

Application Number:	2011/0226	Application Type:	Full
Proposal:	Variation of Conditions from Planning Permission 2009/0180 to Allow Revised Planting Scheme and Additional Gates to the Entrance (Retrospective)	Location:	Land off Blackburn Road, Edenfield
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	12 th July 2011
Applicant:	Mr R Nuttall	Determination Expiry Date:	22 nd August 2011
Agent:	Mr B Edmondson		

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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):

MAJOR APPLICATION

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.

1. RECOMMENDATION(S)

1.1 To approve subject to the conditions at section 11 of this report.

1.2 That planning permission shall be granted in accordance with planning permission 2009/0180 except that conditions 3, 5 and 6 of planning permission 2009/0180 are varied as set out at section 11 and that Conditions 1 and 4 are removed.

APPLICATION DETAILS

2. SITE

The application relates to an irregularly-shaped parcel of land, of approximately 1.3 hectares in area, located to the west side of Blackburn Road (B6527) and Hardsough Lane. The latter road serves 6 properties and is a Public Footpath.

The site is accessed from Blackburn Road via two gated entrances, one in front of the other set back from the entrance and is occupied by caravans positioned in rows.

The majority of the site is relatively flat and at a level lower than the main road from which it takes access, it is largely screened from it by a high hedges/trees and new planting has recently been undertaken to all boundaries but is still in its infancy.

The site is located within the countryside between the settlements of Edenfield and Irwell Vale that has been designated as Green Belt in the Rossendale District Local Plan.

3. RELEVANT PLANNING HISTORY

2008/550 - Construction of a new vehicular access to Blackburn Road into the site and closure of the existing access
Approved

2009/040 - Change of use of agricultural land to storage of 148 leisure vehicles (mainly caravans)
In accordance with Officer recommendation, Refused by Committee in March 2009 for the following reason:

“The proposed scheme would constitute inappropriate development within the Green Belt which is unacceptable in principle, and the applicant has failed to demonstrate very special circumstances to outweigh this finding of inappropriateness.”

2009/0180 - Change of use of derelict land to storage of 148 leisure vehicles (mainly caravans)

As submitted the application did not propose landscaping within the site. Prior to the application being presented to Development Control Committee the applicant provided additional plans giving options for further landscaping, one of which indicated planting within the site between bays in addition to planting around the perimeter of the site. These options were presented to the Planning Committee. The application was recommended for refusal by Officers but was recommended for approval by Members having regard to the plan submitted by the applicant demonstrating planting in between bays, subject to referral of the application to the Government Office North West and conditions, the exact details of which were delegated to the Planning Unit Manager in consultation with the Chair. Accordingly the following conditions were attached to the permission:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The total number of caravans/leisure vehicles to be stored on site shall not at any time exceed 148, not more than one of which may be used for management/security in connection with the use hereby permitted, and only then in the bays designated for use as

such. This permission does not confer or imply permission for caravans/leisure vehicles on the site to be used as residential or holiday accommodation, nor for the erection of any buildings or other structures, or for any system of external illumination.

3. The development shall be carried out in accordance with plans and supporting information dated 8 May 2009, unless otherwise required by the conditions below or first agreed in writing by the Local Planning Authority.
4. Prior to first use of the site for the storage of caravans/leisure vehicles a scheme for the diversion of any culvert and for dealing with any land drainage structure or issue, including the discharge of surface water from any part of the site to any watercourse, shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first use of the site for the storage of caravans/leisure vehicles, unless otherwise first agreed in writing by the Local Planning Authority.
5. Notwithstanding what is shown on the submitted drawings, prior to first use of the site for the storage of caravans/leisure vehicles a scheme of landscaping/boundary treatment shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of: all existing trees and hedgerows within/bounding the site which are to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted and their distribution (providing for the planting of trees & shrubs between bays, together with the measures for ground preparation and management/protection until established; those areas to be seeded, paved or hard landscaped; fences/walls/gates to be retained/provided; and detail any changes of ground level or landform.
6. All areas of paving/hardstanding and fences/walls/gates to be provided as part of the approved scheme of landscaping/boundary treatment shall be so provided prior to first use of the site for the storage of caravans/leisure vehicles, unless otherwise first agreed in writing by the Local Planning Authority. Any planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following first use of the site for the storage of caravans/leisure vehicles, and any trees or shrubs which within a period of 5 years of planting 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.
7. Within 1 month of first use of the application site as hereby permitted land at Packhorse Farm, Market Street, Edenfield shall cease to be used, and not thereafter be used, for the storage of caravans/leisure vehicles.

