

Application No: 2010/457	Application Type: Full
Proposal: Erection of extension to rear of industrial building.	Location: Glen Top Works, Newchurch Road, Stacksteads.
Report of: Planning Unit Manager	Status: For Publication
Report to: Development Control Committee	Date: 18 October 2010
Applicant: Curtain Care Ltd (aka Greens Tarpaulins)	Determination Expiry Date: 15 October 2010
Agent: Alison Rowland Town Planners	

REASON FOR REPORTING **Tick Box**

Member Call-In

Name of Member:
Reason for Call-In:

3 or more 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 relates to a site of approximately 0.25ha which is located on the south side of Newchurch Road (A681) and can lawfully be used at any time for Class B1 Business use - that is to say for Office, Research & Development or Any Industrial Process "being a use which can be carried out in any residential area

without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit”.

The site is occupied by two buildings. The 1-storey building near the site entrance is presently used by Insignia Signs for the production of signs, banners, posters etc. The larger T-shaped building towards the western end of the site is presently occupied by Shadlocks, a roofing contractor. To the rear of the 2-storey element of this building is to be seen the floor slab of a recently demolished building and two dilapidated 1-storey extensions.

The site forms part of an employment area; the River Irwell runs immediately to the rear of the site, to the other side of which is Waterbarn Mill, comprising three large industrial buildings and associated yards/parking areas. To the west side of the site are elderly persons bungalows that front Glen Crescent and on the opposite side of Newchurch Road are houses.

The application site lies within the Urban Boundary of Bacup, a Main Development Location and is on a quality bus route.

2. Relevant planning history

2001/63 : Proposed use for car repairs and restoration and spare parts sales storage and distribution
Approved

2005/232 : Change of use to garage for vehicle repairs (Retrospective)
Refused on 23/6/05. Enforcement Notice issued on 26/9/05 to secure the cessation of the unlawful use of the premises for Vehicle Repairs and a return to Class B1 use.

3. The proposal

The Applicant currently operates from premises in Oswaldtwistle that they rent. They employ 6 people in the making of plastic sheeting (or 'curtains') utilised on HGV's, and as covers on trailers, boats, etc.

They wish to relocate to the application site, which they own. Insignia Signs would continue to occupy the 1-storey building near the site entrance, however Shadlocks would vacate the premises.

Permission is sought for a proposal that entails :

- Demolition of the two dilapidated 1-storey extensions on the rear of the 2-storey building it is to occupy.
- Erection here of a 1-storey extension with a slightly larger footprint.

The proposed extension will increase the usable floorspace in the building from 1,356sq m to 1,536sq m.

The extension is to measure 30m in width, vary in its projection to the rear between 6m and 18m, the roof-plane of the existing 2-storey building carried down over the top

of it (terminating 5.5m from the banktop of the River Irwell at a height of 2.6m). It will have rendered blockwork walls to a height of 2m, the upper part of the walls and roof clad with profiled metal sheeting matching that on the existing roof. There will be no door or window openings in that elevation of the extension facing towards the elderly persons bungalows, the other elevations containing doors (some with 3.5m wide roller-shutters) and the roof will have rooflights.

The applicant has indicated that the building (as extended) would be used for the manufacturing and distribution of tarpaulins; the tools employed for the manufacture of the tarpaulins are for cutting/sewing/welding of fabric.

Access to the site would continue to be gained from Newchurch Road via the existing vehicular access. However, ten additional car parking spaces are to be created in the yard by its reorganisation, taking the total to 26.

In support of the application, the Applicant points out:

- The site comprises an established commercial premises, they are aware of the limitation on its use to Class B1 and are able to operate within it.
- The buildings to be demolished are in a poor state of repair and uneconomic to refurbish.
- The extension is sited to the rear of the existing 2-storey building and largely concealed from view from Newchurch Road.
- The extension will stand no nearer the elderly persons bungalows than the buildings to be demolished and will be largely concealed from view by the mature shrubs/trees on the party-boundary, which are to remain.
- The extension will be visible from the industrial premises to the other side of the river but will enhance the appearance of the area, dilapidated buildings replaced by a modern steel framed and clad extension of less height than the building it is to be attached to.

