

<b>Application No:</b> 2009/289	<b>Application Type:</b> Full
<b>Proposal:</b> Erection of new galvanised steel palisade perimeter fence	<b>Location:</b> Land opposite 183 Dean Lane, Rossendale.
<b>Report of:</b> Planning Unit Manager	<b>Status:</b> For Publication
<b>Report to:</b> Development Control Committee	<b>Date:</b> 7 September 2009
<b>Applicant:</b> Mr M Ilyas	<b>Determination Expiry Date:</b> 29 September 2009
<b>Agent:</b> Walsh 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** **X**

**Other** (please state) .....

**HUMAN RIGHTS**

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

**Article 8**

The right to respect for private and family life, home and correspondence.

**Article 1 of Protocol 1**

The right of peaceful enjoyment of possessions and protection of property.

**APPLICATION DETAILS**

**1. SITE**

The application site comprising a large rectangular shaped area of land is located opposite to No. 183 Dean Lane, Weir. The site is relatively level and currently used for the storage of portacabins, vehicles and timber products. It is surrounded by open

land to north, east, west and Dean Lane to the south. On the opposite side of Dean Lane, there are number of residential properties set well back from the road. These properties are enclosed with the approximately 2m high timber boarded fence/brick wall on boundary along Dean Lane.

The application site lies within the Countryside as delineated in Rosendale District Local Plan.

## **2. RELEVANT PLANNING HISTORY**

1996/062: Certificate of Lawfulness for an existing use for the storage and breaking of salvage and scrap vehicles, land adjacent to and opposite 183 Dean Lane, Water, Rossendale. - Granted

## **3. THE PROPOSAL**

The application has been submitted in retrospect and seeks permission for the retention of a 2.4m high galvanised palisade fence along the perimeter of the site. The fence measures approximately 44m on the easterly boundary, 29m on the northerly boundary, and 56m on the westerly boundary and 13.5m on the southerly boundary along Dean Lane. The remainder of the boundary along Dean Lane is enclosed with the previously erected 2m high mesh and wrought iron fence/gate. According to the applicant, the fence is required to keep the site secure and safe.

## **4. POLICY CONTEXT**

### **National**

PPS1 – Delivering Sustainable Development  
PPS7 – Sustainable Development in Rural Areas  
PPG13 – Transport

### **Development Plan**

Regional Spatial Strategy for the NW of England (2008)

Policy DP 1 Spatial Principles  
Policy DP 2 Promote Sustainable Communities  
Policy DP 3 Promote Sustainable Economic Development  
Policy DP 4 Make the Best Use of Existing Resources and Infrastructure  
Policy DP 5 Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility  
Policy DP 6 Marry Opportunity and Need  
Policy DP 7 Promote Environmental Quality  
Policy DP 8 Mainstreaming Rural Issues  
Policy DP 9 Reduce Emissions and Adapt to Climate Change  
Policy RDF2 Rural Areas  
Policy RT2 Managing Travel Demand  
Policy EM1 Environmental Assets

Rosendale District Local Plan (1995)

DS5 - Development Outside the Urban Boundary & Green Belt  
DC1 - Development Criteria  
DC4 - Materials

## **Other Material Planning Considerations**

LCC Landscape Strategy for Lancashire

### **5. CONSULTATION RESPONSES**

LCC (Highways) – Comments awaited.

### **6. NOTIFICATION RESPONSES**

A site notice was posted on 19 August 2009 and the relevant neighbours were notified by letter on 5 August 2009 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.

7 letters raising objection to the proposal have been received. The points raised are:

- The fence has been erected without planning permission and is not in keeping with the area or any other use of land in the area.
- This kind of fencing is more suited to an industrial estate and not a countryside area. It will never blend into the surrounding landscape.
- A galvanised steel fence and scrap yard do not fit within the criteria of Policy DS5 of the Local District Local Plan.
- A steel galvanised fence is not a high standard of landscape design, does not contribute to environmental quality and is detrimental to the surrounding area.
- A scrap yard in the middle of a rural community on a narrow country lane is not practical, viable, safe or wanted.
- It will increase the volume of traffic which will have a detrimental affect to the condition of road. The road is unsuitable for heavy traffic.
- The surrounding land is barren and overgrown which is a habitat for the wildlife.
- The proposal would have impact on the sunlighting, daylighting and privacy of residents of 183 Dean Lane.
- The design of the fence is not in line with general health and safety.
- The fencing does have a materially harmful effect on the environmental quality of the surrounding countryside.
- The fence, due to its size, location and design, is detrimental to the visual amenity of the countryside and is contrary to PPS.

