

Application No:	2008/0072	Application Type:	Full Application for change use with building works
Proposal:	Change of Use from Class B1 (Business) with ancillary Offices to Bus Garage/Maintenance Workshop (Sui Generis) operating 24 Hours with ancillary Offices; Associated works to service yard and erection of acoustic wall.	Location:	Unit C Knowsley Park Way Haslingden Rossendale BB4 4RS
Report of:	Executive Director of Regulatory Services	Status:	For Publication
Report to:	Development Control Committee	Date:	2 nd June 2008
Applicant:	Rossendale Transport Ltd	Determination Expiry Date:	20 th May 2008
Agent:	Nicol Thomas Architects		

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.

APPLICATION DETAILS

1. SITE AND PROPOSAL

1.1 Background

The application relates to the relocation of Rossendale Transport Limited from their existing premises on Bacup Road, Rawtenstall to newer premises in Haslingden.

1.2 The Site

- 1.2.1 The application site lies on the southern tip of Knowsley Park Industrial Estate, and to the north of Chester Crescent and Devon Crescent, Haslingden. The site is currently occupied by a large two-storey industrial unit formerly occupied by Camfil. The building is formed by a large internal space with several delivery bays which forms the larger, southern section of the building with offices and ancillary accommodation constituting the remainder of the building. The building is bounded by hardstanding which is used for access, turning and parking and is enclosed by a 2.4 metre steel palisade fence. The site is accessed from Knowsley Park Way which feeds on to Broadway.
- 1.2.2 The building is surrounded by industrial development to the west, north and east but by residential development to the south along Devon and Chester Crescents. There is only palisade fencing as the boundary treatment and screening between the site and the residential properties.
- 1.2.3 The site lies within the Urban Boundary and is allocated as Employment Land in the Local Development Plan although the policies which formerly operated on the site were not saved and no longer afford the site protection.

1.3 Relevant Planning History

2003/062 - Erection of 2.4 metre High Pallisade Security Fence – Approved

1997/356 – Proposed Development of Industrial Units for B1 (Business) B2 (General Industrial Use), B8 (Storage and Distribution). Ancillary highway and external works and landscaping – Approved subject to conditions which included one restricting the use of Unit C to only Classes B1 & B8 and another condition limiting the hours vehicles could operate in the service yard between 7 am and 7pm Monday to Friday and 8am to 5pm Saturdays.

2. THE PROPOSAL

- 2.1 The proposal involves the change of use of the existing building from Class B1 (light industrial) to a Bus Garage/Maintenance Workshop which would be Sui Generis, not falling within a Use Class. The scheme would involve the transfer of around 80 buses currently based at the Rawtenstall Bus Depot to the site, although the application seeks consent for up to 120 buses. There would be 100 full time employees operating from the site.

- 2.2 The application as originally submitted proposed some alterations to the building and other building works. The proposal included the stopping up of the door and windows in the north-eastern elevation, the stopping up of the two central doors in the south-western elevation whilst creating four new larger bay doors in the northern part of the elevation with no changes proposed to the south-eastern or north-eastern elevations.
- 2.3 As part of the scheme a 4-metres high sound attenuation wall/ acoustic barrier was proposed which would have run along the southern boundary of the site behind properties at Nos. 1-29 Devon Crescent.
- 2.4 The scheme would include the conversion of the building to provide two maintenance pits, two service areas, undercover parking for around 48 buses of varying sizes with a tyre bay, material store and store loading area. The reception area and office space would remain unchanged although in the future Rossendale Transport may rent some office space to another occupier.
- 2.5 The scheme included bus parking in the yard area to the south-west of the building for around 30 vehicles although this would have involved buses parking over the turning circle. Again, the staff parking area to the front of the building would have been dual use with buses parking on these spaces at night, affording space to park 32 smaller buses. The same spaces would provide 50 parking spaces during the day on the basis that there were no buses parked on them. The originally submitted site plan does not demonstrate the 10 mobility spaces or 10 cycle spaces as described on the application forms neither do the plans demonstrate available parking for 120 buses as stated on the forms.
- 2.6 The refuse would be stored adjacent to the south-eastern side of the building close to the material store. Any landscaping damaged during the construction works is proposed to be replaced and the applicant intends to submit a detailed landscaping scheme. The applicant proposes additional lighting although undertakes to minimise the disturbance to adjoining occupiers by fixing lights to point away from residential properties. Although details have not been received, the conversion of the building will necessitate the installation of air extraction units in the roof.
- 2.7 On 20th May amended plans, acoustic assessment and Transport Assessment were received by the Council. The amended plans submitted detail the proposed acoustic wall that would now be constructed on a mound and would now be tilted with a lip at the top, to reduce visual impact and noise emanating from the site respectively. The length of the acoustic wall has been extended to run along the boundary of the site with No. 43 Chester Crescent. The wall would extend 3.6 metres from ground level and would stand at an angle of 105/75 degrees from the ground. The site layout plan details landscape planting to the outside of the wall, closest to the adjoining residential properties. The layout plan also superimposes buses on to the road and service yard with traffic regulation order and road markings indicated. The revised plan shows the daytime parking available for staff and visitors including disabled parking spaces, together with a cycle store and smoking shelter whilst a copy of the original plan shows the nighttime bus parking.

- 2.8 An Acoustic Report has been submitted by the applicant which undertook noise level recordings from a much larger bus depot in Bolton and extrapolated the data to estimate levels at the application site. A Transport Assessment has also been supplied which looks at vehicle movements to and from the site and in particular, movements along Broadway to the roundabout at the junction of the A56.
- 2.9 The applicant has supplied details of the company's Green Travel Plan which is reproduced below:

CURRENT ARRANGEMENTS FOR TRAVEL TO AND FROM WORK

All staff employed by Rossendale Transport are encouraged to use public transport at all times but particularly for journeys to/from work. Consequently all staff are provided with a free travel pass which provides unlimited free travel on services provided by the company.

For those journeys where staff are unable to use a bus operated by Rossendale Transport Limited for the journey to/from work, reciprocal travel arrangements have been arranged with Transdev, First and BuVal who provide such journeys.

Where staff are required to report for duty before the commencement of public transport, or finish duty after the termination of public transport, Rossendale Transport provides an "on-demand" staff bus service where staff are transported free between their workplace and a convenient point close to their home. Drivers wishing to avail themselves of this facility notify the company the previous working day and a minibus is scheduled to provide a service in the most efficient manner.

In the near future, it is planned to issue all members of staff with a "smartcard" for use as an entitlement to free travel. This will enable the company to monitor the use of public transport by employees and so provide data to incentivise further use of our free travel facilities

EXISTING PARKING ARRANGEMENTS AT RAWTENSTALL

At present only a small amount of parking space for 20 cars is provided for employees travelling to our Rawtenstall site. We discourage such use but do provide substantial areas for staff to park their cycles and motorcycles. It is intended that car parking for staff at the new premises at Knowsley Park Way should be similarly restricted.

EXISTING TRAVEL PATTERNS

A survey was taken of the existing travel patterns for drivers. Of 109 drivers currently employed at Rawtenstall, only 47 confirmed that they consistently drove to work. These drivers work a shift pattern based on a five day week over the seven days of our operation. On any particular day,

the maximum number of drivers reporting for early duties is 55 drivers which represents almost exactly 50% of the total number of drivers.

Of the 109 drivers interviewed, the results of the means-of-travel survey were as follows:-

Bus	37
Cycle	5
Car Always	47
Car occasionally	20
Using car share	12
Motorcycle	7
Walk	16
TOTAL	144

This adds up to more than 109 because some employees signified that they chose to use two or more different modes dependant on weather and other reasons.

2.10 The Green Travel Plan proposed for the new scheme would operate as follows:

Assuming that spaces are required for 50% of those interviewed, there is a car parking requirement for 23 drivers who will arrive at work in the early morning. During “office hours”, there is a further requirement to cater for 10 fitters, 3 directors and 5 office/ management personnel, a total of 18 places.

The proposed plans provide dual-use parking outside the office accommodation which will be used to park 36 minibuses overnight OR for a total of 50 car parking spaces during office hours ie from 0700 to 1900 hours Monday to Friday. The 3 spaces closest to the office entrance will be designated as disabled bays and 5 adjacent bays will be earmarked for visitors. This leaves 18 places for Rosssendale Transport staff and 24 places for the first floor office accommodation, which is planned to be let to a third party.

Parking for a maximum of 20 cars will be provided for the use of drivers arriving prior to 0700 or finishing duty after 1900 hours. These spaces are shown on the plans along the western perimeter fence.

OTHER MEANS OF TRAVEL to/from KNOWSLEY PARK WAY

Whilst the parking spaces shown above will be provided initially, it is the company’s intention to incentivise the use of public transport by monitoring data which will become available when “smartcards” are able to be used by employees.

