

## **LATE ITEMS REPORT**

### **FOR DEVELOPMENT CONTROL COMMITTEE MEETING OF 02 June 2008**

#### **B1 – 2008/72 Unit C, Knowsley Park Way, Haslingden**

Amended plans were received on 27<sup>th</sup> May 2008 reflecting the reduction in the number of vehicles proposed to be operated from the site to 90. In particular, the plans demonstrate adequate parking and turning in the service yard nearest the dwellings on Devon Crescent whilst accommodating the acoustic barrier. The plans for the service yard also show a reduction in the parking and activity proposed on this part of the site, reflecting the restricted hours of operation proposed by condition. The plans also show the windows to be maintained in the elevations not previously detailed.

#### **B2 – 2008/80 Land off A682, New Hall Hey, Rawtenstall**

Since the report has been published a response has been received from the applicant. The main points raised are as follows:

“Firstly, I welcome the fact that at least the issues are finely balanced. This is a positive refusal to say the least.

I am disappointed, however, that yet again officers do not wish to support our proposals at New Hall Hey even when matters are at least finely balanced

In terms of specifics:

- RBC Forward Planning response - this application is for temporary consent. It will create some jobs. The statement that the proposal would lead to the "loss of employment land" is unsubstantiated particularly given the temporary nature of the proposal both in use and physical characteristics terms.
- It is of note that LCC Highways raise no objection to the proposal
- The Council has already approved a car park in this location and at least part of this site was used for car parking purposes in the 1990's - visual impact relative to previous use of the site and indeed approved development would be marginal. This seems to be accepted by you.

- It is of note that you accept that the proposal would not prejudice earlier approvals to provide B1 employment space on the site as previously approved. This is a temporary proposal and one which would not therefore be at odds with the Rossendale Employment Land Study.
- Reference to "limiting inward investment" is unclear and not necessarily logical particularly given the nature of this planning application. This is a temporary proposal and one which if operated for up to 18 months would not "limit inward investment". On the contrary it would actually provide some short term investment immediately providing choice for the Rossendale community who currently have to travel further afield when looking for a used car. If the venture were successful then the company may look to invest in Rossendale generally. This would certainly lead to some much needed inward investment at a time when the local/national economies are suffering.
- The proposed cabin would be small and concealed behind an embankment which holds up the A682 - it would be temporary!. It is not clear why this would have a negative impact on visual amenity. Construction site cabins could be positioned on this site in any event under permitted development rights as part of the wider New Hall Hey development.
- This application does not propose signage - it is unreasonable to refuse planning permission for something that would need separate consent.
- Information has already been given regarding servicing - we are not proposing a "dell boy type outfit" with bangers needing servicing all the time. A few cars in need of a service would be serviced off site in either Hyndburn or Rossendale. This level of activity would not be significant. In any event LCC Highways have raised no objection to the scheme.
- Lighting would be proposed for the approved New Hall Hey scheme - to suggest that this scheme would lead to accidents because of some temporary lights in winter months is unsubstantiated. You do quite rightly say that lighting could be dealt with by planning condition. Indeed this is also the case for the bus depot scheme on the same agenda.
- With reference to the refusal how can servicing have an adverse impact on the character and appearance of the area? Servicing will take place off site as referred to already!.
- The black paladin (mesh) fencing as applied for on a temporary basis is the same as resolved to be approved for 2007/630 (New Hall Hey) - across the board this type of fencing is considered to be acceptable on sites like this. Furthermore, this is temporary!

- In terms of lighting it is of note that the bus depot application seeks to condition details of lighting to be submitted despite being in a location which is more sensitive in terms of amenity (ie houses) - there is no consistency of approach . It is not recognised at all that our applicaiton is for temporary use only. The report also fails to state that lighting has been approved on the adjacent neighbouring site close to the same by-pass!
- Reference is made to PPG 4 in the reasons for refusal. PPS 4 is replacing PPG 4 as up to date national planning advice. It states that single "employment uses" on sites like this should be avoided. This is largely irrelevant, however, in this case as the proposal is temporary

Finally the reasons for refusal are weak to say the least and I would suggest that the council would run the risk of an award of costs on appeal if you proceed with the recommendation

I quite simply cannot understand why we are faced with a recommendation of refusal in this instance. The site is on the Council's Property register and there are no enquiries coming through to develop the whole of this site out for B1 office purposes. It is of note that the Council's Economic Development Unit have not been consulted on this application."

## **Comments**

The case officer responds to the applicant's comments as follows:

The reasons for refusal of the application are robust as demonstrated in the report.

Officers assess each case on their own merits not on the basis of the applicant.

