

**Application No:** 2010/0646

**Application Type:** Full

**Proposal:** Excavation of Vacant Land to Form Hardstanding for Commercial Vehicles with Associated Landscaping and Fencing

**Location:** Land to North of Solomon Commercials Ltd, Kingsway, Haslingden, BB4 4QJ

**Report of:** Planning Unit Manager

**Status:** For Publication

**Report to:** Development Control Committee

**Date:** 21 March 2011

**Applicant:** Mr M Solomon

**Determination Expiry Date:**  
19 April 2011

**Agent:** Hartley Planning and Developments

**REASON FOR REPORTING**

**Tick Box**

**Outside Officer Scheme of Delegation**

**Member Call-In**

Name of Member:

Reason for Call-In:

**3 or more objections received**

Other (please state) .....

**X MAJOR / NOT IN ACCORDANCE WITH DEVELOPMENT PLAN**

**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 roughly rectangular plot of land measuring approximately 90 x 120 metres located to the north of Kingsway off Holcombe Road, Haslingden. The plot forms part of a larger area of approximately 5.5 acres which appears as a large mound rising approximately 5 metres upwards from Kingsway. The landform has resulted from contaminated material from adjacent commercial and residential development plots being tipped onto the site. To the east the land falls downwards to a pond bounded by trees and shrubs. The application site itself is bounded by trees to the north which leads to open fields, the existing complex of buildings/parking associated with Solomon Commercials to the south, and commercial development to the west. The modern housing development of Musbury Mews and Grange Park Way are located to the south west. All are accessed from Kingsway.

The application site lies within the Urban Boundary on land designated as Greenlands in the Rossendale District Local Plan.

### **2. RELEVANT PLANNING HISTORY**

None

### **3. THE PROPOSAL**

Solomon Commercials is a Rossendale based company with some 130 employees. The company installs refrigeration equipment into new vans and commercial vehicles totalling approximately 150. The applicants advise that around 20 commercial vehicles are delivered to and leave the site per day. The business has expanded significantly since its inception with the current unit off Kingsway resulting from a need to expand from the original premises on Knowsley Road, where the Head Office is still based. It is stated that, at the present time due to the lack of available space within the existing site vehicles are being brought to the site and then have to be sent out to holding depots before being brought back to the site for fitting with the refrigeration equipment. In addition the lack of space within the site is forcing commercial vehicles and employee vehicles to be parked on Kingsway.

Accordingly it is proposed to use the land to the north of Kingsway to construct a storage area for the commercial vehicles on the land to the north of Kingsway. The applicant's state that the proposed scheme would:

- Allow for the expansion of the business increasing employee numbers from 130 to 200, approximately 20 of which to be based at the Kingsway site and 50 at the Knowsley Road site;
- Allow an increased to the total capacity of commercial vehicles at the site to 270;
- Eliminate the constant movement of vehicles from and to the site from the storage depots (Oldham, Heywood, Altham), reducing vehicle trips by approximately one third;
- Allow some of the existing storage space to be set aside for employee parking (approximately 20 spaces) thus eliminating/reducing parking along Kingsway;

- Allow the company to remain in situ without having to look to move outside of the Valley to allow for its expansion.

The scheme would involve excavation of the existing mound to create the parking area to measure approximately 65 x 90 metres. The material excavated would be used to form a bund to the north, and east sloping downwards towards the pond. The excavation and bunding would result in the vehicle parking area to be lower than the top of the existing mound. Access to the area would be via an access ramp from Kingsway to the east, to a gradient of 1 in 12 with gates at the top and bottom of the ramp. The surfacing for the area would be consolidated local stone and would be free draining. An inner security fence to the perimeter of the hardstanding is proposed as well as an outer fence to be sited around the bottom of the bund to be 1m high timber posts with sheep netting.

Planting is proposed on the bunding surrounding the entire parking area in accordance with advice given from the Wildlife Trust consisting of shrubs along the perimeter of the hardstanding as an additional screen and a mix of trees and shrubs on the bunding sloping to the land below. The applicant's also propose to enhance the remainder of the site within their control, including the pond to the east.

It is also proposed to lower an 85m stretch of the kerb on Kingsway in front of the site to provide 12 car parking spaces, including a 2m wide footway between the back of the lay-by and the site boundary.