The new site is close to Broadway and staff will be encouraged to use scheduled bus services that operate along that road and which provide the following number of direct journeys per hour, Monday to Saturday daytime.

1 journey to/from Baxenden and Accrington

- 1 journey to/from Ewood Bridge, Edenfield, Ramsbottom, Walmersley and Bury
- 1 journey to/from Belthorn, Guide and Blackburn
- 3 journeys to/from Haslingden
- 2 journeys to/from Rawtenstall

To facilitate such use, a pedestrian gate between the depot and Devon Close will be open for the use of staff between the hours of 0700 and 1900 Monday to Saturday. It will be locked at other times.

Where staff are required to report for duty before the commencement of public transport, or finish duty after the termination of public transport, Rossendale Transport will continue to provide the “on-demand” staff bus service to transport staff between the Knowsley Park Way premises and a convenient point close to their home.

In addition, prior to 0730 and between 1630 and 1900 hours Monday to Saturday, a minibus shuttle bus will be available to transport staff between the Knowsley Park Way premises and Rawtenstall Town Centre so that employees may continue their journey to/ from home by scheduled public transport.

In order to substantially reduce the need for travel between the new premises and Rawtenstall town centre, an office will be established within the town centre so that drivers may take meal breaks at that point without the necessity to travel to/from Knowsley Park Way. Additionally driver sign on/off facilities and cash counting facilities will be established at this town centre location so that drivers will only need to sign on or sign off at Knowsley Park Way when it is necessary to take a vehicle to or from the depot at the start and finish of the operating day.

Sufficient cycle racks and motor cycle parking spaces will be provided at the new depot to cater for the existing 5 staff who use cycles and the 7 staff using motorcycles. To promote additional use of these modes, 10 motorcycle bays and covered racks for 10 cycles will be provided on the eastern end of the office accommodation.

Staff living in the Haslingden and Helmshore areas will be actively encouraged to walk to/from work.

- 2.11 Following recent discussions the applicant has amended the application to a depot for 90 buses and have indicated their willingness to be bound by the conditions proposed by the Council’s appointed acoustic consultants.

3. POLICY CONTEXT

3.1 National Planning Policy

- PPS1 – Sustainable Development
- PPS6 – Planning For Town Centres
- PPG13 – Transport

3.2 Regional Planning Policy

Regional Spatial Strategy for the North-west

3.3 Joint Lancashire Structure Plan Policy

Policy 1 – General Policy

Policy 2 – Main Development Locations

Policy 7 – Parking

3.4 Saved Local Plan Policies

DS1 – The Urban Boundary

DC1 – Development Criteria

DC4 – Materials

3.5 Other Material Planning Policy Considerations.

Lancashire County Council Parking Standards

4. INTERNAL CONSULTATIONS

4.1 **RBC Forward Planning** – consider that the change of use from one employment generating use to another would be acceptable and would not raise an issue in relation to loss of employment land. Also highlight the need to consider the impact of the scheme in terms of noise.

4.2 **Environmental Health** - external Consultants have been appointed to deal with Noise and Air Quality matters relating to the application

4.3 Air Quality - Robust conditions need to be imposed if the application is approved, requiring air quality monitoring on and around the site prior to the commencement of development and the use of the site. Monitoring should continue once the depot is operational for at least a 12 month period, after which the results can be compared and suitable mitigation measures put in place. Such measures might include a buffer zone between houses and the vehicle wash with bus movements prohibited at night, operational best practice to avoid buses idling or warming up and conditioning of Euro 5 standard buses for the whole fleet and additional condition limiting the level of particulates in the adjoining gardens.

4.4 Noise – The Council's consultants have now assessed the noise reports submitted by the applicants and are now satisfied that a robust assessment of the noise environment has been made from a similar bus depot which has been used to predict the likely noise levels at the application site with 120 buses operating from it and that a worst case scenario has been used. The consultants recommend conditions be imposed covering the erection of a noise barrier, bus movements be limited to the southern yard area between 23:00 and 07:00, requiring the blocking up of non-emergency openings to the

building, on the openings rapid shutter doors be fitted, levels of noise emanating from the site be restricted, sound proofing to the south-eastern and south-western walls of the building, sound proofing to the roof and requiring the submission and approval of air extraction unit details to the Local Planning Authority prior to the first occupation of the building. These conditions are attached at the rear of the report.

- 4.5 Following a meeting with the applicant, it has been agreed that a condition be imposed which would prevent engineering operations from commencing until such time as an acoustic assessment has been carried out and appropriate mitigation measures have been agreed by the Council and then implemented.

5. EXTERNAL CONSULTATIONS

5.1 Lancashire County Council

- 5.1.1 **Highways** – requested further information from the applicant in an email dated 8th April 2008 which was forwarded to the applicant on 9th May 2008. The information required was:

- a). Public Transport route choice is not apparent within the TA. It is important that it is considered and deemed appropriate (in undertaking this work link flows, vehicle composition and distribution are required).
- b). Vehicle tracks should be considered for Public Transport so that they do not conflict with the opposite movement. In locations where road width/bends/junctions may be an issue, please produce/provide vehicle swept paths.
- c). As an outcome of the above work waiting restrictions may be required in locations along Knowsley Road.
- d). We have some concern with the internal layout that has been provided as it appears to indicate that a number of parking bays have a dual use (bus parking/staff parking). Information is required to show that this does not occur and if necessary an amended drawing should be provided.

- 5.1.2 The applicant provided the Highway Authority with the requested information and Transport Assessment on 20th May 2008.

- 5.1.3 In response the Highway Authority are satisfied that the development would be acceptable in terms of highway safety but have requested the tracking details be submitted demonstrating that buses would be able to pass other large vehicles and a bus towing vehicle can negotiate the road within the bounds of the highway.

- 5.1.2 **Strategic Planning** – no response received.

- 5.2 **Police** – no response received.

5.3 **United Utilities** – no response received.

6. REPRESENTATIONS

6.1 The application was advertised in the 29th February 2008 edition of the Rossendale Free Press. The Site Notices were posted on and around the site on 5th March 2008 and letters were sent to neighbours on 07/03/2008. The notices were posted to go above and beyond the statutory consultation requirements to increase public participation in the process.

6.2 8 letters received objecting to the proposal on the following grounds:

- That the previous occupiers did generate noise, e.g. moving skips (extremely noisy), out of hours operations, diesel engines ticking over, staff playing ball games, although they were considerate and tried to reduce noise.
- Doubts over how effective the acoustic wall would be
- Increased traffic and road safety on Broadway and Knowsley Park Way
- There are a number of schools which use Broadway as an access
- Pedestrian/vehicular conflict on Broadway when schools close
- That there is a drainage problem on site which needs to be addressed to prevent flooding to nearby properties
- The bus depot would be quieter than Camfil was
- Concern regarding the visual amenity of the acoustic wall and impact on light and outlook
- Would rather look at buses than the wall
- Wouldn't a hedge be more appropriate than the acoustic wall – not Leylandii
- Increase in vehicle emissions and reduction in air quality

6.3 2 letters received from Councillors.

Councillor Sandiford highlights the following objections on behalf of a resident who lives in her Ward at 43 Chester Crescent who be affected by the proposal in the adjoining Ward:

- Noise from the proposed development
- A proper assessment has not made of the potential noise
- The proposed noise barrier would be visually unacceptable
- The barrier would also affect residential amenity incurring a loss of light
- No one has been to visit the objector's individual property
- A shrubbery should be planted which would do the job as well as noise barrier

Councillor Evans makes representations on behalf of the owners of No. 46 Chester Crescent:

- The noise that would be generated from the site

- That despite the wall, the owners' garden would be set lower than the site and therefore more noise would reach their garden
- The impact of the noise barrier on visual and residential amenity
- Suggest that a hedge be planted to attenuate noise

6.4 In response to amended plans submitted a second round of neighbour notification letters were sent out 20th May 2008 giving neighbours 10 days to comment on the further amendments.

7. REPORT

7.1 The main considerations of the application are the principle of the use in this location, the impact of the development in terms of noise, air quality and light pollution, impact on the local road network, parking, turning and servicing at the site and the impact of the proposed acoustic walls and landscaping scheme on visual and residential amenity.

7.2 Principle.

7.2.1 The application site was previously in an industrial use, most likely B1 although there appears to have been a certain amount of noise from the site according to residents. The site lies within an area that was previously allocated for employment uses in the Local Plan although this policy has not been saved. The proposed use as bus depot would be akin to the previous industrial use although a number of elements of the scheme would characterise a B2 use, such as the maintenance workshop whereas other elements such as the offices would fall within B1. The main element of the scheme is for the parking of buses both inside and outside of the building at night which is normally considered a sui generis use. The principle of the use in this location is acceptable in land use planning policy terms although the issue of noise and traffic could potentially be an in principle issue. However, as discussed below, neither the noise nor the highway matters are considered to be in principle issues sufficient to recommend refusal, rather, matters for detail to be resolved.