2009/0517 – Discharge of conditions 2 and 5 of 2009/0180
Discharged

The scheme as discharged demonstrated planting to be undertaken both within and outside of the site. The planting inside the site was to include pit planting between designated vehicle bays. The scheme also showed one gate to be installed at the site entrance, set back from the back edge of the carriageway by 25 metres.

4. THE PROPOSAL

Following the discharge of conditions 2 & 5 it was brought to the attention of the Council that additional gates had been erected to the site entrance, nearer to the carriageway than those

permitted; that no planting had been undertaken within the site, that the caravans were not laid out in bays as the condition discharged, and that a lorry was parked within the site, contrary to the permitted scheme. It also did not appear that condition 4 (drainage) had been formerly discharged.

Accordingly the applicant has sought to apply to vary the above conditions to reflect what is now on site.

As submitted it was proposed to retain a lorry at the site entrance for additional security. This does not now form part of the application.

Condition 2 – The applicant proposes that the caravans are laid out as now on site, with 4 centrally located bays and further bays around the perimeter. The total maximum number of caravans to be 142.

Condition 3 – The development shall be completed in accordance with the plans submitted with this application.

Condition 4 – It is proposed that this condition be removed as the applicant met with the Council's Land Drainage Engineer at the time, who advised that there were no drainage issues associated with the site.

Condition 5 – It is proposed that the site be retained in its current condition, with no planting between bays. The applicant states that they have consulted a woodland expert who concludes that planting within the site would not be able to establish due to ground conditions. If planting within the site was to be undertaken as shown on the plans previously submitted and discharged as part of the condition, this would result in a cost of approximately £100,000 to the applicant and would result in 30 of the bays being lost. Accordingly the business would not be viable and would have to close. The applicant does state that if considered necessary additionally trees could be planted around the perimeter of the site and on land within the applicant's ownership on adjacent fields and on the banking adjacent the bypass. The applicant does consider, however, that this should not be necessary once the agreed planting around the site has had chance to establish.

Following pre-application discussions with the Highway Authority it is proposed that the unauthorised gate and associated fencing be set back from the edge of carriageway by 12 metres. The applicant's consider the additional gate to be essential to add to site security.

The applicant also proposes to provide additional planting to the south/east if considered necessary once the planting previously agreed has had time to establish.

Taking into account the above it is therefore also proposed to vary condition 6 which relates to the period for implementing the agreed measures.

5. POLICY CONTEXT

National

PPS1 Delivering Sustainable Development

PPG2 Green Belt

PPS7 Rural Areas

PPG13 Transport

Development Plan

Regional Spatial Strategy for the North West (2008)

DP1-9 Spatial Principles
RDF1 Spatial Priorities
RDF2 Rural Areas
RDF4 Green Belts
EM1 Enhancement and Protection of the Region's Environmental Assets
RT2 Managing Travel Demand
RT4 Management of the Highway Network

Rossendale District Local Plan (1995)

DS3 Green Belt
DC1 Development Control

Other Material Considerations

LCC Landscape Strategy for Lancashire
LCC Parking Standards

Other Material Planning Considerations

RBC Submitted Core Strategy DPD (2010)

6. CONSULTATION RESPONSES

LCC (Highways)

No objection. Have requested that a condition be imposed to protect visibility splays at the site entrance and to Hardsough Lane, and that planting is maintained so it does not encroach onto the footway. Also recommend that swept path analysis is undertaken to ensure that vehicles with caravans attached are able to drive around the site and park in all the bays.

7. REPRESENTATIONS

To accord with the General Development Procedure Order two site notices were posted on 08/06/2011 and 9 neighbours were notified by letter on 01/06/2011. A press notice was published on Friday 10 June 2011.

No comments have been received.