The application also included the following information:

- A phase 1 contaminated land report which concluded that the site is contaminated, the degree to which this affects the development will depend on contamination levels. The risks are expected to arise from excavating fill material to form a level plateau and reusing the material to form bunds along the north and east sides. This will bring contaminated material to the surface and allow end users direct contact with that soil. An intrusive investigation is therefore required to confirm the levels of contamination on the site.
- Details of community consultation undertaken: Letters and proposed plans were posted to 61 neighbours. It is stated that two responses were received; the responses have been included with the application and are supportive of it.

#### Amendments

The applicant's have amended the originally submitted drawing to remove the proposed parking on Kingsway. An existing lighting column immediately opposite the proposed access is to be re-sited in a position to be agreed with the Highway Authority.

## **4. POLICY CONTEXT**

### **National**

PPS1 Sustainable Development  
 PPS4 Economic Growth  
 PPS9 Biodiversity & Geological Conservation

PPG13 Transport  
PPG17 Open Space, Sport and Recreation  
PPS23 Pollution Control  
PPG24 Noise

### **Development Plan**

#### **Regional Spatial Strategy for the NW of England (2008)**

DP1-9 Spatial Principles  
RDF1 Spatial Priorities  
L1 Health, Sport, Recreation, Cultural and Education Services Provision  
RT2 Managing Travel Demand  
RT4 Management of the Highway Network  
W1 Strengthening the Regional Economy

#### **Rossendale District Local Plan (1995)**

DS1 Urban Boundary  
DC1 Development Criteria  
DC4 Materials  
E1 Greenlands  
E4 Tree preservation

### **Other Material Planning Considerations**

LCC Parking Standards  
RBC Submitted Core Strategy DPD (2010)

## **5. CONSULTATION RESPONSES**

### **LCC (Highway)**

No objection to the amended plans, however, states that the re-siting of the lighting column would need to be agreed with the Street Lighting Manager. The gate on the access road should be re-sited to the top of the access road or at least 10m from the currently proposed position.

Comment that the proposal would allow vehicles currently parked on the footway to park within the existing site to be vacated by wagons moving to the new site which would greatly improve safety for pedestrians.

The Street Lighting Engineer has since commented that the column in question can be moved without much difficulty as all the columns on this stretch of the development are supplied by private cable so there will be no need to involve Electricity North West.

### **LCC (Ecology)**

The following matters should be addressed before the application is determined:

To inform the need for mitigation/compensation measures, such as the translocation of any flora of ecological interest, an ecological survey report for the application area should be submitted. It is recommended that this be undertaken before the application is determined, as there may be implications for the design of the development, or the presence of protected species may be revealed.

The following conditions are also recommended:

- Vegetation clearance works, or other works that may affect nesting birds (including ground nesting species) will be avoided between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections.
- If the ecological assessment discussed above reveals features or species of ecological significance, then no development or site preparation works shall commence until appropriate mitigation/compensation proposals have been submitted and approved.
- No site clearance, site preparation or development work shall take place until further detail of landscaping / habitat creation proposals have been submitted and approved. This shall include detailed habitat establishment, aftercare and long-term management proposals and shall take account of any necessary mitigation/compensation measures.
- Precautionary surveys for badgers shall be undertaken immediately prior to commencement of works. If any badger setts may be affected by the works, then mitigation/compensation proposals should be submitted for approval.

Environment Agency

Welcome the applicant's commitment to protect and enhance the adjoining pond's and surrounding land's ecological and wildlife value. Have no objection in principle to the proposed development but recommend the following condition:

Prior to the commencement of development a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out in accordance with the approved plans. Reason: To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site

RBC (Land Drainage)

Development shall not begin until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved by the local planning authority, and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed/occupied. Reason: To reduce the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

RBC Environmental Health

No objection.

RBC's Contaminated Land Consultant's

Concur with the conclusions of the submitted Phase 1 Report that an intrusive investigation is required to ascertain the presence or absence of any contamination and to assess the suitability of the material for re-use.

Following the above consultation responses a phase 2 contaminated land report and an extended phase 1 habitat survey report have been undertaken and submitted.

The reports satisfactorily demonstrate that the proposed development would not cause additional harm to the area by excavating the land and that the development is unlikely to have any medium - long term negative ecological impacts.

## **7. REPRESENTATIONS**

To accord with the General Development Procedure Order a press notice was published on 28/01/2011, three site notices were posted on 24/01/2011 and relevant neighbours were notified by letter on 19/01/2011.

Responses have been received from a neighbour in an adjacent residential property.

