

Application No: 2010/545	Application Type: Full
Proposal: Change of use from Thermoplastic Recycling Centre to Auction House	Location: Waterbarn Mill, Newchurch Road, Stacksteads.
Report of: Planning Unit Manager	Status: For Publication
Report to: Development Control Committee	Date: 13 December 2010
Applicant: H B Trading	Determination Expiry Date: 6 December 2010
Agent: Jim Metcalf Planning Consultant	

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 site forms part of Waterbarn Mill, a complex of buildings located to the south side of the River Irwell, accessed from Newchurch Road via a bridge near to the residential property at No 588.

The Mill site and is bounded by the River Irwell on the north side and by mature woodland is to the south and east. There are three main buildings on the site; a high, steel clad modern warehouse building located at the western end and two older buildings occupying the central and eastern parts of the site. There is also a bungalow close to the site entrance, previously used as an office for Waterbarn Mill.

The application site is located at the westerly end of the Mill site and has an area of approximately 0.25 hectares. The site is occupied by a building of portal-frame construction, with wagon-opening in its east elevation that faces on to a large yard.

On the opposite side of the river to the yard are the industrial premises at Glen Top Works, whilst elderly persons bungalows fronting Glen Crescent have outlook towards the rear of the building. A broad belt of mature trees stands between the application site and residential development on Branwood Park to the east.

The applicant advises that Waterbarn Mill has been vacant for about 6 years and was last used by HR Plastics for recycling plastic waste on 24 hours a day basis, Monday to Friday.

The application site forms part of an employment area that lies within the Urban Boundary.

2. Relevant planning history

1993/484 Thermoplastic recycling plant
Approved

2010/452 Change of use from thermoplastic recycling plant to waste transfer station of the Central portion of the Waterbarn Mill site
Approved

3. The proposal

The Applicant advises that they have operated an auction house for many years currently from the Conservative Club on Burnley Road East, Waterfoot. Due to the lack of a service/parking area goods have to be loaded on/off vehicles parked on the surrounding streets, which is neither satisfactory for their business and results in noise/disturbance for local residents.

Accordingly, they wish to relocate to the application site. It is envisaged that most sale goods (bric-a-brac) will be brought to the site by the Company's own 2 vans Monday to Friday 9am to 5pm, and stored on the auction floor before sorting into suitable lots for sale. Auctions will take place once a week - on Fridays the auction house will be open to customers during the afternoon so that they can view goods for sale by auction in the late afternoon/early evening (up to 8pm). The premises will employ 4 people.

Access to the site will continue to be gained from Newchurch Road via the bridge across the river. The large yard in front of the auction house will provide parking for 42 cars and 11 vans.

In support of the application, the Applicant points out:

- An auction house is a socially and economically desirable facility - national policy encourages the re-use of materials and goods.
- The presence of the auction house in the neighbourhood would be significantly more benign than the lawful use of the site.
- Working practice will mean that any noise from the delivery or sorting of goods will be contained within the building.

4. Policy context

National

PPS1 Sustainable Development
PPS 4 Economic Growth
PPG13 Transport
PPG24 Noise
PPS25 Flood Risk

Development Plan

Regional Spatial Strategy (2008)

DP1-9 Spatial Principles
W1 Strengthening the Regional Economy
RT2 Managing Travel Demand
RT4 Management of the Highway Network
EM1 Environmental Assets

Rossendale District Local Plan (1995)

DS1 Urban Boundary
DC1 Development Criteria
DC4 Materials

Other Material Planning Considerations

LCC Parking Standards
RBC Emerging Core Strategy

5. Consultation responses

LCC (Highways)

The Highway Authority advises :

- There is no major problem at the site entrance for vehicles - this is little different to many other junctions which can be negotiated with some care.
- The lack of a separate access route for pedestrians is a major concern - any permission should require by condition provision of a safe pedestrian access route prior to the site becoming operational, entailing provision/delineation of a separate footway and carriageway from Newchurch Road to the site.
- The proposed level of parking provision complies the County Council's Parking Standards - the individual spaces should be delineated on the ground to maximise the efficiency of the car park and minimise the

likelihood of parking occurring on auction days in places that adversely affect the free flow of traffic or the ability of local residents to park.

RBC (Environmental Health)

No objection subject to conditions to ensure that loading/unloading of materials will take place inside the building and the building will be used during the time-periods set out in the application.

Environment Agency

The Agency advises that it has reviewed the submitted Flood Risk Assessment accompanying the application. It is satisfied that the proposed development will not be at an unacceptable risk of flooding or increased flood risk elsewhere.

The Agency recommends that the flood resilience measures identified in the FRA should be incorporated into the refurbishment works intended for the building and that the Applicant formulate a Flood Evacuation Plan for the site as there appears to be only one access to the site which, is over the river.

6. Notification Responses

To accord with the General Development Procedure Order, a site notice was posted on 18 October 2010 and the relevant neighbours were notified by letter on 15 October 2010.