7.3 Noise

7.3.1 The applicant has submitted an acoustic consultant's report assessing the impact of noise on the surrounding residential properties.

Chester Crescent

The main issue for consideration has been the external noise limits from bus movements affecting the nearest residents on Chester Crescent between the hours of 05 00 hours and 07.00hours and after 23.00hours

Detailed consideration of the late evening and early morning bus movements and the impact this may have on the nearest residents on Chester Crescent has been given.

The Council's consultants are satisfied that with the 4 metre barrier in place around the site and with the provision of sound insulation measures , including

mechanical ventilation , to the bedroom windows directly over looking the area of the site which is not protected by Condition 8 suggested . That there will be no adverse impact by noise as a result of buses leaving the depot between 05.00 hours and 07.00 hours and after 23.00 hours

These measures are recommended to be secured by suitably worded section 106 agreement to fund the cost of insulation from the nearest properties on Chester Crescent and to a specification to be agreed with the Council .

Devon Crescent

The Council's consultants are satisfied that Condition 8 together with the 4 metre high wall will provide adequate measures to protect the residents of Devon Crescent from adverse noise impact. Condition 8 provides that there will be no activity whatsoever in the area of the site outlined in blue on the plans outside the hours of 0700-2300hours

It is important to note that both the Council's and the applicant's consultants recommend that there is a 4 metre high acoustic barrier sited around the perimeter to protect the residential properties .

7.4 Air Quality and Light Pollution

7.4.1 The proposed use would clearly increase the levels of pollution on and around the site at present as the building is currently vacant. However, the scheme needs to be considered in the context of the authorised use of the building and the levels of air pollution which would be experienced if the site were occupied and operational. The proposed development is considered to increase the levels of air pollution above those of the authorised B1 use for the site and the previous occupier. However, it is not clear that this would mean unacceptable levels of air pollution in the form of particulates in the air reaching adjoining residential properties. Moreover, the requirements for emissions for buses are becoming stricter meaning lower levels of most particulates, meaning over time the buses being operated from the site are likely to be cleaner.

7.4.2 It is recommended that conditions be imposed, requiring 12 months of monitoring work to be undertaken on and near the site to establish whether the levels of air pollution are acceptable and if not, a scheme of mitigation measures to be submitted to and agreed by the Local Planning Authority. A buffer zone should also be created between the site and houses, drivers should follow best practice guidance to avoid idling vehicles which create excess fumes, a condition requiring a minimum standard of Euro 5 buses to be used by 2013 at the latest and a condition limiting the level of air pollution in the garden areas of the adjoining properties.

7.4.3 It is considered that the buffer zone required could be achieved by the current sound attenuation barrier proposed and the associated landscaping with the other matters required by condition.

7.4.4 No lighting has been proposed as part of this scheme although a condition is recommended to be attached to any consent which would require details of lighting, its level, fixing and angle away from adjoining residential properties to be agreed with the Local Planning Authority.

7.5 Highways

7.5.1 Lancashire County Council highways have concluded that having considered the Transport Assessment submitted by the applicant that the changes to the traffic flows will not have a significant impact on the operation of the site access with Knowsley Park Way or Knowsley Park Way/ Knowsley Road/ Broadway.

7.5.2 The tracking for bus movements passing other large vehicles and for a laden bus towing vehicle will be agreed via condition. The Green Travel Plan submitted by Rossendale Transport Limited is considered acceptable whose implementation would be secured by section 106 agreement.

7.5.3 The parking, servicing and turning on site is now considered achievable as the applicant has reduced the number of buses operating from the site from 120 to 90 vehicles. The reduced parking requirement is considered to allow adequate flexibility to provide the parking requirement as well as increased buffer planting and adjustments in the siting of the wall.

7.6 Impact of Proposed Works on Visual and Residential Amenity

7.6.1 The visual impact of the proposal would partly relate to the parking of buses on the site. The impact of single deck buses would perhaps not be so severe although double decker buses may be considered more so. Nevertheless, the authorised use of the site would allow similar sized vehicles such as HGV's to be parked on the site and close to the boundaries with residential properties. An argument could be postulated suggesting that the density of the parking vehicles, essentially a sea of buses, might be unacceptable visually but as not all the buses are double deckers the majority of the buses would be screened by the sound attenuation barrier and associated landscaping. In terms of the barrier the height of this screen has been reduced by angling the wall at 75 degrees rather perpendicular at 90 degrees and the landscape planting has been relocated to between the barrier and the residential properties. As such, the barrier is considered to be sizeable but not unacceptable in terms of visual amenity.

7.6.2 The impact of the development on the residential amenities of the adjoining residential properties would vary between various properties. The property at No. 43 Chester Crescent is set below the lowest part of the hard-standing area by between 0.5 and 1 metre which would have the effect of making the sound attenuation barrier appear higher than it the sites were level. However, there is already a large amount of planting along the boundary between No. 43 Chester Crescent and the application as well as an approximately 2 metres high palisade fence as well as a proposed 0.5 metre buffer strip to the proposed sound wall. Furthermore, the angle of the barrier would prevent buses from parking tight up to the very corner of the hard-standing which would force the buses to park farther away from the curtilage of No. 43 Chester Crescent. It can

therefore be argued that the presence of the wall would improve the outlook from the garden of this adjoining property over and above the current situation. Conversely, if the view was taken that an acoustic barrier were not required, then buses would park closer to the property or if planning permission were not granted, other vehicles or storage containers could be stored on this part of the site under the existing authorised use of the site. It could also be secured by condition, that since the property at 43 Chester Crescent is set below the site, there could be an according reduction in the height of the barrier along this section.

- 7.6.3 The other properties adjoining the site along Devon Crescent are set at a similar level to the application site which together with the proposed 1.5 – 2 metre buffer planting would not be so severely impacted by the development as No. 43 Chester Crescent. As such, it is considered on balance that the proposed development would not unacceptably harm the visual amenities of the adjoining properties subject to suitable conditions covering the exact siting of the fence and its height.

7.7 Neighbour Responses

- 7.7.1 In response to points raised by residents, not already covered by the report above, the acoustic consultant has confirmed that a hedge would not be as effective at attenuating noise as a sound barrier. The drainage issue is something which could be conditioned although it is not normally a material planning consideration. In addition, it should be noted that the sound attenuation barrier would effectively act as a break water to lower-lying properties. However, it is recommended that a condition regarding drainage should be attached to any decision for approval.
- 7.7.2 In response to the points raised by Councillors, a number of site visits have been made site including to the residential property at No. 43 Chester Crescent. In relation to the possibility of a hedge rather than an acoustic wall, there would be robust screen planting to the wall, nevertheless, a hedge does not often grow to 3.5 – 4 metres high with a commensurate density and would therefore be unlikely to afford the same level of sound attenuation of a wall that height. In response to Councillor Evans point regarding levels of sites, it has been confirmed by the acoustic consultant that sites which are below the level of a noise source would normally experience lower levels of noise. This is because the drop in land would normally provide additional screening from the noise source.

8. **CONCLUSION**

- 8.1 The proposed use is considered acceptable in this location although issues regarding noise, air quality and highway matters need to be controlled by conditions and section 106 agreement and section 278 works to secure the appropriate mitigation and enabling measures to be put in place. On this basis the application is considered acceptable.

9. **RECOMMENDATION**

9.1 That the Committee be minded to approve the application subject to conditions and the legal agreement requirements outlined below:

I. The Head of Democratic and Legal Services be authorised to enter into a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure a scheme of noise mitigation to properties with direct line of sight to the application site and building to include glazing and mechanical ventilation, the repayment of £1,000 towards the drafting of a Traffic Regulation Order along Knowsley Road and to agree with the applicant and LCC for the transport initiatives and Green Travel Plan.

II. That the applicant be informed that the Council is minded to grant planning permission, subject to the conditions stated below, on completion of such legal agreement;

III. That authority be given for the decision notice relating to the application be issued, (subject to the conditions and reasons stated below) on completion of the above-mentioned legal agreement,

IV. That authority be given to refuse the application if the applicant fails to complete the S106 agreement within a reasonable period on the grounds that the proposals do not support the aim and objectives of PPS1 Delivering Sustainable Development.

10. REASONS FOR APPROVAL/REFUSAL

10.1 The proposal would be a use considered acceptable within an existing industrial and employment generating area, would be capable of controlling levels of noise, air pollution and lighting and would provide adequate levels of parking, servicing and turning areas together with highway works not to raise highway safety issues. The proposal would not be unduly intrusive visually nor would it incur a loss of light, privacy or outlook to the adjoining residential properties. As such the proposed development is considered acceptable and would comply with PPS1 – Sustainable Development, PPS6 – Town Centres, PPG13 – Transport, Regional Spatial Strategy for the North-west, Saved Joint Lancashire Structure Plan policies 1 – General Policy, Policy 2 – Main Development Locations and Policy 7 – Parking and the following saved policies of the Rossendale District Local Plan – DS1 – Urban Boundary, DC1 – Development Criteria and DC4 – Materials.