RBC Forward Planning commented that it was envisaged that land uses on the site would be restricted to employment uses (ie B1 or B2), and that the proposal would not encourage inward investment on the site. The proposal would not fall into a B1 or B2 employment use and would not generate the same density of employment as the previously approved scheme. It is also considered that the presence of the use on the site could prevent development opportunities form coming forward. In addition, a temporary consent in part establishes the principal of a car sales use on this site which once an approval is given would be more difficult to resist in the future, and once established could reduce the level of employment generated on the site and from attracting long term investment into the site.

LCC Highways have not objected to the scheme, however, have expressed concerns regarding the servicing. They have provided a written response stating that any loading or unloading of vehicles should be carried out within the site,

and would want to see a track indicating that long vehicles can turn around at, or on the site.

The LPA have only approved a car park on this site in association with the employment related buildings also approved under 2005/617. There has not been permission on the site for the parking of motor vehicles. It is not accepted that there would only be a marginal difference in visual amenity associated with the proposed use over the previously unlawful parking on the site.

The LPA have consistently stated that the proposal could prejudice the ability to promote inward investment for employment related uses into New Hall Hey. The site, as indicated in the King Sturge report is Rossendale's best and only site capable of satisfying an inward investment requirement. The Local Planning Authority are not looking for short term uses on the site which could be detrimental to the future economic use of the site, and the prosperity of the Borough.

The proposed cabin would only be concealed from one side, therefore, it cannot be justified that it would be concealed.

The cumulative nature of lighting, signage, security and fencing associated with the proposed use would have a far greater impact on the site than the use as ancillary parking to the B1 offices which currently have consent.

Taking the above factors into consideration it is the LPA's opinion that the reasons for refusal are robust. The recommendation remains for refusal.

#### Letter from Councillor Forshaw

On the 27<sup>th</sup> May 08 Councillor June Forshaw handed in a further response to the application; again indicating that the proposed use is temporary; a precedent has been set, and that the use would provide jobs and an added attraction to visitors from the railway.

#### Comments

The points raised have been covered in the report.

### **B3–2008/114 Land off Rochdale Road/East Stack Lane, Bacup**

Since the report appearing on the Agenda was written :

- 1) a further two letters have been received from residents of properties that neighbour the site and also from Bacup Consortium Trust; &
- 2) discussions have taken place with Wainhomes and additional information/amendments have been received in relation to what is proposed by the current application and how this compares with the scheme for which permission already exists.

With respect to the first of these matters, a further two letters have been received from residents of properties fronting New Line, objecting to the application for the following reasons :

- The houses being proposed immediately to the rear of them will adversely affect their quality of life.
- The houses proposed are of a height to block out daylight/sunlight and (from ground floor windows) views of the skyline, as too will their associated boundary fences/hedges. In some instances the proposed houses are nearer to the party-boundary than with the previously-permitted scheme, without the same gaps between new properties to allow some light to pass through.
- From all 3 floors of the new houses their occupiers will be able to see directly into the homes of existing residents, substantially impacting on privacy. In some instances the new houses will directly face the rear windows of neighbouring houses when previously they were angled.
- To construct the proposed houses may exacerbate existing problems with water draining from the field towards their properties.
- As the field has such a shallow depth of soil formation of foundations for the proposed houses may disturb the bedrock and thereby the foundations of existing properties.

Bacup Consortium Trust advises that :

- Although it is flattering that so many developers want to build in Bacup the plethora of new housing is unsustainable in the long term. The housing market is bound to deteriorate as a result of oversupply and this would negate the Elevate Housing Strategy.

- Perhaps more importantly, traffic congestion in Bacup will increase, therefore breaching the guidelines for reducing car CO2 emissions stated in the LCC Local Transport Plan.
- With regard to the appearance of the houses proposed, natural stone would be more appropriate for this particular location.

With respect to the second of these matters, as a result of discussions with Wainhomes and submission of additional information/amendments :

- I am now satisfied that the current application is not proposing the construction of additional dwellings to the east side of Stack Lane than Planning Permission 2005/142 would allow. Accordingly, the current application does not raise an issue with regard to housing over-supply and ought not to be refused for Reason 3 appearing on the report on the main agenda.
- I am now satisfied that the current proposal will not reduce the area of land which is to be provided towards the southern boundary of the site/east of Lower Stack Farm as the principal ornamental/informal play space to serve the residents of the houses to be built to the east side of Stack Lane. Nor is the proposal going to narrow with built-development the gap through which the open space can be viewed from the estate road, thereby diminishing the ability of future residents to provide surveillance of it and to view the open countryside beyond.

