

Application No: 2009/344	Application Type: Full
Proposal: Erection of Boundary Fence (Retrospective)	Location: Unit 11, Cuba Industrial Estate Bolton Road North, Stubbins
Report of: Planning Unit Manager	Status: For Publication
Report to: Development Control Committee	Date: 5 October 2009
Applicant: Mr K Troughton	Determination Expiry Date: 7 October 2009
Agent:	

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

This application relates to a 20m length of the north-western boundary and a 25m length of the north eastern boundary of an industrial unit located on the perimeter of the Cuba Industrial Estate.

The rear elevations of residential properties 295-283 Bolton Road North and the gable elevations of 35 and 40 Dale Street face towards Unit 11, separated by a private access extending from Bolton Road North.

On the north-eastern boundary is now to be seen an old stone wall of less than 1m in height topped with a brown 1.8m high profiled-steel panel fence with a coil of barbed wire above. On the north-western boundary a fence of similar height/design has recently been erected, but rests on the ground as there is no stone wall here and abuts the gable of the industrial building. Immediately behind each length of fencing is a mature conifer hedge of significantly greater height.

This industrial estate lies within the Urban Boundary of Stubbins, as designated in Rosendale District Local Plan.

2. RELEVANT PLANNING HISTORY

None

3. THE PROPOSAL

The applicant seeks retrospective permission for the retention of the recently-erected fencing as described above.

4. POLICY CONTEXT

National

PPS1 Delivering Sustainable Development
PPG4 Industrial & Commercial Development & Small Firms
PPG13 Transport

Development Plan

Regional Spatial Strategy for the NW of England (2008)

DP1-9 Spatial Principles
RDF1 Spatial Priorities
W1 Strengthening the Regional Economy
RT4 Management of the Highway Network
EM1 Environmental Assets

Rosendale District Local Plan (1995)

DS1 Urban Boundary
DC1 Development Criteria

5. CONSULTATION RESPONSES

None

6. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order a site notice was posted on 10/09/09 and 21 neighbours were notified by letter on 19/08/09. The site notice was

posted to go above and beyond the regulatory requirement to ensure a high level of Community engagement to accord with PPS1.

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

- The site may lie within a Conservation Area and the fence has a negative impact on visual amenity by reason of its height/inappropriate materials.
- The barbed wire is dangerous.
- The fence may, in part, be on land which does not belong to the applicant.

7. PLANNING ISSUES

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

- 1) Principle
- 2) Visual Amenity
- 3) Neighbour Amenity
- 4) Highway Safety

Principle

The application relates to an employment site within the Urban Boundary and one can understand the occupier has a need to provide the unit with adequate security. The proposal is therefore considered to be appropriate in principle and to accord with Policy DS1.

Visual amenity

Fencing of the height/type which has been erected, although not of pleasing appearance, is not an uncommon feature on industrial estates such as this.

In this instance the fence is on the edge of the industrial estate. However, it does not form an unduly prominent and intrusive feature in the street-scene.

Neighbour Amenity

It is considered that the fence does not result in an undue loss of light, privacy or outlook for neighbouring residents due to the separation distances from their properties. Furthermore, its visual impact is somewhat mitigated as it is viewed against the backdrop of the high conifer hedge immediately behind it.

Highway Issues

By reason of its siting the fence does not interfere with the visibility of motorists. Accordingly, the scheme is considered acceptable in terms of highway safety.

Other Issues

In respect of other issues raised by objectors, I would advise that :

- The site is not within a Conservation Area.
- The barbed wire is not at a height likely to cause injury to passers-by.
- The applicant has confirmed the fence does not encroach upon land belonging to anyone else.

8. SUMMARY REASON FOR APPROVAL

The development for which permission is sought is appropriate in principle within the Urban Boundary and is not considered to unduly detract from visual and neighbour amenity or highway safety. Accordingly, the application accords with Policies RDF1 / RT2 / EM1 of the Regional Spatial Strategy and Policies DS1 / DC1 of the Rossendale District Local Plan.

9. RECOMMENDATION

That retrospective permission be granted.

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