11. 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) In accordance The development shall be carried out in accordance with the approved plans dated 19 Feb 2008 and 20 May 2008 or as subsequently amended and agreed by the Local Planning Authority.

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

- 3) All materials to be used in the elevations and roof of the proposed development shall be as stated on the application form and approved drawings and shall not be varied without the prior written permission of the Local Planning Authority.

Reason: To ensure that the development will be of satisfactory appearance, in accordance with the criteria of the saved Policy DC1 of the adopted Rossendale District Local Plan.

- 4) Any construction works associated with the development hereby approved shall not take place except between the hours of 8:00 am and 7:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays. No construction works shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.

Reason: To safeguard the amenities of nearby residential properties, in accordance with PPG24 – Noise and the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

Noise

- 5) Prior to occupation of the site for the development hereby approved, an acoustic barrier the equivalent of a minimum 4 metres in height shall be erected as marked in red in the diagram below. Details of the barrier, including construction, height, surface density and thickness, shall be submitted to and approved in writing by the Local Planning Authority. The approved barrier shall be constructed and completed prior to occupation of the site and retained thereafter for as long as the use remains on the site.

Reason: To safeguard the amenities of nearby residential properties, in accordance with PPG24 – Noise and the criteria of Policy DC1 of the adopted Rossendale District Local Plan.



- 6) Prior to the commencement of development on site, the applicant shall submit to the Local Planning Authority for their approval, a scheme detailing proposed sound insulation to residential properties with habitable room windows directly onto the site. The approved scheme shall be implemented within 3 months of the development first being occupied and shall thereafter be maintained unless otherwise agreed by the Local Planning Authority.

Reason: To safeguard the amenities of nearby residential properties, in accordance with PPG24 – Noise and the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

- 7) Prior to occupation of the site and building, acoustic barriers of a minimum 4 metres (or equivalent) in height, unless otherwise agreed in writing with the Local Planning Authority, shall be erected as marked in red in the diagram above. Details of the barrier, including construction, height, surface density and thickness, shall be approved in writing by the Local Planning Authority and installed prior to occupation of the site and retained thereafter.

Reason: To safeguard the amenities of nearby residential properties, in accordance with PPG24 – Noise and the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

- 8) There shall be no activity whatsoever in the area of the site outlined in blue on the above plan outside the hours of 0700-2300hrs.

Reason: To safeguard the amenities of nearby residential properties, in accordance with PPG24 – Noise and the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

- 9) Prior to occupation of the site the gates to the area of the site outlined in blue will be acoustically treated. Details of the gates, including construction, height, surface density and thickness, shall be approved in writing by the LPA and installed prior to occupation of the site and retained thereafter.

Reason: To safeguard the amenities of nearby residential properties, in accordance with PPG24 – Noise and the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

- 10) The gates to the area of the site outlined in blue are to remain closed and locked outside the hours of 0700-2300hrs.

Reason: To safeguard the amenities of nearby residential properties, in accordance with PPG24 – Noise and the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

- 11) The rating level ($LA_{eq,T}$) from all plant and machinery associated with the development, when operating simultaneously, shall not exceed the background noise level ($LA_{90,T}$) by more than -5dB at any time when measured at the nearest noise sensitive premises. Noise measurements and assessments shall be carried out according to BS 4142:1997 "Rating industrial noise affecting mixed residential and industrial areas". 'T' refers to any 1 hour period between 07.00hrs and 23.00hrs and any 5 minute period between 23.00hrs and 07.00hrs.

Reason: To safeguard the amenities of nearby residential properties, in accordance with PPG24 – Noise and the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

- 12) Prior to the commencement of development on site, the applicant/developer shall submit to the Local Planning Authority for their approval in writing, details, plans and specifications for the air extraction units and equipment, including measures to alleviate noise, vibration, fumes and odours (and incorporating filters, silencers and anti vibration mountings where necessary). The approved ventilation system shall be installed in accordance with the approved plans and specifications before the use of the development commences and shall be permanently retained thereafter in accordance with the approved specifications.

Reason: To safeguard the amenities of nearby residential properties, in accordance with PPG24 – Noise and the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

- 13) Prior to the first use of the building for engineering operations, an acoustic survey shall be undertaken to assess the requirement for sound insulation to the building to prevent noise disturbance to nearby residential properties between 23:00 and 07:00. The methodology and proposed mitigation measures shall be submitted by the applicant/operator to the Local Planning Authority for

their approval in writing. The approved details and mitigation works shall be carried, completed and agreed by the Local Planning Authority prior to the commencement of engineering works in the building. The mitigation measures shall thereafter be maintained.

Reason: To safeguard the amenities of nearby residential properties, in accordance with PPG24 – Noise and the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

Air Quality

- 14) Prior to development of this site the developer shall prepare and submit for the written approval of the Local Planning Authority, an air quality assessment for the development to assess the existing and future air quality on the site for years 2010, 2020 and opening year with and without the development, for nitrogen dioxide and particles less than 10 microns. The assessment shall identify the worst case exposure, changes in pollution concentration and identify any changes in pollution levels predicted for residents of the proposed development. The predicted levels should be compared with the Air Quality Objectives set in the Air Quality Regulations 2000 (as amended). The assessment shall identify fully all control measures which are required to control the impact of the development on local air quality and to control the impact of poor air quality on future residents of the development. All control measures identified must be approved in writing by the Local Authority and installed prior to occupation of the development. All approved measures shall be retained and maintained thereafter. A verification report shall be submitted for written approval to the Local Planning Authority confirming that all measures recommended by the air quality report have been implemented in full prior to the final occupation of the site.

Lighting

- 15) In addition, the likelihood of lighting on the applicant's site affecting the neighbouring houses could occur. The application shows insufficient information to be sure that any lighting will not cause a statutory nuisance. A requirement should be made that any floodlighting should be directed away from neighbouring properties, including associated gardens or screened or directed in such a way that will prevent causing a statutory nuisance to those properties.

Reason: To protect the residential amenities of the occupiers of adjoining properties

Drainage

- 16) Prior to the commencement of development on site, the applicant shall submit to the Local Planning Authority for their approval, a scheme detailing drainage works to prevent flooding on and around the site from surface water run-off. The approved scheme shall be implemented prior to the first occupation of the site and buildings and shall thereafter be maintained.

Reason: To prevent flooding to nearby properties pursuant to PPS 25 Flood Risk and Saved Policy 25 Flood Risk of the Joint Lancashire Structure Plan.

Highways

- 17) Prior to the commencement of development on site the applicant shall submit to the Local Planning Authority for their approval, details demonstrating that buses can pass other large vehicles within the highway on Knowsley Park Way and a towing strategy for buses being towed to the site safely. The approved plan shall be agreed prior to the first occupation of the site together with any mitigation measures implemented which shall thereafter be maintained.

Reason: In the interests of highway safety pursuant to Saved Policy DC1 – Development Criteria of the Rossendale District Local Plan.

Layout

- 18) Prior to the commencement of development on site the applicant shall submit to the Local Planning Authority for their approval, a layout plan detailing parking for 90 buses and staff and visitor car parking within the site, the exact siting of the acoustic barrier and bund/ mound as well as screen planting. The approved layout in relation to vehicle parking and siting of the acoustic boundary treatment shall be implemented prior to the first occupation of the site and buildings for the use hereby approved and shall thereafter maintained.

Reason: In the interests of highway safety residential and visual amenity pursuant to Saved Policy DC1 – Development Criteria of the Rossendale District Local Plan.

