is located the palisade fencing and lighting to which the application relates. The palisade fence is at a higher elevation than the floor levels of Railway Terrace.
- 1.3 The site is located within the Urban Boundary as designated in the adopted Rossendale District Local Plan.

2. Relevant Planning History

2.1	1995/438	Erection of two storey building for warehousing	Approved
	2003/477	Erection of warehouse unit (re submission of previously approved application no: 95/438)	Approved
	2008/0103	Erection of B1 Light Industrial Unit Registered 24/01/2008	Undetermined

3. The Current Proposal

- 3.1 The applicant seeks retrospective consent for the retention of palisade security fencing that bounds the builders yard and 3no. lighting to yard.
- 3.2 The palisade fencing is 2.4 metres in height. The security lighting is mounted on 4.8 metre high poles, facing away from the adjacent residential properties. The lighting is intended to allow the business to operate within normal business hours.

4. Policy Context

4.1 National Planning Guidance

PPS1 - Sustainable Development
PPG4 - Industrial & Commercial Development

4.2 Development Plan Policies

Regional Spatial Strategy for the North West

Joint Lancashire Structure Plan (Adopted 2005)

Policy 1 - General Policy

Rossendale District Local Plan (Adopted 1995)

DS1 - Urban Boundary
DC1 - Development Control
DC4 - Materials

5. CONSULTATIONS

5.1 INTERNAL CONSULTATIONS

Environmental Health – refer to the above application and have no comments to make. The lights are facing away from the residential property and will only be switched on in winter months when it is dark during normal working hours up to 7pm.

5.2 EXTERNAL CONSULTATIONS

5.3 LCC Highway's – Suggest a condition to reduce the glare of the lighting to the surrounding areas and railway.

6. REPRESENTATIONS

6.1 A site notice was posted on 29/01/2008 and letters were sent to neighbours. 4 letters have been received and one objector has also included photographs of the site from his property. Objections to the proposal on the following grounds:

- The current development on site does not benefit from planning approval and does not reflect what was approved under application 2003/477.
- The development has ruined the local environment.
- Excessive noise and dust associated with the site, especially in the summer.
- The building shown as a garage on the submitted location plan was converted into a shop/warehouse office for building supplies.
- Reduction in privacy on neighbouring properties
- Traffic problems associated with the site
- The fencing is an eyesore and no adequate shrubbery to shield it.
- Access to the site is inadequate.

7. REPORT

7.1 The main considerations of the application are the impact of the palisade fencing and lighting on visual amenity, residential amenity and highway safety.

7.2 Under planning approval 2003/477 a black chain link fence was approved to the south boundary of the site along with black palisade fencing to the other sides, all to a height of 1.8 metres. The proposal would result in an increase in height of the fence by 0.6 metres. The southern boundary treatment would now be palisade fencing. The ground level of the builder's yard is higher than the level of the nearby properties, and as such is prominent when viewed from the rear of the properties. The site is close to the East Lancashire Railway line and the fencing would be visible as one travels along the Railway Line. It is considered that the fencing does not enhance the appearance of the area, however, taking into consideration the use of the site, and the extant permission for the erection of a warehousing unit, the fencing would not significantly detract from the character of the area. The palisade fencing is considered to be appropriate in size for its purpose. It is considered that there would be a greater requirement for higher fencing for the site's current use as a storage yard, than would be needed if permission 2003/477 was implemented for reasons relating to security. The current metallic colour of the fencing is considered to add to it's prominence, it is suggested that a condition be imposed specifying a more appropriate colour. Further landscaping is also requested to the south. The paladin fencing is considered acceptable in terms of visual amenity.

7.3 The 3 no.lighting for which permission is being sought are located to the south of the site and are evenly dispersed. The poles to which they are mounted are considered not to be visually prominent. The size of the lights is considered

acceptable. It is considered that a condition be imposed on the colour of the poles which mount the lighting in the interest of visual amenity.