They advise that they have no objection in principle but wish for consideration to be taken into account of local residents. The following points were raised:

- Over the past 18 months overnight parking on Kingsway has become an increasing problem, therefore not sure how the proposed development will alleviate the problem as it would have gated access;
- Solomon's consultation letter did not show perimeter fencing and implied there would be no visual impact due to the reduced levels – this is only true if the security fences are at a non visible level;
- Working hours will need to be considered;
- The office block currently on Kingsway removed all plants/trees/shrubs after the initial five year period that the condition stated, therefore trust on this occasion that all planting would be a long term measure;

Following conversation with Solomon Commercial the neighbour also stated:

- They have been told by Solomon Commercial that they had no control over the vehicles delivering to themselves;
- The night of 14<sup>th</sup>/15<sup>th</sup> Feb five transporters parked overnight from approximately 6pm until opening times which when bordering a residential area I find unacceptable; and began moving at 6.30am which brings into consideration the times of operation for Solomon's;
- Solomon's informed the neighbour that they would make no promises about the planting.

## **8. ASSESSMENT**

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

- 1) Principle
- 2) Visual Amenity
- 3) Neighbour Amenity

- 4) Access/Parking
- 5) Ecology

Principle

The site lies within the Urban Boundary, where the Council seek to locate most new development.

Policy E1 stipulates that the Council will seek to protect and enhance the Greenlands by only permitting development in these areas that is appropriate to the functions of the Greenlands. The policy goes on to state that a limited amount of development will be allowed where the retention of the open character of the land will still predominate and where the development is ancillary to the use of the land: for example the extension to school buildings; the provision of new changing facilities on a sports field; and the creation of recreational routes or car parks. In order to maintain the open character of Greenlands areas the Council will protect them from development, particularly urban type development that will detract from the open character.

The Council's Core Strategy Submission Document emphasizes the Council's approach to continue to protect Greenlands and resist the fragmentation of such networks. New developments are expected to contribute to the provision of recreational green space and to incorporate improvements to the quality of and access to Green Infrastructure.

The proposal would result in an urban form of development. The development would not be ancillary to the use of the land and would not retain the open character of the land. The application is therefore contrary to Greenlands Policy.

PPS4, however, states that Local Planning Authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably. All planning applications for economic development should be assessed against such things as: accessibility; the effect on local traffic levels and congestion; design which takes the opportunities available for improving the character and quality of the area and the way it functions; and the impact on economic and physical regeneration; and impact on local employment.

In determining planning applications for economic development other than for main town centre uses which are not in accordance with the development plan, local planning authorities should: weigh market and other economic information alongside environmental and social information; take full account of any longer term benefits, as well as the costs, of development, such as job creation or improved productivity including any wider benefits to national, regional or local economies; and consider whether those proposals help to meet the wider objectives of the development plan

The proposed development is conveniently located adjacent to the exiting site and an existing employment area. I have no doubt that the proposal would result in an increased efficiency of transport movements to and from the site. Whilst an area of Greenland's would be lost as a result of the development the ecological assessment of the site has concluded that there would not be significant harm to the biodiversity in the area and the applicants are committed to significantly enhancing the adjacent areas of land, which is supported by the Environment Agency. The development would result in the creation of up to 70 jobs, allowing a long standing company in the

Borough to expand and possibly avoiding the need for it to relocate outside of the Borough. Such factors are considered to be significant material planning considerations which on balance are considered to tip the balance in favour of supporting such a development on this particular Greenlands Site.

#### Visual Amenity

The creation of a large car parking area for commercial vehicle storage undoubtedly alters the character of the land, which due to its designation as Greenlands is to function as a link between the countryside and other recreational features. The site would be in part be visible from nearby residential properties, public footpaths, Holcombe Road to the west and Grane Road to the north.

It is considered that a suitably robust scheme of landscaping and boundary treatment would reduce the impact and prominence of the development on the wider area, and that restoration of the remaining areas of land, including the pond which currently appears unkempt and disused would enhance the visual amenities of those areas not directly affected by the proposed works. The applicant's are committed to provide such a scheme, accordingly it is considered appropriate to condition landscaping of the site, including future management thereof. The scheme is considered acceptable in terms of visual amenity.