- 19) No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include details of all existing trees and hedgerows on/bounding the site, detail any to be retained and the measures for their protection in the course of development, together with details of the planting to be provided. All planting, seeding and turfing proposed in the approved details of landscaping shall be carried out in the first planting and seeding seasons following substantial completion of the building to which it (most closely) relates, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

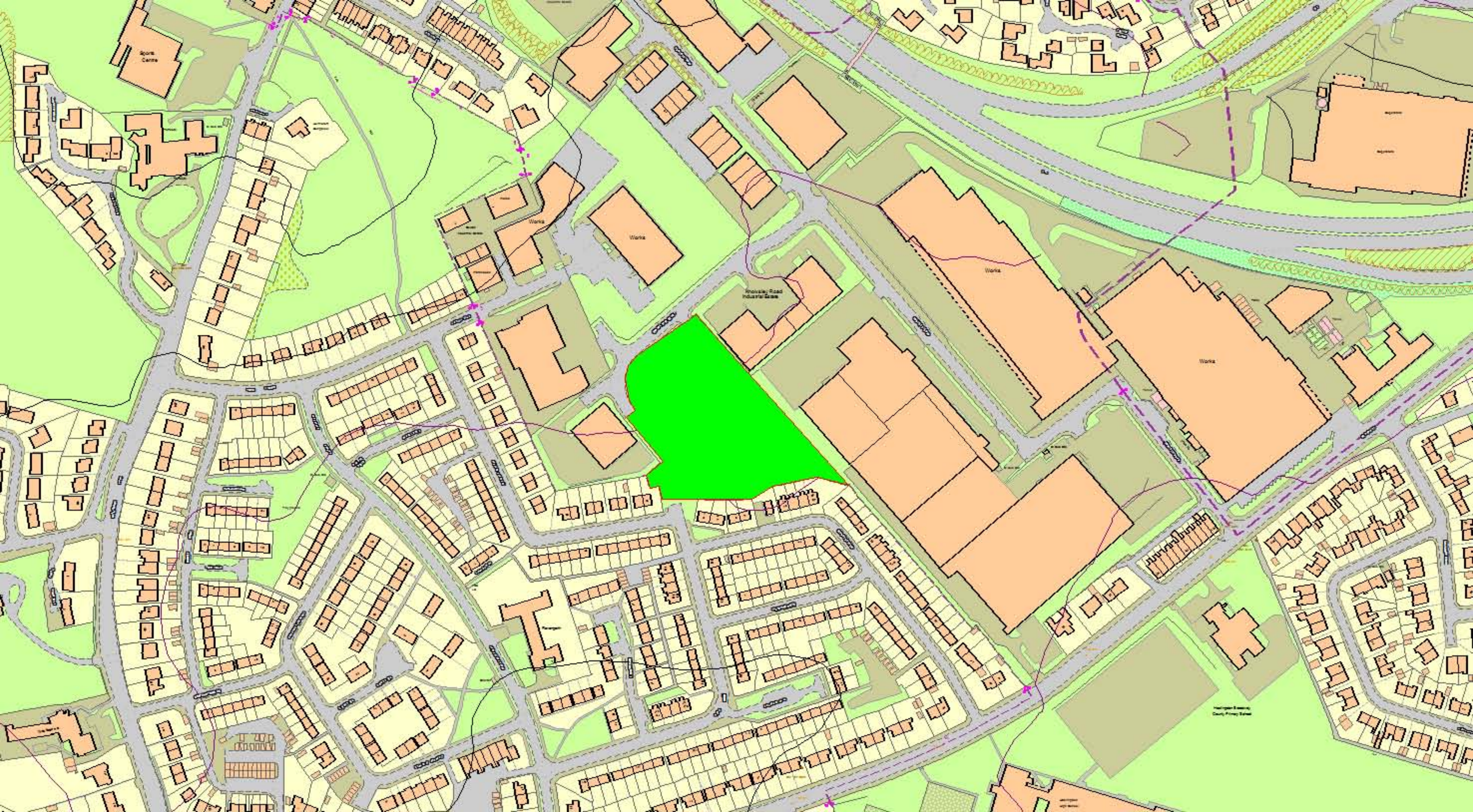
Reason: In the interests of visual amenity and to accord with Policy DC1 of the adopted Rossendale District Local Plan

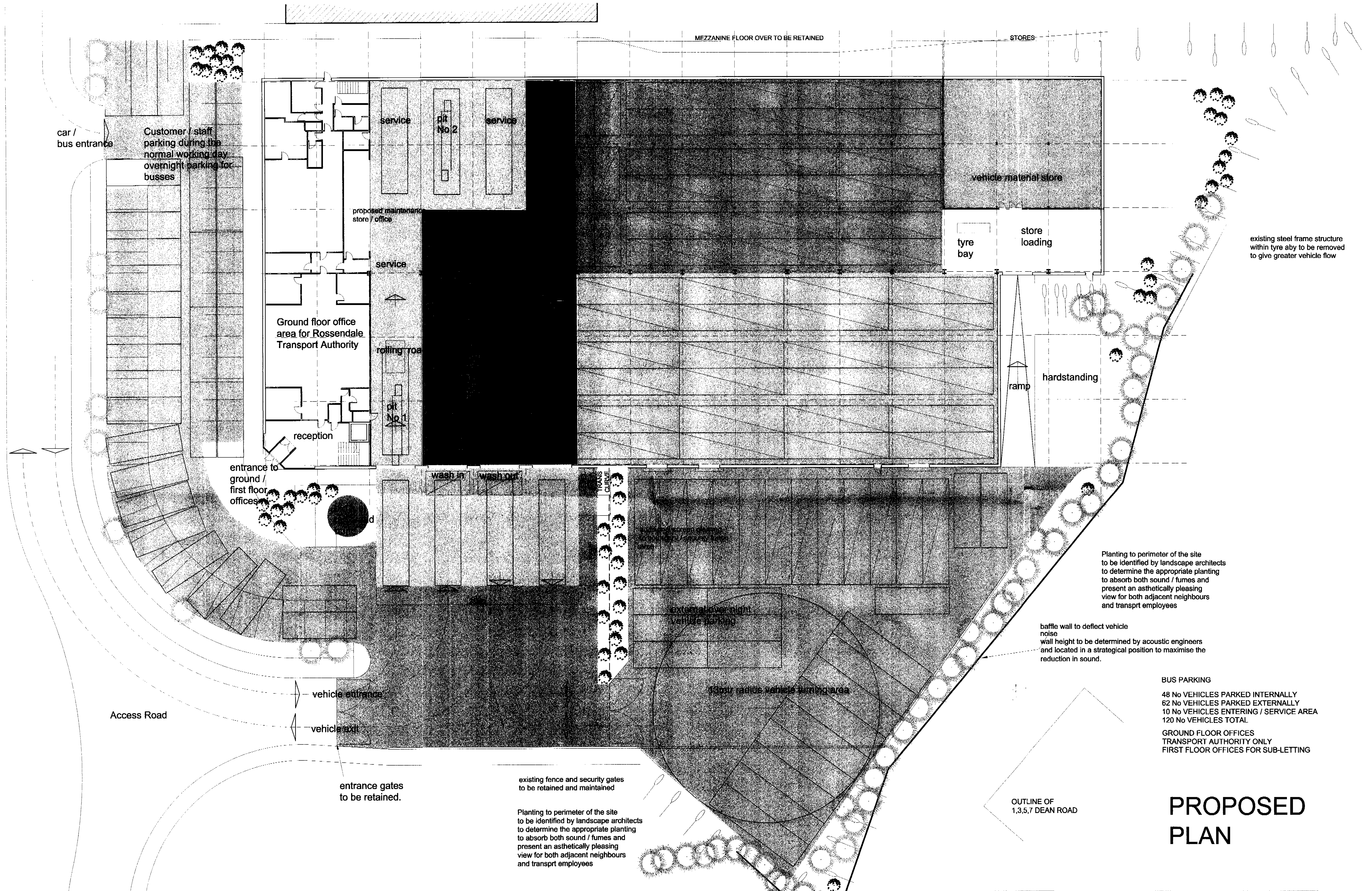
Contact Officer	
Name	Adrian Harding
Position	Principal Planning Officer
Service / Team	Development Control

Telephone	01706 238646
Email address	adrianharding@rossendalebc.gov.uk

*LOCATION PLAN TO BE PROVIDED
ATTACH ALL APPENDICES AND LIST AS NECESSARY, FOR EXAMPLE*

Document Details	Appendix Number
Committee Report dated 1 st January 2007	Appendix A
Etc	





PROPOSED PLAN

BUS PARKING
 48 No VEHICLES PARKED INTERNALLY
 62 No VEHICLES PARKED EXTERNALLY
 10 No VEHICLES ENTERING / SERVICE AREA
 120 No VEHICLES TOTAL
 GROUND FLOOR OFFICES
 TRANSPORT AUTHORITY ONLY
 FIRST FLOOR OFFICES FOR SUB-LETTING

Planting to perimeter of the site to be identified by landscape architects to absorb both sound / fumes and present an aesthetically pleasing view for both adjacent neighbours and transport employees

baffle wall to deflect vehicle noise
 wall height to be determined by acoustic engineers and located in a strategic position to maximise the reduction in sound.

existing fence and security gates to be retained and maintained

Planting to perimeter of the site to be identified by landscape architects to absorb both sound / fumes and present an aesthetically pleasing view for both adjacent neighbours and transport employees

OUTLINE OF 1,3,5,7 DEAN ROAD

ARCHITECTS, PLANNING and DESIGN CONSULTANTS

nicol thomas

Horsham House Backwell Lane
 Horsham Sussex GU24 0NS
 Tel: 01703 20000
 Fax: 01703 20000
 e: n.thomas@nicolthomas.com
 also at Birmingham

