

Application No: 2008/101		Application Type: Full Application	
Proposal:	Change of use of approved B1 (Business) Unit to Use Class B8 (Storage and Distribution) purposes	Location:	Unit 9, The Courtyard, Grane Road, Haslingden
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	15 April 2008
Applicant:	Hurstwood Properties UK Ltd	Determination Expiry Date: 3 April 2008	

REASON FOR REPORTING	Tick Box
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Outside Officer Scheme of Delegation	<input type="checkbox"/>
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Member Call-In	<input type="checkbox"/>
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Name of Member:
Reason for Call-In:

More than 3 objections received	<input checked="" type="checkbox"/>
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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

This application relates to a unit on the development of the former Snowking site, off Grane Road, Haslingden.

The units within this recently-constructed building are grouped in a U-shape, fronted by a shared parking and service area with single access-point to/from Grane Road. The building sits at a lower level than Grane Road.

Unit 9 is sited opposite the entrance to the site, with roller-shutter door and personnel door facing towards the main road. There are terraced houses on the opposite side of Grane Road and open land to the rear of the building.

2. The Proposal

The Applicant advises that a prospective tenant wishes to use Unit 9 for a use falling within Use Class B8 of the Town & Country Planning (Use Classes) Order 1987, as amended; Class B8 relates to storage and distribution uses.

The application is accompanied by a Planning Statement indicating that the proposal is located in an employment area and that the prospective tenant wishes to make use of a unit for the storage of work wear (eg boots, clothes, hard hats) which is then distributed to the trade. The applicant currently has outlets elsewhere and this unit would be used for storage "overflow". It is envisaged that 2 people would be employed on the site, receiving work-wear deliveries once per week on the back of a single axle lorry, with distribution by means of two transit vans that would enter and leave the site each day.

No external alterations are proposed as part of this application.

3. Relevant Planning History

- 2005/225 - Outline planning permission for 12 light industrial (B1) units
Approved
- 2006/301 - Construction of 13 light industrial (B1) units
Approved 20/09/06
- 2007/197 - Change of use of Unit 1 from light industrial (B1) to Storage & Distribution (B8)
Approved subject to conditions, 2 of which were the subject of an Appeal. Appeal Upheld - 24/05/07

Recently submitted/undetermined applications :

- 2008/181 - Change of use of Unit 8 from B1 to B8
- 2008/195 - Change of use of Unit 6 from B1 to B8
- 2008/196 - Change of use of Unit 12 from B1 to B8
- 2008/197 - Change of use of Unit 12 from B1 to B8

3. POLICY CONTEXT

National Planning Guidance

PPS1 – Sustainable Development

PPG4 – Industrial and Commercial Development

PPG13 – Transport

PPG24 – Noise

Joint Lancashire Structure Plan
Policy 1 – General Policy

Rossendale District Local Plan
Policy DS1 – Urban Boundary
Policy DC1 – Development Criteria

4. CONSULTATIONS

LCC (Highways)

No objection

RBC (Environmental Health)

No objection

5. REPRESENTATIONS

A site notice was posted on 18/02/2008 as shown on the site plan and photograph. Neighbours adjacent to the site were notified by letter on 14/02/2008 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.

Grane Residents Association

Object on the basis that :

- When Snowking existed it resulted in lorry movements at all times of the day and night, waking up the whole neighbourhood.
- It is preferable that storage & distribution uses occupy the many vacant industrial units scattered around the Valley.
- “It would appear to residents that Hurstwood are not being up front in their planning applications.....they put an application in for light industrial, which they know will be accepted but before the buildings are even completed put in an application for change of use. If the Planning Committee grant this application it is our belief that that they will find it well nigh impossible to refuse further applications for change of use to B8 and before long the whole site will have moved away from its original purpose and residents qwill once more be subjected to noise, excessive traffic movements, disruption and further deterioration in the quality of life for residents overlooking the site. there would be an overall loss of the originally approved use.”

Two letters have been received from local residents objecting to the application for the following reasons :

- Concerns about the overall loss of units for the originally approved light industrial use to storage uses which can be accommodated in existing premises elsewhere/will not provide local employment
- Increased traffic, including HGV movements outside normal hours
- Loss of privacy and noise

- Queries in relation to condition compliance in respect of Planning Permission 2006/301

6. ASSESSMENT

This application is for the use of a unit that has not previously been occupied. Its construction, and that of the other 12 units on the site, were permitted by Planning Permission 2006/301. That application sought permission for use of the units for light industrial (B1) and permission was granted on this basis.