#### Neighbour Amenity

The proposed development is considered not to be detrimental to the light, privacy and outlook of properties in the locality, most notably the commercial offices to the west and the residential properties to the south west. Of greatest concern is vehicle movements to and from the site, particularly so as neighbours have highlighted vehicle movements at unsociable hours. At present there does not appear to be any control over the hours of vehicle movements to the site, however, with the expansion of the business it is considered that it is necessary to protect the amenities of neighbours to a greater extent than current. The issue of vehicles travelling to the site at unsociable hours has been highlighted to the applicant's who have responded by producing a letter to the companies who deliver to Soloman's advising them that times of delivery should not be outside of the hours of 7.30am-3.15pm Mondays-Thursdays and 07.30am – 3.15pm on Fridays with no deliveries on Saturdays and Sundays. I do not consider therefore that it would be unreasonable to impose a condition relating to hours of deliveries similar to that advised in the applicant's letter to their delivery companies. In my opinion, deliveries between 07.30am – 18.00pm Mondays to Fridays would not be unreasonable. There have been no objections from Environmental Health. Subject to the above the scheme is considered acceptable in terms of neighbour amenity.

#### Access/Parking

The resulting development would reduce parking on Kingsway and allow staff parking within the exiting site and commercial vehicle parking on the proposed site. I am satisfied that the development would reduce parking along Kingsway which has been a source of contention with some neighbours. Subject to the re-siting of the street light column currently situated in front of the proposed access point and a requirement to site any gate at least 10 m from the position currently shown on the proposed plans the scheme is supported by the Highway Authority. The scheme is therefore considered acceptable in terms of highway safety.



## Ecology

The applicant's have undertaken an ecological assessment as required by Lancashire County Council's Ecology Section which concludes that, assuming the adoption of appropriate working practices, the overall potential for medium and long term negative ecological impacts is considered to be small. I am satisfied therefore, that subject to appropriate conditions as advised by LCC (Ecology) and the Environment Agency in respect of planting/landscaping and management thereof, that the scheme would not be detrimental to ecology/biodiversity and in the medium - long term the overall scheme would have a positive ecological/biodiversity impact.

## **9. Summary Reason for Approval**

Whilst the siting of such a development within the Greenlands is contrary the Council's Greenlands Policy, it is considered that in this instance the benefits to the Borough's economy of creating up to 70 jobs, reducing on street parking of vehicles on Kingsway, and enhancing the medium to long term ecological and biodiversity benefits of the surrounding areas on what is a contaminated site are considered to tip the balance in favour of granting permission for the scheme. Accordingly the development is considered acceptable having regard to PPS1/PPS9/PPG13/PPG17/PPG24, Policies RDF1/L1/EM1/RT2/RT4 of the Regional Spatial Strategy (2008), and Policies DS1/DC1/E1/E2/E4 of the Rossendale District Local Plan (1995).

## **10. RECOMMENDATION**

That Permission be granted subject to the following 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 the drawings dated 01 December 2010, amended drawing dated 17 February 2011 and the conclusions/recommendations of the intrusive ground investigation report received 10 March 2011 and the extended phase 1 habitat survey report received 25 February 2011 unless otherwise required by the conditions below or otherwise 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 a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out in accordance with the approved plans. Reason: To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site. Reason: In

the interests of ecology and visual amenity in accordance with Policy DC1 of the Rossendale District Local Plan.

4. No development shall take place until details of all walls, fences and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed prior to the occupation of any of the buildings on the site. Reason:- In the interests of visual amenity in accordance with Policy DC1 of the Rossendale District Local Plan.
5. Prior to first use of the development a scheme for the provision of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of the locations, design, luminance levels, light spillage and hours of use of, and columns for, all external lighting within the site and the approved scheme shall be implemented in full prior to the occupation of development. Reason:- In the interests of visual amenity in accordance with Policy DC1 of the Rossendale District Local Plan.
6. Commercial vehicle movements to and from the site shall not take place outside of the hours of 07.30 – 18.00 Mondays to Fridays and at no times on Saturdays or Sundays unless otherwise first agreed in writing by the Local Planning Authority. Reason: in the interests of neighbour amenity in accordance with Policy DC1 of the Rossendale District Local Plan.
7. Notwithstanding what is shown on the approved drawings the gates on the access road to the new parking area shall be sited either to the top of the access road or at least 12 metres up the access road unless otherwise first agreed in writing by the Local Planning Authority. Reason: In the interests of highway safety in accordance with Policy DC1 of the Rosendale District Local Plan.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending or revoking and re-enacting that Order) the commercial vehicle parking area hereby approved shall be used solely for the storage of commercial vehicles associated with the undertaking on the land edged blue, and shall at no time be used for anything other than for the storage of commercial vehicles unless an application for planning permission is submitted and approved. Reason: In the interests of highway safety and neighbour amenity in accordance with Policy DC1 of the Rossendale District Local Plan.

<b>Contact Officer</b>	
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