However, it remains the case that built-development (by reason of the house proposed on Plot 114) pushes nearer to the southern boundary of the site than would be the case if the previously-permitted scheme were implemented. As a consequence, the open space being provided is of a shape somewhat diminishing its utility/usability as an informal play space. More particularly it results in built-development that protrudes between it and the open land around the complex of buildings at Lower Stack Farm. The estate will thus have less of a green/soft edge with the adjacent countryside.

The current proposal thereby diminishes the distinct advantages of the scheme proposed by Application 2005/142 over the 1975 predecessor permission and justifying its approval.

Accordingly, I consider it still to be appropriate to refuse the current application on the grounds that the proposed scheme will result in built-development occupying land which Planning Permission 2005/142 requires to be landscaped and retained as the principal ornamental/informal play space to be provided for the benefits of residents of houses built to the east of Stack Lane and to form a green/soft edge

between the permitted houses and the adjacent open countryside. However, to reflect the additional information/amendments received I recommend that the wording of Reasons 1 and 2 appearing on the report on the main agenda be amended as set out below.

- I remain of the view that the development now proposed to the rear of 216-268 New Line will detract to an unacceptable extent from the amenities existing residents could reasonably expect to enjoy.

Amended drawings have been received from Wainhomes pulling the split-level units away from the existing properties on New Line to accord with its previously-permitted scheme, and twisting the two properties in the south-east corner for the same reason. Wainhomes says the previously-permitted scheme did not specify the slab-levels the houses needed to be built at and the slab-levels it has now specified for the split-level units will ensure their ridge-heights will be no higher than the approved units. By reason of the screen fence/retaining wall proposed will protect the existing residents from additional overlooking. In fact this proposal could be said to have less impact, as the most used rooms in the split-level units now proposed will be at a lower level than the ground-floor windows that would result from implementation of the previously-permitted scheme with its conventional 2-storey house types.

Whilst I acknowledge that the latest layout drawing moves a number of the split-level units further from the southern boundary of the site than the current application originally proposed, in doing so occupiers of the bungalow at 12 Cobden Street will be caused greater detriment, resulting from the increase in gable bulk/height exposed to view from its rear windows/rear garden. For occupiers of dwellings fronting New Line it is still the case that the split-level units proposed to the rear of them in some instances present wider rear elevations/less gaps between them. While Wainhomes has submitted a cross-section said to show the split-level units now proposed will be no worse for New Line residents than the implementation of the scheme permitted by Planning Permission 2005/142, it shows the slab-level of the previously-submitted dwelling elevated out of the ground at the rear by approximately 2m and the split-level unit now proposed still to have a ridge-height approximately 1m higher than would result from the conventional 2-storey unit previously-permitted.

Accordingly, it remains appropriate to refuse the application for Reason 4 appearing on the report on the main agenda, set out below as Reason 3.

To conclude, it is considered that this application should be refused for the following reasons :

1. This proposal will result in the erection of a dwelling on Plot 114 occupying land which implementation of Planning Permission 2005/142 requires to be landscaped and retained as the principal ornamental/informal play space to be provided for the benefit of residents of houses built east of Stack Lane and to form a green/soft edge between the permitted houses and the adjacent open countryside. This is not appropriate development for a Countryside Area and is, thus, contrary to PPS7 and Policy 5 of the adopted Joint Lancashire Structure Plan and Policy DS5 of the adopted Rossendale District Local Plan.
2. This proposal will result in the erection of a dwelling on Plot 114 occupying land which implementation of Planning Permission 2005/142 requires to be landscaped and retained as the principal ornamental/informal play space to be provided for the benefit of residents of houses built east of Stack Lane and to form a green/soft edge between the permitted houses and the adjacent open countryside. Accordingly, the proposal is contrary to PPS1, PPS7 & PPG17, Policy 1 & 20 of the adopted Joint Lancashire Structure Plan and the criteria of Policy DC1 and Policies DC3 of the adopted Rossendale District Local Plan.
3. By reason of the siting/size/level/design/appearance of the split-level units proposed to the rear of existing residential properties 216-268 New Line, the proposed development will detract to an unacceptable extent from the amenities existing residents could reasonably expect to enjoy, contrary to PPS1, Policy 1 of the adopted Joint Lancashire Structure Plan and the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

#### **B4 – 2008/216 12 Bury Road, Rawtenstall (former Servicemen's Club)**

The agent has provided a response to the objections received and Conservation Officer comments. The response provided is of some detail and can be found in Appendix A of the Late Items Report.

A further response has been received from the agent requesting that the hours of operation condition be removed from the recommendation. In light of the proximity of the proposed development to neighbours, the condition shall remain.