The Council's Environmental Health Officer does not consider the proposed use likely to cause unacceptable noise and disturbance for local residents. Nor does the Highway Authority consider it will generate traffic which by way of its nature or volume would warrant refusal of the application. However, a condition is recommended to ensure that there is no external storage, which could impede vehicle circulation within the wider site and detract from visual/neighbour amenity.

In determining this application Committee needs to be mindful that :

- As this unit has a floor area of 177sq m if it were now brought into use for light industrial purposes, by virtue of the Town & Country Planning (General Permitted Development) Order 1995, its use could then change to B8 use without the need for an application for planning permission to first be submitted and approved.
- The Inspector in respect of the Appeal relating to the conditions of Planning Permission 2007/197 concluded that to restrict the hours at which Unit 1 could be used for B8 purposes would not be appropriate. He also deleted the condition requiring that the use of that unit "*at all times operate in a manner which can be carried out in any residential area without causing detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit*" on the basis that these matters are capable of being dealt with under other legislation.

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. No industrial, display or storage activities shall take place on the site other than inside the building. *Reason : To ensure vehicle circulation within the wider site will be maintained and to protect the visual amenities of the area and the residential amenities of occupiers of nearby dwellings.*

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H.M. LAND REGISTRY

LA480896

ORDNANCE SURVEY
PLAN REFERENCE

SD 7722

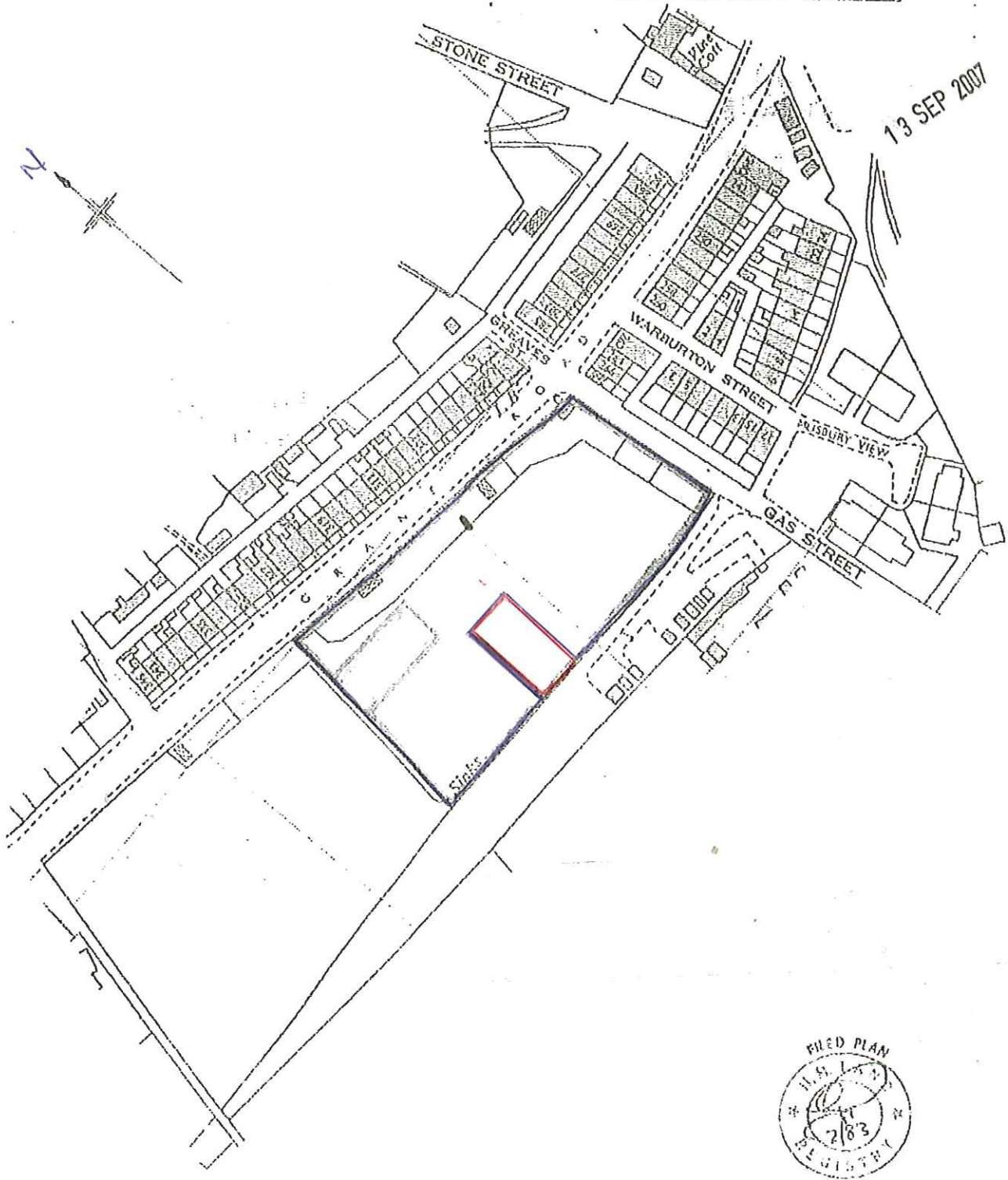
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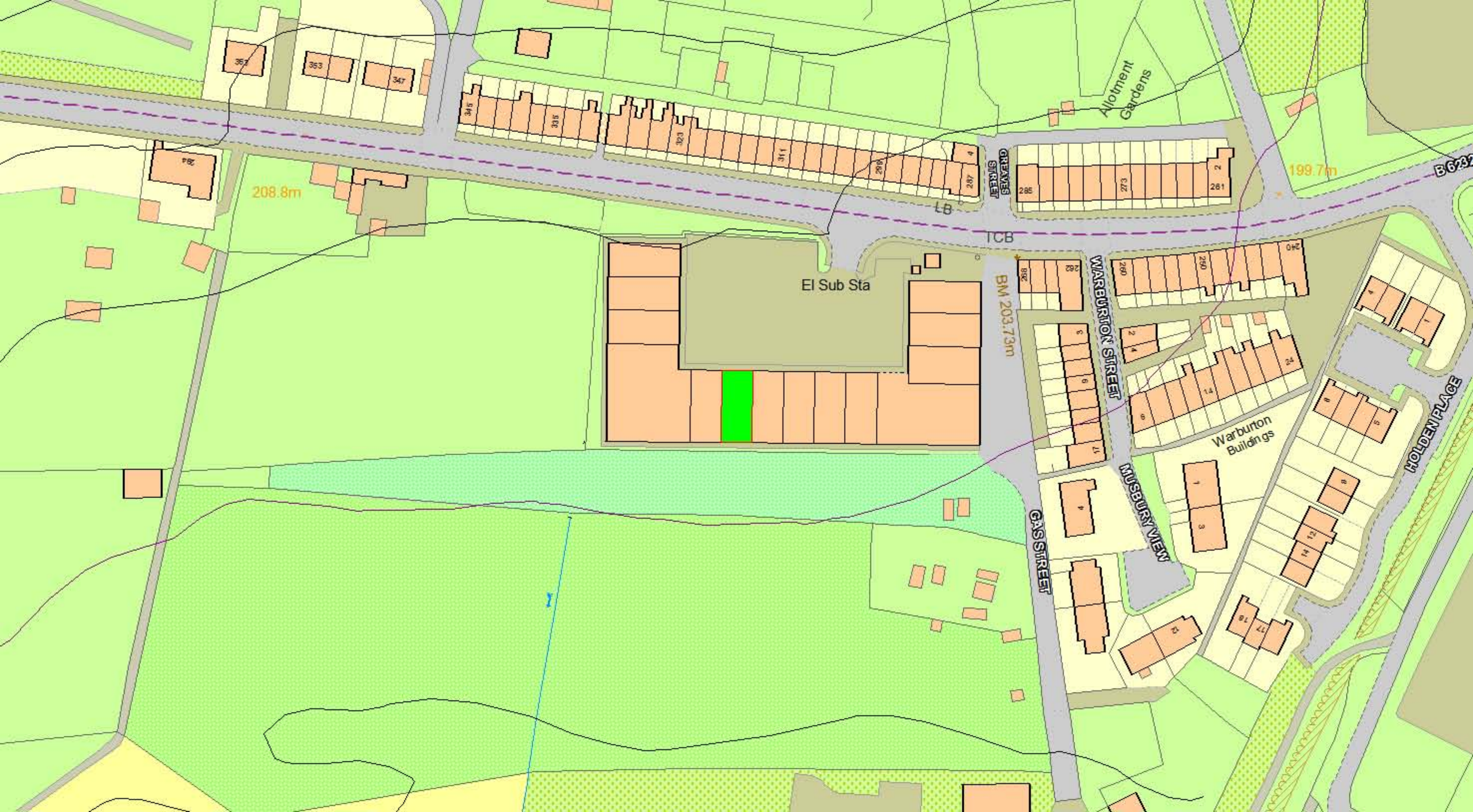
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COUNTY LANCASHIRE

DISTRICT ROSSDALE

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367 363 347

345 338 323 316 292 287 4

GREAVES STREET

286 272 281 2

Allotment Gardens

208.8m

199.7m

B629

LB

TCB

EI Sub Sta

BM 203.73m

WARBURTON STREET

282 280 290 240

Warburton Buildings

MUSBURY VIEW

GAS STREET

HOLDEN PLACE

[Green highlighted area]