Revision	Date	Note	Drawn	Checked	Released	Date	Note	Drawn	Checked	Preliminary	Date	Drawn	Client
										<input type="radio"/>	14.05.07	JK	

Drawing No. PROPOSED LAYOUTS

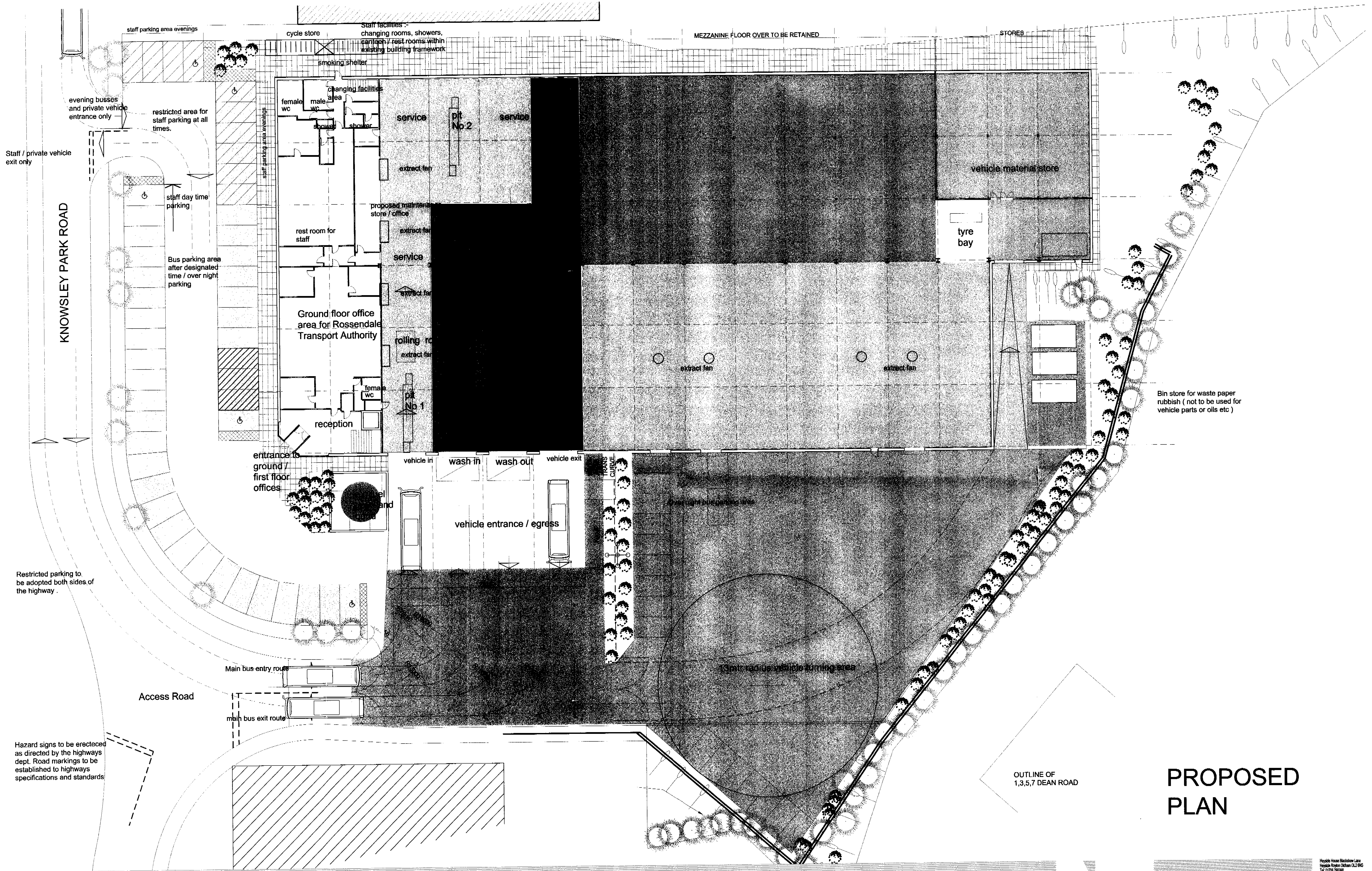
Nicol Thomas Ltd Registered Office Gateway House 53 High Street Birmingham B4 7SY Registered in England Reg. No. 2140639
 Quality Assured to BS EN ISO 9001:2004 Certificate Number 084722

Do not scale. Contractors must check all dimensions on site before preparing production drawings or commencing any work.
 This drawing and its design is the copyright of Nicol Thomas Ltd and may not be reproduced in any form whatsoever without their prior express written consent.

Final Scale 1:200@ A1 Checked

Job No. ROSSENDALE TRANSPORT

Drawing No. m2854-02



PROPOSED PLAN

nicol thomas

ARCHITECTS, PLANNING and DESIGN CONSULTANTS

Revision	Date	Note
A	19.05.08	Updated to planning requirements

Drawn	Checked	Revision	Date	Note
JK				

Drawn	Checked	Prepared by	Date	Drawn	Client
			15.04.08	JK	

Scale: 1:200@A1

Job title: ROSSENDALE TRANSPORT

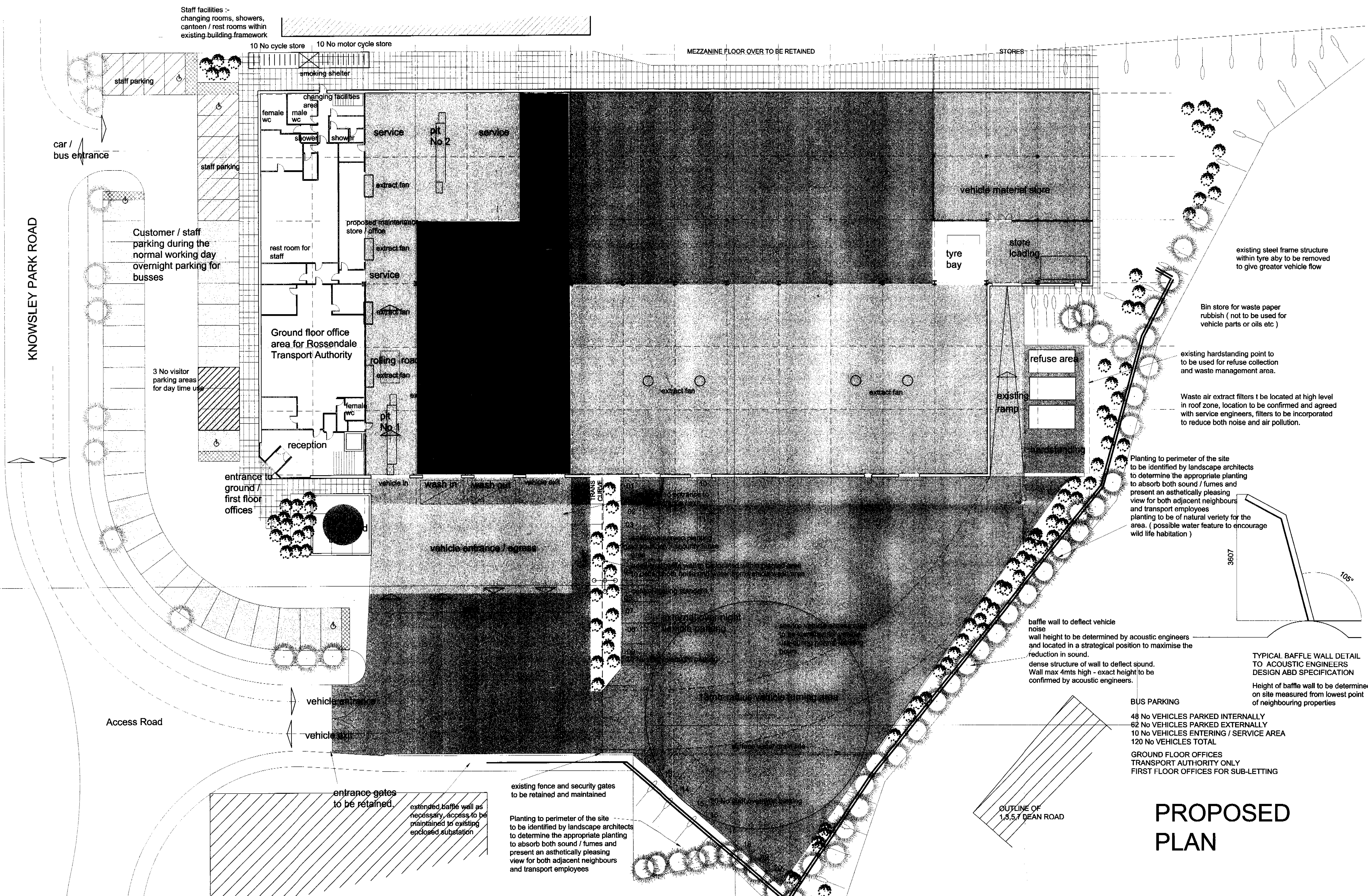
Drawing title: PROPOSED LAYOUTS VEHICLE MOVEMENT PLAN

Drawing No: m2854-06A

Nicol Thomas Ltd Registered Office Gateway House 23 High Street Birmingham B4 7SY Registered in England Reg No 244858
Quality Assured to BS EN ISO 9001:1994 Certificate Number 05 472

Do not scale. Contractors must check all dimensions on site before preparing production drawings or commencing any work.
The drawing and its design is the copyright of Nicol Thomas Ltd and may not be reproduced in any form whatsoever without their prior written consent.