4. Policy context

National

PPS1 Sustainable Development
PPS 4 Economic Growth
PPS 9 Biodiversity & Geological Conservation
PPG13 Transport
PPG 24 Noise
PPS25 Flood Risk

Development Plan

Rossendale District Local Plan (1995)

DS1 Urban Boundary
DC1 Development Criteria
DC4 Materials

Other Material Planning Considerations

Regional Spatial Strategy (2008) & its Evidence Base
LCC Parking Standards
RBC Emerging Core Strategy

5. Consultation responses

LCC (Highways)

No objection subject to clarification/slight amendment of the submitted site layout plan to ease movement around the site of larger vehicles.

RBC (Environmental Health)

No objection subject to conditions to ensure the avoidance of noise disturbance for neighbours.

Environment Agency

No objection subject to conditions to ensure protection/enhancement of the ecological value of the River corridor.

6. Notification Responses

To accord with the General Development Procedure Order, a site notice was posted on 27 August 2010 and the relevant neighbours were notified by letter on 23 August 2010.

Eight copies of the same letter have been received - one from Waterbarn Community Group and the others from local residents - objecting to the proposal for the following reasons :

- The site is classed as B1 light industrial use. This classification states quite clearly no noise, no dust and no smell.
- The use of industrial sewing machines for the manufacture of curtains will certainly make a lot of noise.
- This Company has operated from the site previously, giving cause for complaint then about noise produced by machines and radio-music.
- The proposal would result in the loss of amenities to the residents. The properties at Glen Crescent are approximately 20 to 30 feet from the site.

7. Planning Issues

The main issues to consider are :

1) Principle; 2) Visual Amenity; 3) Neighbour Amenity; & 4) Access/Parking

Principle

In the adopted Local Plan the application site lies within the Urban Boundary and it fronts a main road/is well served by public transport. The premises are within an employment area and can be lawfully used for Class B1 use. The proposed extension is to be used for this purpose. The proposal therefore accords with Policy DS1 of the Local Plan and is acceptable in principle.

Visual Amenity

The proposed extension is of a siting/size/design/facing materials it will neither detract from the street-scene as viewed from Newchurch Road or from the character and appearance of the area generally. Viewed against the backdrop of the existing 2-

storey building it will not appear unduly prominent or intrusive as viewed from the other side of the river. Likewise, it will not appear unduly prominent or intrusive as viewed from the bungalows to the west subject to retention of the existing mature shrubs/trees on the party-boundary; a condition is proposed to ensure the protection of this planting during construction and its subsequent retention.

Neighbour Amenity

For the reasons set out in the preceding paragraph I am satisfied that the proposed extension will not detract from the visual amenity any local residents could reasonably expect to enjoy.

Nor do I consider the modest increase in the usable floorspace at the premises likely to itself result in increased external activity in the yard, or additional traffic movements to/from the site, that cause unacceptable noise and disturbance for neighbours.

The principle concern the proposal gives rise to is whether activity within the extension will cause residents of the bungalows fronting Glen Crescent undue noise or disturbance.

The Applicant is well aware that they must operate their business in a manner that accords with Class B1 use (ie capable of being carried out in any residential area without detriment to the amenity of that area). The extension would be located approximately 5m away from the boundary with the nearest bungalows on Glen Crescent and 21m from their rear elevations (which possess habitable room windows). No window openings are proposed in the elevation of the extension facing the bungalows.

The proposed extension will be no nearer to them than the buildings to be demolished. Nevertheless, the Council's Environmental Health Officer and I consider it appropriate to require that the Applicant submit information before construction of the extension proceeds to demonstrate that its noise-insulation properties will be adequate.

Access/Parking

The existing vehicular access to Newchurch Road would continue to be used by the Applicant. However, the opportunity is being taken to re-organise the yard so that it can better meet the needs of service vehicles and add to parking spaces for staff/visitors. The Highway Authority has raised no objection to the proposal.