- 7.4 The fencing is located at a higher level than the nearby residential properties of Railway Terrace, located approximately 7 metres from the site, 4 metres taking into account the curtilage of the property. The size, height and design of the fencing is considered not to incur a loss of light or outlook to these properties by reason of the separation distance. It is considered that due to the design of there would be the potential for loss of privacy to the neighbouring properties, however, this would be no greater than that permitted under the extant approval.
- 7.5 The lighting would be positioned facing directly away from the neighbouring properties. There are no properties to the rear of the site. Importantly, none of the objections relating to the scheme refer to any negative impact caused as a result of the lighting. Clarification as to the hours of use of the lighting was sought. As such it was stated that the applicant's require the lighting to be used between the hours of 15.00 – 18.00 Monday to Friday. No objections have been received from the Council's Environmental Health Department. Taking these factors into account it is considered that a condition be imposed restricting the hours that the lighting be used between 08.00am – 19.00pm Monday to Friday. This would be in line with the permitted working hours of the extant permission on the site. The scheme is considered acceptable in terms of residential amenity.
- 7.6 The siting of the proposal is such that no vehicular traffic would be affected by the fencing or the lighting. No comments have been received by the Highway's Department. The scheme is considered acceptable in terms of highway safety.
- 7.7 Many of the points raised in the objector's letters relate to the use of the yard, environmental health issues and traffic associate with the yard. There is an extant permission for a warehouse unit on the site, however, this has not as yet been implemented. The current use of the site is a storage yard. The Planning Enforcement Department have been contacted as to the possible breach of use on the site, however, it is considered that this application should be assessed on its merits.

8. HUMAN RIGHTS

- 8.1 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.

9. CONCLUSION

- 9.1** The application site forms part of an existing general industrial storage yard. The proposed fencing and lighting, due to their size, position and design, are considered appropriate to the use of the site, would not significantly detract from the character of the area, and would not be materially detrimental to the residential amenities of the neighbours, or highway safety. The proposed development has been considered against PPG4 - Industrial & Commercial Development, and Saved policies DS1 – The Urban Boundary, DC1 – Development Criteria and DC4 – Materials of the Rossendale Local District Plan.

10. RECOMMENDATION(S)

That Committee be minded to approve the application subject to the following conditions:

12. CONDITIONS

- 1 The development shall be carried out in accordance with drawings and supporting information received 15/01/2008.

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

- 2 Within 14 days of the date of this approval the applicant shall submit to the Local Authority for their approval in writing, details of the colours of the fencing, and poles for mounting the lighting, and a landscaping scheme to the south of the site. The development shall thereafter be carried out in accordance with details approved.

- 3 Use of the lighting hereby approved shall be limited to 08:00 to 19:00 Mondays to Saturdays and shall be used at no other time.

Reason: To safeguard the amenities of the occupiers of nearby residential accommodation to accord with Saved Policy DC1 – Development Criteria of the Rossendale District Local Plan.