Hydrex House Backshore Lane
Huddersfield West Yorkshire OL2 0NS
Tel: 01484 502000
Fax: 01484 502000
e-mail: info@nicolthomas.com
also at Birmingham



Staff facilities :-
changing rooms, showers,
canteen / rest rooms within
existing building framework

MEZZANINE FLOOR OVER TO BE RETAINED

STORES

KNOWSLEY PARK ROAD

car /
bus entrance

Customer / staff
parking during the
normal working day
overnight parking for
busses

3 No visitor
parking areas
for day time use

Ground floor office
area for Rossendale
Transport Authority

entrance to
ground /
first floor
offices

vehicle entrance / area

Access Road

vehicle entrance

vehicle exit

entrance gates
to be retained

extended baffle wall as
necessary, access to be
maintained to existing
enclosed substation

existing fence and security gates
to be retained and maintained

Planting to perimeter of the site
to be identified by landscape architects
to absorb both sound / fumes and
present an aesthetically pleasing
view for both adjacent neighbours
and transport employees

vehicle material store

tyre bay

store loading

existing steel frame structure
within tyre bay to be removed
to give greater vehicle flow

Bin store for waste paper
rubbish (not to be used for
vehicle parts or oils etc)

existing hardstanding point to
be used for refuse collection
and waste management area.

Waste air extract filters to be located at high level
in roof zone, location to be confirmed and agreed
with service engineers, filters to be incorporated
to reduce both noise and air pollution.

Planting to perimeter of the site
to be identified by landscape architects
to absorb both sound / fumes and
present an aesthetically pleasing
view for both adjacent neighbours
and transport employees
planting to be of natural variety for the
area. (possible water feature to encourage
wild life habitation)

baffle wall to deflect vehicle
noise
wall height to be determined by acoustic engineers
and located in a strategic position to maximise the
reduction in sound.
dense structure of wall to deflect sound.
Wall max 4mts high - exact height to be
confirmed by acoustic engineers.

TYPICAL BAFFLE WALL DETAIL
TO ACOUSTIC ENGINEERS
DESIGN AND SPECIFICATION

Height of baffle wall to be determined
on site measured from lowest point
of neighbouring properties

BUS PARKING
48 No VEHICLES PARKED INTERNALLY
62 No VEHICLES PARKED EXTERNALLY
10 No VEHICLES ENTERING / SERVICE AREA
120 No VEHICLES TOTAL
GROUND FLOOR OFFICES
TRANSPORT AUTHORITY ONLY
FIRST FLOOR OFFICES FOR SUB-LETTING

OUTLINE OF
1,3,5,7 DEAN ROAD

PROPOSED PLAN

ARCHITECTS, PLANNING and DESIGN CONSULTANTS

nicol thomas

Hyatt & Co. (Scotland) Ltd
Hyatt & Co. (England) Ltd
No. 17/18, 20/21
Fleet Street, London EC4A 3DF
t: 020 7420 4000
e: n.thomas@hyattthomas.com
a: a@hyattthomas.com

Revision	Date	Note	Drawn	Checked	Revision	Date	Note	Drawn	Checked
A	04.04.08	Baffle wall extended to planning / acoustic engineers requirements	jk						
B	19.05.08	Updated to planning requirements Additional parking added	jk						

Drawn JK
Date 12.12.07
Checked

Client

Drawing title: PROPOSED LAYOUTS
SERVICE PLAN

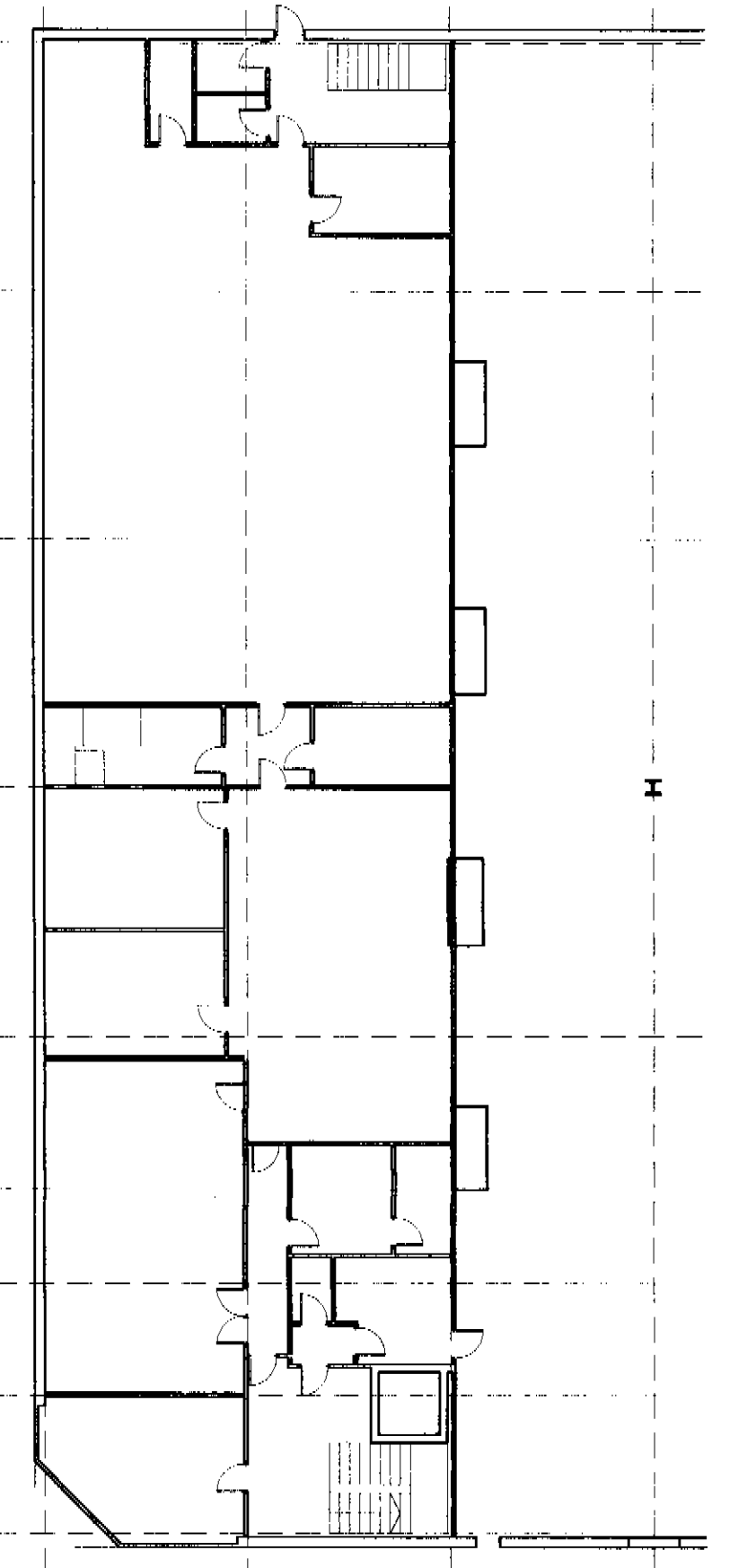
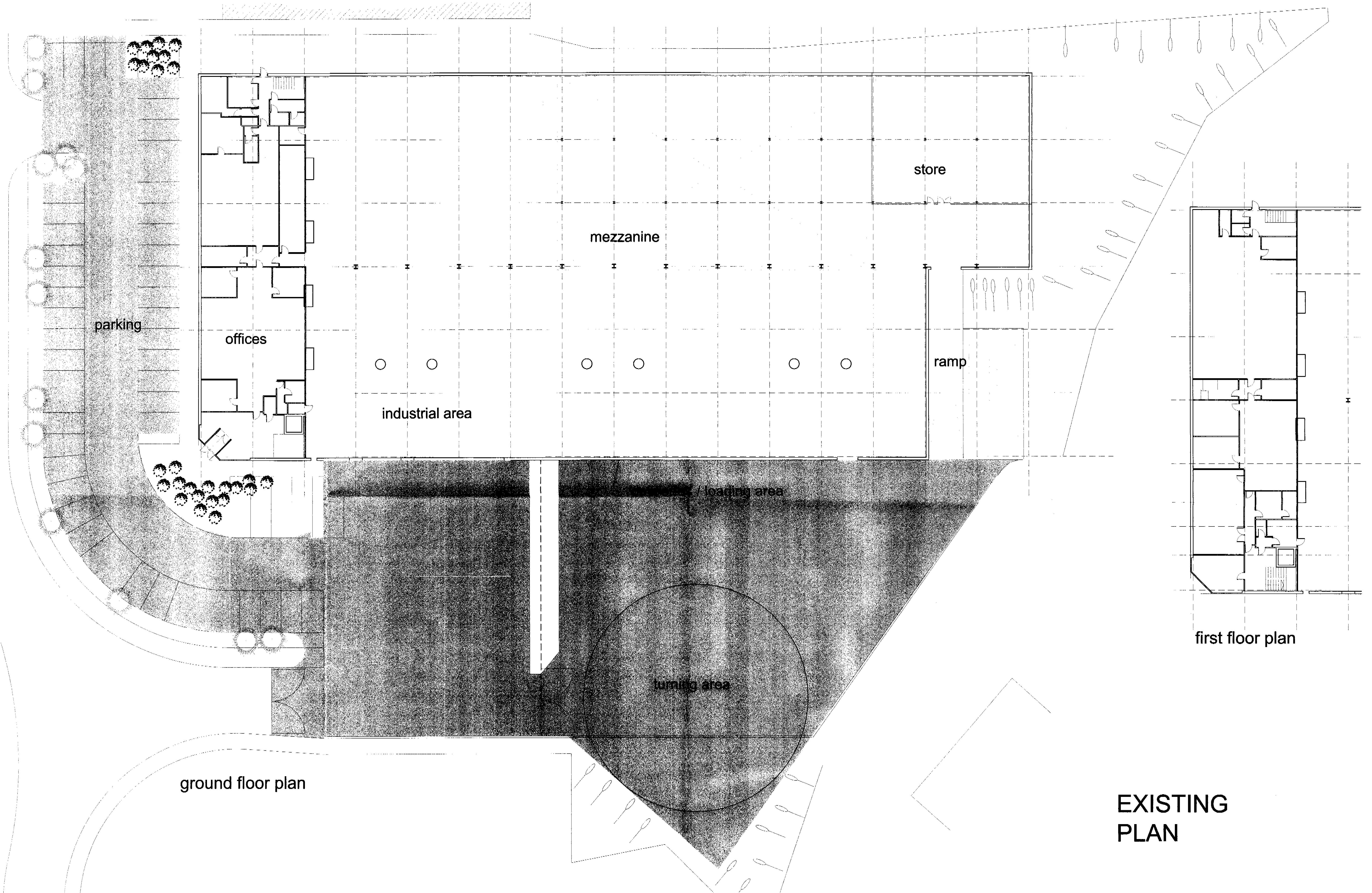
Drawing No: m2854-05 B