Case officer recommendation remains for approval with conditions unchanged.

#### **B5 – 2008/244 Site of former Tongbridge Mill, Reed Street, Bacup**

No further comments



## **B6 - 2008/294 Land adjacent to Brook House, Coal Pit Lane, Bacup**

The applicant has submitted revised plans to try and address the objections from LCC (Highways) contained within paragraph 4.1 of the committee report. The revised plans indicate that the first 5m of the access road will now be level, and 4.5m wide. The walls adjacent to entrance off Coal Pit Lane will be 0.95m high and that the drive will have no greater gradient than 1:15.

### **Comments**

On the basis of the revised drawing drawings it is considered that in order to address the highway concerns, the access has been made a more intrusive and urbanising feature within this essentially open and rural area. To attain the gradient specified by the highway authority the drive will in places exceed the height of existing ground level by more than 1m with a wall that is nearly a metre in height upon that.

In light of the latest drawing which fulfils the wishes of the highway authority it is not considered appropriate to now refuse permission on highway grounds. However, it remains officer's view that the application should be refused due to its unacceptable impact on the character and appearance of the area. Accordingly refusal is recommended in accordance with reason 1 of the report appearing on the agenda.

An objection from a neighbour has been received on the basis that:

- The land is Green Belt,
- That a condition on the previous application granting approval for Brook House has not been complied with
- That the stone wall around Brook House should not have been approved as it made Coal Pit Lane narrower.
- Rossendale BC sold the land behind the applicant's house and that beautiful woodland has now been decimated. The access road would extend the applicants boundaries ruining the natural beauty of the area. Work has commenced before permission has been granted

### **Comments**

The land is not Green Belt, but as the report outlines, it is considered that the proposed access lies within the countryside and is accordingly considered inappropriate development in the countryside.

The land was not council owned but in fact was under the ownership of LCC, but this is not relevant in determination.

### **Clarification update**

For clarification purposes Cllr Steen in his letter requesting the application be called in advises that: The applicant does not wish to proceed with the access

approved under application 2005/0715 as it would cross an area currently used by the applicant for the parking of their private vehicles and those used in relation to the applicant's business, and also cut across the front of the applicant's garage and reduce noise and visual disruption to the applicant's house.

STEPHEN STRAY  
PLANNING UNIT MANAGER

## **APPENDIX A – 12 Bury Road Agent Response**



14<sup>th</sup> May 2008

Richard Elliott  
Development Control  
Rossendale Borough Council  
Town Centre Offices  
Lord Street  
Rawtenstall  
Rossendale  
BB4 7LZ

Dear Richard

**Re: Application Ref 2008/0216 – Change of use from social club to restaurant, with associated external alterations, 12 Bury Road, Rawtenstall.**

As you know we are the Agents acting on behalf of the applicant for the above proposal.

I understand that you have received a petition from nearby residents objecting to the proposed development primarily on the following grounds; perceived lack of parking and safety, potential for parking in front of houses and amenity problems, potential for noise, smells and odours.

I also understand that you have received comments from the Council's Conservation Officer in respect of proposed roller shutters on the building.

I have provided our response to these objections and other points raised, on behalf of the applicant below: -

**Parking**

The objection letter raises concerns about a perceived lack of parking for this particular unit and the end use and the potential for customers' vehicles being parked along these residential streets.

The first point to note is that the site itself is located within the core town centre of Rawtenstall, in close proximity to and within immediate walking distance of the main bus station for the town and public car parks. Given that the site is in such an accessible location, customers will have the choice to either use the regular bus services to the town, meaning that they can enjoy a drink with their meal or the use of a number of convenient public car parks.

Government guidance towards planning for town centres contained in PPS 6 encourages such uses to locate in town and district centres, to promote more sustainable transport choices and reduce the need to travel by providing alternatives to car use. This scheme would fully accord with this guidance in this respect.

Indeed, planning consent has been granted previously to use this building for a combination of town centre uses, including a mix of retail at ground floor and separate office accommodation on the first and second floor above (Ref: 2007/1174). These uses were granted consent with the same level of parking available for the unit that currently exists now, in recognition of the sites accessibility and that in reality most customers or shop/office workers would either use public transport to the town centre or make use of the main public car parks, as opposed to small side street which have parking restrictions in place. This permission is capable of implementation.

There will also be additional free parking for up to 3 hours for town centre users in the form of the car park serving the New Hall Hey development on the opposite side of the gyratory, including a shuttle bus link to encourage linked trips with the town centre. Restaurant customers will be able to make use of these facilities.