### **7. PLANNING ISSUES**

The main issues to be considered in the determination of this application are:

- 1) Principle
- 2) Neighbours/Visual Amenity
- 3) Highway Issues

### Principle

In the adopted Local Plan, the application site lies within a Countryside Area, wherein Policy DS5 would preclude development other than for the purposes of agriculture, forestry or other uses appropriate to a rural area, unless for the rehabilitation and re-use of buildings providing that they comply with policy DC1.

Planning permission is sought for the retention of a 2.4m high steel fence erected on the perimeter of the site which was granted a Certificate of Lawfulness for an existing use for the storage and breaking of salvage and scrap vehicles (1996/062) on 11 September 1996. The use of the site as “scrap yard” therefore does not require planning permission. According to the applicant, the fence is required to keep the site secure and safe. Although the type of the fencing erected resonates industrial estate or built up area, it is not an untypical feature of the scrap yards, communication installations or utility facilities within the countryside. As such, it is considered that the proposed fencing is acceptable within the countryside in context with Policy DS5 provided that it complies with Policy DC1 of the District Plan.

### Residential/visual amenity

The proposed fencing is located approximately 75m from the nearest dwelling on the northerly side of Dean Lane and 20m on the southerly side of Dean Lane except for No. 183 which lies opposite the site across Dean Lane. The boundary of the side/rear garden of No. 183 and Spring Gardens along Dean Lane are enclosed with approximately 2m high timber boarded fence/brick wall. As such the views of the proposed fencing are partially obscured from the side/rear gardens of the properties on the southerly side of Dean Lane. Although, the current visual impact of the fence is stark, this can be softened if the fence is painted in a suitable colour. It is considered that the appearance of the fence painted in dark green or brown colour would be complementary and in keeping with the character of the countryside and the area. The impact of the fence could be further softened by a suitable landscape on the boundary. In view of these considerations and history of the site, it is considered that the comments made by the residents with regard to the use of the site and impact of the fence on their amenity or character of the Countryside do not carry sufficient weight to warrant refusal of planning permission.

### Highway Issues

The site access has been in situ for more than 4 years, predates the erection of the fence and is therefore lawful. The location of the access is therefore considered acceptable although a condition should be imposed to maintain visibility either side of the access road.

## **8. RECOMMENDATION**

Approve subject to conditions.

## **9. CONDITIONS/REASONS**

1. Within 28 days from the date of this permission, details of the dark green colour that the fence hereby approved is to be will be painted shall be submitted to the Local Planning Authority for their approval.

Within 4 months of the date of this approval, the fence shall be painted in the agreed dark green paint and thereafter maintained in perpetuity.

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

2. Within 28 days of the date of this approval, a soft landscaping scheme to screen the palisade fence hereby approved together with details of how to maintain visibility splays either side of the access, shall be submitted to the Local Planning Authority for their approval. The approved scheme shall be implemented within the first available planting season following approval, and any trees or plants which within a period of five years of planting die, are removed or become diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity, in accordance with the saved Policy DC1 of the Rossendale District Local Plan.

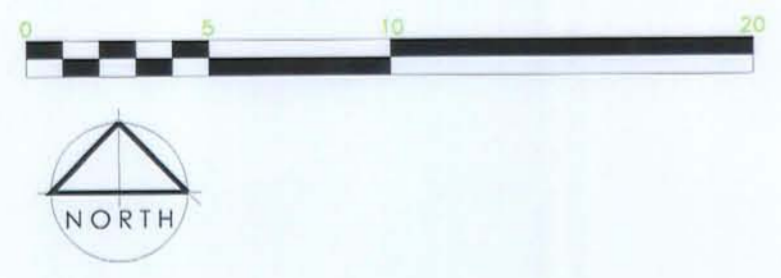
## 10. **INFORMATIVE**

1. The applicant's attention is drawn to the fact this consent relates only to the erection of the palisade fence and does not convey consent or implicit acceptance of any unauthorised use of the site which would require approval under a separate planning permission.