Scale: 1:200@A1
Checked

Job title: ROSSENDALE TRANSPORT

Nicol Thomas Ltd Registered Office Gateway House 11 High Street Birmingham B4 7TJ Registered in England Reg No: 2146038
Quality Assured to BS EN ISO 9001:2008 Certificate Number 08-073

Do not scale. Contractors must check all dimensions on site before preparing production drawings or commencing any work.
The drawing and its design is the copyright of Nicol Thomas Ltd and may not be reproduced in any form whatsoever without their prior express written consent.



first floor plan

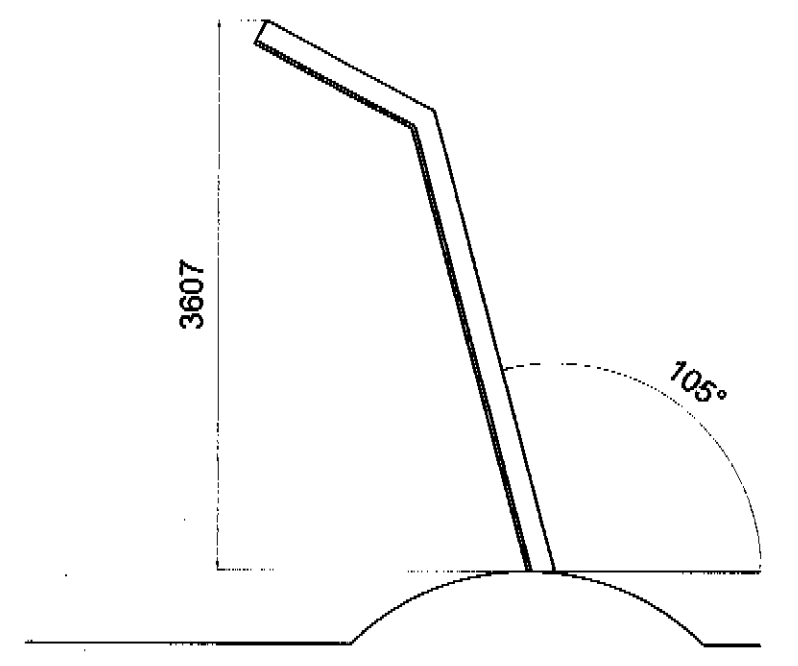
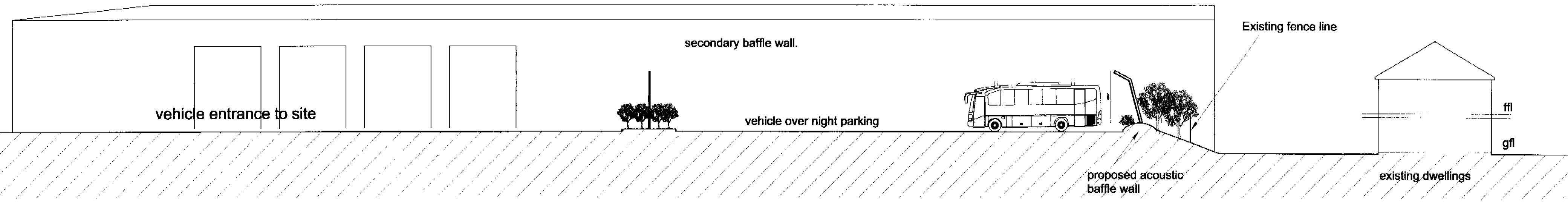
ground floor plan

EXISTING PLAN

Site Strip Section

A - A

KNOWSLEY PARK ROAD

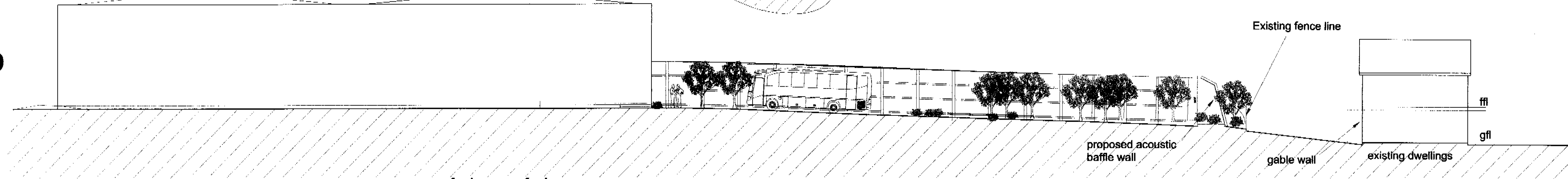


TYPICAL Baffle Wall Detail to Acoustic Engineers Design ABD Specification

Height of baffle wall to be determined on site measured from lowest point of neighbouring properties

Site Strip Section

B - B



existing hardstanding point to be used for refuse collection and waste management area.

Waste air extract filters to be located at high level in roof zone, location to be confirmed and agreed with service engineers, filters to be incorporated to reduce both noise and air pollution.

Planting to perimeter of the site to be identified by landscape architects to determine the appropriate planting to absorb both sound / fumes and present an aesthetically pleasing view for both adjacent neighbours and transport employees planting to be of natural variety for the area. (possible water feature to encourage wild life habitation)

baffle wall to deflect vehicle noise wall height to be determined by acoustic engineers and located in a strategic position to maximise the reduction in sound. dense structure of wall to deflect sound. Wall max 4mts high - exact height to be confirmed by acoustic engineers.

- A**
- BUS PARKING
 - 48 No VEHICLES PARKED INTERNALLY
 - 62 No VEHICLES PARKED EXTERNALLY
 - 10 No VEHICLES ENTERING / SERVICE AREA
 - 120 No VEHICLES TOTAL
 - GROUND FLOOR OFFICES
 - TRANSPORT AUTHORITY ONLY
 - FIRST FLOOR OFFICES FOR SUB-LETTING

PROPOSED PLAN