Nine letters have been received from residents of the area, objecting to the proposal for the following reasons :

- Newchurch Road is already hazardous without the addition of heavy vehicles.
- The access to the site is not suitable for regular movements of traffic as the bridge is too narrow and visibility for pedestrians travelling towards Waterfoot is non-existent.
- The proposal will result in residents parking on the A681, causing traffic congestion on a quality bus route.
- The access route to the site leads immediately past our front door and garden. Both vehicles and pedestrians will pass in front of our door and garden, which would result in the loss of privacy / noise, to the detriment of our amenity.
- The noise likely to be generated by vehicles, people passing through the yard, the loading of goods into vehicles slamming of car doors and boots would have a huge impact on the amenities of the residents of Brandwood Park.
- The auction house will result in noise occurring until around 10pm.

7. Planning Issues

The main issues to consider are :

Principle; 2) Neighbour Amenity; 3)_Visual Amenity; 4) Noise; & 5) Access/Parking

Principle

In the adopted Local Plan the application site lies within the Urban Boundary of Bacup and is identified as part of an employment area.

The site has historically been used for industrial purposes and, though vacant for some years, the most recent planning permission enabled it to be used as thermoplastic recycling centre (1993/484). Another part of the the site, however, has recently been granted planning permission by LCC for use as a waste transfer station.

The proposed auction house, though materially different from the former industrial use, nevertheless will provide some employment and the hours of use for which permission is now sought are more limited than those of Planning Permission 1993/484. The site lies within the Urban Boundary, and on a quality bus route.

Accordingly, the proposed development is considered acceptable in principle within this employment area.

Neighbour Amenity

The goods will largely be delivered to the auction house by the Company's own 2 vans during the normal working hours, Monday to Friday, between 0900 hrs to 1700 hrs. This being the case I do not consider any local residents will experience materially greater harm to their amenities than could arise from resumption of the lawful use or many other forms of employment use.

Auctions will take place once a week, on Fridays, in the late afternoon and evening (up to 8pm). On such occasions it is not easy to predict with accuracy the number of people who will visit the auction house on foot or by car. However, the separation of the site from residential properties is such that the Council's Environmental Health Officer does not envisage that unacceptable noise/disturbance will arise for neighbours. Access to the site will be via the access road running along the western gable of 588 Newchurch Road, which possesses an entrance door. Whilst it cannot be ruled out that auctions will result in a degree of noise and disturbance for this neighbour the Environmental Health Officer has raised no objection to the application, subject to a condition to limit the hours of use of the premises to those proposed by the Applicant.

Visual Amenity

The proposed storage/auction activity will be carried out inside the building. The materials will be loaded on/off the vehicles within the building. No structural or building work affecting the exterior of the building is proposed. The area in front of the building will be laid out as parking area to provide 52 parking spaces. The site is located within an industrial area and it is considered that the proposal will not be to the detriment of the local environment or visual amenity of the area.

Access/Parking

Vehicular access to the site would continue to be gained from Newchurch Road via the bridge across the River Irwell. The car parking area incorporating 52 parking spaces will be laid out in front of the auction house.

The Highway Authority considers that the parking provision proposed in the scheme is adequate and that there is no major problem at the site entrance for vehicles. It is concerned that there is no footpath provision between the main road and the site and

the lack of a safe access route for pedestrians could result in a conflict between vehicles and pedestrians which is unacceptable. A condition is proposed for the provision of a segregated path for pedestrians into the site.

8. Summary Reason for Approval

The proposed development is considered appropriate in principle in an employment area served by a quality bus service within the Urban Boundary and, subject to the conditions, will not detract to an unacceptable extent from visual and neighbour amenity or public and highway safety. It is therefore considered that the proposal accords with PPS1/ PPS4/PPG13/PPS25, Policies RDF1 / RT2 / RT4 / EM1 of the Regional Spatial Strategy, Policies DS1 / DC1 of the Rossendale District Local Plan.

9. 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 AH/1, AH2 received on 11 October 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 first use as an auction house the vehicle parking/manoeuvring areas shown on the approved drawings have been drained, surfaced and marked-out to the satisfaction of the Local Planning Authority and these areas 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.
4. Prior to the commencement of development a scheme for the provision of a segregated pedestrian access from Newchurch Road to the auction house hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first use as an auction house the approved scheme shall be implemented.
Reason: In the interests of pedestrian and highway safety, in accordance with Policy DC1 of the Rossendale District Local plan.
5. There shall be no working on the premises outside the hours of 0900 to 1700 hours Mondays to Thursdays and 0900 to 2000 hours on Fridays, with no working to take place on Saturdays, Sundays and Public Holidays.
Reason: In the interests of residential amenity, in accordance with Policy DC1 of the Rossendale District Local Plan.

6. Prior to the commencement of development, a Flood Evacuation Plan indicating safe means of escape from the auction house in a flood risk situation, shall be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of public safety, in accordance with the advice of the Environment Agency and the provisions of PPS23 and Policy DC1 of the Rossendale District Local Plan.
7. No materials shall be loaded/off loaded, deposited, stored or sorted any time outside the auction house hereby approved, unless otherwise first agreed in writing by the Local Planning Authority.
Reason: For the avoidance of doubt and in the interests of visual and neighbour amenity, in accordance with Policy DC1 of the adopted Rossendale District Local Plan.
8. No system of external illumination or sound amplification shall be provided or used outside the auction house building without the prior written approval of the Local Planning Authority.
Reason : For the avoidance of doubt and in the interests of visual and neighbour amenity, in accordance with Policy DC1 of the adopted Rossendale District Local Plan.

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