<b>Contact Officer</b>	
Name	M. Sadiq
Position	Planning Officer
Service / Team	Development Control
Telephone	01706 238641
Email address	planning@rossendalebc.gov.uk

**Proposed Siteplan @ 1:200**  
**NOTE: Existing siteplan identical without new palisade steel fence**

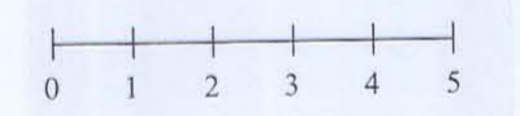
ALL DIMENSIONS ARE TO BE CHECKED ON SITE  
 ANY DISCREPANCIES ARE TO BE REPORTED TO THE ARCHITECT BEFORE ANY WORK COMMENCES  
 THIS DRAWING SHALL NOT BE SCALED TO ASCERTAIN ANY DIMENSIONS WORK TO FIGURED DIMS ONLY  
 THIS DRAWING HAS BEEN PRODUCED FOR THE PURPOSES OF OBTAINING PLANNING AND BUILDING CONTROL APPROVAL ONLY. NO OTHER LICENSES ARE IMPLIED OR GRANTED. THIS IS NOT A FULL WORKING DRAWING.  
 THIS DRAWING MUST NOT BE REPRODUCED WITHOUT EXPRESS WRITTEN PERMISSION FROM WALSH ARCHITECTS LTD.  
 THE CLIENT IS REQUIRED TO NOTIFY ALL NEIGHBORS 21 DAYS BEFORE COMMENCEMENT OF WORKS IN ACCORDANCE WITH THE PARTY WALL ACT 1996.  
 THE CLIENT IS REMINDED APPOINTMENT OF A PLANNING SUPERVISOR MAY BE NECESSARY UNDER THE C.D.M. REGULATIONS.