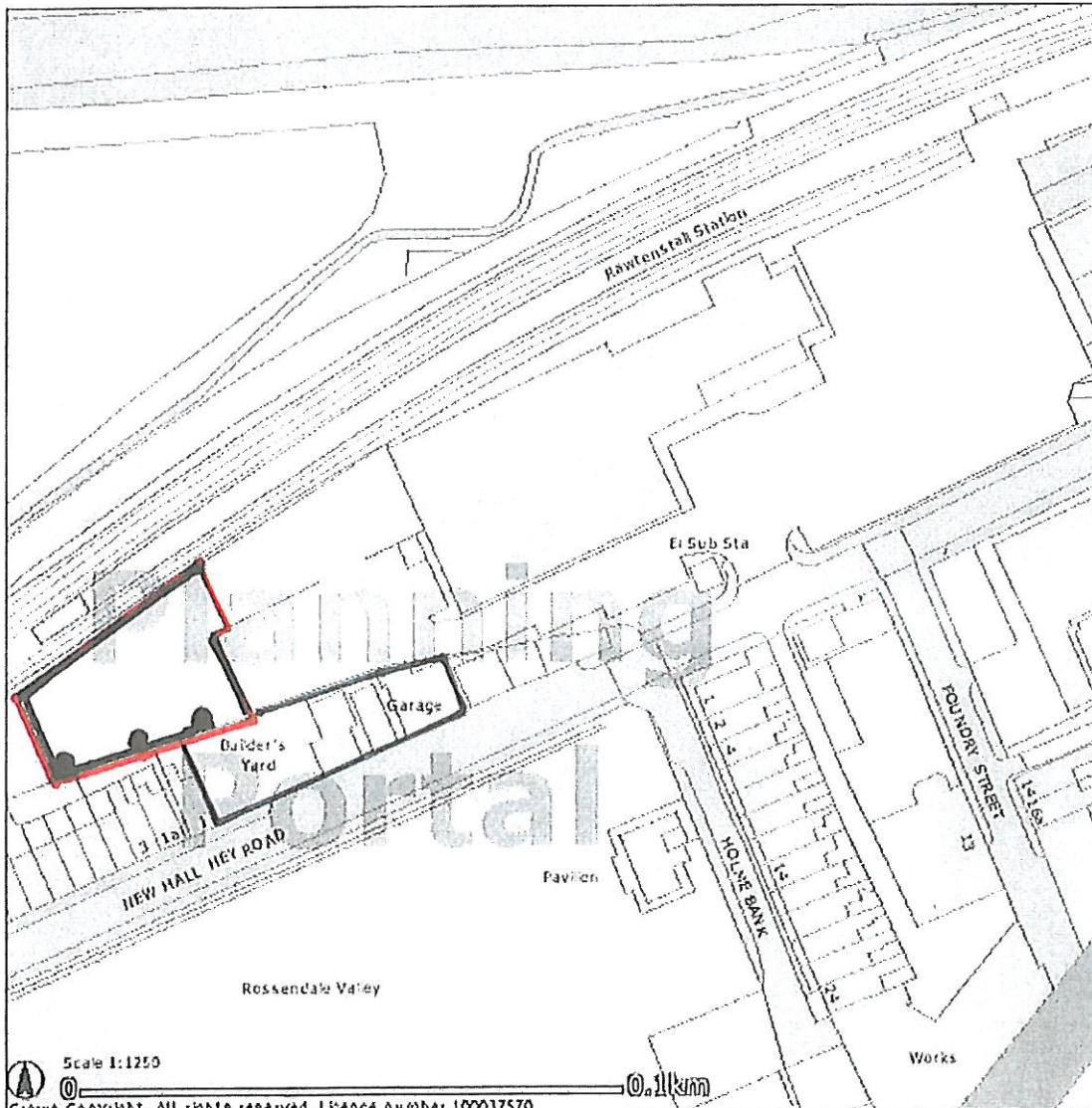
4. Prior to the commencement of development on site, a landscaping scheme to screen the fencing hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be implemented not later than 12 months from the date the building(s) is first occupied; and any materials, trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted unless the Local Planning Authority has otherwise agreed in writing.

Reason: In the interests of visual amenity and in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

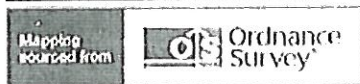
Contact Officer	
Name	Richard Elliott
Position	Planning Assistant
Service / Team	Development Control
Telephone	01706 238639
Email address	richardelliott@rossendalebc.gov.uk



Site Location Plan



Scale 1:1250
 Crown Copyright. All rights reserved. Licence Number 100037570



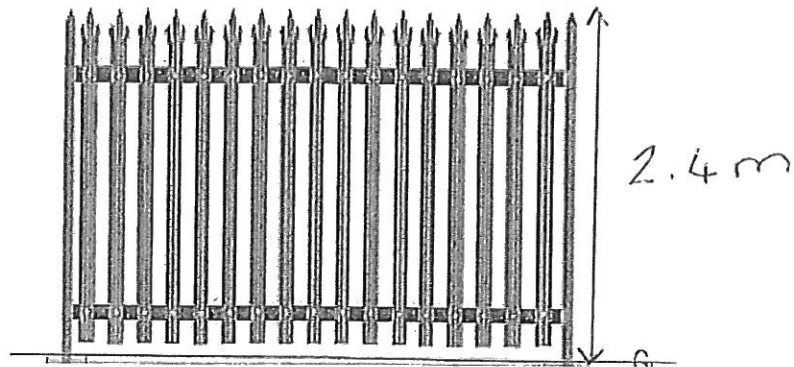
- Security fencing
- lights

2008/033

15 JAN 2008

Detail of fencing

Scale 1:50



2008/033

15 JAN 2008