7. Summary Reason for Approval

The site is located within the Urban Boundary and the proposed extension is not considered likely to detract to an unacceptable extent from visual and neighbour amenity or highway safety. It is therefore considered that the proposal accords with PPS1/ PPS4 / PPS9 / PPG13 / PPG24 / PPS25 and Policies DS1 / DC1 of the Rossendale District Local Plan

8. Recommendation

Approve

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. The development shall be carried out in accordance with plans numbered 10/140/1, 10/140/2, 10/140/3, received on 20 August 2010, unless otherwise required by the conditions below or first agreed in writing by the Local Planning Authority.
Reason: To ensure the development complies with the approved plans and for the avoidance of doubt.
3. Prior to the commencement of development details shall be submitted to and approved in writing by the Local Planning Authority of the colour of the external cladding and roller-shutter doors. The scheme shall be completed in accordance with the approved details.
Reason: To ensure that the development will be of satisfactory appearance, in accordance with Policy DC1 of the Rossendale District Local Plan.
4. No development shall be commenced until details of a noise assessment of the proposed development, has been submitted to and approved in writing by the Local Planning Authority. The noise assessment shall identify:
 - The potential for any noise nuisance impacting the amenity of neighbouring sensitive premises during the constructional/operational phases of the development
 - Mitigation measures to control the impact of the nuisance.

The development shall not be carried out otherwise than in full accordance with the specifications, recommendations and noise attenuation measures contained within the approved assessment.

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

5. Notwithstanding what is shown on the submitted Site Layout Plan, prior to the commencement of development full details shall be submitted and approved in writing by the Local Planning Authority of the surfacing, draining and marking out of the areas to be provided for the parking and manoeuvring of vehicles. The approved scheme shall be implemented in full prior to first use of the extension hereby permitted and the areas provided for the parking and manoeuvring of vehicles shall thereafter be kept freely available for use as such.
Reason: In the interests of highway safety, in accordance with Policy DC1 of the Rossendale District Local Plan.
6. Notwithstanding any such detail indicated in the application submitted, no development shall take place until a scheme of landscaping/boundary treatment along the western and southern boundaries of the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate : the existing planting to be retained and the measures

for its protection during the construction of the extension; the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped, together with details of walls/fences/gates to be erected; and detail any changes of ground level or landform.

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

7. All hard-surfaced areas/walls/fences/gates forming part of the approved scheme of landscaping/boundary treatment shall be completed prior to occupation of the extension hereby approved, unless otherwise agreed in writing with the Local Planning Authority. All new planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following substantial completion of the extension. Any trees or plants in the approved scheme of landscaping which within a period of 5 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 the amenity of the area, in accordance with Policy DC1 of the Rossendale District Local Plan.

8. Prior to the commencement of development, a scheme for the provision and management of a buffer zone alongside the River Irwell shall be submitted to and agreed in writing by the local planning authority. The scheme shall include:

- Plans showing a minimum 4 metre undeveloped buffer from bank top of the River Irwell.
- Details demonstrating how the buffer zone and watercourse shall be protected during development and managed/maintained over the longer term
- Details of any new fencing, lighting alongside river and wildlife corridor .

Thereafter the development shall be carried out in accordance with the approved scheme unless otherwise first agreed in writing with the local planning authority.

Reason : To protect the ecological value of River Irwell and in the interests of the amenity of the area, in accordance with PPS1 / PPS9 and Policy DC1 of the Rossendale District Local Plan.

9. Prior to the commencement of development, a detailed method statement for the removal or long-term management /eradication of Japanese knotweed on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include proposed measures to prevent the spread of Japanese knotweed during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Thereafter the development shall proceed in accordance with the approved method statement.

Reason : To prevent the spread of invasive species Japanese knotweed, in

accordance with the Wildlife and Countryside Act 1981 and Policy DC1 of the Rossendale District Local Plan.

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

Reason : To safeguard the amenities of neighbours, in accordance with Policy DC1 of the Rossendale District Local Plan.

Contact Officer	
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