In addition to the above, the objector makes a relevant point with regard to current parking restrictions in place along Queen Street and Parramatta Street (the latter of which is located further away from the unit).

There is a short stay parking area available at the side of the building for about 3 vehicles, however this only allows short stay parking of up to 30 minutes at a time between Monday to Saturday 08.00 to 18.00. Given the limited parking time available here and the presence of traffic warden patrols (as noted by the objector), it is highly unlikely that a customer wanting a sit down meal during the daytime would look to park in this location given the limited waiting time and potential for a fine. This is not a take away use where customers tend to park as close as possible to the takeaway for very short periods to 'nip' in and out with their food – customers will be visiting the premises for at least an hour at a time.

Similarly, the objector rightly points out that there are further parking restrictions along Queen Street itself where the houses are located (See Fig. 1 below) This allows for residents parking and access only, restrictions which are according to the objector and leaflet that was included with the petition, enforced by the police. Again, these restrictions would deter any customers from parking in front of the houses (there is the potential for a fine in doing so) and would make use of other, public parking facilities in close proximity to the building i.e. adjacent to the Valley Centre. The leaflet from the Lancashire Constabulary will be given to the applicant and it will be in his own interest to make customers aware of these restrictions once he opens.



**Fig 1. Access restrictions along Queen Street and Parramatta Street**

Residents along these streets would be able to actively monitor any parking in this area and in the event of unauthorised parking would contact the police – again it is in their own interest to do so and any unauthorised parking is unlikely to occur again.

Finally, the County Council highway Engineer has not raised any objection to the proposal on the grounds of parking arrangements or highway safety.

In light of all of the above points, the proposed use would not on any reasonable basis result in problems of on-street parking or highway safety in the vicinity of the application site or on adjacent residential streets.

**Parking in front of houses and amenity**

Again, for the reasons outlined previously the proposed restaurant is unlikely to result in customers choosing to parking along adjacent residential streets and in front of the houses given the level of parking restrictions that are in place, the sites proximity to the main bus depot and other, convenient public car parks. As such, there would be no impact in amenity terms from cars coming and going, slamming of doors, starting of engines etc.

It should be recognised that the lawful use of the building previously was as a social club selling alcohol, which had no restrictions in terms of opening times or hours of use. Such a use had the potential to generate a significant amount of noise and disturbance for the occupiers of neighbouring properties, particularly late at night and in the early hours of the morning. The current proposal would result in a more appropriate and sensitive town centre use in this location, offering a quality dining experience for its customers. The scheme will not result in problems of noise and disturbance for local residents in this context, particularly given that customers are more likely to park their cars away from the application site.

### Smells and Odours

The letter of objection raises concerns in respect of potential problems of fumes and odours from the new restaurant, citing alleged problems from other establishments in the surrounding area.

The issue of other establishments and alleged fumes and odours is not material to the determination of this application, which should be assessed on its own merits on the basis of the information that has been supplied to date in respect of odour control. It may be the case that other establishments do not benefit from adequate extraction equipment or are dated and do not provide the level of mitigation that current systems achieve.

The scheme proposes a small external flue which has been sited in a sensitive manner on the building. We have provided a summary of the type of extraction equipment that will be provided to deal with fumes and odours from the kitchen and as outlined above it is generally accepted that modern extraction equipment is more than adequate to mitigate against potential impact from fumes and odours arising from the cooking process.

A planning condition can be imposed on any planning consent to require full details of the proposed extraction equipment including the type of noise and air filters to be installed, to be submitted to and approved in writing by the Local Planning Authority prior to the first opening of the restaurant.

I understand that the Council's Environmental Health Section have raised no objection to the proposal on these grounds, subject to a similar condition above being imposed on any planning consent.

### Roller Shutters

I understand that the Council's Conservation Officer, although not raising any objection to the proposed use, has raised some queries in respect of the annotation on the plans referring to roller shutters. As per my e-mail yesterday, roller shutters were approved for this building on the back of the previous consents for the change of use to retail and offices and the application just for the external alterations to the building (Ref: 2007/174 and 2007/120).

The roller shutter details were approved under Condition 4 of planning approval 2007/120 on 22<sup>nd</sup> August 2007.

We haven't installed the shutters to date and ultimately it will be the tenant/applicants decision as to whether he wants to proceed with them, but after speaking with him he does not intend to provide any at this moment in time. Obviously, if he were to decide to erect them in the future, they would be completed in accordance with the approved details.

I trust that this provides an adequate response to the issues that have been raised by the objectors and that you will be in a position to recommend approval of the application.

Should you require any further information or points of clarification, please do not hesitate to contact me on the number provided.

Yours sincerely



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