8. REPORT

The main considerations of the application are: 1) Principle; 2) Green Belt/Countryside Impact and Highway Safety; 3) Neighbour Amenity, 4) Drainage.

Principle

The principle of development has been accepted by virtue of planning permission 2009/0180.

Green Belt/Countryside Impact/Highway Safety

PPG2 states that *"The visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design."*

From the information provided and previous discussions with the applicant/agent it is considered that planting within the site is possible, however it is acknowledged that to do so would put the applicant's to considerable expense, and would affect the viability of the use.

When viewed from Blackburn Road and Hardsough Lane the caravans do not appear prominent or intrusive, with only limited views in small gaps between existing planting and the layout of the caravans is very difficult to make out. I consider that views from the immediate areas surrounding the site would further be reduced once existing planting as agreed by condition is more fully established, however, there is scope for additional planting to the south east. Views from wider areas, in particular from the Bypass which looks down onto the site do provide views into the site, again particularly from the south east. I consider that additional planting along this area would reduce the visual impact of the site to a satisfactory degree.

The additional gates in my opinion do not significantly harm the character and appearance of the area, and I appreciate the need for a safe and secure site. They would not be detrimental to highway safety when moved to the position requested by the Highway Authority. It is considered that there is no requirement for a swept path analysis as requested by the Highway Authority; the caravans are all currently within the bays and any logistical problems within the site are unlikely to affect highway safety on Blackburn Road.

Subject to additional planting to the south east corner it is considered acceptable for conditions 3 and 5 to be varied so that parking can proceed within the bays as shown on the submitted plan; so that planting within the site is not required and that the additional gates should be moved 12 metres from the edge of the highway.

Condition 6 which relates to timeframes for implementation of the above should be varied. The additional planting should be undertaken within the next planting season. The gates should be moved within 2 months following the date of this permission.

Neighbour Amenity

The scheme would not result in a loss of light, privacy or outlook to neighbours.

Drainage

I have received correspondence from the Council's land drainage engineer that the scheme is acceptable in terms of drainage. Condition 4 can therefore be removed.

9. CONCLUSION

Approve.

Planning permission shall be granted in accordance with planning permission 2009/0180 except that conditions 3, 5 and 6 of planning permission 2009/0180 are varied as set out below (at section 11) and Conditions 1 and 4 are removed.

10. REASONS FOR APPROVAL

The scheme is considered acceptable in principle by virtue of previous planning permission 2009/0180 and, subject to conditions, will not result in unacceptable detriment to the visual amenities of the Green Belt and the essentially open and rural character of the countryside, neighbour amenity or highway safety. It is therefore considered that the proposal accords with the provisions of PPS1/PPG2/ PPS7/PPG13, Policies DP1-9/RDF1-2/W1/EM1 of the Regional Spatial Strategy (2008), and Policies DS3/ DC1 of the adopted Rossendale District Local Plan (1995).

11. CONDITIONS

1. The development shall be carried out in accordance with drawing number 2011/10-01 Rev A received 23 May 2011, 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 protection of the essentially open and rural character of the Green Belt/Countryside, in accordance with the provisions of PPG2 / PPS7, Policies RDF2 / RDF4 / EM1 of the Regional Spatial Strategy and Policy DS3 / DC1 of the Rossendale District Local Plan.

2. Within 2 months following the date of this permission the existing gate to Blackburn Road shall be resited so that it is 12 metres from the edge of the carriageway, and a scheme of landscaping and boundary treatment including the additional planting as shown on drawing number 2011/10-01 Rev A received 23 May 2011 to the south east of the shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of: all existing trees and hedgerows bounding the site which are to be retained, indicate the types and numbers of trees and shrubs to be planted and their distribution; those areas to be seeded, paved or hard landscaped.
Reason: To protect the character and appearance of the area, in accordance with the provisions of PPG2/PPS7, Policy EM1 of the Regional Spatial Strategy and Policy DC1 of the Rossendale District Local Plan.

3. Any new planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the date of this permission and any trees or shrubs which within a period of 5 years of planting 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: To protect the character and appearance of the area, in accordance with the provisions of PPG2/PPS7, Policy EM1 of the Regional Spatial Strategy and Policy DC1 of the Rossendale District Local Plan.