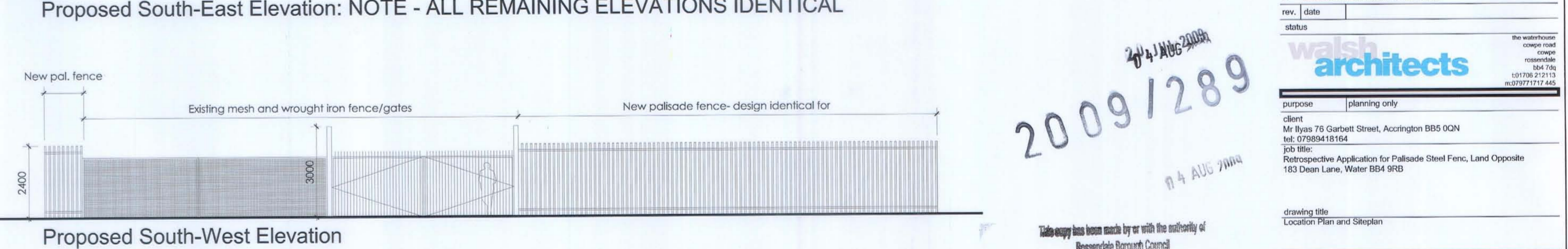
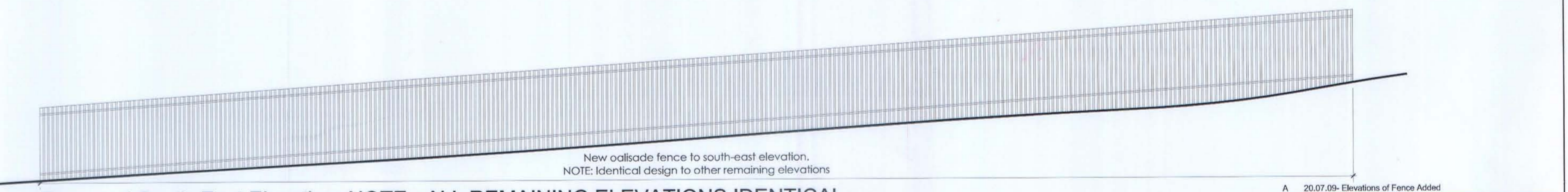
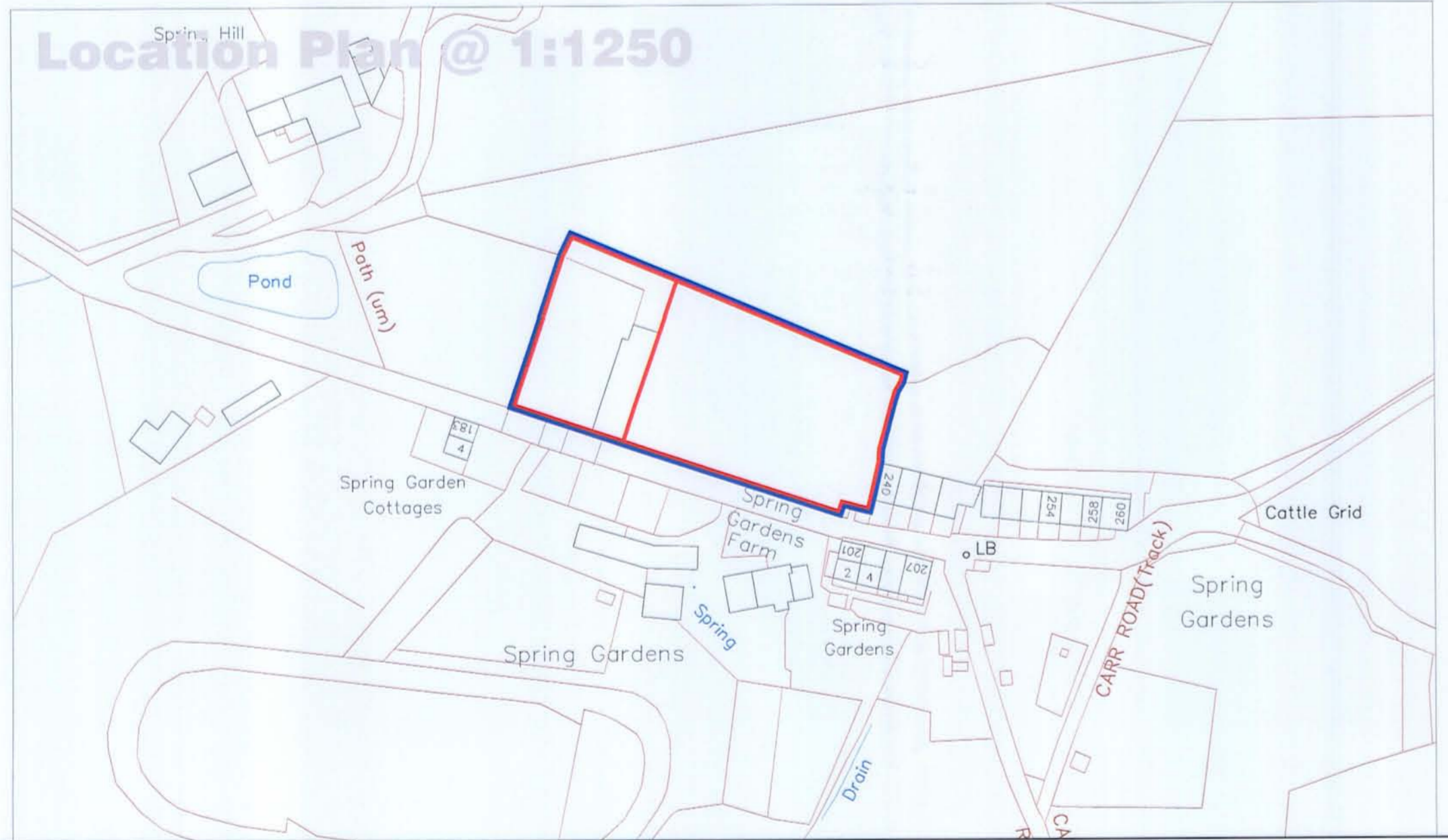
Proposed 2400mm high galvanized steel palisade steel fence (painted to Planning request RAL colour TBC-suggest green) indicated by dotted green line.  
 Existing 2200m high chain-link/ wrought iron fence with 100 dia steel gate support posts 2700mm high retained. Indicated by purple dotted line. Existing site access/egress vehicular and pedestrian unaffected.  
 Storage cabin existing retained  
 NOTE: Parking currently vacant- former use as salvage yard. Parking layout indicative only.  
 Existing hawthorn hedge and turf buffer strip retained  
 Site GIFA 1334 sqm

Salvage Yard- Currently Vacant

Not part of application site



Rosendale Borough Council CM



2009/289  
 17 AUG 2009

This copy has been made by or with the authority of Rosendale Borough Council  
 Pursuant to section 47 of the Copyright Design and Patent Act 1988,  
 insofar as that act provides a relevant exception to copyright, the copy must not be regarded as infringing the copyright of the copyright owner

rev.	date	status
A	20.07.09	Elevations of Fence Added

purpose	planning only
client	Mr Byss 78 Garbutt Street, Accrington BB5 0GN tel: 07589418164
job title	Retrospective Application for Palisade Steel Fence, Land Opposite 163 Dean Lane, Water BS4 9RB
drawing title	Location Plan and Siteplan
drawing no.	09.24.01
scale(s)	1:1250/ 200 @A1
	date June 08